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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. NUNES).

DESIGNATION OF SPEAKER PRO TEMPORE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, July 19, 2004.

I hereby appoint the Honorable DEVIN NUNES to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

IRAQI HANDOVER: GIFT OF INDEPENDENCE

Mr. STEARNS. Mr. Speaker, while we were in our districts late June and early July, celebrating the anniversary of our independence day, we handed over to the citizens of Iraq the gift of their independence, 2 days early no less.

Barely on anyone's radar screen, sovereignty passed from the Coalition Provisional Authority to the new Iraqi provisional government. By most barometers, except for the naysayers of this administration, this was a big success. In the United States, we kept our word of giving the Iraqi people back their country. On Wall Street, in Asia and in Europe, the stock markets rallied. Gas prices continued their slide down: Average gasoline prices tumbled 7 cents a gallon from mid June to mid July, according to the new report from AAA. But to whom was this triumph most important? The free Iraqi people.

As I say, there are naysayers who likely did not celebrate this good news: The radical Islamist world, terrorists, al Qaeda, and a few political partisans. To them, it is not about Iraq, the people, it is about the President they want to see fail.

On what grounds do I say this? Well, on Monday, June 28, CNN heard Wendy Sherman, a former State Department counselor in the Clinton administration, say ''I hope we have turned a corner, but obviously I think we need a change in presidents to really change the corner.''

The President overthrew a brutal dictatorship, he arrested Saddam Hussein, he has since handed him over to Iraqi courts, restored or built new infrastructure, and set up a provisional government within 1 year following the attacks, and we need a change in the Presidency? Mr. Speaker, if you had to pick a team, would you rather play with those who see victory or those who see defeat?

Now, back to the Iraqi people. A recent poll of 2,200 Iraqi households by an Iraqi firm shows that half of Iraqis interviewed believe Iraq is headed in the right direction; 65 percent think they will be better off; 73 percent believe the handover of authority to the interim government will improve the current situation.

The Iraqi people now enjoy an administrative law system with sovereignty, justice, and rights of free expression, justice, thought, and conscience. That such optimism abounds following decades of tyranny, war, and terror reminds me of a speech by a citizen of a former colony of the British empire at its waning days, spoken at their handover, a citizen who made an impassioned plea for his countrymen to march into the destiny before them and create a land of democracy and freedom. That was August 14, 1947, by the eventual prime minister, Mr. Nehru, when he gave his speech on the granting of Indian independence.

Of course, there are spectacular differences, Mr. Speaker, between the two countries and the situation. India was a colony of another nation, not a sovereign country; whereas, Iraq has been hostage to an internal tyrant of their own blood and nationality. However, the mood of a nation and a people on the cusp of a new day, standing in the sun on their own, with the blessings of the free world, is somewhat transferable.

Mr. Nehru's entire speech is inspiring and lyrical, but there are two particular passages I find applicable to the handover the world is watching now. Nehru begins, ''A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. It is fitting that at this solemn moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity.''

Mr. Speaker, the Iraqis too are the soul of a nation, long suppressed, finding utterance, and I wish them the joys and the blessings of liberty. And I close with this uplifting benediction of Mr. Nehru's. ''To the nations and peoples of the world we send greetings and pledge ourselves to cooperate with them in furthering peace, freedom, and democracy.''

Nehru admonished his fellow Indians that it would not be enough to work for peace within India's border, or the border with Pakistan, but that to be truly

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peaceful citizens of the world, Indians must cooperate with their international neighbors in ''furthering peace, freedom, and democracy.''

I wish and I hope that citizens of Iraq will think this, and think not only of civil rest within their great nation, but the opportunity for the dawning of a new day across the troubled swath of their neighborhood of the world.

LACK OF RULE OF LAW IN RUSSIA

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from California (Mr. LANTOS) is recognized during morning hour debates for 5 minutes.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the topic of my 5-minute speech, and that I may include extraneous material on the same.

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

There was no objection.

Mr. LANTOS. Mr. Speaker, I rise today to call the attention of my colleagues to my serious concern with the lack of the rule of law in Russia.

Fifteen years ago, all of us watched with great excitement and great optimism as the Communist system came to a resounding close while the Russian people and the government went through an historic transformation. We saw President Boris Yeltsin stand up against tanks in the streets of Moscow, and we watched as Russia moved to embrace Democratic change.

Mr. Speaker, unfortunately, in the last few years, we have watched as the government of Mr. Putin has slowly but surely pulled back from Democratic change. Freedom of the press has increasingly declined, particularly in the realm of television. Elections have been less open and less Democratic. The rule of law has been proscribed by government regulation. Increasingly, government control has restricted the freedoms that had just begun to blossom in post-Soviet Russia.

Mr. Speaker, the most recent, and in many ways the most dramatic, example of this decline of the rule of law in Russia has been the Russian government's political prosecution and persecution of Mikhail Khodorkovsky, the former chairman of Yuko Oil, one of Russia's largest companies, and the one that had gone the farthest in moving towards transparent western market-oriented business practices. It was the Russian company which had made the greatest progress in corporate transparency. The company was on the verge of an unprecedented business deal with Western oil companies.

The Russian prosecutors, clearly at the demand of the political leadership, initiated a political prosecution of Mr. Khodorkovsky. He was arrested last summer by a mob of armed security forces as his plane landed at a Siberian airfield. Since that time, he has been held in a Russian jail. He has been limited in his contact with his own attorneys, he is not permitted to communicate with the outside world, and he appears in court in a steel cage.

This treatment of an individual who at this point has a tax dispute with the Putin regime violates all principles of due process and the rule of law.

Mr. Speaker, I am calling attention today of our colleagues in the Congress to this decline of civil and human rights in Russia. Together with my distinguished colleague, the gentleman from California (Mr. COX), we have established the Russia Democracy Caucus to work for the development of the rule of law and the consolidation of civil and human rights in Russia.

Mr. Speaker, a number of my colleagues will be submitting their statements joining me in deploring the rollback of freedom and civil rights in Russia during recent years.

Mr. Speaker, last month, on a visit to Moscow, I met with Ambassador Alexander Vershbow and other embassy officials to get an update on the political situation in that country. I also met with legal experts and human rights groups who provided a grim account of the recurring threats to individual and political freedoms that regrettably harkens back to the old Soviet days.

Respect for human rights is the cornerstone of a civilized society. Even the Russian constitution recognizes this fact, as provided in Article 2:

> The individual and the individual's rights and freedoms represent the highest value. It is the duty of the state to recognize, respect, and protect the rights and freedoms of the individual and the citizen.

Our own commitment to human rights as it relates to Russia and other former Communist countries is manifest in the Helsinki Final Act in 1975, in which we effectively utilized the so-called ''Basket Three'' of that document to publicly hold the Soviet Union accountable for its violations of human rights and civil liberties.

For a brief moment, during President Yeltsin's presidency, we thought indeed there would be freedom and liberty in Russia. It was during this time, the G–8 member nations allowed Russia to participate as an ad-hoc member, so long as it adhered to the principles of Constitutional democracy, rule of law and human rights. My colleague CHRIS COX and Senator JOE BIDEN have spoken out recently about whether Russia, under President Vladimir Putin, deserves a place at the G–8 table and indeed if that country should host the next session in 2006.

I would also remind my colleagues that Resolution H. Con. Res. 336, which enumerates these shortfalls and recommends that Russia be denied participation in G–8 sessions until it demonstrates its worthiness as a Democratic state, recently passed the House International Relations Committee. A similar measure is cosponsored by Senators MCCAIN and LIEBERMAN.

Mr. Speaker, our own State Department has documented what we have learned from a variety of sources concerning the deteriorating situation as it relates to rule of law, freedom of expression, and human rights in Russia. Over the past year, reports from human rights groups, NGOs, the European Union, legal scholars, and wide spread media reporting of conditions in Russia bear out what our own government has reported. On Secretary of State's last trip to Russia, he made it a point to voice his concerns directly to President Putin and publicly expressed them through the limited media outlets that exist in Moscow.

There is much that concerns me about Russia today. In view of the time limitation I cannot address all of them, but I would like to mention a few that I believe deserve urgent attention.

First is the case against Mr. Mikhail Khodorkovsky, chairman of YUKOS Oil Company. This week Mr. Khodorkovsky goes to trail in a court that is hardly known for its integrity or independence. Virtually all of the legal entities and courts outside Russia have ruled against the Russian government, generally finding the cases lack in legal merit and being political in nature. Little wonder Mr. Khodorkovsky is already a condemned man. Hardly anyone inside or outside Russia seriously believes he will receive a fair and just trial.

Since his arbitrary arrest last fall by masked gunmen and detention, Mr. Khodorkovsky has been subjected to numerous violations of his due process rights. The Kremlin has directed the case against him for purposes that are widely seen as political, not criminal. Indeed the case is being held in the notoriously corrupt Basmanny Court, which is controlled by Kremlin and Russia security forces. His corporate and lawyers' offices, foundations, daughter's school have been repeatedly searched without warrant or warning.

The relentless attacks on the YUKOS Company and efforts to cripple the once prominent and Western-oriented company raises questions about the true motives by the authorities involved. It is one thing to bring a case against Mr. Khodorkovsky and other officers in the company, depending on the charges brought against them. But clearly the Kremlin has other motives as well, not the least of which is to bring about a stake takeover or ownership of the once thriving private company.

Mr. Speaker, I draw the attention of my colleagues to Senate Res. 258, which expresses concern about the circumstances surrounding Mr. Khodorkovsky's case, and which has passed the full Senate.

My second concern has to do with state ownership and control of the media in Russia. Under President Boris Yeltsin, privately owned and independently operated media began to take root and for the first time citizens of that country could read and view objectively reported news and even criticism of government officials, even the president himself.

The vanguard of this new era was Mr. Vladimir Gusinky, an entrepreneur who had the genius of a William Randolph Hearst and the resources to build a media empire worthy of any in the West. However, Boris Yeltsin's successor had no tolerance and certainly not the temperament to allow any criticism of him or his politics.

The result, as we have seen in subsequent events, was predictable. An angry Vladimir Putin, utilizing extralegal means, forced a shutdown of Mr. Gusinsky's media outlets, save one—the prominent and popular NTV television station, which was taken over by the

state-owned Gazprom and has been under Kremlin influence ever since. Just a few weeks ago, the one newscaster on NTV who dared to lightly criticize government officials was sacked on orders from intelligence agencies inside the Kremlin. Mr. Leonid Parfyonov, a popular host of a Sunday-night political news program and one of the most independent voices in Russia, apparently crossed over the line on the Kremlin-directed censorship.

I was personally well acquainted with Mr. Gusinsky, who today operates a media conglomerate in Israel. Not only did he lose his media businesses in Russia, but he suffered personal hardship and humiliation. President Putin ordered raids by masked gunmen on his business headquarters and the arrest and detention in Moscow's infamous Butyrskaya prison, and eventually forced him into exile. Since then Russian authorities have sought his extradition by way of requests to Interpol, and the courts of Spain and Greece. In every single case, the requests were denied for lacking in legal merit and being political in nature.

Finally, I would like to address the issue of expropriation of property. There is little secret that many of Russia's crown jewels, its natural resources, were acquired by individuals during the privatization that occurred in the early 1990s. Whatever the circumstances and the controversial amounts that were paid for these acquisitions, they were conducted within the laws that existed at the time. Yet there are recurring threats, some outright as in the case of YUKOS and others implied, that the government may renationalize these assets.

This poses several disturbing questions. One, of course, is the overall affect on direct foreign investment in the country. At the moment, Russia's economy is performing well only because of the sizable revenue that is pouring in from the exportation of energy, primarily oil and gas. Foreign investment and Western business cooperation, which is necessary if Russia is to truly develop its industrial and exporting sectors, will be jeopardized if the Kremlin-directed assaults on these enterprises is allowed to continue.

Other questions concern the Russian government's official position with regard to these privatized businesses, most of which are in the resource-based sectors. At the moment, the government policy is, if anything, arbitrary and unpredictable, if not outright threatening to the privatized companies involved. At best, President Putin has sent conflicting messages by making reassuring statements, on the one hand, while authorizing contrary actions on the other.

A case in point is the SPI Group, which acquired production and distribution rights to Russia's most famous vodka trademarks (including Stolichnaya). In 1997, a group of investors, headed by Mr. Yuri Shefler, bought the rights to 43 Russian vodka brands from the original investors who acquired the production and trademark rights during the privatization of this and other resource-based sectors. They assumed a $50 million debt and promptly invested another $20 million, and today it is a well managed and successful business.

SPI Group has registered the trademarks for its vodka brands in more than 150 countries. It has a 10 year distribution deal with Allied Domecq in the United States and equally well established distributors throughout Europe. Yet the Russian authorities, principally Rospatent and the Ministry of Agriculture, have aggressively challenged the SPI Groups rights inside Russia and elsewhere, and while court rulings have been mixed in Russia they have been uniformly in favor, of the SPI Group outside the country. Among the more prominent cases, ruling in favor of the SPI Group, occurred in Germany, a Rotterdam decision affecting the Benelux countries, France, and more recently in Kazakhstan.

Mr. speaker, what I have recounted here is limited simply because there is no time to go on further. But it underscores the disturbing trends in Russia today.

I have always counted myself as a friend of Russia and have expressed on many occasions my gratitude for the huge sacrifices made by the people of the country to halt the march of Nazism in Europe. It greatly saddens me, therefore, to witness the unraveling of democratic freedoms in that country today. The Russia democracy Caucus, cochaired by CHRISTOPHER COX and myself, is fully committed to helping guide Russia through this period so that it can be counted among the truly great democracies of the world.

Mr. Speaker, in conclusion to this discussion of concerns about the rule of law and related problems, there is an urgent humanitarian issue that I want to bring to your attention. That is the grave medical condition of Mr. Platon Lebedev, a prominent businessman who, along with his partner, Mr. Mikhail Khodorovosky, is in detention under rather inhuman conditions in Moscow. The gravity of Mr. Lebedev's deteriorating health and the absolute neglect of his condition by the Russian authorities demands international outrage and it underscores why I, along with many of our colleagues, have asked for this time on the floor today.

Last week, a dozen of the leading human rights activists in Russia representing major human rights groups issued a statement critical of the treatment by Russian authorities of Platon Lebedev, the head of Group Menatep, the parent company of YUKOS Oil.

Mr. Lebedev has been detained and jailed for nearly a year and has not been allowed to have an independent medical examination or treatment, despite the fact that credible Russian and foreign experts have confirmed that he has severe and life-threatening ailments. In fact Mr. Lebedev was originally taken into custody from a hospital bed and in December 2003 had to have an ambulance take him from a court hearing.

Russian human rights activists point out that the denial of appropriate medical attention violates several articles of Russian law that indicate that detainees may receive medical treatment at medical establishments should this be required by the detainees condition. It is clear that Russia is not only violating universal human rights and the rule of law but their own laws.

Let me read a quote from the recent statement:

> It is out conviction that in order to protect the sacred human rights—the right to live and the right to a fair trial—the court must change the custodial restraint for Platon Lebedev to a format that does not involve prison detention so that an independent medical examination and full-fledged treatment can be provided immediately.

Mr. Speaker, the treatment of Platon Lebedev is clear evidence that the Russian legal system is broken.

Mr. Speaker, I am submitting for the RECORD a series of articles and extraneous material on the lack of the rule of law in Russia. These articles are from the Washington Post, the Wall Street Journal, and the International Herald Tribune.

[From the Washington Post, July 13, 2004]

SAME OLD RUTHLESS RUSSIA

(By Michael R. Caputo)

American journalist Paul Klebnikov was shot to death outside my office building on Friday. At least it used to be my office. I worked with Klebnikov, Forbes magazine's maverick correspondent, several times in the past 10 years, sometimes in Moscow, sometimes in New York. Out paths crossed often through one of Russia's wildest decades.

Eight years after we first met as he covered Boris Yeltsin's 1996 presidential election, his murder brings clarity: Nothing has changed. Brutal criminals still run amok in Russia, operating with impunity and no fear of prosecution.

Klebnikov had high hopes for Russia and was determined to urge democracy along. He grew up in the United Sates, cradled in the close-knot Russian American community; his Russian skills were perfect and his devotion to the culture ran deep. He blossomed in journalism just as the communist bloc crumbled, and his unique understanding of ''the story'' in the region propelled his career.

As we toured the Russian countryside eight years ago, he talked to peasants waiting in line to vote and grilled me with questions, too. Had I run across billionaire Boris Berezovsky in my work with the Yeltsin administration? I hadn't. Klebnikov had recently been scratching the surface of Berezovsky's brazen get-rich-quick schemes. He was convinced there was much more to the oligarch. He was in town to investigate him as well as to cover the elections.

Berezovsky was one of several superwealthy men who had back doors to Yeltsin's Kremlin. His popularity waxed and waned, but as he amassed wealth he gained unparalleled power. Experienced expatriates in Russia shared an essential rule: Don't cross these brutal billionaires, ever, or you're likely to go home in a box.

Klebnikov knew this well. In Russia the mafia kills every day. He knew Paul Tatum, the Oklahoma entrepreneur who ran afoul of Moscow's mafia and was shot dead just a few hundred yards from a hotel he had founded and had fought against Mayor Yuri Luzhkov to control. After Tatum's murder. Hizzoner promised swift justice. We're still waiting.

Tatum had led a loud life in Moscow. Klebnikov told me he knew Tatum's battle with city ''authorities'' was never a sound strategy for survival. The Tatum murder shook him, but he was determined to go forward with what grew into a series of articles exposing Russian corruption. After all, he was a reporter, not a businessman.

As a journalist, Klebnikov was the real deal. He was based in New York through the 1990s but had more contacts in Moscow than most reporters on the ground full time.

During his frequent trips to the region he accomplished more meetings before lunch than many of us could pull off in a week.

Klebnikov listened as intently to the griping of a pensioner as he did to the drone of politicians. He was quick to the point, wasted no time, and drove to the center of his story like a tank. Some thought he was bold, others thought him brash, but everyone was reading.

''Godfather of the Kremlin,'' his December 1996 Forbes cover story on Berezovsky, threw new light on the doings of Russia's oligarchs. The story grew into Klebnikov's first book,

with the same title, published in 2001. The exiled industrialist took the magazine to court in London, and eventually Forbes recanted accusations of violence. Those of us who lived in Moscow during Berezovsky's heyday still believe.

His follow-up stories on Russian industrialists were always fair and thorough, but he didn't make many friends in the country. Soon after Vladimir Putin stepped into the presidency, Klebnikov and I met in New York. I told him he needed to watch his back with so much change afoot. He shrugged and said he was uniquely positioned to get to the heart of corruption in Russia. ''Who else is going to do it?'' he asked. I had no answer.

When Forbes announced Klebnikov would lead its new Russian publications and relocate to Moscow, I immediately feared for his safety. A few months later he was dead. I think about him, sprawled bleeding on the sidewalk, coughing his final words to a reporter colleague who found him dying.

Russia hasn't changed in the past decade and at this trajectory it won't be truly civilized for generations. Those who killed Klebnikov are killing today, plan to kill tomorrow, and know they'll roam free to kill for years to come. Hellbent on getting rich, they have no boundaries. Raised in a communist world devoid of morals, they have no soul.

There is no valid reason why a nation so tolerant—even complicit—in organized crime should stand on par with world leaders in groups such as the World Trade Organization. Putin must stand as the guarantor of media freedom. And the Bush administration must demand results in this murder investigation and require the assassins and their bosses be detected, arrested, tried and punished to the fullest extent of the law.

Or will it let Paul Klebnikov, like Paul Tatum, be just another footnote in Russia's disingenuous flirtation with world-class rule of law? We're waiting.

[From the Wall Street Journal, July 12, 2004]

LAWLESS RUSSIA

The murder of Forbes Russia Editor-in-Chief Paul Klebnikov on a Moscow street Friday night was the most dramatic display yet of the lawlessness that has Russia in its grip. Prosecutor General Vladimir Ustinov says he has taken ''personal control'' of the case, a suggestion that the Russian state is finally conscious of its bad image in the world. But under its present leadership, the state is itself an important part of the problem.

The 41-year-old Mr. Klebnikov was a brilliant journalist and student of Russian history. He had written for our pages several times, most recently last November when he argued that the arrest of Russia's richest businessman, Mikhail Khodokovsky, was a blow against the ''kleptocracy'' that had enriched itself with state assets under Boris Yeltsin's privatization program.

He knew a lot about the subject, having written a controversial 2000 book, ''Godfather of the Kremlin,'' about one of the leading Russian oligarchs, Boris Berezovsky, In the May issue of Forbes Russia, Mr. Kelbnikov broke the news that Moscow has more dollar billionaires than New York City.

The magazine, licensed by Forbes of the U.S. and published by the German Axel Springer organization, published the names of Russia's 100 richest business leaders, giving them the sort of attention many don't welcome. Mr. Klebnikov was not afraid to make powerful enemies in the interest of honest journalism.

In a recent book, ''Darkness at Dawn,'' David Satter, a former Journal Moscow correspondent, wrote that Russia has been taken over by a criminal elite in which gangsters, business and corrupt officials work together. The result is a climate of fear and public cynicism. The collapse of communism, with its history of state-sponsored violence, left a moral vacuum that persists in a different form. Some of the modern thugs got their training with the Soviet secret police.

The Committee to Protect Journalists, which records attacks on journalists throughout the world, cites Russia as a special problem. Attempts to shut up the press have been made by the Federal Security Bureau, formerly the KGB. Russian President Vladimir Putin, who has systematically seized control of Russian TV, retains some of the habits he developed when he himself was a KGB functionary.

Yet Mr. Putin is welcomed to international parleys, such as G–8 meetings, as if he were the leader of a normal country. The murder of Paul Klebnikov demonstrates that Russia is not a normal country. Perhaps it's time for the leaders of free democracies to ask Mr. Putin whether the rule of law exists in Russia.

[From the Washington Post, July 7, 2004]

RUSSIAN GOVERNMENT BEGINS SEIZING YUKOS ASSETS

(By Peter Baker and Susan B. Glasser)

MOSCOW, July 7.—The Russian government moved Wednesday to begin seizing assets of Yukos Oil Co. in the culmination of a politically charged tax battle that could either bankrupt or break up the country's largest oil producer.

Court marshals accompanied by special police forces raided the company's registry office in Moscow at the end of the business day to search for ownership documents for various Yukos properties. The marshals were enforcing last week's court judgment giving Yukos a Wednesday deadline to pay a $3.4 billion back tax bill.

Yukos said this week that it had no more than $1.4 billion in cash and could not pay the full charge in time without an installment plan. Yukos reportedly offered to turn over some or all of the controlling stake owned by the company's imprisoned chief shareholder, Mikhail Khodorkovsky, and his partners, but all attempts at negotiations appeared to have failed so far.

''The debtor was given a five-day deadline for voluntary execution, after which the court bailiffs service of the city of Moscow began to enforce the court decision,'' the Russian Justice Ministry said in a statement carried by the Interfax news service after the raid began.

The ministry statement immediately threatened a new criminal investigation and obstruction charges against officials at Yukos' registry for allegedly trying to avoid cooperating with the marshals who arrived at their building.

Authorities can seize the company's assets and either keep them to satisfy the tax debt or sell them off. But it is possible they were not able to find the right documents at the office of the registry, a firm called Reyester-M. Yukos said registry documents of its subsidiaries in Siberia and along the Volga River were transferred last week after the court ruling, apparently to those regions.

The confrontation stems from a year-long power struggle between Khodorkovsky and President Vladimir Putin. Khodorkovsky is a brash former communist youth league leader who bought Yukos at bargain-basement price during the privatization auctions of state property during the 1990s. He built the company into a major international player and himself into Russia's richest man.

But he angered some in the Kremlin with his outspoken political activities and soon found himself and his company under legal threat. Khodorkovsky was arrested at gunpoint last October and remains in prison awaiting trial on fraud and tax evasion charges, while the federal tax service has hit Yukos with two tax bills from 2000 and 2001 adding up to nearly $7 billion. The country's chief prosecutor said Tuesday that more bills from 2002 and 2003 were still to come.

The situation endangers a company that pumps more oil than Libya and accounts for one-fifth of foreign petroleum sales by Russia, the world's second-largest oil exporter. The latest figures published by brokerage houses Monday showed that Yukos produces 1.7 million barrels a day, surpassing its own records and every other Russian oil company.

Bruce Misamore, the company's chief financial officer, said Tuesday that production had not been disrupted yet and that the company has prepaid transport and other fees to keep shipping oil until at least the third week in July. The bank accounts frozen so far have just $20 million in them, he said. Misamore met Tuesday with representatives of Western banks that declared Yukos in default on a $1 billion loan and they have not demanded payment yet.

Misamore said the government abruptly halted secret settlement discussions last week and has not been willing to compromise. ''We're just trying to make our best efforts to reach a resolution to the situation,'' Misamore told a conference call with investors. ''But first they've got to talk to us.''

The Financial Times reported that Yukos sent a fresh proposal to the government Tuesday, offering some or all of Khodorkovsky's shares in exchange for a three-year payment plan. Prime Minister Mikhail Fradkov's office denied receiving any written proposal, and a Yukos spokesman said it sent no letter, however, he would not say whether the idea was floated in some other form.

Prosecutor General Vladimir Ustinov, who imprisoned Khodorkovsky, expressed little sympathy for what he sarcastically called ''poor Yukos'' and doused hopes for a deal. ''This is like a snowball,'' he said on Echo Moskvy radio Tuesday. ''This case has a beginning, but it's very difficult to see its end.''

He asserted that the company should have no trouble paying the tax bills even though the government obtained a court order freezing its assets. ''The profits that Yukos made could easily pay the company's debts,'' he said.

The case drew international criticism this week for the politicization of Russian business and courts. ''The so-called 'Yukos case' reflects these problems,'' the Paris-based Organization for Economic Cooperation and Development, said in its annual report on Russia, released Wednesday. ''Whether the charges against the company and its core shareholders are true or not, it is clearly a case of highly selective law enforcement.''

A senior U.S. diplomat said Tuesday that the case is ''raising fundamental questions in the minds of many investors.'' There are ''increasing signs that destruction of the company is the intended endpoint,'' he said. ''At a minimum,'' he added, it's ''an extraordinary game of brinkmanship'' akin to a game of chicken with two cars racing toward a cliff and ''they're getting very close.''

In his analysis, the diplomat said, it appears likely that a ''sizable percentage of the company's assets [will] move into the hands of the state.''

[From the Herald Tribune, June 15, 2004]

RUSSIA ON TRIAL

The Russian government's fraud and tax evasion case against two billionaires, Mikhail Khodorkovsky and Platon Lebedev, opens Wednesday in a Moscow court. The trial has already attracted enormous attention; the extraordinary fortunes of the two defendants, and the parallel struggle for survival of the oil company that made them rich, Yukos, has turned this case into a microcosm of the struggles that are shaping the new Russia. Much depends on the outcome, not least how investors will look at Russia in the future. In effect, it is Russia and the rule of law that go on trial.

Khodorkovsky, to be sure, is not the model, philanthropic businessman his supporters make of him. Like all the other so-called oligarchs, he made his billions in the dirty plunder of Russia's riches in the chaotic aftermath of the Soviet Union's disintegration. But neither is President Vladimir Putin the champion of civic virtue he would have us see. If tax evasion were the real issue, every oligarch, and most every Russian, would be in the dock. And even if Putin needed to pillory a couple of oligarchs to set an example, there are far more unsavory examples to go after. Khodorkovsky at least turned Yukos into a globally admired, relatively transparent business.

To all appearances, Putin is leaning on the judiciary to settle scores with tycoons who dared show an interest in politics. In this regard, Khodorkovsky, who has contributed generously to reform-minded parties, is only Putin's latest target, following in the footsteps of Boris Berezovsky and Vladimir Gusinsky, two Russian tycoons now residing in exile.

Equally ominous, in pushing Yukos to the brink in a parallel tax-avoidance case, Moscow has raised fears that it is trying to bring Russia's natural resources back under direct state control. Last Friday, the government was able to remove a judge from the case who seemed open-minded in considering an appeal by Yukos.

We do not argue that all oligarchs should go scot-free. No state can tolerate enterprises operating above the law. But at play here is a different danger, of a state capriciously and selectively applying laws to suit its political interests.

Russia's judiciary faces an unenviable challenge in tempering excess prosecutorial zeal, without endorsing blanket immunity for past misdeeds. In the end, the critical question is not whether the court finds the two men guilty or not, but whether it succeeds in demonstrating that it has delivered justice. Russia's courts have shown themselves sadly subservient to the government so far. Most Russians expect that they will continue down this familiar road, rubber-stamping the government's charges until Khodorkovsky and Lebedev are found guilty.

For the sake of Russian democracy, the judiciary needs to declare its independence. Courts in such high-profile cases can do so in the way they handle the objections and arguments of the defense, in the way they rule on the crude methods of the investigators and in the way they separate the political demands of the Kremlin from the legal facts of the case. Given Russia's past, few things could be more corrosive to democracy than a show trial.

The Russian government's fraud and tax evasion case against two billionaires, Mikhail Khodorkovsky and Platon Lebedev, opens Wednesday in a Moscow court. The trail has already attracted enormous attention; the extraordinary fortunes of the two defendants, and the parallel struggle for survival of the oil company that made them rich, Yukos, has turned this case into a microcosm of the struggles that are shaping the new Russia. Much depends on the outcome, not least how investors will look at Russia in the future. In effect, it is Russia and the rule of law that go on trial.

Khodorkovsky, to be sure, is not the model, philanthropic businessman his supporters make of him. Like all the other so-called oligarchs, he made his billions in the dirty plunder of Russia's riches in the chaotic aftermath of the Soviet Union's disintegration. But neither is President Vladimir Putin the champion of civic virtue he would have us see. If tax evasion were the real issue, every oligarch, and most every Russian, would be in the dock. An even if Putin needed to pillory a couple of oligarchs to set an example, there are far more unsavory examples to go after. Khodorkovsky at least turned Yukos into a globally admired, relatively transparent business.

To all appearances, Putin is leaning on the judiciary to settle scores with tycoons who dared show an interest in politics. In this regard, Khodorkovsky, who has contributed generously to reform-minded parties, is only Putin's latest target, following in the footsteps of Boris Berezovsky and Vladimir Gusinsky, two Russian tycoons now residing in exile.

Equally ominous, in pushing Yukos to the brink in a parallel tax-avoidance case, Moscow has raised fears that it is trying to bring Russia's natural resources back under direct state control. Last Friday, the government was able to remove a judge from the case who seemed open-minded in considering an appeal by Yukos.

We do not argue that all oligarchs should go scot-free. No state can tolerate enterprises operating above the law. But at play here is a different danger, of a state capriciously and selectively applying laws to suit its political interests.

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Mr. CHANDLER. Mr. Speaker, last March, I had the opportunity to meet with human rights groups, legal experts, media representatives, and others concerning the situation on the ground in Russia. I learned firsthand that Russia is enduring a difficult transition to what hopefully will become a modern, fully democratic nation. While there have been many positive developments in Russian society over the past decade, particularly with regard to the freedoms that average Russian citizens now enjoy, there are disturbing signs that Russia under President Vladimir Putin may be slipping back to its old authoritarian ways.

My primary concern is with the rule of law. Prior to coming to Congress, I served for eight years as the Attorney General of Kentucky. I understand that there are inherent principles in any constitutional democracy, chief among them the rule of law. Recent events have called into question Russia's unequivocal commitment to a transparent judicial system, defendants' rights, and the presumption of innocence within the Russian legal system.

As we speak, there is a major trial taking place in Moscow. It concerns the controversial arrest and detention of prominent Russian businessman Mikhail Khodorkovsky. The case of Mr. Khodorkovsky has raised concerns from legal experts, human rights groups, and the media that his trial may have more to do with his opposition to President Putin's policies rather than the crimes for which he is accused.

The most disturbing element of Mr. Khodorkovsky's trial is that it may signify a reassertion of state influence over Russia's private sector economy. Such a move by the Russian government, I fear, would raise questions about the state of property rights in Russia, discourage foreign investment, and slow progress towards Russia's full integration into the global economy.

Mr. Speaker, the U.S. must continue to deliver the message that adherence to the rule of law and support for political and economic freedom is essential to developing successful free-market economies and prosperity. As I mentioned earlier, Russia is truly at a crossroads in its history. I urge my colleagues to

work with me to convince Russia to choose the path of transparency, adherence to the rule of law, and a commitment to the security of private investment.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished gentleman from California for requesting this time to discuss rule of law in Russia. Not only is this an issue of great importance to the citizens of Russia but U.S.-Russia relations are affected by the regard given to this critical component of democratic and civil society.

I have the privilege of serving as chairman of the Commission on Security and Cooperation in Europe, commonly known as the ''Helsinki Commission,'' an independent agency of the United States Government charged with monitoring and encouraging compliance with the Helsinki Final Act of 1975 and subsequent documents of the Organization on Security and Cooperation in Europe. The fate of rule of law in Russia, an OSCE member, will determine to a great degree the future of the Russian state and its role in the world community.

With the collapse of the Soviet Union in 1991, Russia moved from an authoritarian police state under communist rule to a sovereign nation with democratically elected leadership and many of the civil liberties that we in this country take for granted. We were encouraged by those positive and historic steps. On paper at least, there have been significant reforms designed to bring the Russian political and legal system into conformity with the accepted norms and practices of the United Nations, the OSCE, the Council of Europe, etc.

In recent years, though, the Putin government has undermined these reforms. In its Nations in Transit 2004 report, Freedom House sums it up: ''Russia is backsliding in key areas of democratic governance and rule of law.''

Two months ago, on May 20th, the Hensinki Commission held hearings on the issue of human rights in President Putin's Russia. One of our distinguished witnesses, Mr. Gary Kasparov, chairman of the Free Choice 2008 Committee in Russia and world-famous chess champion, spoke with passion about restrictions on freedom of speech in the electronic media, a process that we see continuing today.

In the area of rule of law per se, we are also seeing some disturbing moves against individuals who have apparently offended the powers-that-be in the Kremlin or the intelligence apparat.

The first case is that of industrialist Mikhail Khodorkovsky, former head of the Yukos Oil Company. Mr. Khodorkovsky's arrest on charges of fraud and tax evasion has received a lot of publicity. I don't claim to know whether Khodorkovsky is guilty or innocent, but this appears to be very much a case of selective justice. His real crime seems to have been, as David Satter wrote in the Wall Street Journal last week, that he ''had demonstrated independence, and, by financing opposition political parties, had contributed to political pluralism.''

Will Khodorkovsky get a fair trial? Let me jut quote from a report by the Organisation for Economic Cooperation and Development: ''The courts are often subservient to the executive, while the security services, the prosecutors and the police remain highly politicized . . . the so-called 'Yukos case' reflects these problems.'' As if to confirm the OECD assessment, officials at the Matrosskaya Tishina prison on confiscated documents from one of his lawyers after she met with her client.

Another case is that of Dr. Igor Sutyagin, a Russian scientist who was sentenced to 15 years of labor camp for espionage, i.e., passing military secrets to British intelligence agents. Sutyagin never denied that he had worked with foreign scholars or that he shared previously published material with them. Indeed, Federal Security Service (FSB) agents never found evidence of any classified documents in his possession, and he had neither security clearance nor access to classified material. However, the FSB and the court came to the conclusion that Sutyagin's research was so accurate that he must have used classified documents to draw his conclusions. Think of it: one may be imprisoned for espionage for being too competent an analyst in military-security issues.

Deputy Assistant Secretary Steven Pifer of the State Department has testified before the Commission that ''most observers agree that [Sutyagin] had no access to classified information and consider the severe sentence an effort to discourage information-sharing by Russians with professional colleagues from other countries.''

The final case I would mention in this brief presentation is that of Mikhail Trepashkin, an attorney and former FSB officer who was arrested on October 24, 2003, a week before he was scheduled to represent relatives of a victim who perished in an apartment explosion at a trial in Moscow. At the trial, Trepashkin was expected to present the findings of his investigation which implicated the FSB in the 1999 apartment bombing in Moscow and the aborted attempted bombing of Ryazan.

A week before the trial opened, the police just happened to pull Trepashkin over on the highway, and just happened to find a revolver in his car. Trepashkin claims the gun was planted, a venerable KGB tactic. Three weeks later, he was put on trial and sentenced to four years labor camp for allegedly divulging state secrets to a foreign journalist.

I don't know all the details of this case, but it has the whiff of the proverbial mackeral by moonlight. It is very possible that Trepashkin was arrested in order to prevent him from releasing potentially damaging information regarding the activities of the FSB.

These are just few examples of the challenges to rule of law and human rights that Russia is now experiencing under President Putin. Let us hope that he will soon realize that the way to a genuinely stable and prosperous society is paved with rule off law and civil society, not the high price of crude oil.

Mr. DOGGETT. Mr. Speaker, the Khodorkovsky/Lebedev trial resumed on Monday last week before a three judge panel in Moscow. Since the last hearing three weeks ago, the physical appearance of the court was much improved: the courtroom had been air conditioned and the halls outside had been refurbished and painted.

Appearances are important, but substance is critical.

Respect for the rule of law in Russia is essential for the same reason it is essential in every democratic society—citizens, the press, and the business community must have confidence that the legal system affords them protection of their rights and that everyone is treated equally under that law.

In Russia there is a pattern of troubling signs that the rule of law and a free press are threatened. I know a number of my House colleagues share these concerns. Members of the Congressional Human Rights Caucus, the Helsinki Commission, and the Russia Democracy Caucus are just some of those who have expressed their misgivings.

One high profile example of concern is the seizure of the assets of Russia's largest oil company, YUKOS, and the trial of two of YUKOS's largest stockholders, Mikhail Khodorkovsky and Platon Lebedev.

Many Russian and Western observers view the Russian Government seizure of the assets of YUKOS as a result of political motivations.

Here are just a few recent statements on these events:

On July 7, the Washington Post quoted a senior level U.S. diplomat as saying ''there are increasing signs that destruction of the company is the intended endpoint,'' and that it appears likely that a ''sizeable percentage of the company's assets will move into the hands of the state.''

On July 7, the Organization for Economic Cooperation and Development (OECD) called the YUKOS affair ''a case of highly selective law enforcement'' and a case that reveals how ''the courts are often subservient to the executive, while the security services, prosecutors and police remain highly politicized.''

What is now occurring in Russia has significant human, political, and economic consequences. Justice, freedom, and human rights are all directly tied to the rule of law, open and accountable government, and a free press, which are increasingly absent in Russia.

There are several disturbing trends that demonstrate problems with the rule of law in Russia.

The general prosecutor and courts cannot be merely an extension of the political will and agenda of the Kremlin. In his visit to Moscow earlier this year, Secretary of State Colin Powell was unambiguous in his concern over the rule of law in Russia, saying ''Russia's democratic system seems not yet to have found the essential balance among the executive, legislative and judicial branches of government. Political power is not yet fully tethered to the law.''

Furthermore, the selective and arbitrary use of judiciary power by the Kremlin undermines the rule of law.

Mikhail Khodorkovsky, as many observers have noted, shows how a businessman has been singled out for prosecution because his political activities are not appreciated.

Journalist German Galkin was thrown into jail and prosecuted for revealing the corrupt behavior of local government officials. His appeal was denied and he was only freed under the weight of international pressure.

Aleksandr Nikitin is a former submarine officer and nuclear safety inspector who was pursued relentlessly through the courts by the Russian security service in retaliation for his outspokenness about radioactive contamination by the Russian military. These rulings bear out what prominent legal experts have been saying about the flawed legal system in Russia.

More recent events in Russia threaten a free press, an essential element of any strong democracy.

We do not know who murdered Paul Klebnikov, the editor in chief of Forbes Russia, who was writing the truth about Russia's dark

underside, but the government must insist on a thorough, open, and full investigation of his killers. As one observer noted in the New York Times, ''Twenty journalists have now been assassinated in Russia for their work; 14 since Mr. Putin became president. Not one of the murders has been solved.''

A crackdown of media freedom has resulted in all major TV networks under state control. The last independent TV station disappeared last summer. TV is the number one way Russians get their news.

If Russia continues down this path, she will never fully become the peaceful and democratic nation that the Russian people and the international community desire. It is essential that Russia undertake a sincere effort to reform its judicial system and establish the highest degree of credibility for the rule of law and free press, which are essential for a prosperous and peaceful Russia.

Mr. WOLF. Mr. Speaker, as co-chair of the Congressional Human Rights Caucus I continue to be concerned that Russia has significant problems in honoring the universal human rights standards that are widely accepted in many parts of the world. Russia aspires to be a leading force on the world economic and political scene, but it is failing to respect some of the fundamental and universal principles of the rule of law, human rights and freedom of speech and expression.

I am concerned about freedom of expression in Russia, given the fact that the Russian government's commitment to independent and free media, freedom of assembly, and religious freedom appear to be wavering. In fact, Russia's last major non-state television station was eliminated in 2003 as a result of government pressure. This is a disturbing trend which is in stark contrast to the value placed on freedom of speech by other democracies around the world.

Earlier this year the State Department released its annual Country Reports on Human Rights Practices, which included documentation of many abuses. Serious violations of basic human rights in Chechnya were highlighted including unlawful killings, abuse of civilians and Chechen fighters and politically motivated disappearances. The report also mentioned that the December 7, 2003, Duma elections failed to meet international standards. Factors undermining party competition included criminal charges and threats of arrest or actual arrest against major financial supporters of opposition parties and the seizure of party materials from opposition parties.

I remain concerned that Russia is named in the State Department's annual report on trafficking in persons as a tier two country and this year was placed on the tier two ''special watch list.'' Trafficking in persons is an evil that must be directly confronted and ended. Countries that fall under the special watch list have high numbers of trafficking victims and fail to provide evidence of increasing efforts to combat severe forms of trafficking from the previous year. Russia is named as the largest source country in Europe for trafficking and is a significantly large transit country. It is my hope that the Russian government will acknowledge the extent of its trafficking problem and play a more active role in ending trafficking in the region.

I also am concerned that Russia still does not fully accept or encourage religious freedom. The 2004 annual report on religious freedom by the United States Commission on International Religious Freedom states about Russia:

''A federal law on religious organizations enacted in 1997 contains provisions that have prevented some religious groups from registering and thus practicing freely. Regional governments have often passed ordinances that result in discrimination against minority religious groups, and acts of violence against members of religious minorities are widespread.

''In the past few years, however, trends have emerged that have raised serious questions about Russia's commitment to democratic reform and protection of religious freedom. Russian authorities have denied registration efforts of certain religious communities, based on the allegedly insufficient time they have existed, despite a February 2002 Russian Constitutional Court decision that found that an active religious organization registered before the 1997 law could not be deprived of its legal status for failing to re-register. The government has meddled in the internal affairs of religious communities, including the Jewish and orthodox Old Believer communities.''

The U.S. Congress must speak out about human rights abuses around the world. It is my hope that Russia will begin to encourage religious freedom, crack down on trafficking in persons and comply with international standards on human rights.

I would like to submit for the RECORD an article from The Wall Street Journal, highlighting the concern for the lack of rule of law in Russia.

[From the Wall Street Journal, July 12, 2004]

LAWLESS RUSSIA

The murder of Forbes Russian Editor-in-Chief Paul Klebnikov on a Moscow street Friday night was the most dramatic display yet of the lawlessness that has Russia in its grip. Prosecutor General Vladimir Ustinov says he has taken ''personal control'' of the case, a suggestion that the Russian state is finally conscious of its bad image in the world. But under its present leadership, the state is itself an important part of the problem.

The 41-year-old Mr. Klebnikov was a brilliant journalist and student of Russian history. He had written for our pages several times, most recently last November when he argued that the arrest of Russia's richest businessman, Mikhail Khodorkovsky, was a blow against the ''kleptocracy'' that had enriched itself with state assets under Boris Yeltsin's privatization program.

He knew a lot about the subject, having written a controversial 2000 book, ''Godfather of the Kremlin,'' about one of the leading Russian oligarchs, Boris Berezovsky. In the May issue of Forbes Russia, Mr. Klebnikov broke the news that Moscow has more dollar billionaires than New York City.

The magazine, licensed by Forbes of the U.S. and published by the German Axel Springer organization, published the names of Russia's 100 richest business leaders, giving them the sort of attention many don't welcome. Mr. Klebnikov was not afraid to make powerful enemies in the interest of honest journalism.

In a recent book, ''Darkness at Dawn,'' David Satter, a former Journal Moscow correspondent, wrote that Russia has been taken over by a criminal elite in which gangsters, businesses and corrupt officials work together. The result is a climate of fear and public cynicism. The collapse of communism, with its history of state-sponsored violence, left a moral vacuum that persists in a different form. Some of the modern thugs got their training with the Soviet secret police.

The Committee to Protect Journalists, which records attacks on journalists throughout the world, cites Russia as a special problem. Attempts to shut up the press have been made by the Federal Security Bureau, formerly the KGB. Russian President Vladimir Putin, who has systematically seized control of Russian TV, retains some of the habits he developed when he himself was a KGB functionary.

Yet Mr. Putin is welcomed to international parleys, such as G–8 meetings, as if he were the leader of a normal country. The murder of Paul Klebnikov demonstrates that Russia is not a normal country. Perhaps it's time for the leaders of free democracies to ask Mr. Putin whether the rule of law exists in Russia.

Mr. INSLEE. Mr. Speaker, I would like to share with my colleagues information that raises serious concerns about the development of a free-market system in Russia. Many of my constituents who develop products such as software and biological drugs rely on the enforcement of strong intellectual property rights laws and copyright protection, and therefore have an interest in ensuring that countries such as Russia maintain fair and enforceable laws in this regard. For this reason, there is cause for concern regarding the Russian government placing significant pressure on SPI, the company that produces the Stolichnaya beverage, in an effort to reclaim the intellectual property rights of its brands. Stolichnaya, nicknamed Stoli to many Americans, is one of many brands of production the Russian government is attempting to reclaim from SPI in the wake of the privatization of other beverage companies in the 1990's.

I am concerned about the implications of such actions on international global property rights, Russia's potential WTO and G–8 membership, and the direction of Russian Democracy and rule of law. This case is emblematic of a general situation and is part of a pattern of disrespect for the rule of law that has unnerved foreign investors who are concerned about long-term economic, legal and political stability of Russia. If we are to hope to crack down on the copyright infringements on software produced in the Puget Sound, I believe that proper enforcement of this issue is an important step.

I would like to offer my colleagues some background on SPI and its issues.

SPI is a Dutch-based company that owns the trademark rights to a large number of beverage brands including Russia's most famous brands, Stolichnaya and Moscovskaya as well as Russkaya and Limonnaya. It is my understanding that the SPI Group acquired the rights for these trademarks by means of buying out the minority shareholders of a Russian company, which owned the above-mentioned trademarks worldwide and was privatized between 1990–1992. It also assumed a $50 million debt that was inherited by the previous owner from its state-owned predecessor. SPI has since invested another $100 million to develop into a successful international competitor.

The SPI Group has registered the trademarks for the 43 brands in more than 150 countries. It has a 10-year distribution deal with Allied Domecq in the U.S. as well as a distribution deal with First Drinks in the UK

and Bacardi in Greece. Last year, SPI recorded sales of $680 million. This success, however, has merely brought the company to the forefront of the debate over who owns these trademarks.

It is also my understanding that from 2000 onwards, certain entities within the Russian State have started various actions against SPI to obtain its trademark registrations.

In late 2001, in a case brought by the Russian State Trademark Organization, the Russian courts ruled that the original privatization of the company that owned the brand before SPI was invalid (on a technicality) and returned the rights for 17 brands controlled (now) by the SPI Group to the Russian Ministry of Agriculture.

Since then, SPI, while producing the product in Russia, has been forced to move its bottling plant to Riga in Latvia, after the Russian authorities seized and blocked its exports from the Russian port of Kaliningrad. Various heated legal battles have been fought in a number of Russian and foreign courts as SPI continues to sell Stolichnaya internationally. In Russia, a company resurrected by the Government markets its own Stolichnaya brand after confiscating back the trademark there.

On 4 March 2002, the Leninsk-Kuznetskiy City Court seemingly resolved the dispute by ruling that the Ministry of Agriculture had illegally registered 17 trademarks belonging to SPI, including the Stolichnaya trademark, and ordered that SPI be reinstated as the registered trademark owner.

However, Russian authorities ignored the Leninsk-Kuznetskiy City Court's ruling and employed intimidation and police-state tactics to grab the company's assets and trademark rights for its own purposes. Some examples of these tactics include:

The Government's Federal Security Service, in a letter dated March 5, 2002, ordering Kaliningrad Customs to prohibit bulk export of Stolichnaya produced by SPI in Kaliningrad.

The confiscation of more than 150,000 cases of SPI products seized in Kaliningrad along with related packaging material.

The filing of criminal charges levied against Audrey Skurikhin, president of SPI Spirits-Russia, and its Kaliningrad facility.

As a result of these events, it is my understanding that the Ministry of Agriculture currently produces these products in Russia with virtually identical labeling and uses libel and intimidation to force distributors and customers to stop doing business with SPI. In addition, the Russian Patent Agency gave the rights for the re-nationalized trademarks to the newly incorporated company of the Russian Ministry for Agriculture.

International courts have ruled in favor of SPI. Court rulings in October 2002 in Hamburg, Germany and May 2003 in Rotterdam, Netherlands, rejected the lawsuits brought against SPI, substantiating SPI's claims.

Mr. Speaker, in conclusion, the SPI case is about something larger and more fundamental for Russia and its relationship with the United States and other nations of the world—adherence to the rule of law and political, social and economic freedom. SPI is an example of the need to uphold the rule of law and ensure a better business environment for Russian business. A stable and democratic Russia, based on a rule of law, is critical to U.S. interests; not only for U.S. firms interested in doing business there, but also for the overall, long-term U.S.-Russia relationship. Many of my constituents depend on adherence to the rule of law and copyright protections to ensure that their products, particularly software and biotechnology, are not stolen. We should not let this SPI case set precedence or be a harbinger for software and other U.S. industries.

THE WORLD MUST ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Mr. Speaker, after visiting Darfur, Sudan, and seeing firsthand the horrific conditions and oppression, and I have here a picture of a camp that was burned down by the Janjaweed, but having seen the horrific conditions and oppression, and having talked to eyewitnesses, I believe genocide is taking place in Darfur.

The United States and others around the world said never again after the genocide in Rwanda. So now I call on the United States, the United Nations, and world leaders to call it what it is, genocide, and to take action before more die. We have the ability to prevent further deaths and to stop genocide in its tracks. Our actions should follow our words.

Amnesty International just released a new report. It documents hundreds of cases of women who have been raped in Darfur. To highlight one story, I quote:

''I was sleeping when the attack on Disa started. I was taken away by the attackers, they were all in uniform. They took dozens of other girls and made us walk for 3 hours. During the day, we were beaten. And they kept telling us, 'You, the black women, we will exterminate you, you have no God.' At night, we were raped several times. We were not given food for 3 days.''

This story echoes the stories of rape that I heard when I was in Darfur. We were given a letter by 44 women who were raped. The translation is heartbreaking.

It said, and this was to Senator BROWNBACK and myself, ''We are 44 raped women. As a result of that savagery, some of us became pregnant, some have aborted, some took out their wombs and some are still receiving medical treatment. Hereunder, we list the names of the raped women and state that we have high hopes in you and the international community to stand by us and not forsake us to this tyrannical, brutal, and racist regime, which wants to eliminate us racially, bearing in mind that 90 percent of our sisters at this village are widows.''

Women are systematically raped on a massive scale. These are crimes against humanity. The overall situation constitutes genocide.

Despite promises to rein in the militia, the violence continues to escalate. Over the weekend, U.N. humanitarian agencies reported that local authorities and militia continued to loot convoys and gang rape women.

The United Nations Convention on the Prevention and Punishment on the Crime of Genocide describes genocide as acts committed with the intent to destroy, in whole or in part, national, ethnic, racial or religious groups. Specifically cited is:

Number one. Killing members of the group.

Thousands of black Africans have been killed. There are reports of mass graves.

Number two. Causing serious bodily or mental harm to members of the group.

One woman told us that the Janjaweed told her that she was being raped to create ''lighter-skinned babies.''

Number three. Deliberately inflicting on the group conditions of life calculated to bring about physical destruction in whole or in part.

It is clear that the eradication of the Darfurian African population will occur if people do not return to their homes.

Number four. Forcefully transferring children of the group to another group.

There are constant stories of the abduction of children.

No matter what we call it, Mr. Speaker, genocide, ethnic cleansing, crimes against humanity, people are dying on a massive scale, and that is not acceptable. What matters now is action.

The international community has a moral and a legal obligation to stop what is occurring, and those responsible must be brought to justice. The United Nations Security Council needs to take immediate action to end this crisis.

In closing, Mr. Speaker, a large peacekeeping force made up of troops in the African union is now needed to allow the Darfurians to return to their homes and to verify that the government of Sudan is disarming the rebels. We must remember that the government of Sudan armed the rebels. We need independent monitors to ensure that they are disarmed. We need monitors and forensic experts on the ground to preserve the evidence for a future war crimes trial.

Mr. Speaker, in closing, two points: Every day that we delay and hesitate, more people die. The United States must speak out loudly. We must not shy from calling it what it is: Genocide.

THE G–8 NATIONS MUST END HUNGER AND SUPPORT EDUCATION FOR ALL

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, on June 7, I had the pleasure of participating in a press conference in Savannah, Georgia, to call upon the leaders

of the G–8 nations to get serious and to work to end child hunger and support education for all.

The press conference was organized by NetAid and supported by the Basic Education Coalition. David Morrison, the President of NetAid, and Eveline Herfkens, the executive coordinator of the U.N. Secretary general's Millennium Project, joined me at the podium. I was especially impressed by the efforts of the children of Savannah, who, with the support of NetAid, have launched a campaign to raise awareness and funds so that children around the world can have a chance to go to school.

Mr. Speaker, I have always believed that central to the American Dream has been the desire by parents to make sure that their children receive a better education and get a chance at having a better life than they did. This was true when our country was founded, and it is still true today. So it is fitting that the United States should lead the world in achieving universal basic education for the world's children.

Around the time of World War II, the United States discovered another important key to good education: Food. Many of the soldiers volunteering for the military, who we now refer to as the greatest generation, had problems associated with poor nutrition or hunger. Ultimately, this discovery led to the U.S. establishing a full-fledged universal school lunch program, and today many of our schools also offer breakfast to those in need.

The combination of global basic education and school feeding programs contributes not only to achieving the Millennium Development Goal of universal primary education by the year 2015, but also to the Goal to cut hunger in half. But it is not going to happen unless donor nations make a significantly greater commitment of funds and resources.

Right now, wealthy nations commit an estimated $1.4 billion to basic education. For fiscal year 2004, Congress appropriated $326.5 million in foreign aid for basic education and another $37 million provided through the Department of Labor to combat child labor. Sadly, only $125 million was made available for global school feeding programs through all USAID and Department of Agriculture programs combined.

At this rate, the world will not be able to achieve universal primary education for another 150 years, or end child hunger for another century. So what should we do?

The G–8 leaders need to do much more than issue glowing statements in support of universal education. Photo-ops and juggling the books will not build schools or put more teachers and materials in the classroom or provide meals to students too hungry to learn. Only new money, new resources, and, most important, the political will to turn promises into reality can do that.

Developing countries need an additional $5.6 billion to ensure that every child can go to primary school. For the U.S. to exercise genuine leadership, President Bush should make a firm commitment that the United States will provide at least $1 billion by fiscal year 2006 for basic education, and a minimum of $300 million for U.S. funded international school feeding programs. The other G–8 nations should make similar commitments and fulfill them.

I am pleased to note that the fiscal year 2005 foreign aid bill that we passed last week includes $400 million for basic education programs, and today we will vote on a resolution in support of global school feeding programs.

Our world will not achieve economic prosperity or social and political stability as long as children cannot go to school and continue to die from hunger. And we can only win the war against intolerance and terrorism when the children of the world are no longer hungry and illiterate, and their parents, families, and communities have hope for a better future.

On Sea Island, Georgia, the leaders of the world issued another set of glowing proclamations about how to create the better future. We now must wait and see if they have the political will to put their money on the table and make it happen.

A GREAT NATIONAL DEBATE AND OPEN GLOBAL DIALOGUE WILL WIN WAR ON TERRORISM

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Washington (Mr. MCDERMOTT) is recognized during morning hour debates for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, we know the President landed on the deck of an aircraft carrier and declared ''mission accomplished'' in Iraq. We know there have been more casualties in Iraq after the President's declaration than before. We know that Iraq was a wrong war at the wrong time in the wrong place. We know the justifications offered by the administration for war were either outright wrong or grossly misrepresented. We know that the work of the United Nations' weapons inspectors was finding the truth. We know Iraq did not pose a clear and present danger or an imminent threat to the United States. We know the President has led us into a blind, box canyon. We know we have diverted U.S. resources and international attention away from the hunt for the real terrorist. We need to remember that the war goes on. The U.S. casualties mount.

When the administration pulled out of Iraq, it left 160,000 U.S. soldiers in Iraq in harm's way. Not a day goes by without more U.S. soldiers being killed or injured in combat. Is the world safer or more dangerous? Did we succeed in Iraq because the administration pulled out on time, or did we fail in Iraq by going there in the first place?

A new book, published by a 20-year national security veteran, bluntly concludes that Iraq was ''a bloody and unsuccessful tool.'' Worse yet, the book is another voice saying that the war in Iraq will nurture more terrorism around the world. The book, entitled Imperial Hubris, ought to be required reading by every American, regardless of political party. Whether one agrees or disagrees with the author, you reach one inescapable conclusion: It is time for America to seriously debate and define a national terrorism policy.

Today, America has the so-called PATRIOT Act, passed in the middle of the night, that endangers the very freedoms the President claims to be defending. Today, we have a useless, so-called terror alert system fixed in permanent threat mode, as if scaring Americans on a daily basis somehow comforts them. Today, resolutions are rushed through the Congress, as if a rush to judgment will somehow make us safer. Today, we have a constant stream of terror rhetoric from the administration that speaks in broad generalities.

Some way, someday, somehow, someplace, something bad is going to happen. We will not be surprised. What we need to know as a Nation is, what are we going to do about it? Osama bin Laden may be the face of the terror, but the arms, the legs, and the rest of the body is much more than one person, and the issues involved are much deeper than the daily dose of rhetoric out of the White House.

America must face the choice before us; that we can confront the roots of terrorism by listening to everyone involved, by looking at all sides of the story, and acting from one of America's founding principles: Equal justice for all.

The Middle East is a place that wobbles on the brink of madness. A war without borders is a war carried on by people from place to place. A war without borders is a war against an invisible enemy standing in plain sight. We can confront the roots of terrorism by debating their cause, our role, and the worlds's future.

The alternative is to accept a world where we imagine that bullets and bombs can win a war without soldiers, where guns will prevail on a battlefield no one can walk on because we are standing on it, and where U.S. casualties risk going unnoticed by the Nation because the media has moved on, even as the blood of our beloved ones continue to flow.

Today, 160,000 soldiers are fighting and dying in Iraq. There is no end in sight, there is no homecoming anywhere soon. The bombs and the bullets and the madness are limitless, unless we choose to stop them. We best honor those who have fallen by resolving to face the consequences of war and by confronting the origins of terror. Words alone will not end the war on

terrorism, but words are the only way to stop.

The war on terrorism can be won: First, with a great national debate, followed by an honest and global dialogue with all the parties involved. Every day we delay is another day of bloodshed, another soldier dies, another casket comes home, another family buries their loved one, and it is another day further away from real peace and real judgment for all.

Mr. Speaker, the President has 106 days to begin this debate. If he fails, we will have a new president.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 56 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

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

Lord God, You are the Daystar of a new day.

From the darkness of night and phantom dreams, You awaken us to the brightness of reality.

As from a mother's womb, You bring us forth to smile and delight or frown and cry over another passing day.

By the tasks You set before us, You strengthen our whole being and bring us to accomplishment. You lighten our burden and brighten our face by knowing love and friendship.

Help Congress and all in this Nation to awaken and respond as Your people now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. HAYWORTH led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

> H.R. 1303. An act to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.
>
> H.R. 4759. An act to implement the United States-Australia Free Trade Agreement.

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

> H.R. 4520. An act to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4520) ''An Act to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. HATCH, Mr. NICKLES, Mr. LOTT, Ms. SNOWE, Mr. KYL, Mr. THOMAS, Mr. SANTORUM, Mr. SMITH, Mr. BUNNING, Mr. MCCONNELL, Mr. GREGG, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BREAUX, Mr. CONRAD, Mr. GRAHAM of Florida, Mr. JEFFORDS, Mr. BINGAMAN, Mrs. LINCOLN, Mr. KENNEDY, and Mr. HARKIN to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

> S. 2261. An act to expand certain preferential trade treatment for Haiti.
>
> S. 2479. An act to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

The message also announced that pursuant to Public Law 70–770, the Chair, on behalf of the Vice President, appoints the Senator from Arkansas (Mrs. LINCOLN) to the Migratory Bird Conservation Commission, vice the Senator from Louisiana (Mr. BREAUX).

REPORT ON H.R. 4850, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–610) on the bill (H.R. 4850) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

KEEP AMERICANS INFORMED ON HOMELAND SECURITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we enter this week and begin a very legislatively-intense week, members of the Select Committee on Homeland Security will be meeting this afternoon to begin to legislate and implement the reauthorization of the homeland security efforts.

I call today for a unified effort. I call today for telling the American people the truth and being able to explain to them the substance of chatter and the importance of unifying around a single theme of securing the homeland.

It is important to note as we leave this body at the end of the week, going to our respective home sites but also to our respective conventions, selecting nominees for the Presidency of the United States, it is important for local communities to be informed aptly. We must explain more extensively the color system, use what is right, pronounce when it is important to pronounce, and not utilize any of this for political purposes.

The debate this afternoon in our Select Committee on Homeland Security should be vigorous, special interest should have no place. The only place that should be in this mark-up should be the place of the American people, to ensure their safety. For many do believe that we are not as safe as we were 4 years ago, and we need to work in a unified policy to ensure that happens.

Internationally and domestically, securing the homeland is balanced between our freedom and our rights, as well as our ability to secure our local communities. I constantly believe that we should engage the American people in the security of our homeland.

WHATEVER IT TAKES TO DEFEND THE NATION

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

Mr. HAYWORTH. Mr. Speaker, I welcome many of the comments from my colleague from Texas. Homeland security and our national security, indeed, the survival and the continued success of the American people is what is at stake as we find ourselves engaged in this new type of warfare, this war on terror.

I believe it is important, despite this time of year and the pending political season, to understand that it is important not to politicize but at the same time to point out genuine differences of opinion that may exist because, after all, that is the purpose of the House of Representatives.

But, Mr. Speaker, to those who might misinterpret abroad, to those who perhaps fail to understand our tradition of vigorous debate and honest disagreement, Mr. Speaker, at this time in this place in the well of the people's House, let us reaffirm as a Nation our resolve to do, in the words of my constituents from the Fifth Congressional District of Arizona, ''whatever it takes'' to protect our homeland and to ensure that the American Nation not only survives but thrives.

Good people can disagree; but on this point there should be no disagreement.

There are those who are tempted to strike the homeland; severe consequences will follow those actions.

THE RIGHT PRESCRIPTION

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

Mr. McDERMOTT. Mr. Speaker, I am a doctor and I have seen some prescriptions in my time that were the wrong medicine for the right illness. I am here to tell you that is exactly what the Republicans did with their prescription drug bill. The big drug companies got the overwhelming benefit, and the seniors get the underwhelming Republican rhetoric.

Well, there is a doctor in the House and Democrats are doing something about a Republican drug bill that needs steroids to help seniors and the disabled. Democrats are circulating what is called a ''discharge petition.''

I urge every citizen, Mr. Speaker, to write, call, cajole, pester, or otherwise demand that your elected representatives go on it.

This petition would require, require, the Federal Government to use its substantial clout and purchasing power to negotiate real discounts for seniors and disabled on prescription drugs. This is the right medicine for the right illness.

I am a doctor, and I do not play one on TV. Sign the petition. Give the seniors something they deserve: real benefits.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

ALLOWING BINDING ARBITRATION CLAUSES TO BE INCLUDED IN CONTRACTS AFFECTING LAND WITHIN SALT RIVER PIMA-MARICOPA INDIAN RESERVATION

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4115) to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

The Clerk read as follows:

H.R. 4115

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

SECTION 1. BINDING ARBITRATION FOR SALT RIVER PIMA-MARICOPA INDIAN RESERVATION CONTRACTS.

(a) IN GENERAL.—Section 2(c) of the Act of November 2, 1966 (25 U.S.C. 416a(c)), is amended—

(1) in the first sentence—

(A) by striking ''Any lease'' and all that follows through ''affecting land'' and inserting ''Any contract, including a lease, affecting land''; and

(B) by striking ''such lease or contract'' and inserting ''such contract''; and

(2) in the second sentence, by striking ''Such leases or contracts entered into pursuant to such Acts'' and inserting ''Such contracts''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the Indian Tribal Economic Development and Contract Encouragement Act of 2000 (Public Law 106–179).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4115.

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

There was no objection.

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

Mr. Speaker, H.R. 4115 is a bill I have sponsored along with my friend and colleague, the gentleman from the State of Arizona (Mr. FLAKE), to resolve a problem affecting an Indian tribe in my district.

It is basically a technical correction to a provision in existing law pertaining to leases and contracts on the Salt River Pima-Maricopa Reservation which is located in the Phoenix metropolitan area.

The Committee on Resources ordered the bill reported by unanimous consent on May 19, 2004.

The need for this bill originates in the Act of November 2, 1966, and in subsequent amendments to related leasing laws affecting Indian lands. The Act of November 2, 1966, authorizes the Salt River Pima-Maricopa Indian community to put binding arbitration clauses into leases and contracts for business development on its reservation.

Without such binding arbitration clauses, many investors would not be interested in doing business with the tribe because there would be no means of enforcing contracts. Unfortunately, an amendment to a related provision of law has made it unclear whether the tribe may put the binding arbitration clauses into all of its contracts and leases. This bill clarifies that the tribe may include binding arbitration clauses in all contracts for business developments on its reservation.

There are sometimes concerns expressed over passing bills that affect tribal land rights without securing the consent of the affected tribe. In this case, H.R. 4115 was specifically requested by the Salt River Pima-Maricopa Indian community which has informed me and my colleagues who join me on the Committee on Resources that it stands to lose major economic development opportunities on its reservation unless this bill is enacted. According to the tribe's attorneys, the language of the bill will solve the tribe's problem.

The Salt River Pima-Maricopa Indian community should be applauded for its aggressive pursuits of economic development and diversification. It is taking advantage of its location in a major metropolitan area to attract investors and create jobs and prosperity for the tribe, its members, and also for the surrounding communities.

Enacting H.R. 4115 enables the tribe to execute leasing contracts that will benefit the tribe and its members far into the future.

Mr. Speaker, this legislation may seem like just a minor fix to a technical leasing issue, but in fact there is much at stake for the tribe's economic future in the passage of the bill. I urge adoption of the bill.

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

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

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

Ms. BORDALLO. Mr. Speaker, H.R. 4115 would allow binding arbitration clauses to be included in all contracts that affect the lands within the Salt River Pima-Maricopa Indian Reservation.

The idea behind this legislation is to provide a comfort level to those wanting to enter into business agreements with this particular tribe. Should a conflict arise in any business contract, this legislation would allow both the tribe and the business partner to avoid the normal channel of the tribal court system.

Mr. Speaker, I support adoption of H.R. 4115 by the House today.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr.

HAYWORTH) that the House suspend the rules and pass the bill, H.R. 4115.

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

A motion to reconsider was laid on the table.

□ 1415

EXTENDING AUTHORIZATION FOR CERTAIN NATIONAL HERITAGE AREAS

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4492) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4492

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

TITLE I—EXTENSIONS

SECTION 101. AUTHORIZATION AND APPROPRIATION EXTENSIONS.

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended—

(1) in each of sections 107, 208, 408, 507, 811, and 910, by striking ''September 30, 2012'' and inserting ''September 30, 2027'';

(2) in each of sections 108(a), 209(a), 409(a), 508(a), 812(a), and 909(c), by striking ''$10,000,000'' and inserting ''$20,000,000''; and

(3) in title VIII, by striking ''Canal National Heritage Corridor'' each place it appears in the section headings and text and inserting ''National Heritage Canalway''.

TITLE II—NATIONAL AVIATION HERITAGE AREA

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Aviation Heritage Area Act''.

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Few technological advances have transformed the world or our Nation's economy, society, culture, and national character as the development of powered flight.

(2) The industrial, cultural, and natural heritage legacies of the aviation and aerospace industry in the State of Ohio are nationally significant.

(3) Dayton, Ohio, and other defined areas where the development of the airplane and aerospace technology established our Nation's leadership in both civil and military aeronautics and astronautics set the foundation for the 20th Century to be an American Century.

(4) Wright-Patterson Air Force Base in Dayton, Ohio, is the birthplace, the home, and an integral part of the future of aerospace.

(5) The economic strength of our Nation is connected integrally to the vitality of the aviation and aerospace industry, which is responsible for an estimated 11,200,000 American jobs.

(6) The industrial and cultural heritage of the aviation and aerospace industry in the State of Ohio includes the social history and living cultural traditions of several generations.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Ohio to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Aviation Heritage Foundation, Incorporated, the State of Ohio, and other local and governmental entities to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans, while providing opportunities for education and revitalization.

(8) Since the enactment of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), partnerships among the Federal, State, and local governments and the private sector have greatly assisted the development and preservation of the historic aviation resources in the Miami Valley.

(9) An aviation heritage area centered in Southwest Ohio is a suitable and feasible management option to increase collaboration, promote heritage tourism, and build on the established partnerships among Ohio's historic aviation resources and related sites.

(10) A critical level of collaboration among the historic aviation resources in Southwest Ohio cannot be achieved without a congressionally established national heritage area and the support of the National Park Service and other Federal agencies which own significant historic aviation-related sites in Ohio.

(11) The Aviation Heritage Foundation, Incorporated, would be an appropriate management entity to oversee the development of the National Aviation Heritage Area.

(12) Five National Park Service and Dayton Aviation Heritage Commission studies and planning documents: ''Study of Alternatives: Dayton's Aviation Heritage'', ''Dayton Aviation Heritage National Historical Park Suitability/Feasibility Study'', ''Dayton Aviation Heritage General Management Plan'', ''Dayton Historic Resources Preservation and Development Plan'', and Heritage Area Concept Study, demonstrated that sufficient historical resources exist to establish the National Aviation Heritage Area.

(13) With the advent of the 100th anniversary of the first powered flight in 2003, it is recognized that the preservation of properties nationally significant in the history of aviation is an important goal for the future education of Americans.

(14) Local governments, the State of Ohio, and private sector interests have embraced the heritage area concept and desire to enter into a partnership with the Federal government to preserve, protect, and develop the Heritage Area for public benefit.

(15) The National Aviation Heritage Area would complement and enhance the aviation-related resources within the National Park Service, especially the Dayton Aviation Heritage National Historical Park, Ohio.

(b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—

(1) encourage and facilitate collaboration among the facilities, sites, organizations, governmental entities, and educational institutions within the Heritage Area to promote heritage tourism and to develop educational and cultural programs for the public;

(2) preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, structures, facilities, and sites within the National Aviation Heritage Area;

(3) encourage within the National Aviation Heritage Area a broad range of economic opportunities enhancing the quality of life for present and future generations;

(4) provide a management framework to assist the State of Ohio, its political subdivisions, other areas, and private organizations, or combinations thereof, in preparing and implementing an integrated Management Plan to conserve their aviation heritage and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the Heritage Area; and

(5) authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and private organizations, or combinations thereof, in preparing and implementing the private Management Plan.

SEC. 203. DEFINITIONS.

For purposes of this title:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Foundation.

(2) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means funds appropriated by Congress and made available to the management entity for the purpose of preparing and implementing the Management Plan.

(3) HERITAGE AREA.—The term ''Heritage Area'' means the National Aviation Heritage Area established by section 104 to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

(4) MANAGEMENT PLAN.—The term ''Management Plan'' means the management plan for the Heritage Area developed under section 106.

(5) MANAGEMENT ENTITY.—The term ''management entity'' means the Aviation Heritage Foundation, Incorporated (a nonprofit corporation established under the laws of the State of Ohio).

(6) PARTNER.—The term ''partner'' means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

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

(8) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

SEC. 204. NATIONAL AVIATION HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the States of Ohio and Indiana, the National Aviation Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall include the following:

(1) A core area consisting of resources in Montgomery, Greene, Warren, Miami, Clark, Champaign, Shelby, and Auglaize Counties in Ohio.

(2) Space Museum, Wapakoneta, Ohio.

(3) Sites, buildings, and districts within the core area recommended by the Management Plan.

(c) MAP.—A map of the Heritage Area shall be included in the Management Plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Aviation Heritage Foundation.

SEC. 205. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—For purposes of implementing the Management Plan, the management entity may use Federal funds made available through this title to—

(1) make grants to, and enter into cooperative agreements with, the State of Ohio and political subdivisions of that State, private organizations, or any person;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The management entity shall—

(1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section 106;

(2) give priority to implementing actions set forth in the Management Plan, including taking steps to assist units of government and nonprofit organizations in preserving resources within the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area in developing and implementing the Management Plan;

(4) maintain a collaboration among the partners to promote heritage tourism and to assist partners to develop educational and cultural programs for the public;

(5) encourage economic viability in the Heritage Area consistent with the goals of the Management Plan;

(6) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(7) conduct public meetings at least quarterly regarding the implementation of the Management Plan;

(8) submit substantial amendments to the Management Plan to the Secretary for the approval of the Secretary; and

(9) for any year in which Federal funds have been received under this title—

(A) submit an annual report to the Secretary that sets forth the accomplishments of the management entity and its expenses and income;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds from other sources for authorized purposes.

SEC. 206. MANAGEMENT PLAN.

(a) PREPARATION OF PLAN.—Not later than 3 years after the date of the enactment of this title, the management entity shall submit to the Secretary for approval a proposed Management Plan that shall take into consideration State and local plans and involve residents, public agencies, and private organizations in the Heritage Area.

(b) CONTENTS.—The Management Plan shall incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area and shall include the following:

(1) An inventory of the resources contained in the core area of the Heritage Area, including the Dayton Aviation Heritage Historical Park, the sites, buildings, and districts listed in section 202 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), and any other property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, or maintained because of its significance.

(2) An assessment of cultural landscapes within the Heritage Area.

(3) Provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with the purposes of this title.

(4) An interpretation plan for the Heritage Area.

(5) A program for implementation of the Management Plan by the management entity, including the following:

(A) Facilitating ongoing collaboration among the partners to promote heritage tourism and to develop educational and cultural programs for the public.

(B) Assisting partners planning for restoration and construction.

(C) Specific commitments of the partners for the first 5 years of operation.

(6) The identification of sources of funding for implementing the plan.

(7) A description and evaluation of the management entity, including its membership and organizational structure.

(c) DISQUALIFICATION FROM FUNDING.—If a proposed Management Plan is not submitted to the Secretary within 3 years of the date of the enactment of this title, the management entity shall be ineligible to receive additional funding under this title until the date on which the Secretary receives the proposed Management Plan.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary, in consultation with the State of Ohio, shall approve or disapprove the proposed Management Plan submitted under this title not later than 90 days after receiving such proposed Management Plan.

(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed Management Plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed Management Plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the Management Plan. Funds appropriated under this title may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

SEC. 207. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the management entity, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title;

(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(4) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 208. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE AND THE ADMINISTRATOR OF NASA.

The decisions concerning the execution of this title as it applies to properties under the control of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall be made by such Secretary or such Administrator, in consultation with the Secretary of the Interior.

SEC. 209. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 210. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

(b) FIFTY PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.

SEC. 212. SUNSET PROVISION.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date that funds are first made available for this title.

SEC. 213. STUDY REGARDING INCORPORATION OF WRIGHT COMPANY FACTORY AS A UNIT OF DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK.

(a) STUDY REQUIRED.—The Secretary shall conduct a special resource study updating the study required under section 104 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419) and detailing alternatives for incorporating the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park, including detailing management and development options and costs for each alternative.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult with the Delphi Corporation, the Aviation Heritage Foundation, State and local agencies, and other interested parties in the area.

(c) REPORT.—Not later than three years after funds are first made available for this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study conducted under this section.

TITLE III—NATIONAL COAL HERITAGE AREA

SEC. 301. NATIONAL COAL HERITAGE AREA.

(a) NATIONAL COAL HERITAGE AREA AUTHORITY; BOUNDARY REVISION.—Title I of division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103(b), by inserting ''(1)'' before ''the counties'' and by inserting the following before the period: ''; (2) Lincoln County, West Virginia; and (3) Paint Creek and Cabin Creek in Kanawha County, West Virginia''.

(2) In section 104, by striking ''Governor'' and all that follows through ''organizations'' in the matter preceding paragraph (1) and inserting ''National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority''.

(3) In section 105—

(A) by striking ''paragraph (2) of''; and

(B) by adding at the end the following new sentence: ''Resources within Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawha County, West Virginia, shall also be eligible for assistance as determined by the National Coal Heritage Area Authority.''.

(4) In section 106(a)—

(A) by striking ''Governor'' and all that follows through ''and Parks'' and inserting ''National Coal Heritage Area Authority''; and

(B) in paragraph (3), by striking ''State of West Virginia'' and all that follows through ''entities'' and inserting ''National Coal Heritage Area Authority''.

(b) AGREEMENT CONTINUING IN EFFECT.—The contractual agreement entered into by the Secretary of the Interior and the Governor of West Virginia prior to the date of the enactment of this Act pursuant to section 104 of title I of division II of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 461 note) shall be deemed as continuing in effect, except that such agreement shall be between the Secretary and the National Coal Heritage Area Authority.

TITLE IV—COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY

SEC. 401. REAUTHORIZATION OF APPROPRIATIONS FOR COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY.

(a) REAUTHORIZATION.—Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking ''$4,000,000'' and all that follows and inserting ''such sums as may be necessary.''; and

(2) in subsection (c), by striking ''10'' and inserting ''12''.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary of the Interior shall, by not later than 2 years after the date of the enactment of this Act, prepare a strategic plan for the New Jersey Coastal Heritage Trail Route.

(2) CONTENTS.—The strategic plan shall describe—

(A) opportunities to increase participation by national and local private and public interests in planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

TITLE V—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR

SEC. 501. SHORT TITLE.

This title may be cited as the ''Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2004''.

SEC. 502. TRANSITION AND PROVISIONS FOR NEW MANAGEMENT ENTITY.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103—

(A) in paragraph (8), by striking ''and'';

(B) in paragraph (9), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(10) the term 'Association' means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).''.

(2) By adding at the end of section 112 the following new paragraph:

''(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the management entity to the Association and coordination with the Association regarding that role.''.

(3) By adding at the end the following new sections:

''SEC. 119. ASSOCIATION AS MANAGEMENT ENTITY.

''Upon the termination of the Commission, the management entity for the corridor shall be the Association.

''SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.

''For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

''(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

''(2) to hire, train, and compensate staff; and

''(3) to enter into contracts for goods and services.

''SEC. 121. DUTIES OF THE ASSOCIATION.

''The Association shall—

''(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

''(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

''(A) in preserving the corridor;

''(B) in establishing and maintaining interpretive exhibits in the corridor;

''(C) in developing recreational resources in the corridor;

''(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

''(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

''(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

''(4) consider the interests of diverse governmental, business, and other groups within the corridor;

''(5) conduct public meetings at least quarterly regarding the implementation of the management plan;

''(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary;

''(7) for any year in which Federal funds have been received under this title—

''(A) submit an annual report to the Secretary setting forth the Association's accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;

''(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

''(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

''SEC. 122. USE OF FEDERAL FUNDS.

''(1) IN GENERAL.—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

''(2) OTHER SOURCES.—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

''SEC. 123. MANAGEMENT PLAN.

''(a) PREPARATION OF MANAGEMENT PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the Secretary for approval a proposed management plan that shall—

''(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

''(2) present comprehensive recommendations for the corridor's conservation, funding, management, and development;

''(3) include actions proposed to be undertaken by units of government and nongovernmental and private organizations to protect the resources of the corridor;

''(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

''(5) include the following:

''(A) Identification of the geographic boundaries of the corridor.

''(B) A brief description and map of the corridor's overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages.

''(C) Identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks.

''(D) A listing of the key resources and themes of the corridor.

''(E) Identification of parties proposed to be responsible for carrying out the tasks.

''(F) A financial plan and other information on costs and sources of funds.

''(G) A description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan.

''(H) A mechanism and schedule for updating the plan based on actual progress.

''(I) A bibliography of documents used to develop the management plan.

''(J) A discussion of any other relevant issues relating to the management plan.

''(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

''(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

''(d) EFFECT OF APPROVAL.—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

''(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

''(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

''SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

''(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

''(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

''(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

''(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

''(1) consult with the Secretary and the Association with respect to such activities;

''(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

''(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

''(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

''SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

''(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

''SEC. 126. SUNSET.

''The authority of the Secretary to provide assistance under this title terminates on September 30, 2027.''.

SEC. 503. PRIVATE PROPERTY PROTECTION.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 502 of this title) the following new sections:

''SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

''(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

''(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

''SEC. 128. PRIVATE PROPERTY PROTECTION.

''(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

''(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

''(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

''(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

''(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

''(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

''(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.''.

SEC. 504. TECHNICAL AMENDMENTS.

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking ''(a)'' and all that follows through ''For each'' and inserting ''(a) For each'';

(B) by striking ''Commission'' and inserting ''Association'';

(C) by striking ''Commission's'' and inserting ''Association's'';

(D) by redesignating paragraph (2) as subsection (b); and

(E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE VI—OIL REGION NATIONAL HERITAGE AREA

SEC. 601. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ''Oil Region National Heritage Area Act''.

(b) DEFINITIONS.—For the purposes of this title, the following definitions shall apply:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Oil Region National Heritage Area established in section 603(a).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the Oil Heritage Region, Inc., or its successor entity.

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

SEC. 602. FINDINGS AND PURPOSE.

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

(1) The Oil Region of Northwestern Pennsylvania, with numerous sites and districts listed on the National Register of Historic Places, and designated by the Governor of Pennsylvania as one of the State Heritage Park Areas, is a region with tremendous physical and natural resources and possesses a story of State, national, and international significance.

(2) The single event of Colonel Edwin Drake's drilling of the world's first successful oil well in 1859 has affected the industrial, natural, social, and political structures of the modern world.

(3) Six national historic districts are located within the State Heritage Park boundary, in Emlenton, Franklin, Oil City, and Titusville, as well as 17 separate National Register sites.

(4) The Allegheny River, which was designated as a component of the national wild and scenic rivers system in 1992 by Public Law 102–271, traverses the Oil Region and connects several of its major sites, as do some of the river's tributaries such as Oil Creek, French Creek, and Sandy Creek.

(5) The unspoiled rural character of the Oil Region provides many natural and recreational resources, scenic vistas, and excellent water quality for people throughout the United States to enjoy.

(6) Remnants of the oil industry, visible on the landscape to this day, provide a direct link to the past for visitors, as do the historic valley settlements, riverbed settlements, plateau developments, farmlands, and industrial landscapes.

(7) The Oil Region also represents a cross section of American history associated with Native Americans, frontier settlements, the French and Indian War, African Americans and the Underground Railroad, and immigration of Swedish and Polish individuals, among others.

(8) Involvement by the Federal Government shall serve to enhance the efforts of the Commonwealth of Pennsylvania, local subdivisions of the Commonwealth of Pennsylvania, volunteer organizations, and private businesses, to promote the cultural, national, and recreational resources of the region in order to fulfill their full potential.

(b) PURPOSE.—The purpose of this title is to enhance a cooperative management framework to assist the Commonwealth of Pennsylvania, its units of local government, and area citizens in conserving, enhancing, and interpreting the significant features of the lands, water, and structures of the Oil Region, in a manner consistent with compatible economic development for the benefit and inspiration of present and future generations in the Commonwealth of Pennsylvania and the United States.

SEC. 603. OIL REGION NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Oil Region National Heritage Area.

(b) BOUNDARIES.—The boundaries of the Heritage Area shall include all of those lands depicted on a map entitled ''Oil Region National Heritage Area'', numbered OIRE/20,000 and dated October, 2000. The map shall be on file in the appropriate offices of the National Park Service. The Secretary of the Interior shall publish in the Federal Register, as soon as practical after the date of the enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Oil Heritage Region, Inc., the locally based private, nonprofit management corporation which shall oversee the development of a management plan in accordance with section 605(b).

SEC. 604. COMPACT.

To carry out the purposes of this title, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the Secretary and management entity.

SEC. 605. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—The management entity may use funds made available under this title for purposes of preparing, updating, and implementing the management plan developed under subsection (b). Such purposes may include—

(1) making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, or any other person;

(2) hiring and compensating staff; and

(3) undertaking initiatives that advance the purposes of the Heritage Area.

(b) MANAGEMENT PLAN.—The management entity shall develop a management plan for the Heritage Area that—

(1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;

(3) includes a description of actions that units of government and private organizations have agreed to take to protect the resources of the Heritage Area;

(4) specifies the existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(5) includes an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(6) describes a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments for that implementation that have been made by the management entity and any other persons for the first 5 years of implementation;

(7) lists any revisions to the boundaries of the Heritage Area proposed by the management entity and requested by the affected local government; and

(8) includes an interpretation plan for the Heritage Area.

(c) DEADLINE; TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary within 2 years after the funds are made available for this title.

(2) TERMINATION OF FUNDING.—If a management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal assistance under this title.

(d) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan;

(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this title;

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan;

(4) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area; and

(5) for any year in which Federal funds have been provided to implement the management plan under subsection (b)—

(A) conduct public meetings at least annually regarding the implementation of the management plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(e) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property.

SEC. 606. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—

(A) OVERALL ASSISTANCE.—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its duties under this title, including updating and implementing a management plan that is submitted under section 605(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives.

(B) OTHER ASSISTANCE.—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its duties under this title (including updating and implementing a management plan that is submitted under section 605(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives), upon the request of the management entity the Secretary shall provide such assistance on a reimbursable basis. This subparagraph does not preclude the Secretary from providing nonreimbursable assistance under subparagraph (A).

(2) PRIORITY.—In assisting the management entity, the Secretary shall give priority to actions that assist in the—

(A) implementation of the management plan;

(B) provision of educational assistance and advice regarding land and water management techniques to conserve the significant natural resources of the region;

(C) development and application of techniques promoting the preservation of cultural and historic properties;

(D) preservation, restoration, and reuse of publicly and privately owned historic buildings;

(E) design and fabrication of a wide range of interpretive materials based on the management plan, including guide brochures, visitor displays, audio-visual and interactive exhibits, and educational curriculum materials for public education; and

(F) implementation of initiatives prior to approval of the management plan.

(3) DOCUMENTATION OF STRUCTURES.—The Secretary, acting through the Historic American Building Survey and the Historic American Engineering Record, shall conduct studies necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a management plan submitted under this title not later than 90 days after receiving such plan. In approving the plan, the Secretary shall take into consideration the following criteria:

(1) The extent to which the management plan adequately preserves and protects the natural, cultural, and historical resources of the Heritage Area.

(2) The level of public participation in the development of the management plan.

(3) The extent to which the board of directors of the management entity is representative of the local government and a wide range of interested organizations and citizens.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The

Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) APPROVING CHANGES.—The Secretary shall review and approve amendments to the management plan under section 605(b) that make substantial changes. Funds appropriated under this title may not be expended to implement such changes until the Secretary approves the amendments.

(e) EFFECT OF INACTION.—If the Secretary does not approve or disapprove a management plan, revision, or change within 90 days after it is submitted to the Secretary, then such management plan, revision, or change shall be deemed to have been approved by the Secretary.

SEC. 607. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

SEC. 608. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after the expiration of the 15-year period beginning on the date that funds are first made available for this title.

SEC. 609. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 610. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 611. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this title shall preclude the management entity from using Federal funds available under Acts other than this title for the purposes for which those funds were authorized.

SEC. 612. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) not more than $1,000,000 for any fiscal year; and

(2) not more than a total of $10,000,000.

(b) 50 PERCENT MATCH.—Financial assistance provided under this title may not be used to pay more than 50 percent of the total cost of any activity carried out with that assistance.

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4492, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 4492, introduced by the gentleman from Ohio (Mr. REGULA), would amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain National Heritage Areas, and for other purposes.

The bill was subsequently amended by the Committee on Resources where five additional titles were added. As amended, Title I would extend the existing authorities of six established National Heritage Areas. Titles II and VI would establish the National Aviation Heritage Area in Ohio and the Oil Region National Heritage Area in northwestern Pennsylvania, respectively. Titles III, IV, and V would make technical changes to two existing National Heritage Areas and one Heritage Trail Route.

The existing Heritage Areas seek to transition their management authority to a nonprofit organization, which is in line with more recent Heritage Area management, and the Trail Route seeks to produce an economic feasibility plan in an effort to move away from Federal appropriations.

Mr. Speaker, H.R. 4492 is supported by the majority and minority of the committee.

I urge adoption of this legislation.

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

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

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

Ms. BORDALLO. Mr. Speaker, National Heritage Areas protect and interpret some of the best stories and places in American history. Heritage Areas have been enormously popular and successful partnerships between the local communities and the National Park Service.

This legislation makes important technical changes to several existing Heritage Areas and establishes several new ones.

We urge our colleagues to support this measure.

Mr. WELLER. Mr. Speaker, I rise today to express my support for H.R. 4492. Among its provisions, H.R. 4492 reauthorizes the Illinois and Michigan (I&M) Canal National Heritage Corridor to receive appropriations and transfers management entity status from the federal, I&M Commission to the non-profit Canal Corridor Association. I would like to commend Chairman POMBO and the House Committee on Resources for their hard work on this important piece of legislation.

The I&M Canal changed the nation in 1848 when it opened the first shipping route between New York and New Orleans, designating Chicago as the nation's greatest inland port. While the canal eventually fell into disuse due to new transportation methods and routes, in 1982, business and industry leaders founded the Canal Corridor Association to help revitalize the I&M Canal region, and in doing so, created a national model for regional partnership, conservation and renewal. I am proud to say that the I&M Canal National Heritage Corridor was America's charter National Heritage area, being created by an act of Congress in 1984. For 20 years, the federal I&M Commission has worked to carry out the mission of the I&M Canal National Heritage Corridor. Its efforts have been particularly successful during the past five years that Phyllis Ellin has provided strong leadership as the Executive Director of the Commission.

Since 1984, the I&M Canal National Heritage Corridor has increasingly become an engine of economic growth in communities up and down the length of the Corridor; primarily through an increase in tourism but also in the use of the Corridor for recreational purposes. After consulting with local officials and those most interested and involved in the I&M Canal, it seems that the private sector approach offers more advantages to handle the increased work load brought on by the recent success of the canal and interest in heritage tourism.

As a result, H.R. 4492 designated the Canal Corridor Association (CCA) as the new management entity of the I&M Canal National Heritage Corridor. The CCA seeks to enhance economic vitality by raising awareness of and expanding the parks, trails, landscapes, and historic sites that make the I&M Canal region a special place. They have also successfully implemented education programs and improved the cultural, environmental, historic and tourism resources that the canal offers.

Under the leadership of Ana Koval I am firmly convinced that the CCA, through their governance of the I&M Canal, will continue to successfully educate citizens of the nationally historical importance of the I&M Canal and to play a pivotal role in the continued economic redevelopment of the region.

Mr. LOBIONDO. Mr. Speaker, I rise today to urge my colleagues to support H.R. 4492, which includes legislation to reauthorize the New Jersey Coastal Heritage Trail Route. I would first like to take this opportunity to thank my colleagues in the New Jersey delegation for their support of this reauthorization, especially Representative JIM SAXTON whose assistance helped to bring this legislation to the floor today. I would also like to thank Chairman POMBO and his staff for their support and guidance.

I firmly believe the New Jersey Coastal Heritage Trail incorporates the very best of what the great state of New Jersey has to offer the rest of the Nation. Established by Congress in 1988, the Trail unifies New Jersey's many scenic points of interest. These points of interest include a wealth of environmental, historic, maritime and recreational sights found along New Jersey's coastline, stretching 300 miles from Perth Amboy to the north, Cape May in the extreme southern tip of the State and Deepwater to the west.

The Trail's area includes three National Wildlife Refuges, four tributaries of a Wild and Scenic River system, a Civil War fort and National cemetery, several lighthouses, historic homes, and other sites tied to southern New Jersey's maritime history. Through a network of themes and destinations, the New Jersey Coastal Heritage Trail connects people with places of historic, recreational, environmental and maritime interest.

H.R. 4492 would extend the authorization of the Trail to provide additional funding over 2 years to continue the work began in 1988. It would also require that during this period, a Strategic Plan be created in order to explore opportunities to increase participation by national and local private and public interests, as well as organizational options for sustaining the Trail.

The New Jersey Coastal Heritage Trail has helped New Jersey residents develop pride, awareness, experience with, and understanding of our coastal resources and its history. This reauthorization will allow the Trail to continue and flourish.

I urge my colleagues in the House to support this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 4492, as amended.

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

A motion to reconsider was laid on the table.

RIVERSIDE COUNTY, CALIFORNIA, LAND CONVEYANCE

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3874) to convey for public purposes certain Federal lands in Riverside County, California, that have been identified for disposal, as amended.

The Clerk read as follows:

H.R. 3874

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

SECTION 1. CONVEYANCE OF BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.

(a) IN GENERAL.—

(1) CONVEYANCE.—The Secretary of the Interior shall convey, without consideration and subject to valid existing rights, to S.V.D.P. Management Inc-DBA Father Joe's Villages (referred to in this section as the ''Villages''), all right, title, and interest of the United States in and to the parcel described in paragraph (2) for use by the Villages for the purposes described in subsection (b).

(2) PARCEL.—The parcel referred to in paragraph (1) is the parcel of land identified for disposal and consisting of approximately 44 acres under the jurisdiction of the Bureau of Land Management, as generally depicted on the map entitled ''H.R. 3874 Coachella Valley Land Transfer'' and dated March 5, 2004.

(b) PURPOSES OF CONVEYANCE.—The purposes of the conveyance under section (a) are to provide a homeless shelter, a training center, and affordable housing.

(c) REVERTER.—If the Villages or any subsequent owner of the land transferred under this section uses that land for purposes other than those described in subsection (b), all right, title, and interest to the land (and any improvements thereon) shall revert to the United States to be administered by the Bureau of Land Management if the Secretary of the Interior determines that such a reversion is in the best interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3874, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 3874, introduced by the gentlewoman from California (Mrs. BONO), as amended by the Committee on Resources, would authorize the Secretary of the Interior to convey 44 acres of Federal land identified for disposal in Riverside County, California, to Father Joe's Villages, a successful nonprofit organization that assists the homeless in California. Father Joe's plans to develop a comprehensive operation that will address both housing and training needs for the homeless in the greater Coachella Valley.

Mr. Speaker, H.R. 3874 is supported by the majority and minority of the Committee on Resources and by the administration.

I urge adoption of the bill.

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

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

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

Ms. BORDALLO. Mr. Speaker, the gentlewoman from California's (Mrs. BONO) bill, H.R. 3874, would transfer a parcel of BLM land in North Palm Springs, California, to a charitable organization.

As the administration testified before our committee, the Federal Government would normally require some amount of compensation for a land conveyance such as this one, a requirement this legislation waives. However, it appears that, in this instance, making this conveyance free of charge may be in the best interests of the entire community.

Father Joe's Village has a long history of working in the community to address the problems of unemployment, substance abuse and homelessness. It is our hope that this conveyance will enable this organization to continue its fine work and expand whatever projects that are currently ongoing.

Mrs. BONO. Mr. Speaker, it is truly rewarding when we, as Members of Congress, can move a bill that will make such a positive impact in our own communities. This bill, H.R. 3874, does just that.

As we all know, no matter how well our economy does, there will always be a segment of our population in need of a safety net. H.R. 3874 takes a step in the right direction as it relates to helping those less fortunate in our society.

This legislation conveys 44 acres of BLM land, which is already on the disposal list, to Father Joe's Villages. Together, with a local charity called Martha's Village and Kitchen, the plan is to build a residential center for the homeless, a job training center and 100 units of affordable housing.

Many would be surprised to learn that even Palm Springs and its surrounding community have numerous people in dire need of a helping hand. But my community, much like everyone else's, unfortunately has a need for shelters, worker training and other forms of assistance.

Father Joe's, located in San Diego and part of Congresswoman SUSAN DAVIS's district, and Martha's Village and Kitchen, which is headquartered in my district, are two very reputable and successful organizations. That is why Congressman DAVIS and I want to help them make this village a reality.

Thanks to the most generous individuals I know, Mr. Tom Martin and his wife Rita, much of the money to build this project is secured. Mr. and Mrs. Martin have helped Martha's Village and Kitchen and have again put themselves on the front line of fighting for compassion by getting involved in this effort. Furthermore, we have the energy and enthusiasm of

Father Joe Carroll to run this project. We are ready to go.

Our contribution of this land will enable new workers to enter the workforce, provide shelter and assume other functions that will take the burden off the local, State and Federal governments. The relative cost of this land will come back to us tenfold. In short, this is a perfect example of how a private-public partnership can work for the betterment of so many.

So while I fully realize H.R. 3874 does not create new broad sweeping national policy, it helps people I really care about the people I really care about and that is reward enough.

Mr. Speaker, I would like to offer a very special thank you to Chairman RICHARD POMBO who is responsible for this bill being on the floor of the House today. My heartfelt thanks go out also to Chairman RADANOVICH and Ranking Member RAHALL for shepherding this legislation through committee. These three gentlemen showed great care and dedication in moving this bill through the process. And thanks also to their very able staff, especially Rob Howarth, as well as my staff, Linda Valter, for their help on this important piece of legislation.

I look forward to your support of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 3874, as amended.

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

A motion to reconsider was laid on the table.

INCREASING CEILING ON FEDERAL SHARE OF ORANGE COUNTY, CALIFORNIA, REGIONAL WATER RECLAMATION PROJECT

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1156) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project.

The Clerk read as follows:

H.R. 1156

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

SECTION 1. INCREASE IN CEILING ON FEDERAL SHARE OF WATER RECLAMATION PROJECT.

Section 1631(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13(d)) is amended—

(1) in paragraph (1) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(3) The Federal share of the costs of the project authorized by section 1624 shall not exceed $80,000,000.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Mr. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1156, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1156, introduced by the gentlewoman from California (Ms. LORETTA SANCHEZ), increases the authorized Federal cost ceiling of the phase I Regional Water Reclamation Project in Orange County, California, by $60 million.

Local project sponsors have expressed a desire to expand the groundwater replenishment system, which injects highly treated wastewater blended with other sources of water into the local groundwater aquifer. This project will provide an additional water supply for future use and create a freshwater barrier to prevent seawater intrusion.

The project reduces the region's dependency on imported water supplies and provides drought-proofing safeguards.

I urge my colleagues to support this important bill.

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

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

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

Ms. BORDALLO. Mr. Speaker, as many of my colleagues know, the Colorado River Basin is now experiencing the worst drought in 500 years. H.R. 1156 authorizes a modest increase in Federal financial support to expand water recycling in southern California's Orange County water district.

There is a strong Federal interest in completing this project, as it will help reduce the amount of water that now must be imported from the Colorado River. I would like to take this opportunity to congratulate the gentlewoman from California (Ms. LORETTA SANCHEZ) for introducing this important legislation.

I urge support for H.R. 1156.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentlewoman from Guam (Ms. BORDALLO) for yielding me this time.

Mr. Speaker, I rise in support of H.R. 1156, a bill that I authored. I am pleased to see that the bill is on the Suspension Calendar today, and I thank the leadership for putting it on today's calendar.

H.R. 1156 would increase the authorized Federal share for the Orange County, California, groundwater replenishment system from $20 million to $80 million. This will allow Orange County to complete its innovative groundwater replenishment system. The groundwater replenishment system will serve about 2.3 million residents of north and central Orange County, and it will create a new water supply of 72,000 acre-feet per year. It is basically a recycling program, a very innovative one; and many States and nations around the world have come to Orange County to look at our tertiary cleaning system that we have.

What this bill does is to increase the Federal share of the project, bringing it closer to the 25 percent level, the level at which almost every other reclamation project is funded in the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992 and the Reclamation Cycling and Water Conservation Act.

The project is not just important to Orange County, California, but is important to the entire western United States because by recycling our own water, we would not rely so heavily on the Colorado River Aqueduct or the San Francisco Bay Delta water.

Members from both sides of the aisle recognize the need for this project, and I would like to particularly recognize the gentleman from California (Mr. GARY G. MILLER) for his cosponsorship and his continued support. The gentleman from California (Mr. GARY G. MILLER) is also offering H.R. 142 today, authorizing the Interior Secretary to participate in Inland Empire water projects; and I am pleased to be a cosponsor of that, and I urge my colleagues to support that as well.

At the same time, I would like to thank the Committee on Resources chairman, the gentleman from California (Mr. POMBO); the ranking member, the gentleman from West Virginia (Mr. RAHALL); as well as the chairman of the Subcommittee on Water and Power, the gentleman from California (Mr. CALVERT); and the ranking member, the gentlewoman from California (Mrs. NAPOLITANO) for their overwhelming support of H.R. 1156.

I would also like to say in a very bipartisan manner, the rest of the Orange County delegation, including the gentleman from California (Mr. COX), the gentleman from California (Mr. ROHRABACHER), and the gentleman from California (Mr. ROYCE), have been strong supporters of H.R. 1156; and I thank them as well.

Lastly, let me thank Denis Bilodeau, Virginia Grebbien, Craig Miller, and everyone affiliated with the Orange County Water District and Orange County Sanitation District for their hard work and leadership in groundwater recycling. Their innovation has

put Orange County in the forefront of water recycling and groundwater replenishment technology. I thank them for their continued support.

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

Mr. HAYWORTH. Mr. Speaker, I have no additional speakers; I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 1156.

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

A motion to reconsider was laid on the table.

NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY TRANSFER ACT

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2831) to authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District, as amended.

The Clerk read as follows:

H.R. 2831

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Newlands Project Headquarters and Maintenance Yard Facility Transfer Act''.

SEC. 2. CONVEYANCE OF NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY.

(a) CONVEYANCE.—The Secretary of the Interior shall convey to the Truckee-Carson Irrigation District, Nevada, as soon as practicable after the date of the enactment of this Act and in accordance with all applicable law and the terms of the memorandum of agreement between the District and the Secretary dated June 9, 2003 (Contract No. 3–LC–20–8052), all right, title, and interest of the United States in and to real property within the Newlands Projects, Nevada, known as 2666 Harrigan Road, Fallon, Nevada, and identified for disposition on the map entitled ''Newlands Project Headquarters and Maintenance Yard Facility''.

(b) TREATMENT OF PROCEEDS FROM FALLON FREIGHT YARD AS CONSIDERATION.—Notwithstanding any other provision of law to the contrary, amounts received by the United States for the lease and sale of Newlands Project lands comprising the Fallon Freight Yard shall, for purposes of this section, be treated as payment in full of consideration for the property conveyed under subsection (a).

(c) REPORT.—If the Secretary has not completed such conveyance within 12 months after the date of enactment of this Act, the Secretary shall submit a report to the Congress explaining the reasons the conveyance has not been completed and stating the date by which the conveyance will be completed.

(d) ENVIRONMENTAL REVIEW, REMEDIATION, AND REMOVAL.—The Secretary may not make any conveyance under this section until the completion with respect to the conveyance, in accordance with the memorandum of agreement referred to in subsection (a), of–

(1) compliance with requirements relating to the National Environmental Policy Act of 1969 (42 U.S.C. et seq. 4321 et seq.) and cultural resources; and

(2) environmental site assessments, remediation, or removal.

(e) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act or omission by, or occurrence relating to, the Truckee-Carson Irrigation District or its employees, agents, or contractors relating to the property conveyed under this section and occurring prior to, on, or after the date of such conveyance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2831, the bill under consideration.

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

There was no objection.

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

H.R. 2831, authored by the gentleman from Nevada (Mr. GIBBONS), our distinguished Committee on Resources vice chairman, directs the Secretary of the Interior to transfer 35 acres to the Truckee-Carson Irrigation District as soon as practicable. This transfer, which includes the Newlands Projects headquarters and maintenance yard facility, would occur after adjustments for the lease and sale of other project lands have been included in the valuation process.

The bill also stipulates that environmental analyses, including those under the National Environmental Policy Act, must be completed prior to the transfer.

I urge my colleagues to support this important bill.

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

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

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

Ms. BORDALLO. Mr. Speaker, H.R. 2831 would provide for the transfer of the Bureau of Reclamation land in Nevada to the Truckee-Carson Irrigation District. My Republican colleagues have already explained the legislation, and we have no objection.

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

Mr. HAYWORTH. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Speaker, first of all, I would like to thank my good friend and colleague, the gentleman from Arizona (Mr. HAYWORTH), for yielding me the time on which to speak on this bill. I also would like to thank the gentleman from California (Mr. POMBO), the chairman, and the gentleman from West Virginia (Mr. RAHALL), the ranking member, as well as the gentleman from California (Mr. CALVERT), the subcommittee chairman, for working with me to bring this important piece of legislation to the floor today.

H.R. 2831, Mr. Speaker, as my colleagues have already heard, will require the Secretary of the Interior to convey to the Truckee-Carson Irrigation District, or TCID, as we say in Nevada, all rights, title and interest of the Newlands Reclamation Project located in Fallon, Nevada.

On June 9, 2003, a little over a year ago, the Bureau of Reclamation and the TCID reached an agreement and signed a Memorandum of Agreement specifying the details of this transfer. This transfer of approximately 35 acres will allow the irrigation district to make permanent improvements on the property for the continued operation and maintenance of the Newlands Reclamation Project. This transfer is necessary so that financing can be obtained for these improvements.

It is important to note that in 1996, the Bureau of Reclamation certified that the TCID had repaid to the United States all of the original construction charges that were designated for repayment to the U.S. Government on this project.

This legislation, Mr. Speaker, is of utmost importance to the people of the State of Nevada and especially those in the Second District of Nevada. Consequently, I have received letters of support from the governor of the State of Nevada, Mr. Kenny Guinn; Churchill County Commissioners; the mayor of Fallon; State representatives Grady and Goicoechea; as well as State senator Mike McGinness.

Obviously, Mr. Speaker, there is a great deal of support and commonsense agreement on this bill, and so I would urge all Members of this body to vote in favor of H.R. 2831.

□ 1430

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

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 2831, as amended.

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

A motion to reconsider was laid on the table.

GATEWAY COMMUNITIES COOPERATION ACT

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1014) to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1014

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 ''Gateway Communities Cooperation Act''.

SEC. 2. IMPROVED RELATIONSHIP BETWEEN FEDERAL LAND MANAGERS AND GATEWAY COMMUNITIES TO SUPPORT COMPATIBLE LAND MANAGEMENT OF BOTH FEDERAL AND ADJACENT LANDS.

(a) FINDINGS.—Congress finds the following:

(1) Many communities that abut or are near Federal lands, including units of the National Park System, units of the National Wildlife Refuge System, units of the National Forest System, and lands administered by the Bureau of Land Management, are vitally impacted by the management and public use of these Federal lands.

(2) Some of these communities, commonly known as gateway communities, fulfill an integral part in the mission of the Federal lands by providing necessary services, such as schools, roads, search and rescue, emergency service, medical support, logistical support, living quarters, and drinking water and sanitary systems for visitors to the Federal lands and employees of Federal land management agencies.

(3) Provision of these vital services by gateway communities is an essential ingredient for a meaningful and enjoyable experience by visitors to the Federal lands because Federal land management agencies are unable to provide, or are prevented from providing, these services.

(4) Many gateway communities serve as an entry point for persons who visit the Federal lands and are ideal for establishment of visitor services, including lodging, food service, fuel, auto repairs, emergency services, and visitor information.

(5) Development in some gateway communities may impact the management and protection of these Federal lands.

(6) The planning and management decisions of Federal land managers can have unintended consequences for gateway communities and the Federal lands when the decisions are not adequately communicated to, or coordinated with, the elected officials and residents of gateway communities.

(7) Experts in land management planning are available to Federal land managers, but persons with technical planning skills are often not readily available to gateway communities, particularly small gateway communities.

(8) Gateway communities are often affected by the policies and actions of several Federal land management agencies and the communities and the agencies would benefit from greater interagency coordination of those policies and actions.

(9) Persuading gateway communities to make decisions and undertake actions in their communities that would also be in the best interest of the Federal lands is most likely to occur when such decisionmaking and actions are built upon a foundation of cooperation and coordination.

(b) PURPOSE.—The purpose of this section is to require Federal land managers to communicate, coordinate, and cooperate with gateway communities in order to—

(1) improve the relationships among Federal land managers, elected officials, and residents of gateway communities;

(2) enhance the facilities and services in gateway communities available to visitors to Federal lands when compatible with the management of these lands, including the availability of historical and cultural resources; and

(3) result in better local land use planning in gateway communities and decisions by the relevant Secretary.

(c) DEFINITIONS.—For the purpose of this section, the following definitions apply:

(1) GATEWAY COMMUNITY.—The term ''gateway community'' means a county, city, town, village, or other subdivision of a State, a federally recognized Indian tribe, or Alaska Native village, that—

(A) is incorporated or recognized in a county or regional land use plan or within tribal jurisdictional boundaries; and

(B) the relevant Secretary (or the head of the tourism office for the State) determines is significantly affected economically, socially, or environmentally by planning and management decisions regarding Federal lands administered by the relevant Secretary.

(2) RELEVANT SECRETARY—The term ''relevant Secretary'' means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

(d) PARTICIPATION IN FEDERAL PLANNING AND LAND USE.—

(1) PARTICIPATION IN PLANNING.—At the earliest possible time, the relevant Secretary shall solicit the involvement of elected and appointed officials of governments of gateway communities in the development of land use plans, programs, land use regulations, land use decisions, transportation plans, general management plans, and any other plans, decisions, projects, or policies for Federal lands under the jurisdiction of these Federal agencies that are likely to have a significant impact on these gateway communities.

(2) INFORMATION PROVIDED.—To facilitate such involvement, the relevant Secretary shall provide the appropriate officials, at the earliest possible time but not later than the scoping process, with the following:

(A) A summary, in nontechnical language, of the assumptions, purposes, goals, and objectives of the a plan, decision, project, or policy.

(B) A description of any anticipated significant impact of the plan, decision, project, or policy on gateway communities.

(C) Information regarding the technical assistance and training available to the gateway community.

(3) TRAINING SESSIONS.—At the request of a gateway community, the relevant Secretary shall offer training sessions for elected and appointed officials of gateway communities at which such officials can obtain a better understanding of—

(A) the agency planning processes; and

(B) the methods by which they can participate most meaningfully in the development of the agency plans, decisions, and policies referred to in paragraph (1).

(4) TECHNICAL ASSISTANCE.—At the request of a gateway community, the relevant Secretary shall make available personnel, on a temporary basis, to assist gateway communities in development of mutually compatible land use or management plans.

(5) COORDINATION OF LAND USE.—The relevant Secretary may enter into cooperative agreements with gateway communities to coordinate the management of—

(A) the land use inventory, planning, and management activities for the Federal lands administered by the relevant Secretary; and

(B) the land use planning and management activities of other Federal agencies, agencies of the State in which the Federal lands are located, and local and tribal governments in the vicinity of the Federal lands.

(6) INTERAGENCY COOPERATION AND COORDINATION.—To the extent practicable, when the plans and activities of 2 or more Federal agencies are anticipated to have a significant impact on a gateway community, the Federal agencies involved shall consolidate and coordinate their plans and planning processes to facilitate the participation of affected gateway communities in the planning processes.

(7) TREATMENT AS COOPERATING AGENCIES.—To the earliest extent practicable, but not later than the scoping process, when a proposed action is determined to require an environmental impact statement, the relevant Secretary shall allow any affected gateway communities the opportunity to be recognized as cooperating agencies under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) GRANTS TO SMALL GATEWAY COMMUNITIES.—

(1) IN GENERAL.—The relevant Secretary may make grants to any gateway community with a population of 10,000 or less to carry out the purposes of this section.

(2) AUTHORIZATION OF APPROPRIATIONS FOR GRANTMAKING.—There are hereby authorized to be appropriated $10,000,000 for each fiscal year for grants under this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to carry out this Act (other than for grants under subsection (e)), $10,000,000 for each fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 1014, introduced by the gentleman from California (Mr. RADANOVICH), would facilitate better communication between the Secretaries of Agriculture and the Interior and those designated communities located adjacent to our Federal lands which have come to be known as gateway communities. These gateway communities have and continue to be impacted by decisions made by managers of our public lands and oftentimes fulfill an integral part in the mission of these Federal lands by providing necessary services such as schools, roads, search and rescue, emergency and medical support, drinking water and sanitary systems, to name just a few. It would improve the relationship among Federal land managers, elected officials, and residents of gateway communities, enhance facilities and services available to visitors to our Federal lands, and improve the coordination of land use planning and decisions made by Federal land managers.

In addition, this legislation would make grants available to eligible gateway communities to participate in the Federal land planning process, further giving these communities a place at the table when decisions are being made.

H.R. 1014 is supported by the majority and the minority of the committee. I urge adoption of the bill.

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

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

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

Ms. BORDALLO. Mr. Speaker, as introduced, the gateway community legislation sponsored by the gentleman from California (Mr. RADANOVICH) was controversial. However, over the last 2 years, committee staff, outside groups, and the agencies themselves have worked cooperatively to resolve many of the issues presented by this legislation. Recently, enough progress was made that the bill is before us today.

We agree with the National Parks Conservation Association, however, H.R. 1014 is not perfect. It is our hope as this legislation is considered by the other body, all of the interested parties might continue working cooperatively to resolve some of the remaining issues. Furthermore, Members should realize that H.R. 1014 represents yet another piece of legislation placing new duties upon our Federal land managers.

As we continue to work on the Interior appropriations legislation, I would call on all Members to work together to ensure that our Federal land management agencies receive funding sufficient to meet not only their current operations and maintenance needs, but also to cover any new responsibilities we are placing on them through legislation such as H.R. 1014. In many ways, an increase in funding will do as much to improve the communication and cooperation between Federal land management agencies and their neighbors as new authorizing legislation.

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

Mr. HAYWORTH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. RADANOVICH), the chairman of the Subcommittee on National Parks and Public Land.

Mr. RADANOVICH. Mr. Speaker, first of all, I like to call this bill ''the good neighbor act'' even though its real name is the Gateway Communities Cooperation Act. The purpose of the bill is to make certain that small communities located just outside the Federal properties have input in the Federal land planning processes. This measure is critical to many of my constituents and important for numerous small communities throughout the country that are impacted by the Federal land management decisions. Many times they are the ones that provide solutions to Federal management problems.

As someone who represents several small towns located just outside Yosemite National Park and near the Stanislaus and Sierra National forests, I know that too often these communities are left out of the process.

This bill ensures that communities serving as gateways to our Nation's Federal lands, including Park Service and Forest Service properties, have a voice in that process. Gateway communities can greatly benefit or be severely harmed by the decisions of Federal land managers, so it is critical that their views are heard before land managers make final decisions. That is why H.R. 1014 encourages a more open discussion between Federal agencies and local communities.

Additionally, this bill makes grants available to qualified gateway communities to provide technical assistance to local communities, allowing them to more readily participate in the Federal land planning process. For these reasons, I encourage my colleagues to support H.R. 1014.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 1014, as amended.

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

A motion to reconsider was laid on the table.

KILAUEA POINT NATIONAL WILDLIFE REFUGE EXPANSION ACT OF 2004

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2619) to provide for the expansion of Kilauea Point National Wildlife Refuge, as amended.

The Clerk read as follows:

H.R. 2619

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 ''Kilauea Point National Wildlife Refuge Expansion Act of 2004'' .

SEC. 2. EXPANSION OF KILAUEA POINT NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—The Secretary of the Interior may acquire by donation, purchase with donated or appropriated funds, or exchange, all or a portion of the land or interests in land described in subsection (b), as depicted on a map on file with the United States Fish and Wildlife Service entitled ''Kilauea Point Wildlife Refuge Expansion Area'' and dated April 22, 2004.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the following:

(1) Parcel 1, consisting of approximately 12 acres known as the Kilauea Bay property.

(2) Parcel 2, consisting of approximately 40 acres known as the Kilauea Vistas property.

(3) Parcel 3, consisting of approximately 162 acres known as the Kilauea Falls Ranch.

(4) Parcel 4, consisting of approximately 5 acres known as the Kauai Public Land Trust Kahili Beach property.

(5) Parcel 5, comprised of lot 10c of the parcel known as Kilauea Garden Farms, and consisting of approximately 15 acres.

(c) BOUNDARY REVISIONS.—The Secretary may make such minor revisions in the boundaries of any of the parcels described in subsection (b) as may be appropriate to facilitate the acquisition of land or interests under subsection (a).

(d) INCLUSION IN REFUGE.—Land and interests acquired under this section shall become part of the Kilauea Point National Wildlife Refuge.

(e) MANNER OF ACQUISITION.—All acquisitions of land or waters under this Act shall be made in a voluntary manner and shall not be the result of forced takings.

(f) ADDITIONAL PURPOSES.—In addition to the purposes of the Refuge under other laws, regulations, Executive orders, and comprehensive conservation plans, the Refuge shall be managed for—

(1) the protection and recovery of endangered Hawaiian water birds and other endangered birds, including the Nene (Hawaiian goose); and

(2) the conservation and management of native coastal strand, riparian, and aquatic biological diversity.

(g) PRIORITY GENERAL PUBLIC USES.—Nothing in this Act shall be considered to affect any policy or requirement, under paragraph (3) or (4), respectively, of section 4(a) of the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd(a)), to treat compatible wildlife-dependent recreational uses as priority general public uses of the Refuge.

SEC. 3. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer all federally owned land, water, and interests in land and water that are located within the boundaries of the Kilauea Point National Wildlife Refuge in accordance with—

(1) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.); and

(2) this Act.

(b) ADDITIONAL AUTHORITY.—The Secretary may, in the administration of the Kilauea Point National Wildlife Refuge, use such additional statutory authority available to the Secretary for the conservation of fish and wildlife, and the provision of opportunities for fish- and wildlife-dependent recreation, as the Secretary determines to be appropriate to carry out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary—

(1) to acquire land and water within the Refuge under section 2(a); and

(2) to develop, operate, and maintain the Refuge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this bill introduced by the gentleman from Hawaii (Mr. CASE),

would allow the Fish and Wildlife Service to acquire up to 234 acres of land from private landowners who have expressed an interest in selling or donating their property for inclusion in the refuge.

The Kilauea Point Refuge was established in 1984. The centerpiece of this unit is a 90-year-old lighthouse which served as a navigational aid for thousands of commercial vessels and boats that sailed between Hawaii and Asia. The Coast Guard has now deactivated the lighthouse, but it has been placed on the National Register of Historic Places.

This refuge provides essential habitat to a number of listed plant, avian and wildlife species, including the Hawaiian monk seal and the official State bird, which is called the nene. It is estimated that more than 400,000 people annually visit this beautiful refuge on the island of Kauai; and this expansion will assist in the recovery of these listed species, conserve native coastal strand and riparian habitat, and help ensure aquatic biological diversity in the future.

During the committee process, an amendment in the nature of a substitute was successfully offered that clarified that the owners of this property may donate their land if they so desire, all acquisitions shall be made in a voluntary manner, and wildlife-dependent recreation will be a priority use when compatible with the purposes of the refuge. This is a good piece of legislation, and I urge an ''aye'' vote on H.R. 2619.

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

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

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

Ms. BORDALLO. Mr. Speaker, I appreciate the adequate description of the legislation provided by the gentleman from Arizona (Mr. HAYWORTH).

To briefly reiterate, H.R. 2619 would virtually double the size of the existing Kilauea Point National Wildlife Refuge on the Hawaiian island of Kauai.

The purpose of this 219-acre expansion would be to protect the scarce and threatened habitats for several endangered species of Hawaiian wildlife. This noncontroversial legislation is strongly supported by the State of Hawaii, the mayor of Kauai, the Kauai County Council, and the citizens of the Kilauea.

That this expansion will be executed entirely through willing seller purchases is testament to the tireless consensus-building which has been accomplished by the gentleman from Hawaii (Mr. CASE). Both the Committee on Resources ranking member, the gentleman from West Virginia (Mr. RAHALL), and I commend the gentleman from Hawaii for his efforts to protect special areas of the Hawaiian environment. I urge Members to support this legislation.

Mr. CASE, Mr. Speaker, I rise today in support of H.R. 2619, my Kīlauea Point National Wildlife Expansion Act. This bill authorizes the addition of 234 invaluable acres to the Refuge, a national treasure, currently home to a variety of endangered and threatened seabirds as well as Hawai'i's endangered state bird, the nēnē (Hawaiian Goose).

This bill is a vital component of one of my principal goals in Congress: to ensure that federal and/or state or private protection is extended to as many of Hawai'i's threatened and irreplaceable areas as possible, both to ensure the survival and recovery of Hawai'i's unique endangered and threatened species and to preserve the dwindling unspoiled resources of our beautiful islands for future generations.

The Kīlauea National Wildlife Refuge, located at the northernmost tip of Kaua'i, was established in 1985. The initial acreage of 31 acres was increased to 203 acres through additional acquisitions in 1993 and 1994. The refuge provides invaluable habitat for many native seabirds, including the Laysan Albatross, the Red-footed Booby, and the Wedge-tailed Shearwater, as well as for the endangered nēnē. Endangered native plants have also been reintroduced to the area. The Refuge and its historic lighthouse have become one of Hawai'i's world-class tourist destinations, visited by some 300,000 visitors each year. It is one of the most heavily visited refuges in the United States.

The proposed expansion area comprises five parcels of some 234 acres adjoining the boundary of the Refuge on both the east and west sides. The Kīlauea River runs through a portion of the land, which also includes an extensive lo'i (irrigated terrace for traditional cultivation of taro, the staple crop of Native Hawaiians) which could be restored to support endangered Hawaiian water birds, including the Hawaiian duck (Kōloa), Hawaiian coot ('Alae 'ke'oke'o), Hawaiian stilt (Ae'o), and Hawaiian moorhen ('Alae 'ula). There is also a high quality estuarine ecosystem at the lower reaches of the river, which includes habitat for endangered birds as well as native stream life, such as the hihiwai (an endemic snail), o'opu (native goby), the native sleeper fish, flagtail, mullet, prawn, shrimp, invertebrates and juveniles of several important recreational and commercial marine fish species. The proposed addition also provides excellent additional habitat for the nēnē, which was only recently saved from extinction. The beach is also sometimes used by endangered Hawaiian monk seals, and threatened and endangered sea turtles nest in the area.

The upper end of the proposed expansion area contains one of the largest waterfalls (Kīlauea Falls) in the state of Hawai'i.

One of the parcels, 5 acres of valuable beachfront property, was donated after introduction of the bill by a private owner to the Kauai Public Land Trust for eventual transfer to the Fish & Wildlife Service. The owner of another 15-acre parcel has expressed his desire to donate it to the Refuge. The other parcels are on the market, although their owners are amenable to acquisition by the Refuge.

The Kīlauea community strongly supports the Refuge. In fact, the Kīlauea Point National Wildlife Refuge is a model for management of other federal refuges nationwide. The operations of the Refuge are supported by community volunteers, who give daily tours of the Refuge and help in the preservation and propagation of native plant species. The principal volunteer group, Kīlauea Point Natural History Association, even has a small store in the Visitor Center, the proceeds of which support environmental education programs throughout Kaua'i.

H.R. 2619 is supported by Kaua'i's Mayor Bryan Baptiste, State Senator Gary L. Hooser, State Representatives Hermina M. Morita and Ezra Kanoho, the Kaua'i County Council, the State Department of Land and Natural Resources, the Kīlauea Neighborhood Association, the Kaua'i Public Land Trust, the Kīlauea Point Natural History Association, and the Hawai'i Chapter of the Sierra Club. I want to take a moment to thank some of the individuals in Kaua'i whose dedication and commitment to the Refuge and the endangered species it protects inspired development of this bill: Gary Smith, Gary and Beryl Blaich, Susan Boynton, Janis Lyon, and Katie Pickett.

I also want to take this opportunity to thank Resources Subcommittee on Fisheries Conservation, Oceans and Wildlife Chair WAYNE GILCHREST and Ranking Member FRANK PALLONE for moving this bill through their subcommittee, as well as Committee Chair RICHARD POMBO and Ranking NICK RAHALL for helping to bring the bill to the floor today. I would also like to recognize the work of Committee and Subcommittee staff, in particular Dave Jansen and Jim Zoia on the minority staff and Harry Burroughs, Dave Whaley, Mike Correia, and Steve Ding on the majority staff.

I respectfully ask my colleagues to support H.R. 2619 and invite you to come to the Island of Kaua'i to visit our Refuge. I know that if you did so, you would be as convinced as I am of the importance of protecting these previous lands.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 2619, as amended.

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

A motion to reconsider was laid on the table.

□ 1445

AUTHORIZING PARTICIPATION IN CERTAIN RECYCLING PROJECTS

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2991) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga County Water District recycling program, as amended.

The Clerk read as follows:

H.R. 2991

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

SECTION 1. INLAND EMPIRE AND CUCAMONGA COUNTY RECYCLING PROJECTS.

(a) SHORT TITLE.—This section may be cited as the ''Inland Empire Regional Water Recycling Initiative''.

(b) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, Title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 1636. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional water recycling project described in the report submitted under section 1606(c).

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

''SEC. 1637. CUCAMONGA COUNTY WATER RECYCLING PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Cucamonga County Water District, may participate in the design, planning, and construction of the Cucamonga County Water District pilot satellite recycling plant in Rancho Cucamonga, California, to reclaim and recycle approximately 2 million gallons per day of domestic wastewater.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the capital cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000.''.

(c) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 1635 the following:

''Sec. 1636. Inland Empire Regional Water Recycling Program.
''Sec. 1637. Cucamonga County Water Recycling Project.''.

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 2991, introduced by the gentleman from California (Mr. DREIER), provides Federal resources for two water recycling projects in southern California. The projects authorized in the bill would add an estimated 75,000 acre-feet of water annually to one of the largest recycled water distribution systems in the Santa Ana River Watershed. The projects will treat contaminated surface and ground waters and deliver the recycled water to nearby localities, including underground storage. The bill limits the Federal cost share to 25 percent of the total cost of the projects.

This bill is yet another step toward utilizing currently untapped sources of water and providing clean and dependable water supplies for future generations. I urge my colleagues to support this important piece of legislation.

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

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

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

Ms. BORDALLO. Mr. Speaker, the drought in the Colorado River Basin is a serious crisis. H.R. 2991 would help support the construction of regional water recycling projects in southern California. These projects can help stabilize water supplies and reduce the need to use water from the Colorado River. Local communities have made substantial investments in the projects, and they deserve our support.

I urge my colleagues to support this legislation authored by my colleague from California (Mr. DREIER).

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

Mr. HAYWORTH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules and the author of this legislation.

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

Mr. DREIER. Mr. Speaker, I rise obviously in strong support of this legislation. I thank my friend from Guam for her very nice remarks, and I would especially like to express my appreciation to my friend from Arizona. This initiative deals with water, and both of our States right now are dealing with very serious fire problems. Obviously, I would like to say that our thoughts and prayers go out to the victims in both of our States, Arizona and California, of those who are suffering and have been over the last several weeks. I would also like to express appreciation to the gentleman from California (Mr. POMBO), the very distinguished chairman of the Committee on Resources, as well as my friend from California (Mr. CALVERT), chairman of the Subcommittee on Water and Power. We appreciate their hard work and that of all the members of the committee, and I see a lot of staff members here on the floor. I know they have played a big role in helping us move H.R. 2991 to the floor here.

This measure was introduced as the Inland Empire Regional Water Recycling Initiative to authorize water recycling projects under the U.S. Bureau of Reclamation's title XVI program. This initiative includes two projects which, combined, will produce 75,000 acre-feet of new water annually. With the passage of the CalFed authorization legislation, which we have been working for a decade and a half on, and I mentioned the gentleman from California (Mr. POMBO) and the gentleman from California (Mr. CALVERT) last when we brought this measure up 2 weeks ago, it is very imperative that we continue to approve measures preventing water supply shortages in the western United States. This recycling initiative will help meet the water needs of the Inland Empire and begin a strategic Federal-local partnership to bring a significant amount of new water supply to our region.

I am very pleased that this bill has the support of all member agencies of the Inland Empire Utilities Agency as well as the water agencies downstream in Orange County. The IEUA encompasses approximately 242 square miles and serves the cities of Chino, Chino Hills, Fontana, Ontario, Upland, Montclair, and Rancho Cucamonga.

The Inland Empire Utilities Agency produces recycled water for a variety of nonpotable purposes, such as landscape irrigation, agricultural irrigation, construction and industrial cooling. By replacing these water-intensive applications with high-quality recycled water, fresh water can be conserved or used for drinking, thereby reducing the dependence on expensive imported water.

In addition, by recycling water which would otherwise be wasted and unavailable, the Inland Empire Utilities Agency provides that the water available goes through at least one more cycle of beneficial use before it is ultimately returned to the environment.

Again, Mr. Speaker, I want to reiterate my thanks to the Committee on Resources which under the leadership of the gentleman from California (Mr. POMBO) and the subcommittee led by the gentleman from California (Mr. CALVERT) has really accomplished landmark water legislation this year. This is just a small but, for me, a very important part of that.

I also want to express appreciation to the bipartisan delegation from southern California that joined as cosponsors of this legislation: the gentlewoman from California (Mrs. NAPOLITANO), whom I share representing the San Gabriel Valley with, has long been very involved in water issues; the gentleman from Diamond Bar, California (Mr. GARY G. MILLER), who has spent a lot of time representing actually three counties, Orange County, Los Angeles County and San Bernardino County, and has been very focused on these issues; and, of course, the gentleman from California (Mr. BACA) who represents a large part

of the Inland Empire. Those were the lead cosponsors we had on this legislation.

Last but not least I do want to express my appreciation for the hard work and dedication of Mr. Robert DeLoach, the general manager of the Cucamonga County Water District, and Mr. Rich Atwater, the CEO and general manager of the Inland Empire Utilities Agency, who have worked tirelessly in behalf of the Inland Empire.

Again, I thank my friend from Arizona for generously yielding me this time. I will join with my friends from Guam and from Arizona in urging all of our colleagues to provide unanimous support for this effort.

Mr. Speaker, I am pleased to be here with my colleagues who serve on the House Resources Committee, and extend my appreciation to Chairman POMBO and Subcommittee Chairman CALVERT, for their hard work in moving this bill to the House floor. I introduced the Inland Empire Regional Water Recycling Initiative, H.R. 2991, to authorize water recycling projects under the U.S. Bureau of Reclamation's Title XVI program.

This initiative includes two projects, the first of which will be constructed by the Inland Empire Utilities Agency (IEUA) and will produce 70,000 acre-feet of new water annually. This project is expected to be fully constructed and on-line by 2008. The second of these projects, to be constructed by the Cucamonga County Water District (CCWD), will produce an additional 5,000 acre-feet of new water annually. This project is expected to be fully constructed and on-line by 2010. Between these two projects, 75,000 acre-feet of new water will be produced annually before the end of the decade.

With the recent passage of the CalFed authorization, it is imperative that we continue to approve measures preventing water supply shortages in the Western United States. This recycling initiative will help meet the water needs of the Inland Empire, and help alleviate California's dependence on the Colorado River. The passage of H.R. 2991 will begin a strategic Federal-local partnership to bring a significant amount of new water supply to the region.

IEUA produces recycled water for a variety of non-potable purposes, such as landscape irrigation, agricultural irrigation, construction, and industrial cooling. By replacing these water-intensive applications with high-quality recycled water, fresh water can be conserved or used for drinking, thereby reducing the dependence on expensive imported water. In addition, by recycling water which would otherwise be wasted and unavailable, IEUA provides that the water available goes through at least one more cycle of beneficial use before it is ultimately returned to the environment.

The Inland Empire Regional Water Recycling Initiative has the support of all member agencies of IEUA, as well as the water agencies downstream in Orange County. IEUA encompasses approximately 242 square miles and serves the cities of Chino, Chino Hills, Fontana (through the Fontana Water Company), Ontario, Upland, Montclair, Rancho Cucamonga (through the Cucamonga County Water District), and the Monte Vista Water District.

I want to reiterate my thanks to the House Resources Committee, which under the leadership of Chairman POMBO and Subcommittee Chairman KEN CALVERT, has really accomplished landmark water legislation this year. I also want to thank my colleagues GRACE NAPOLITANO, GARY MILLER, and JOE BACA for cosponsoring H.R. 2991. And last but certainly not least, I appreciate the hard work and dedication of Mr. Robert DeLoach, general manager of the Cucamonga County Water District, and Mr. Rich Atwater, CEO and general manager of the Inland Empire Utilities Agency who work tirelessly on behalf of the Inland Empire.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 2991, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING EXCHANGE OF CERTAIN LAND IN EVERGLADES NATIONAL PARK

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3785) to authorize the exchange of certain land in Everglades National Park, as amended.

The Clerk read as follows:

H.R. 3785

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

SECTION 1. EVERGLADES NATIONAL PARK.

Section 102 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–6) is amended—

(1) in subsection (a)—

(A) by striking ''The park boundary'' and inserting the following:

''(1) IN GENERAL.—The park boundary'';

(B) by striking ''The map'' and inserting the following:

''(2) AVAILABILITY OF MAP.—The map''; and

(C) by adding at the end the following:

''(3) ACQUISITION OF ADDITIONAL LAND.—

''(A) IN GENERAL.—The Secretary may acquire from 1 or more willing sellers not more than 10 acres of land located outside the boundary of the park and adjacent to or near the East Everglades area of the park for the development of administrative, housing, maintenance, or other park purposes.

''(B) ADMINISTRATION; APPLICABLE LAW.—On acquisition of the land under subparagraph (A), the land shall be administered as part of the park in accordance with the laws (including regulations) applicable to the park.''; and

(2) by adding at the end the following:

''(h) LAND EXCHANGES.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

''(B) COUNTY.—The term 'County' means Miami-Dade County, Florida.

''(C) COUNTY LAND.—The term 'County land' means the 2 parcels of land owned by the County totaling approximately 152.93 acres that are designated as 'Tract 605–01' and 'Tract 605–03'.

''(D) DISTRICT.—The term 'District' means the South Florida Water Management District.

''(E) DISTRICT LAND.—The term 'District land' means the approximately 1,054 acres of District land located in the Southern Glades Wildlife and Environmental Area and identified on the map as 'South Florida Water Management District Exchange Lands'.

''(F) GENERAL SERVICES ADMINISTRATION LAND.—The term 'General Services Administration land' means the approximately 595.28 acres of land designated as 'Site Alpha' that is declared by the Department of the Navy to be excess land.

''(G) MAP.—The term 'map' means the map entitled 'Boundary Modification for C–111 Project, Everglades National Park', numbered 160/80,007A, and dated May 18, 2004.

''(H) NATIONAL PARK SERVICE LAND.—The term 'National Park Service land' means the approximately 1,054 acres of land located in the Rocky Glades area of the park and identified on the map as 'NPS Exchange Lands'.

''(2) EXCHANGE OF GENERAL SERVICES ADMINISTRATION LAND AND COUNTY LAND.—The Administrator shall convey to the County fee title to the General Services Administration land in exchange for the conveyance by the County to the Secretary of fee title to the County land.

''(3) EXCHANGE OF NATIONAL PARK SERVICE LAND AND DISTRICT LAND.—

''(A) IN GENERAL.—As soon as practicable after the completion of the exchange under paragraph (2), the Secretary shall convey to the District fee title to the National Park Service land in exchange for fee title to the District land.

''(B) USE OF NATIONAL PARK SERVICE LAND.—The National Park Service land conveyed to the District shall be used by the District for the purposes of the C–111 project, including restoration of the Everglades natural system.

''(C) BOUNDARY ADJUSTMENT.—On completion of the land exchange under subparagraph (A), the Secretary shall modify the boundary of the park to reflect the exchange of the National Park Service land and the District land.

''(4) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.''.

SEC. 2. BIG CYPRESS NATIONAL PRESERVE.

Subsection (d)(3) of the first section of Public Law 93–440 (16 U.S.C. 698f) is amended by striking ''The amount described in paragraph (1)'' and inserting ''The amount described in paragraph (2)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 3785, introduced by the gentleman from Florida (Mr. MARIO

DIAZ-BALART) and amended by the Committee on Resources, would authorize the exchange of approximately 1,054 acres of land between the South Florida Water Management District and the Everglades National Park. The Federal lands conveyed are to be used by the South Florida Water Management District for the C–111 project, including restoration of the Everglades natural system. The C–111 project, located on the eastern boundary of the Everglades, would restore habitat in the national park that has been adversely affected by projects to restore more natural flows of water to the park's eastern panhandle, Taylor Slough and Florida Bay.

Mr. Speaker, H.R. 3785 is supported by the majority and minority of the Committee on Resources and by the administration. I would urge adoption of this legislation.

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

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

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

Ms. BORDALLO. Mr. Speaker, H.R. 3785, as amended, represents a cooperative effort among the bill's sponsor, the Committee on Resources, the National Park Service and other Federal and State agencies to help restore natural water flows that are very important to the health and well-being of the Everglades in Florida. This legislation presents a workable solution to the resource management needs in this area, and we support adoption of the bill by the House today.

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

Mr. HAYWORTH. Mr. Speaker, it is an honor and privilege to yield such time as he may consume to the gentleman from Florida (Mr. MARIO DIAZ-BALART), the sponsor of this important legislation, a newcomer to the Congress but one who is well schooled in public affairs and in legislation as a former member of the Florida legislature.

Mr. MARIO DIAZ-BALART of Florida. I want to thank the gentleman for yielding me this time.

Mr. Speaker, I am actually glad that I am doing this now because the Speaker pro tempore is also from Florida, understands the Everglades very, very well, and has been a strong supporter of Everglades restoration.

Let me just briefly talk about what this is. First, the district that I am privileged to represent includes the Everglades National Park. I spent much of my State legislative career assisting with the implementation of the Everglades restoration plan. This plan is showing extreme success, and this legislation before us today will greatly contribute to that success, to continuing that success.

Mr. Speaker, the people of Florida have a strong commitment to the restoration of the Everglades. Not only is it a national treasure, a global treasure, really an international treasure, tourists from around the country and around the world come to experience the wonders, the beauty that is the Everglades. But the people of Florida as well as the taxpayers of the country have also put a lot of resources to try to make sure that the Everglades is as pristine as possible and gets back to as much of its natural state as is possible.

This legislation will allow for the implementation of a component of the 1994 general reevaluation report that provided for the construction of a buffer and detention system along the eastern boundary of Everglades National Park. This system seeks to establish a hydraulic ridge to both prevent excess loss of seepage from the park and to reestablish the historical surface water flow from Northeast Shark River Slough to Taylor Slough.

Again, as I mentioned before, these are not inexpensive propositions. These are not only expensive, they are also very time-consuming projects.

Again, the people of the State of Florida, the State legislature in the State of Florida, the governor in the State of Florida and again previous governors as well but particularly this governor, Governor Jeb Bush, have shown that they are extremely committed to this effort; and again, the taxpayers, the State legislature and the governor have put in a lot of money to make sure that it is not just the Federal taxpayer, the Federal Government, that is contributing to this wonderful effort.

Specifically, Mr. Speaker, this legislation will authorize the exchange of approximately 1,054 acres between the South Florida Water Management District and the Everglades National Park to carry out the construction of the buffer and detention system. Currently, 2.5 miles of the detention and buffer system have been already constructed, and the Federal lands conveyed in this legislation are to be used by the South Florida Water Management District to construct the remaining 5.5 miles of the system.

This is a vital part of the Everglades restoration that again, I repeat, that both the Federal Government has put a lot of emphasis, a lot of time, a lot of effort and a lot of money, and the State as well; not only the State but also the local taxpayers again through the water management district have also put up a lot of money, a lot of effort, a lot of time to try to get this done. This is a vital part of that restoration.

I particularly need to thank the efforts of Chairman POMBO. Chairman POMBO has been just wonderful to work with on this. His staff has been great. My staff has been working with his staff. They have been extremely receptive, not only receptive but their in-depth knowledge of this national treasure has been wonderful to see. We have not had to educate them on something that those of us in Florida know and love so much. Chairman POMBO and his staff are so familiar with this project and it has been just a wonderful experience.

Again, one of the things that I want to just reemphasize is that this is not a State of Florida project, that this is a national treasure. The Everglades is a national treasure that is also a threatened national treasure, an extremely delicate ecosystem, one that is vital for the entire State and I would then say for the entire Nation. When we think about the Everglades, we should not only think about that swampland that a lot of people just see in the airplanes when they are flying by, but we should also think about the impact that that has on, for example, Florida Bay, Biscayne Bay, the Florida Keys, the reef system. It is all interconnected. The heart of that is a vital, clean, vibrant, alive Florida Everglades.

Mr. Speaker, I want to thank again Chairman POMBO and his staff for allowing me to bring this bill up here.

□ 1500

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

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 3785, as amended.

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

A motion to reconsider was laid on the table.

LEWIS AND CLARK NATIONAL HISTORICAL PARK DESIGNATION ACT

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3819) to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3819

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

TITLE I—LEWIS AND CLARK NATIONAL HISTORICAL PARK DESIGNATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Lewis and Clark National Historical Park Designation Act''.

SEC. 102. DEFINITIONS.

As used in this title:

(1) PARK.—The term ''park'' means the Lewis and Clark National Historical Park designated in section 103.

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

SEC. 103. LEWIS AND CLARK NATIONAL HISTORICAL PARK.

(a) DESIGNATION.—In order to preserve for the benefit of the people of the United States the historic, cultural, scenic, and natural resources associated with the arrival of the Lewis and Clark Expedition in the lower Columbia River area, and for the purpose of commemorating the culmination and the winter encampment of the Lewis and Clark Expedition in the winter of 1805–1806 following its successful crossing of the North American Continent, there is designated as a unit of the National Park System the Lewis and Clark National Historical Park.

(b) BOUNDARIES.—The boundaries of the park are those generally depicted on the map entitled ''Lewis and Clark National Historical Park, Boundary Map'', numbered 405/80027, and dated December 2003, and which includes—

(1) lands located in Clatsop County, Oregon, which are associated with the winter encampment of the Lewis and Clark Expedition, known as Fort Clatsop and designated as the Fort Clatsop National Memorial by Public Law 85–435, including the site of the salt cairn (specifically, lot number 18, block 1, Cartwright Park Addition of Seaside, Oregon) used by that expedition and adjacent portions of the old trail which led overland from the fort to the coast;

(2) lands identified as ''Fort Clatsop 2002 Addition Lands'' on the map referred to in this subsection; and

(3) lands located along the lower Columbia River in the State of Washington associated with the arrival of the Lewis and Clark Expedition at the Pacific Ocean in 1805, which are identified as ''Station Camp'', ''Clark's Dismal Nitch'', and ''Cape Disappointment'' on the map referred to in this subsection.

(c) ACQUISITION OF LAND.—

(1) AUTHORIZATION.—The Secretary is authorized to acquire land, interests in land, and improvements therein within the boundaries of the park, as identified on the map referred to in subsection (b), by donation, purchase with donated or appropriated funds, exchange, transfer from any Federal agency, or by such other means as the Secretary deems to be in the public interest.

(2) CONSENT OF LANDOWNER REQUIRED.—The lands authorized to be acquired under paragraph (1) (other than corporately owned timberlands within the area identified as ''Fort Clatsop 2002 Addition Lands'' on the map referred to in subsection (b)) may be acquired only with the consent of the owner.

(3) ACQUISITION OF FORT CLATSOP 2002 ADDITION LANDS.—If the owner of corporately owned timberlands within the area identified as ''Fort Clatsop 2002 Addition Lands'' on the map referred to in subsection (b) agrees to enter into a sale of such lands as a result of actual condemnation proceedings or in lieu of condemnation proceedings, the Secretary shall enter into a memorandum of understanding with the owner regarding the manner in which such lands shall be managed after acquisition by the United States.

(d) CAPE DISAPPOINTMENT.—

(1) TRANSFER.—Subject to valid rights (including withdrawals), the Secretary shall transfer to the Director of the National Park Service management of any Federal land at Cape Disappointment, Washington, that is within the boundary of the park.

(2) WITHDRAWN LAND.—

(A) NOTICE.—The head of any Federal agency that has administrative jurisdiction over withdrawn land at Cape Disappointment, Washington, within the boundary of the park shall notify the Secretary in writing if the head of the Federal agency does not need the withdrawn land.

(B) TRANSFER.—On receipt of a notice under subparagraph (A), the withdrawn land shall be transferred to the administrative jurisdiction of the Secretary, to be administered as part of the park.

(3) MEMORIAL TO THOMAS JEFFERSON.—All withdrawals of the 20–acre parcel depicted as a ''Memorial to Thomas Jefferson'' on the map referred to in subsection (b) are revoked, and the Secretary shall establish a memorial to Thomas Jefferson on the parcel.

(4) MANAGEMENT OF CAPE DISAPPOINTMENT STATE PARK LAND.—The Secretary may enter into an agreement with the State of Washington providing for the administration by the State of the land within the boundary of the park known as ''Cape Disappointment State Park''.

(e) MAP AVAILABILITY.—The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 104. ADMINISTRATION.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this title and with laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) MANAGEMENT PLAN.—Not later than 3 years after funds are made available for this purpose, the Secretary shall prepare an amendment to the General Management Plan for Fort Clatsop National Memorial to guide the management of the park.

(c) COOPERATIVE MANAGEMENT.—In order to facilitate the presentation of a comprehensive picture of the Lewis and Clark Expedition's experiences in the lower Columbia River area and to promote more efficient administration of the sites associated with those experiences, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Washington and Oregon in accordance with the authority provided under section 3(l) of Public Law 91–383 (112 Stat. 3522; 16 U.S.C. 1a–2).

SEC. 105. REPEAL OF SUPERSEDED LAW.

(a) IN GENERAL.—Public Law 85–435 (72 Stat. 153; 16 U.S.C. 450mm et seq.), regarding the establishment and administration of Fort Clatsop National Memorial, is repealed.

(b) REFERENCES.—Any reference in any law (other than this title), regulation, document, record, map or other paper of the United States to ''Fort Clatsop National Memorial'' shall be considered a reference to the ''Lewis and Clark National Historical Park''.

SEC. 106. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to permit public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the park shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate the use of private land within the boundary of the park.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

TITLE II—LEWIS AND CLARK EASTERN LEGACY STUDY

SEC. 201. DESIGNATION OF ADDITIONAL SITES FOR STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall update, with an accompanying map, the 1958 Lewis and Clark National Historic Landmark theme study to determine the historical significance of the eastern sites of the Corps of Discovery expedition used by Meriwether Lewis and William Clark, whether independently or together, in the preparation phase starting at Monticello, Virginia, and traveling to Wood River, Illinois, and the return phase from Saint Louis, Missouri, to Washington, District of Columbia, including sites in Virginia, Washington, District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, and Illinois.

(2) FOCUS OF UPDATE; NOMINATION AND ADDITION OF PROPERTIES.—The focus of the study under paragraph (1) shall be on developing historic context information to assist in the evaluation and identification, including the use of plaques, of sites eligible for listing in the National Register of Historic Places or designation as a National Historic Landmark.

(b) REPORT.—Not later than 1 year after funds are made available for the study under this section, the Secretary shall submit to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate a report describing any findings, conclusions, and recommendations of the study.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 3819, introduced by the gentleman from Washington State (Mr. BAIRD), would redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes. Additionally, this bill directs the transfer of existing Federal lands currently under the jurisdiction of the BLM and the U.S. Army Corps of Engineers to the National Park Service for inclusion in the Lewis and Clark National Historical Park.

Finally, H.R. 3819 calls for a study of additional sites associated with the eastern legacy of the Lewis and Clark expedition to be completed by the Secretary of the Interior and the results

transmitted to Congress within 1 year of this bill's passage. The study will serve to identify potential additions east of the Mississippi to the Lewis and Clark National Historic Trail, for which several pieces of legislation have recently been introduced. Mr. Speaker, without completing this important first step, determining which sites are truly worthy of recognition, designating further sites would stain the authenticity of the Lewis and Clark Historic Trail as a whole.

Mr. Speaker, H.R. 3819 is supported by the majority and the minority of the committee and by the administration. I would urge adoption of the bill.

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

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

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

Ms. BORDALLO. Mr. Speaker, the significance of the Lewis and Clark Expedition in the history of the United States cannot be overstated. Once enacted, H.R. 3819 will ensure that the critical ''turnaround'' chapter of the Lewis and Clark story, which took place once they reached the west coast, can be fully explored and the relevant sites fully conserved and interpreted.

H.R. 3819, sponsored by the gentleman from Washington State (Mr. BAIRD), would implement the preferred alternative identified in the recently completed Lower Columbia Lewis and Clark Sites Boundary Study. The gentleman from Washington (Mr. BAIRD) is to be commended for his diligence in getting this measure to the floor and for his dedication as a steward of the Lewis and Clark story.

We urge our colleagues to support this measure.

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

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

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD), the author of this legislation.

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from Guam for yielding me this time, and I thank my friend and colleague from Arizona as well for his support.

This is a very exciting day. As we all know, 200 years ago today, as we speak, Lewis and Clark and their Corps of Discovery were in the middle of their epic journey, actually in the early stages; and what a journey it was: thousands of miles of territory unexplored by U.S. citizens prior to that point and terminating, I am very proud to say, actually in my district on the west coast. And as the Members know, the Pacific Northwest is rich in history pertaining directly to Lewis and Clark's Corps of Discovery and to the many tribes that greeted their arrival.

The Lewis and Clark National Historical Park Designation Act will redesignate 560 acres in Washington and Oregon states as the Lewis and Clark National Historical Park and will make this a unit of the National Park System. The acreage will include Fort Clatsop National Memorial; the Megler Safety Rest Area, which was then called Clark's Dismal Nitch; Station Camp; and Cape Disappointment State Park.

I want to take just a second to talk about Station Camp because it was a miraculous place. Lewis and Clark were facing horrific weather. If we read their journals from the time, the rain was pouring down, their clothes were rotting off their bodies, their canoes were capsizing frequently, and they were really at a critical point. They sent a group to the coast itself to look out over the ocean, and they had hoped perhaps they might see a ship there. There were none. Ships had been plying those waters for some decades, but they thought perhaps we will get lucky and can take a ship back. No such luck.

The question then arose: Where shall we winter over? Will we winter on the Washington side, what is now the Washington side, or on the southern side, what is now Oregon? How did they resolve this debate? In true democratic spirit, they had a vote. But what is so remarkable about this vote is the record in the journal indicates that Sacagawea voted, as did York, who was Clark's slave at the time. So here we were 60 years before emancipation, 100 years before suffrage. We took a vote, and the African American and the woman, a Native American, were included in the vote. And that happened at Station Camp.

So this commemoration and designation will allow visitors to the area to fully appreciate the richness of this courageous journey and the heroism that these early explorers showed.

I believe inclusion of these sites as part of the National Historical Park represents the best means for comprehensive interpretation of the history of the Lewis and Clark Expedition in the Pacific Northwest and will continue to relate the importance of the Corps of Discovery's journey long after the bicentennial commemoration has passed.

Fort Clatsop National Memorial, located near Astoria, Oregon, marks the spot where Lewis and Clark and the Corps of Discovery spent 106 days during the winter of 1805 through 1806. That memorial was established by an act of Congress in 1958 and is the only unit of the National Park System solely dedicated to the Lewis and Clark expedition.

During the bicentennial years, the National Park Service estimates that well over 1 million people will visit Fort Clatsop and the surrounding area. In fact, the memorial has already begun to notice a significant increase in visits; and to accommodate all of these visitors, to enhance visitor experience, it is vital that Fort Clatsop finish its expansion efforts immediately.

The inclusion of these sites is timely considering the bicentennial of the Corps of Discovery is already under way and the preparations are being made in southwest Washington and northwest Oregon for the Destination Pacific Signature Event in 2005.

In addition to preserving and enhancing the historic value of these sites, inclusion with the Lewis and Clark National Historical Park will bring important economic benefits to local communities that, quite frankly, have struggled with the decline of major industries and with high unemployment of late.

I would like to express my profound gratitude to the gentleman from West Virginia (Mr. RAHALL) and his staffers, Jim Zoia and David Watkins; the gentleman from California (Mr. POMBO) and staffer Frank Vitello. The gentleman from Oregon (Mr. WU) has been instrumental in this, as have members of both delegations and both sides of the aisle. This is truly a bistate, bicameral regional effort. And I also express my appreciation to Secretary of the Interior Gale Norton in the administration. The Secretary herself visited the area not long ago and has been a stalwart advocate. And, finally, Chip Jenkins, the superintendent of the park; David Nicandria of the Washington State Historical Society; and my own staffer, Ms. Paula Burg, have done outstanding work.

I thank my colleagues for their consideration in support of this legislation.

Mr. WU. Mr. Speaker, I rise today in support of H.R. 3819, the Lewis and Clark National and Historical Park Designation Act.

The bicentennial of Lewis and Clark's epic journey is upon us. H.R. 3819 commemorates the Corps of Discovery by renaming several state parks and Ft. Clatsop National Memorial as the Lewis and Clark National and Historical Park.

Through 15 National Heritage Events, tens of thousands of participants from all over the world will be able to experience the 200-year-old story of Lewis and Clark, and take away lessons that are still relevant today.

The Pacific is one of 15 nationally sanctioned events taking place along the Lewis and Clark trail. This is a bi-state collaboration between Washington and Oregon scheduled for Friday, November 11th through Tuesday, November 15th, 2005 and ends with the dedication of a new state/national park at Station Camp. Local businesses, national and state park staff, and volunteers are working tirelessly to make our signature event a success. Congress must also do its part by passing H.R. 3819.

As America ventures further and is lifted by the spark of discovery, today and in years to come, it behooves our nation to look to those who have paved the way before us. Whether pushing the frontiers of freedom here on earth, the frontiers of exploration in the heavens, or the frontiers of knowledge everywhere there is ignorance, the story of the Lewis and Clark expedition is one that demonstrates the power of what is possible when a people, and a nation, have the curiosity to ask, ''why?''; the sense of unbounded possibility to ask, ''why not?''; and the resolve to remake the world.

I urge a ''yes'' vote on H.R. 3819.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 3819, as amended.

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

A motion to reconsider was laid on the table.

RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT AMENDMENTS

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 142) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, as amended.

The Clerk read as follows:

H.R. 142

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

SECTION 1. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1636. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is further amended by inserting after the item relating to section 1634 the following:

''Sec. 1636. Prado Basin Natural Treatment System Project.''.

SEC. 2. REGIONAL BRINE LINES.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

"SEC. 1637. REGIONAL BRINE LINES.

''(a) SOUTHERN CALIFORNIA.—The Secretary, in cooperation with units of local government, may carry out a program under the Federal reclamation laws to assist agencies in projects to construct regional brine lines to export the salinity imported from the Colorado River to the Pacific Ocean as identified in—

''(1) the Salinity Management Study prepared by the Bureau of Reclamation and the Metropolitan Water District of Southern California; and

''(2) the Southern California Comprehensive Water Reclamation and Reuse Study prepared by the Bureau of Reclamation.

''(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

''(c) COST SHARING.—The Federal share of the cost of a project to construct regional brine lines described in subsection (a) shall not exceed—

''(1) 25 percent of the total cost of the project; or

''(2) $40,000,000.

''(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is further amended by inserting after the item relating to section 1635 the following:

''Sec. 1637. Regional brine lines.''.

SEC. 3. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

"SEC. 1638. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

''(1) 25 percent of the total cost of the project; or

''(2) $50,000,000.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

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

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is further amended by inserting after the item relating to section 1636 the following:

''Sec. 1638. Lower Chino dairy area desalination demonstration and reclamation project.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 142, introduced by the gentleman from California (Mr. GARY G. MILLER), provides Federal assistance for three water projects to produce dependable water supplies in Southern California. The bill provides for the strategic placement of wetlands to naturally clean surface water in the Santa Ana Watershed. The bill also authorizes Federal funding for the design and construction of a regional brine wastewater pipeline from local groundwater treatment plans. Thirdly, the bill provides for the design and construction of a desalter to treat brackish groundwater. At full build-out, these projects will produce an estimated 50,000 acre-feet of new water.

This legislation, Mr. Speaker, is another example of how communities are utilizing new water technologies to provide water from varied sources of supply that are dependable and drought-proof. I urge my colleagues to support this important legislation.

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

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

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

Ms. BORDALLO. Mr. Speaker, H.R. 142 would support the construction of desalting and water recycling projects in Southern California. These projects can help stabilize water supplies and reduce the need to use water from the Colorado River. Local communities have made substantial investments in the project, and they do deserve our support.

I urge my colleagues to support this legislation.

Mr. GARY G. MILLER of California. Mr. Speaker, I am pleased to rise in support of H.R. 142, legislation I have sponsored to dramatically improve the water supply reliability of the Santa Ana watershed and the water basins in San Bernardino, Riverside and Orange counties. I thank Committee Chairman Pombo and Water Subcommittee Chairman Calvert for recognizing the importance of this bill to providing innovative solutions to the challenges posed by chronic water shortages in Southern California.

Many states today are faced with the formidable task of providing reliable and safe water resources for a rapidly increasing population. This is no exception to California and its growing population of more than 30 million people. Southern California's arid climate makes it difficult for this region to find variable and dependable sources of water. The Interior Department's ruling to reduce the availability of Colorado River water to Southern California has exacerbated the area's water supply problems by reducing approximately 700,000 acre

feet of water this year alone. Such water supply deficiencies discourage economic growth, imperil the environment and compromise the health and safety of Southern California residents.

As a result of dwindling supplies and increasing demands, communities continue to seek non-traditional methods to produce dependable water sources, including through water recycling and desalination. H.R. 142 would enhance Southern California's water supply by constructing a water recycling project, a desalination demonstration and reclamation project, and a regional brine lines project. Upon full implementation, these projects will create an estimated 50,000 new acre feet of water annually for the region.

PRADO BASIN NATURAL TREATMENT SYSTEM

H.R. 142 will provide Southern California with additional new water annually through the construction of a water recycling project. The Prado Basin Natural Treatment System will naturally treat the Santa Ana River flow through wetlands development. By assisting Mother Nature in the creation of these wetlands, we will improve the water quality of the Santa Ana River, thereby recharging the Orange County Water District's groundwater basin.

Currently-constructed wetlands have demonstrated an ability to reduce nitrate contaminants to level that permit water supply use. The expanded program will result in more than 1,200 acres to treat three tributaries to the Santa Ana River. This will mean additional treated water that can be made available to the citizens of the region. The new system will help drought-proof the region and protect against salt water intrusion. In addition, the restoration of natural wetlands allows for the amount of water to be stored behind the currently underutilized Prado Dam to be increased.

In a region that is prone to droughts, the expansion of this water supply will deliver non-potable (non-drinkable) water for irrigation and industrial purposes so that our limited supply of potable water can be reserved for drinking water purposes.

LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT

H.R. 142 expands groundwater desalination in the Chino Basin from the current 9,000 acre feet per year to 40,000 acre feet per year, which would provide a vital new drinking water supply for a rapidly increasing population in San Bernardino County, including Jurupa Community Services District, Santa Ana Mutual Water Company in Riverside County, and the cities of Norco, Chino, Chino Hills and Ontario in San Bernardino County.

As former President Dwight D. Eisenhower once said, "We need a farsighted program for meeting urgent water needs by converting saltwater to fresh water." Once deemed impractical and costly, desalination has evolved into one of America's most effective and reliable solutions to water supply shortages. Desalination provides drinking water directly into the delivery system and is blended with other sources of potable water in many cases. The construction of a desalination demonstration and reclamation project in the Lower Chino Dairy Area offers a viable method of meeting the region's water supply needs into the future.

BASIN NATURAL TREATMENT SYSTEM PROJECT

One of the main challenges to desalination is the transport of the salts, also known as brine, to outfall stations. H.R. 152 seeks to address this obstacle by providing a means to safely and efficiently discard excess brine from desalination plants. Specifically, this legislation calls for the construction of a regional line to transport excess brine to the Pacific Ocean, where it can be safely filtered through an ocean-outfall pump station. This will prevent many of the environmental hazards that can occur from inadequate disposal of excess brine, thus protecting groundwater reserves for the over six million resident of Orange, Riverside and San Bernardino counties.

These projects will help ensure the water needs of Southern California's communities are met, and I urge my colleagues to support this critical legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 142, as amended.

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

The title of the bill was amended so as to read: "A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project.".

A motion to reconsider was laid on the table.

AUTHORIZING CONTINUED USE OF CERTAIN LANDS WITHIN SEQUOIA NATIONAL PARK

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3932) to amend Public Law 99–338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project, as amended.

The Clerk read as follows:

H.R. 3932

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

SECTION 1. AUTHORIZATION TO REISSUE PERMIT.

The first section of Public Law 99–338 is amended by striking "one renewal" and inserting "3 renewals".

SEC. 2. TERMS AND CONDITIONS.

Section 3 of Public Law 99–338 is amended to read as follows:

"SEC. 3. The permit shall contain the following provisions:

"(1) A prohibition on expansion of the Kaweah Project in Sequoia National Park.

"(2) A requirement that an independent safety assessment of the Kaweah Project be conducted, and that any deficiencies identified as a result of the assessment would be corrected.

"(3) A requirement that the Secretary prepare and submit to Congress an update of the July 1983 report on the impact of the operations of the Kaweah No. 3 facility on Sequoia National Park.

"(4) Any other reasonable terms and conditions that the Secretary of the Interior deems necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 3932, introduced by the gentleman from California (Mr. NUNES) and amended by the Committee on Resources, would amend Public Law 99–338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

□ 1515

The legislation would provide the authority necessary for Southern California Edison Company to continue operating the Kaweah hydroelectric project partly located in the park until the year 2016, with an option to extend until 2026. The bill also requires the company to pay the park compensation, which shall be determined in consultation with the Secretary.

Mr. Speaker, H.R. 3932, as amended, is supported by the majority and the minority of the Committee on Resources and by the administration. I urge adoption of this legislation.

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

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

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

Ms. BORDALLO. Mr. Speaker, the majority has already explained the purpose of H.R. 3932. While it is unusual to have a hydroelectric facility in a national park, this is a nearly 100-year-old use that has been and will continue to be held to a very high standard to ensure that there is no degradation of park resources.

The National Park Service supports this legislation, as amended, and we appreciate the willingness of the majority to work with us to see that high standards for the use of national parks

are maintained and that the park is adequately compensated for this use of park resources.

We support this legislation.

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

Mr. HAYWORTH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. NUNES), the author of this important legislation.

Mr. NUNES. Mr. Speaker, let me begin by expressing my thanks to the Committee on Resources, the gentleman from California (Chairman POMBO) and their staff for their hard work on this legislation, H.R. 3932.

This bill is a simple maintenance of the law which has to be accomplished every 20 years to renew the Secretary of the Interior's authority to issue permits for the operation of a hydroelectric power facility in Sequoia and Kings Canyon National Park. This facility was built over 100 years ago and continues to generate power today. If this authority is not renewed, power generation would be halted. This bill is critical, and I urge quick passage.

Again, I offer thanks to the Committee on Resources for moving this bill quickly to the floor.

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

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 3932, as amended.

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

The title was amended so as to read: ''A bill to amend Public Law 99–338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project, and for other purposes.''.

A motion to reconsider was laid on the table.

PROVIDING FOR CONVEYANCE TO GOVERNMENT OF MEXICO OF DECOMMISSIONED NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SHIP

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4158) to provide for the conveyance to the Government of Mexico of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes.

The Clerk read as follows:

H.R. 4158

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

SECTION 1. CONVEYANCE OF NOAA VESSEL WHITING.

(a) IN GENERAL.—The Secretary of Commerce shall convey to the Government of Mexico, without consideration, all right, title, and interest of the United States in and to the National Oceanic and Atmospheric Administration vessel WHITING—

(1) for use as a hydrographic survey platform in support of activities of the United States-Mexico Charting Advisors Committee; and

(2) to enhance coordination and cooperation between the United States and Mexico regarding hydrographic surveying and nautical charting activities in the border waters of both countries in the Gulf of Mexico and in the Pacific Ocean.

(b) OPERATION AND MAINTENANCE.—The Government of the United States shall not be responsible or liable for any remediation, maintenance, or operation of a vessel conveyed under this section after the date of the delivery of the vessel to the Government of Mexico.

(c) DEADLINE.—The Secretary shall seek to complete the conveyance by as soon as practicable after the date of the enactment of this Act.

(d) DELIVERY OF VESSEL.—The Secretary shall deliver the vessel WHITING pursuant to this section at the vessel's homeport location of Norfolk, Virginia, at no additional cost to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4158.

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

There was no objection.

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

Mr. Speaker, H.R. 4158 will transfer a decommissioned NOAA vessel, the *Whiting*, to the Government of Mexico.

The United States is an active partner in the U.S.-Mexico Charting Advisors Committee which addresses regional issues on charting, research and data collection. As part of the cooperative activities of this committee, the Government of Mexico contacted NOAA indicating an interest in obtaining the vessel from the United States. The Government of Mexico does not have a vessel dedicated to hydrographic surveys, and the *Whiting* would be the first ship to fill that role.

The *Whiting* is 163 feet in length, draws 12 feet of water, has a cruising speed of 12 knots and a cruising range of 5,700 nautical miles. It was removed from service in 2002 after 40 years of conducting hydrographic surveys in the Great Lakes and along the East and Gulf Coasts of the United States.

Under the terms of H.R. 4158, all rights, title and interest in the *Whiting* are transferred to the Government of Mexico. The vessel must be used as a hydrographic platform in support of activities of the U.S.-Mexico Charting Advisors Committee.

The ship will be delivered at the vessel's current home port of Norfolk, Virginia, and the United States will not be responsible for any remediation, maintenance or operation of the *Whiting* after delivery. I urge an ''aye'' vote on H.R. 4158, and compliment the author, the gentleman from Texas (Mr. ORTIZ), for his leadership.

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

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

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

Ms. BORDALLO. Mr. Speaker, as noted, H.R. 4158 is a noncontroversial piece of legislation to convey to the Government of Mexico at no cost to the U.S. taxpayer the decommissioned hydrographic survey vessel *Whiting* from the National Oceanic and Atmospheric Administration.

I want to go on record to commend the gentleman from Texas (Mr. ORTIZ) for recognizing the value of conveying the vessel to help strengthen the Mexican Government's civilian hydrographic survey capabilities in the Gulf of Mexico and to participate in joint hydrographic operations with the United States.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4158, sponsored by Mr. ORTIZ, which seeks to convey to the Government of Mexico, the National Oceanic and Atmospheric Administration vessel, *Whiting*.

The NOAA and U.S. Navy are the main U.S. representatives of the MesoAmerican-Caribbean Sea Hydrographic Commission that coordinates the hydrographic surveys and charting activities of member nations. Since 1963, the *Whiting* had been in service for the NOAA, conducting hydrographic surveys along the east and Gulf Coast of the United States and the Great Lakes. In March 2003, NOAA replaced the *Whiting* with a former U.S. Navy hydrographic survey vessel.

As of August 2003, Mexico did not have a vessel dedicated to hydrographic surveys. The *Whiting* could fill that role, as it was decommissioned by the NOAA in May 2003. By conveying the *Whiting* to the Government of Mexico, Mexican dependence on NOAA and U.S. Navy assets for hydrographic surveys would decrease. In addition to the lessened dependence, the regional capacity would be strengthened. Such a conveyance would foster the exchange of information in the Gulf Coast and improve navigational safety for all vessels sailing in the Gulf of Mexico.

NOAA possesses no authority to transfer ships to foreign governments, and thus, this legislation would authorize such a transfer. With the passage of this legislation, the United States would bear no responsibility for any remediation, maintenance, or operation of the *Whiting* after delivery.

This legislation is exemplary in its effort to contribute globally, without putting a burden on the shoulders of the U.S. By conveying the *Whiting*, a vessel decommissioned by NOAA, to Mexico, Mexico would gain valuable and necessary infrastructure, without cost to the United States, and it would allow it to contribute to the NOAA efforts, for which the

United States bears an enormous amount of energy. The United States would gain safer waters in the Gulf Coast, which is central to our national security. In addition, the transfer of the *Whiting* to the Government of Mexico would act to balance the level of responsibility of the countries who are bordered by the waters of the Gulf Coast.

I congratulate Mr. ORTIZ on his leadership in this matter.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 4158.

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

A motion to reconsider was laid on the table.

DEPARTMENT OF THE INTERIOR VOLUNTEER RECRUITMENT ACT OF 2004

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4170) to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of Interior, as amended.

The Clerk read as follows:

H.R. 4170

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 ''Department of the Interior Volunteer Recruitment Act of 2004''.

SEC. 2. PURPOSE.

The purpose of this Act is to authorize the Secretary of the Interior to recruit and use volunteers to assist with, or facilitate, the programs of the Bureau of Indian Affairs, the United States Geological Survey, the Bureau of Reclamation, and the Office of the Secretary.

SEC. 3. VOLUNTEER AUTHORITY.

(a) IN GENERAL.—The Secretary of the Interior may recruit, train, and accept, without regard to the civil service classification laws, rules, or regulations, the services of individuals, contributed without compensation as volunteers, for aiding in or facilitating the activities administered by the Secretary through the Bureau of Indian Affairs, the United States Geological Survey, the Bureau of Reclamation, and the Office of the Secretary.

(b) RESTRICTIONS ON ACTIVITIES OF VOLUNTEERS.—

(1) IN GENERAL.—In accepting such services of individuals as volunteers, the Secretary shall not permit the use of volunteers in law enforcement work, in regulatory and enforcement work, in policymaking processes, or to displace any employee.

(2) PRIVATE PROPERTY.—No volunteer services authorized by this Act may be conducted on private property unless the officer or employee charged with supervising the volunteer obtains appropriate consent to enter the property from the property owner.

(3) HAZARDOUS DUTY.—The Secretary may accept the services of individuals in hazardous duty only upon a determination by the Secretary that such individuals are skilled in performing hazardous duty activities.

(4) SUPERVISION.—The Secretary shall ensure that an appropriate officer or employee of the United States provides adequate and appropriate supervision of each volunteer whose services the Secretary accepts.

(c) PROVISION OF SERVICES AND COSTS.—The Secretary may provide for services and costs incidental to the utilization of volunteers, including transportation, supplies, uniforms, lodging, subsistence (without regard to place of residence), recruiting, training, supervision, and awards and recognition (including nominal cash awards).

(d) FEDERAL EMPLOYMENT STATUS OF VOLUNTEERS.—

(1) Except as otherwise provided in this subsection, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those provisions relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) Volunteers shall be deemed employees of the United States for the purposes of—

(A) the tort claims provisions of title 28, United States Code;

(B) subchapter I of chapter 81 of title 5, United States Code; and

(C) claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, in which case the provisions of section 3721 of title 31, United States Code, shall apply.

(3) Volunteers under this Act shall be subject to chapter 11 of title 18, United States Code, unless the Secretary, with the concurrence of the Director of the Office of Government Ethics, determines in writing published in the Federal Register that the provisions of that chapter, except section 201, shall not apply to the actions of a class or classes of volunteers who carry out only those duties or functions specified in the determination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4170, as amended.

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

There was no objection.

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

Mr. Speaker, H.R. 4170, introduced by the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources, and subsequently amended by the Committee on Resources, would authorize the Secretary of the Interior to establish volunteer programs in the Bureau of Indian Affairs, the U.S. Geological Survey, the Bureau of Reclamation and the Office of the Secretary. With this authority, these four bureaus would be able to parallel the successful volunteer programs of the National Park Service and the U.S. Fish and Wildlife Service to recruit volunteers to assist with or facilitate the activities within these agencies.

Mr. Speaker, over 200,000 volunteers annually serve as campground hosts, clear trail, help with seasonal bird surveys, collect new information for maps and assist with many other day-to-day activities.

Mr. Speaker, simply put, volunteers provide the Department of the Interior vital services to help it meet its mission responsibilities. Volunteer programs within the Department also provide outstanding opportunity for community service and public involvement in conservation programs.

Mr. Speaker, H.R. 4170 is supported by the majority and the minority of the Committee on Resources and the administration. I urge adoption of the bill.

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

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

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

Ms. BORDALLO. Mr. Speaker, the majority has already explained the purpose of H.R. 4170, which was introduced by the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources, at the request of the administration. At this point, Mr. Speaker, I would like to thank publicly the chairman, the gentleman from California (Mr. POMBO), for attending the 60th anniversary of Guam's liberation this past weekend in Tracy, California.

On behalf of the Committee on Resources ranking member, the gentleman from West Virginia (Mr. RAHALL), we appreciate the willingness of the chairman and his staff to make changes to the bill to address concerns about the use of volunteers in regulatory and legal offices within the Department of Interior.

Mr. Speaker, with those changes, we have no objection to the passage of H.R. 4170, as amended, by the House today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 4170, the Department of the Interior Volunteer Recruitment Act of 2004. The legislation before us would authorize the Secretary of the Interior to recruit, train, and accept, without regard to the civil service classification laws, rules, ore regulations, the services of individuals, contributed without compensation as volunteers, for aiding in or facilitating the activities administered by the Secretary through the Bureau of Indian Affairs, the Office of Surface Mining Reclamation and Enforcement, the Minerals Management Service, the U.S. Geological Survey, the Bureau of Reclamation, the Office of the Solicitor, and the Office of the Secretary. This legislation will make it easier for those who want to volunteer to take part in the activities under the Department of the Interior.

I applaud Representative POMBO and the crafters of this legislation for taking into consideration the concerns of the Minority in the

Resources Committee. Furthermore, this legislation is thorough in that it has protections for the volunteers who are eligible under this Act. This legislation authorizes the Secretary to accept the services of individuals in hazardous duty only upon a determination by the Secretary that such individuals are skilled in performing hazardous activities and it ensures that an appropriate U.S. officer or employee provides adequate and appropriate supervision of each volunteer. Perhaps most importantly this Act prohibits the Secretary from permitting the use of such volunteers in law enforcement work, in regulatory and enforcement work, in policy-making processes, or to displace any employee. It is vital that when we craft legislation such as this that we make sure it protects paid workers who could be compromised by the presence of unpaid volunteers. It is easy to be in favor of this legislation thanks to the protections instated in the language.

I am in full support of this legislation because it has an altruistic spirit. There are a great many Americans every year who give of their time to others without any compensation or material reward. We should be taking done the barriers that might needlessly keep them from these volunteer pursuits. This legislation allows those interested in volunteering for the Department of the Interior to take part in responsibilities that would have previously been blocked from them. The responsibilities under the management of the Department of the Interior are immense and require a great deal of good and willing manpower. This program will help alleviate that burden in a sensible manner. I hope this program will also be used to recuirt and train volunteers from areas such as the inner-city where many people never been get to see our grand National Parks. Perhaps in the future this program can be supplemented to provide grants and scholarships to college-age inner-city youths to spend time working in our great outdoors. These experiences have been proven to expand the horizons of young people who often only get to see blighted urban landscapes. It is time that Americans from all parts of our great nation get to experience all the various landscapes and environments our vast country has to offer. This legislation is a good start and I hope that we will continue to take the initiative to expand this program.

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

Mr. HAYWORTH. Mr. Speaker, in the spirit of bipartisanship, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 4170, as amended.

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

A motion to reconsider was laid on the table.

SODA ASH ROYALTY REDUCTION ACT OF 2004

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4625) to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

The Clerk read as follows:

H.R. 4625

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 ''Soda Ash Royalty Reduction Act of 2004''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The combination of global competitive pressures, flat domestic demand, and spiraling costs of production threaten the future of the United States soda ash industry.

(2) Despite booming world demand, growth in United States exports of soda ash since 1997 has been flat, with most of the world's largest markets for such growth, including Brazil, the People's Republic of China, India, the countries of eastern Europe, and the Republic of South Africa, have been closed by protectionist policies.

(3) The People's Republic of China is the prime competitor of the United States in soda ash production, and recently supplanted the United States as the largest producer of soda ash in the world.

(4) Over 700 jobs have been lost in the United States soda ash industry since the Department of the Interior increased the royalty rate on soda ash produced on Federal land, in 1996.

(5) Reduction of the royalty rate on soda ash produced on Federal land will provide needed relief to the United States soda ash industry and allow it to increase export growth and competitiveness in emerging world markets, and create new jobs in the United States.

SEC. 3. REDUCTION IN ROYALTY RATE ON SODA ASH.

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of the enactment of this Act shall be 2 percent.

SEC. 4. STUDY.

After the end of the 4-year period beginning on the date of the enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to the Congress on the effects of the royalty reduction under this Act, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

GENERAL LEAVE

Mrs. CUBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4625.

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

There was no objection.

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

Mr. Speaker, I would like to start by thanking the ranking member of the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL), for his kindness in waiving the rule that establishes the ratio of suspension bills and allowing me to bring this bill up today, rather than having to wait until a later day. I also want to thank the gentleman from West Virginia (Mr. RAHALL) and his staff for all the courteous friendship and work that we have done on this bill.

Mr. Speaker, plainly stated, H.R. 4625 would help balance the unfair playing field in the world market and allow the United States trona producers to face growing competition from countries like China.

The United States soda ash industry, which until recently was the largest in the world, has operations in Wyoming, Colorado and California, with the bulk of the total production through four plants in the great State of Wyoming. The total estimated value of the industry is around $800 million.

If you read the papers or watch the news, you know that current economic indicators show that the Nation's economy on the whole is gaining momentum, but the hard-working men and women of Wyoming in the soda ash industry continue to lose their jobs to countries like China.

Seven hundred jobs have been lost in the Wyoming trona industry. The new, rosy economic numbers do not help these families put food on the table. They do not help them buy a new car or buy homes, and they do not help put their children through college. They do not help them sleep at night either. But this bill will provide reassurance for the 3,000 men and women who now work in the trona industry in Wyoming and the other States in the United States.

The future of the soda ash industry is being threatened by a number of factors, including China's announced plans to increase existing soda ash plant capacity by 600,000 tons this year and to construct another new plant that will produce 900,000 tons when completed. It is distressing indeed to consider this level of production, when we know how the Chinese exploit cheap labor and almost completely disregard environmental standards.

Furthermore, the domestic market for soda ash has been stagnant for

nearly 20 years, and little growth is expected in the foreseeable future to meet the demand for glass or glass packaging.

Add to all of this the rising energy costs, including a 150 percent increase in natural gas prices over the past 4 years, that have only made matters worse. The much-needed growth will have to be found in places like Asia and Australia, and that means we must take the Chinese head on and with every boost our government can give the soda ash industry.

In order to allow all U.S. soda ash producers to compete on a level playing field with the likes of China, India and synthetic producers around the world and, in turn, create jobs here in the United States, we need to promote a lower tax burden on the industry, a reduced royalty rate and more affordable energy costs that are such a crucial part of the economic mix.

□ 1530

The U.S. soda ash industry pays in the ballpark of $100 million in taxes to Federal, State, and local governments. Due to the growth of China's soda ash exports, it is essential that we provide temporary relief to the soda ash industry in the form of royalty rate reduction. This reduction is intended not to increase the bottom line on soda ash companies; it is intended entirely to grow the market and increase the number of jobs.

H.R. 4625 reduces the royalty rate from 6 percent to 2 percent in order to help the industry achieve increased export growth and competitiveness in the emerging world market.

The hard-working men and women in the soda ash industry have my commitment to continue working to help open new markets and create the good-paying jobs that will help our communities grow and to push for a real energy policy for the Nation that will help smooth out some of the volatility in the natural gas markets by increasing domestic production.

Mr. Speaker, H.R. 4625 is supported by the majority and the minority of the committee, and I urge adoption of this bill.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 19, 2004.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4625, the Soda Ash Royalty Reduction Act of 2004.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 4625—Soda Ash Royalty Reduction Act of 2004

Summary: H.R. 4625 would provide royalty relief to producers of sodium compounds and related products on federal land. CBO estimates that enacting H.R. 4625 would increase direct spending by $3 million in 2005 and $15 million over the next five years (with no effect after 2009). Enacting the bill would not affect revenues.

H.R. 4625 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The royalty reduction required by the bill would temporarily reduce federal payments to three states—Wyoming, Colorado, and California—by about $3 million a year over the 2005–2009 period.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4625 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—									
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
CHANGES IN DIRECT SPENDING										
Estimated budget authority	3	3	3	3	3	0	0	0	0	0
Estimated outlays	3	3	3	3	3	0	0	0	0	0

Basis of estimate: H.R. 4625 would reduce the federal royalty rate for sodium compounds and related materials produced on federal land over the 2005–2009 period. Based on information from the Minerals Management Service about the amount of royalties expected to be generated by production of those materials under current law, CBO estimates that this bill would reduce federal receipts by $6 million in 2005 and $30 million over the next five years. Those forgone receipts would be partially offset by a corresponding decrease in direct spending for payments to the states in which they are generated. Hence, CBO estimates that the next increase in direct spending under H.R. 4625 would total $3 million in 2005 and $15 million over the 2005–2009 period.

Intergovernmental and private-sector impact: H.R. 4625 contains no intergovernmental or private-sector mandates as defined in UMRA. The royalty reduction required by the bill would temporarily reduce federal payments to three states—Wyoming, Colorado, and California—by about $3 million a year over the 2005–2009 period.

Estimate prepared by: Federal Costs: Megan Carroll, Impact on State, Local, and Tribal Governments: Theresa Gullo, Impact on the Private Sector: Crystal Taylor.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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

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

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

Mr. Speaker, I am pleased to rise in support of H.R. 4625, the Soda Ash Royalty Relief Act of 2004, authored by the gentlewoman from Wyoming (Mrs. CUBIN).

Soda ash, a chemical produced from trona ore, means mining jobs in southwest Wyoming. These jobs, however, may disappear if we do not provide some measure of relief for our domestic trona producers who are fighting to stay competitive in today's global economy.

Simply put, Mr. Speaker, unfair competition from China threatens to dismantle the American soda ash industry. The pending bill would, for a limited time, enhance the competitiveness of our domestic producers by providing a royalty reduction on trona produced on Federal lands.

At a time when too many American jobs are being lost, we must do what is necessary to keep our workforce here at home strong and competitive. We, on this side of the aisle, have no objection to passage of this bill.

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

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

I would like to thank the gentlewoman from Guam (Ms. BORDALLO) for her work on this issue and for managing so many of the bills today. She certainly does a good job in the committee, and it is great working with her. Always having someone that we can have confidence in really helps move the process along.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 4625.

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

A motion to reconsider was laid on the table.

HONORING SANDRA FELDMAN ON HER RETIREMENT FROM THE PRESIDENCY OF THE AMERICAN FEDERATION OF TEACHERS

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 714) honoring Sandra Feldman on the occasion of her retirement from the presidency of the American Federation of Teachers for her tireless efforts to improve the quality of teaching and learning.

The Clerk read as follows:

H. Res. 714

Whereas Sandra Feldman was born in New York City and attended its public schools;

Whereas Ms. Feldman is a former public elementary school teacher, having taught 2nd and 3rd graders at PS 34 in Manhattan;

Whereas Ms. Feldman began her advocacy efforts on behalf of children and other disadvantaged individuals during the 1960's civil rights movement;

Whereas Ms. Feldman rose through the ranks of the United Federation of Teachers to the position of executive director and to the Federation's presidency in 1986;

Whereas Ms. Feldman was elected in May 1997, as the President of the American Federation of Teachers, becoming the 15th president in the Federation's history and the first female president since 1930;

Whereas Ms. Feldman is widely recognized as an expert on urban education and a strong advocate for disadvantaged children;

Whereas Ms. Feldman was selected as one of the ''100 Most Influential Women in America'' by Ladies Home Journal; and

Whereas educational experts continue to seek the service of Ms. Feldman on numerous high-level commissions and task forces designed to tackle the most pressing problems in our education system: Now, therefore, be it

Resolved, That the House of Representatives recognizes Sandra Feldman on the occasion of her retirement from the presidency of the American Federation of Teachers for—

(1) her decades of work on behalf of disadvantaged children; and

(2) her outstanding contributions and leadership in improving the quality of teaching and learning.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 714.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Resolution 714, which honors Sandra Feldman on the occasion of her retirement from the presidency of the American Federation of Teachers and for her efforts to improve the quality of teaching and learning.

Ms. Feldman was born in New York City and educated in its public schools, including James Madison High School and Brooklyn College. She holds a masters degree in English literature from New York University.

A former teacher and United Federation of Teachers chapter leader of PS–34 Manhattan, she joined the UFT staff as a field representative in 1966. She was promoted through the ranks to executive director, a post in which she supervised all aspects of the union's work. In 1983, she was elected secretary of the UFT, the union's second highest office, before becoming president in 1986.

From 1986 through 1997, Ms. Feldman was president of the 130,000-member United Federation of Teachers in New York City, the largest union local in the United States and an affiliate of the AFT. During that time, she also served as a vice president of the AFT.

In May of 1997, Sandra Feldman was elected as president of the 1.3 million-member American Federation of Teachers. She served as the 15th president of the AFT and the union's first female President since 1930. According to AFT publications, membership increased by more than 350,000 in her 7 years as president.

Ms. Feldman is widely recognized as an authority on urban education and an advocate for children and has long been willing to examine innovative approaches in efforts to raise student achievement. Her long-standing commitment to social justice dates back to her involvement with the early civil rights movement, both locally and nationally, when she was arrested during the Freedom Rides and other protests in the 1960s. U.S. Presidents, Governors, and mayors have appointed her to numerous commissions and task forces, tackling educational, economics, child welfare, labor, and other social issues.

This resolution honors Sandra Feldman on the occasion of her retirement from the American Federation of Teachers and recognizes her contributions to teaching and learning in this country. I urge my colleagues to support this resolution.

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

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

Mr. Speaker, I rise in support of House Resolution 714. This resolution honors a great American committed to a great cause. Sandra Feldman's tenure at the AFT has solidified that organization's influential and positive role in education reform.

Sandra Feldman's career first focused on improving teaching and learning as part of the civil rights movement of the 1960s. Her work as a second and third grade teacher in New York City's public schools solidified her view that a high-quality teacher is one of the key elements of successful learning.

To the benefit of teachers everywhere, Ms. Feldman was elected to the presidency of the United Federation of Teachers New York affiliate of the AFT in 1986. She was subsequently elected to the AFT presidency in 1997.

While holding the presidency of the AFT, Ms. Feldman has helped to improve the conditions under which our teachers work, but she has also been a tireless advocate for improved teaching and learning. Successful teaching includes better pay and benefits. But Ms. Feldman also recognized that we have to ensure our teachers have the skills and the professional development to do their jobs well. Her focus on quality has allowed many school systems to redouble their efforts to improve academic achievement.

While Ms. Feldman has recently retired, her legacy will continue to improve education in this country for many, many years to come. I urge the Members to support this resolution.

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

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

I just want to add that all of the words that were spoken on both sides I think are particularly applicable to Sandra Feldman and the work she did with the AFT, who, in my judgment, was open-minded about change and progression in education; and for that I think she deserves a tremendous amount of credit. We wish her well as she goes off into her retirement.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of H. Res. 714. This resolution honors a woman who has been one of the most influential and positive forces on public education for many years.

Last week, Sandra Feldman retired from the presidency of the American Federation of Teachers, which represents 1.3 million teachers—from pre-schools to universities—throughout this nation.

Through this resolution, the Congress joins her colleagues in the AFT, and throughout the education field, in recognizing and honoring her contributions to teaching and to the improved status and professionalism of educators.

Ms. Feldman's involvement in improving the quality of education began as an advocate for children during the civil rights movement in the 1960s.

She understood, as we should all, that the right to a sound public education is one of the most basic of our civil rights.

Without that education and training; opportunities are cut off from young people in higher education, employment and promotions.

Her work continued as a public elementary school teacher in 2nd and 3rd grade classrooms at PS 34 in Manhattan. She was elected to the presidency of the United Federation of Teachers in 1986, and then the AFT presidency in 1997.

Ms. Feldman's tenure as president of AFT has been marked by tireless efforts to improve teaching and learning in our country. Ms. Feldman's strong national leadership on standards based reform helped strengthen student performance and expand the skills of teachers.

Along with many Members of Congress, state and local legislators, and local board of education, I have long sought Ms. Feldman's advice and counsel in the development of education and child development policy.

She has never failed to respond to requests for her expert advice, serving on innumerable task forces and commissions, and as a regular witness before Congress.

Quite simply, her leadership at the AFT has enabled the nation to improve teacher quality and make academic achievement a reality.

The contributions of Ms. Feldman to our educational system has been immeasurable. This resolution only recognizes these contributions in a small way. The true measurement of Ms. Feldman's efforts are seen in our schools.

Her impact can be seen with an increased focus on teacher quality and better working conditions for teachers. But also her impact is evident in the strength and desire by our schools to improve teaching and learning.

Her leadership at the AFT has brought increased commitment to closing the achievement gap and ensuring all children can succeed.

This is the type of leadership that will continue to strengthen our educational system for

years to come, and that will open the door of opportunity to millions of children who otherwise may well have languished in underfunded, unsupported schools throughout this country. That is a legacy that any teacher can be very proud of.

I urge all Members to support this resolution, to recognize a great educator and advocate for teachers and schools, and to wish Sandy the very best for her years of contribution to her country.

Mr. LANGEVIN. Mr. Speaker, I rise today to pay tribute to the impressive career of Ms. Sandra Feldman, as she retires from her presidency of the American Federation of Teachers (AFT). For many years, Ms. Feldman has tirelessly served our nation's teachers, paraprofessionals and school-related personnel, local, state and federal employees, higher education faculty and staff, nurses and healthcare professionals, and public schoolchildren. A New York City native, Ms. Feldman taught in New York City public elementary schools, served in the United Federation of Teachers as secretary from 1983 to 1986 and its president from 1986 to 1997. In 1997, Ms. Feldman was elected as the 15th president of the AFT and the union's first female president since 1930.

Ms. Feldman's unwavering support for teachers and her allegiance to America's children have contributed to many successes in our public schools. She engaged AFT in the fight to attract and retain a first-class workforce, to secure funds for critical services in the public schools and to provide access to professional development programs for teachers and faculty. In 2001, her leadership helped secure a number of positive measures in the No Child Life Behind Act. Since the passage of the law, she has continued to be a voice for children and teachers, striving to implement new guidelines in a way that will truly reach all children.

Ms. Feldman chose not to seek reelection as president of the AFT this year, as she focuses on her health. I sincerely thank Ms. Feldman for her decades of work on behalf of disadvantaged children, her outstanding contributions and leadership in improving the quality of teaching and learning. I wish her every success in her fight against cancer.

Ms. Feldman will be succeeded by a Rhode Island native—Mr. Edward J. McElroy, who I have had the pleasure of working with over the years. I am confident that Mr. McElroy will continue to champion the causes of the teachers, public schools, and most importantly our children.

Again, I thank Ms. Feldman for her dedication to our children and urge all my colleagues to support H. Res. 714.

Mr. HOLT. Mr. Speaker, today I rise to commend Sandra Feldman on the occasion of her retirement from the Presidency of the American Federation of Teachers. I am pleased to be an original cosponsor of H. Res. 714, honoring Sandra Feldman.

Ms. Feldman has served as President of the American Federation of Teachers since 1997. In that time, she has dedicated herself completely to advancement of education. H. Res. 714 shows all Americans that a life committed to our youth and to our future does not go unnoticed.

I am thankful to my colleagues on both sides of the aisle who have voiced support for this bill and for the scores of citizens and activists around the country who have supported similar efforts.

I urge all members of this body to join me in my praising of Sandra Feldman and her exemplary leadership.

Sandra Feldman has been involved with public schools from her youth. As a child she attended a public school in New York City. Upon graduation, she attended Brooklyn College and received a Master's degree in English Literature from New York University.

Eventually Ms. Feldman moved to the other side of the classroom and became a teacher herself, teaching to 2nd and 3rd graders in Manhattan.

Still, Ms. Feldman's dedication to teaching and learning extended well beyond the classroom. In the 1960's, she became both teacher and an advocate.

As an advocate, Ms. Feldman rose through the ranks of both the United Federation of Teachers and the American Federation of Teachers, serving as executive director of the UFT and eventually as President of both organizations.

Her journey was not only unique, but inspiring. She was the first female President of the United Federation of Teachers in more than sixty years. She has earned recognition as an urban education expert and a persistent advocate for disadvantaged children. And she has served on numerous commissions, worked with UNICEF, and tackled issues ranging from child-welfare and labor to school vouchers. She has been recognized by the Ladies Home Journal as one of the ''100 Most Influential Women in America.'' And today, she deserves the recognition of the U.S. House of Representatives.

Mr. Speaker, these brief words cannot adequately describe a lifetime of service and commitment to the betterment of this great nation. Words can never truly convey the gratitude that my colleges and I feel toward Sandra Feldman for her consistent unwavering support for disadvantaged children and our nation's education system. But the reality is, our country and its children and its schools are better off because of her years of service.

I ask my colleagues to support the passage of H. Res. 714 to recognize Sandra Feldman's contributions and leadership in improving the quality of teaching and learning.

Mr. KILDEE. Mr. Speaker, I rise in support of H. Res. 714. This resolution honors one of the most influential individuals in American education today. As a former public school teacher, I am pleased to honor Ms. Feldman on her retirement.

Ms. Feldman's leadership at the American Federation of teachers has made teacher quality and improved working conditions for teachers one of the primary factors in ensuring academic success. Her advocacy on behalf of children and teachers alike have greatly improved education reform in this country. For this, we owe Ms. Feldman our thanks.

The value of a public education is immeasurable. Ms. Feldman's work at the AFT lifted the value of education in the minds of the public. Most importantly however, Ms. Feldmaan has defined the importance of teacher quality. This legacy will continue to help children for many years to come. I urge my colleagues to support this resolution and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. I rise to honor the distinguished career and retirement of Sandra Feldman as outgoing President of the American Federation of Teachers. She is truly an extraordinary trailblazer of the American educational system.

Defying odds and raising standards is second nature to Sandra Feldman. The daughter of laborers and a product of New York City's educational system, Sandra Feldman has dedicated her life and her passion to her community and this nation in improving teaching and learning for all Americans.

Since taking the reins of the AFT in 1997 as the 15th president and its first woman president, the organization and its state affiliates have been an unprecedented rise in state and national standardized test scores. The AFT has also increased graduation and retention rates in schools determined to be ''at risk.''

This great advocate of education has been an invaluable tool in our nation's efforts to make our public schools accountable and equipped with quality teachers, textbooks and other materials needed to ensure that the truly free people are also an educated people.

Mr. Speaker, as we recognize Ms. Feldman, I would also like to extend this recognition and honor to the Texas Federation of Teachers, particularly those in my district of Dallas. Facing extreme budget cuts from the state and new standardized test scores, the teachers of the Dallas Independent School District have risen to the challenge to make sure that their students are able to compete on the equal footing.

Mr. Speaker, as I concluded, I urge my colleagues to join me in recognizing an unwavering pioneer in the realm of education—Ms. Sandra Feldman.

Mr. HOYER. Mr. Speaker, I rise today to honor Sandra Feldman, who has retired as president of the American Federation of teachers.

A union activist for nearly 40 years, Sandy started her career as a teacher, and was elected AFT president in 1997 after serving as president of the United Federation of Teachers in New York City for more than a decade.

Under her tenure, the AFT continued its strong advocacy for educational reforms, but also expanded its efforts into educational research. The AFT released major studies on the teaching of reading, and on how to improve teacher training.

She also personally advocated for more aggressive early childhood efforts, including ''Kindergarten-Plus'' which would allow disadvantages children to start kindergarten in the summer, and keep them in school during the summer before first grade.

In addition to her work on strengthening and reforming public education, Sandy has been a tremendous advocate for the right to collectively bargain, and has worked to strengthen health care and retirement benefits for her members.

Her dedication to her members and their families is legendary. She has left an enduring imprint on the lives of generation of union workers. Her tireless efforts to secure a better quality of life for working people is a testament to her tremendous energy and commitment to others. Her experience, determination and vision will be greatly missed.

Mr. ENGEL. Mr. Speaker, I rise to pay tribute to Sandra Feldman as she retires from the American Federation of Teachers (AFT) and thank her for her valuable contributions to education and dedication to the teaching profession. As a former New York City school

teacher and member of the United Federation of Teachers myself, I can personally attest to her strength of conviction and determination. Having known her for many years, it is also a great privilege to count her a personal friend.

Throughout her career, Sandra Feldman became known as an authority on urban education and an advocate for children. No stranger to activism, she began her advocacy work during the 1960s civil rights movement. A former public school student herself, she then taught in one of New York City's public elementary schools. I had the privilege of working with Sandra Feldman when she was President of the United Federation of Teachers in New York City, the largest union local in the United States. She later took over as President of the American Federation of Teachers in 1997, leading its more than 1 million members.

Throughout her career, U.S. presidents, governors and mayors have appointed her to numerous commissions and task forces tackling educational, economic and child-welfare, labor and social issues. However, Sandra Feldman's interests went beyond the field of education; she serves as a board member or activist in many community and civic organizations.

A dedicated activist, educator and leader, I thank Sandra Feldman for her work throughout her career and sincerely congratulate her on her retirement as president of the AFT.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to join my colleagues in honoring a wonderful leader and educator, Ms. Sandra Feldman, as she retires from her role as President of the American Federation of Teachers.

As the 15th president of the American Federation of Teachers and the union's 1st female president since 1930, Ms. Feldman has led the more than 1 million members of her union since 1997.

A native of New York, Sandra Feldman is a self-described "kid from Coney Island." She grew up in a city-owned slum in Brooklyn that was condemned for all the years she lived there and worked her way through the public education system. She attended Brooklyn College on a scholarship and later received a master's degree in English Literature from New York University.

Sandra Feldman is a lifelong civil rights and union activist. She rose from union ranks to serve as president of the United Federation of Teachers in New York City, a post she held from 1986 to 1997, when she was elected AFT president. She recognizes that children are America's most valuable resource and, as such, they must have guidance from able-bodied professionals to develop into productive members of society.

Recognized as an authority on urban education and an advocate for children, her longstanding commitment to social justice dates back to her involvement with the early Civil Rights movement. As such, she has been recognized by many United States Presidents, governors and mayors to tackle the social issues of education, the economy, child-welfare and labor.

Mr. Speaker, I thank her for her many efforts and sacrifices, as she continues to work to increase the rights of public school teachers and the quality of education for our young children and I ask that my colleagues join me in congratulating this wonderful American.

Ms. NORTON. Mr. Speaker, I rise with words of strong praise for Sandra Feldman, a woman who has spent her life in service to others, as she retires from the presidency of the American Federation of Teachers.

Sandy Feldman's educational journey took her first to children as a teacher in the New York City Public Schools, continued with her service to teachers, children and working people, and culminated in her seven outstanding years as President of the AFT.

Equal rights has been an overarching theme of Sandy Feldman's life. I met Sandy when we both were kids in the civil rights movement. The movement was nascent, but Sandy already was deeply engaged. It was no surprise to me that Sandy Feldman would become the leader of a great union or that she would fight so effectively and productively for the rights of its members. However, for Sandy and the American Federation of Teachers, the value added has been the union's leadership on education itself.

In many circles, Sandra Feldman is equally well-known as an educational innovator. She has regarded her work for the advancement of teachers as part and parcel of the advancement of education for children. She has understood that it is impossible for children to get what they need and deserve if teachers are underpaid and without a say in the working conditions under which they teach.

One example of her forward thinking is her handling of charter schools. Recognizing how they were embraced by many families seeking public school alternatives, Sandy Feldman has been able to reconcile charter school popularity with the maintenance of strong public schools and the rights of teachers in districts willing to work in the same spirit of respect for all concerned.

Sandy's energy, ability to move people and fertile mind for unique educational innovation will be missed, but she has set such a high mark that unions and school districts alike will long be following the path she has so ably laid out.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution.

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

A motion to reconsider was laid on the table.

COMMUNICATION FROM STAFF ASSISTANT OF HON. MARCY KAPTUR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Dan Foote, Staff Assistant of the Honorable MARCY KAPTUR, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 16, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for testimony issued by the Court of Common Pleas for Lucas County, Ohio.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

DAN FOOTE,
Staff Assistant.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BURGESS) at 6 o'clock and 30 minutes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1587, by the yeas and nays;

Senate Concurrent Resolution 114, by the yeas and nays; and

Senate 2264, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote of this series will be a 5-minute vote.

VIET NAM HUMAN RIGHTS ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1587, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1587, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 323, nays 45, not voting 65, as follows:

[Roll No. 391]

YEAS—323

Ackerman	Bereuter	Boswell
Aderholt	Berkley	Boucher
Akin	Berman	Boyd
Alexander	Berry	Bradley (NH)
Allen	Bilirakis	Brady (PA)
Andrews	Bishop (NY)	Brady (TX)
Baca	Bishop (UT)	Brown (OH)
Bachus	Blackburn	Brown (SC)
Baird	Blumenauer	Brown, Corrine
Barrett (SC)	Blunt	Brown-Waite, Ginny
Bartlett (MD)	Boehlert	Burgess
Barton (TX)	Boehner	Burns
Bass	Bonilla	Burr
Beauprez	Bono	Burton (IN)
Becerra	Boozman	

Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Clyburn
Cole
Cox
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Etheridge
Farr
Feeney
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herseth
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hyde
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—45

Baldwin
Biggert
Bishop (GA)
Cantor
Coble
Conyers
Cooper
Costello
Crane
Dicks
Dooley (CA)
Dreier
Emerson
Eshoo
Evans
Flake
Goss
Hastings (FL)
Herger
Jackson (IL)
Johnson (CT)
Jones (NC)
Kolbe
Kucinich
Larsen (WA)
McDermott
McInnis
Miller, George
Nadler
Oberstar
Obey
Olver
Ose
Paul
Pryce (OH)
Ruppersberger
Sabo
Shays
Shimkus
Simmons
Smith (MI)
Tanner
Taylor (NC)
Thomas
Weller

NOT VOTING—65

Abercrombie
Baker
Ballenger
Bell
Bonner
Carson (IN)
Carson (OK)
Chocola
Clay
Collins
Cramer
Culberson
Davis (IL)
Delahunt
DeMint
Deutsch
Everett
Fattah
Ferguson
Frelinghuysen
Frost
Gephardt
Granger
Greenwood
Gutierrez
Hayes
Hinojosa
Houghton
Hulshof
Hunter
Inslee
Isakson
John
Jones (OH)
Kennedy (RI)
Kilpatrick
Kingston
Kleczka
Lee
Lipinski
Majette
McCrery
McIntyre
McKeon
Menendez
Miller (MI)
Neugebauer
Payne
Pelosi
Peterson (PA)
Pitts
Quinn
Renzi
Ros-Lehtinen
Rush
Ryun (KS)
Sanders
Spratt
Sweeney
Toomey
Towns
Vitter
Watt
Wexler
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1858

Messrs. CANTOR, TANNER, OSE, COSTELLO, DICKS, HERGER, Ms. BALDWIN, Mr. LARSEN of Washington and Mr. GOSS changed their vote from ''yea'' to ''nay.''

Mr. FARR and Mr. DOOLITTLE changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to promote freedom and democracy in Vietnam.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. NEUGEBAUER. Mr. Speaker, on rollcall No. 391 I was unavoidably detained. Had I been present, I would have voted "yea."

CONCERNING THE IMPORTANCE OF THE DISTRIBUTION OF FOOD IN SCHOOLS TO HUNGRY OR MALNOURISHED CHILDREN AROUND THE WORLD

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 114.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 114, 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 367, nays 4, not voting 62, as follows:

[Roll No. 392]

YEAS—367

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich

Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—4

Flake
Johnson, Sam
Miller (FL)
Paul

NOT VOTING—62

Abercrombie
Ballenger
Bell
Bonner
Carson (IN)
Carson (OK)
Chocola
Clay
Collins
Cramer
Culberson
Davis (IL)
Delahunt
DeMint
Deutsch
Fattah
Ferguson
Frelinghuysen
Frost
Gephardt
Granger
Greenwood
Gutierrez
Hayes
Hinojosa
Houghton
Hulshof
Hunter
Inslee
Isakson
John
Jones (OH)
Kennedy (RI)
Kilpatrick
Kingston
Kleczka
Lee
Lipinski
Majette
McCrery
McIntyre
McKeon
Menendez
Miller (MI)
Payne
Pelosi
Peterson (PA)
Pitts
Quinn
Renzi
Ros-Lehtinen
Rush
Ryun (KS)
Sanders
Spratt
Sweeney
Toomey
Towns
Vitter
Watt
Wexler
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1907

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NORTHERN UGANDA CRISIS RESPONSE ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2264.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the Senate bill, S. 2264, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 1, not voting 61, as follows:

[Roll No. 393]

YEAS—371

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

NAYS—1

Paul

NOT VOTING—61

Abercrombie
Ballenger
Bell
Bonner
Carson (IN)
Carson (OK)
Chocola
Clay
Collins
Cramer
Culberson
Davis (IL)
Delahunt
DeMint
Deutsch
Fattah
Ferguson
Frelinghuysen
Frost
Gephardt
Granger
Greenwood
Gutierrez
Hayes
Hinojosa
Houghton
Hulshof
Hunter
Inslee
Isakson
John
Jones (OH)
Kennedy (RI)
Kilpatrick
Kingston
Kleczka
Lee
Lipinski
Majette
McCrery
McIntyre
McKeon
Menendez
Miller (MI)
Payne
Pelosi
Peterson (PA)
Pitts
Quinn
Renzi
Ros-Lehtinen
Rush
Ryun (KS)
Spratt
Sweeney
Toomey
Towns
Vitter
Watt
Wexler
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1923

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RENZI. Mr. Speaker, on Monday July 19, 2004 I was addressing the Navajo Nation Tribal Council and missed the day's votes. Had I been present I would have voted as follows:

(1) On the motion to suspend the rules and pass H.R. 1587—the Viet Nam Human Rights Act of 2003, I would have voted "yea."

(2) On the motion to suspend the rules and pass S. Con. Res. 114—the Food Distribution in Schools to Hungry or Malnourished Children Around the World Act, I would have voted "yea."

(3) On the motion to suspend the rules and pass S. 2264—the Northern Uganda Crisis Response Act, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal reasons prevent me from being present for legislative business scheduled for today, Monday, July 19, 2004. Had I been present, I would have voted "yea" on H.R. 1587, the Viet Nam Human Rights Act of 2003 (rollcall No. 391); "yea" on S. Con. Res. 114, a resolution concerning the importance of the distribution of food in schools to hungry or malnourished people around the world (rollcall No. 392); and "yea" on S. 2264, the Northern Uganda Crisis Response Act (rollcall No. 393).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. STENHOLM. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, Tax Relief, Simplification, and Equity Act of 2003.

The form of the motion is as follows:

Mr. Stenholm moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 1308 be instructed to agree, to the maximum extent possible within the scope of conference, to a conference report that—

(1) extends the tax relief provisions which expire at the end of 2004, and

(2) does not increase the Federal budget deficit.

BUSH TAX CUTS ARE WORKING

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

Mrs. BLACKBURN. Mr. Speaker, I brought a little article down here with me tonight because I think it is kind of instructive. Sunday morning I was watching some of the talk shows and doing a little reading, and I heard a spokesman for the Democratic candidate say, "Well, you know, this administration has wrecked the economy."

At that point in time, I happened to be reading an article here. It says, "Sales Survey: Economy is Still Picking Up Speed."

What this is talking about is the amount of growth in Tennessee's economy. Over 370 sales professionals were surveyed for their second quarter sales; 69 percent of them saw sales up over first quarter numbers.

Mr. Speaker, I think this just reminds us and proves to us that tax relief works. Continued tax relief for the American people works. Jobs are being created, over 1 million jobs in the last few months. Over 91 million Americans saw a tax cut last year. The Bush tax cuts are working.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4850, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–615) on the resolution (H. Res. 724) providing for consideration of the bill (H.R. 4850) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3574, STOCK OPTION ACCOUNTING REFORM ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–616) on the resolution (H. Res. 725) providing for consideration of the bill (H.R. 3574) to require the mandatory expensing of stock options granted to executive officers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MISSION NOT ACCOMPLISHED ON ECONOMY

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

Mr. EMANUEL. Mr. Speaker, on Friday, the Department of Labor reported that hourly earnings for workers fell 1.1 percent last month. That is the deepest drop since the depths of the recession in 1991, and it follows a 0.8 decrease in hourly wages in May.

With household income down nearly $1,500 the last 2 years, working families will have to work more hours just to lift their incomes to get back to where they were 3 years ago.

All the while, health care costs for a family of four have gone up from $6,500 to $9,000, college costs have gone up 26 percent in the last 3 years, household bankruptcies have risen by 33 percent in the last 2 years, $180 billion of net value has been erased from 401(k)s.

With a record like this, only this administration would hang the banner "mission accomplished" above the economy.

We can do better for the middle-class families who are facing a squeeze on college costs, health care, savings for their own personal retirement and hourly working income. It is time to turn this economy around to reflect the economic interests of middle-class families who have been faced with a squeeze on them, their family and their children as it relates to the costs.

It is time to put this administration's banner "mission accomplished" back where it came from.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NEUGEBAUER). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING NORBERT DREILING OF HAYS, KANSAS

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

Mr. MORAN of Kansas. Mr. Speaker, I rise tonight to recognize a man from my hometown who is a legend in Kansas and a pillar in our community, a man who is sought out for his political expertise and advice as well as for his legal skills, and a man who is well known for his charitable efforts and his vision for our State and our country. I am here tonight to honor a leader, and my friend, Mr. Norbert Dreiling.

Mr. Dreiling may best be known as the father of Democratic politics in the State of Kansas. Through years of dedicated service, he breathed life into a struggling Democratic party and established a lasting two-party system in our State.

Early on, Norbert found ways to use his talents to further his beliefs in good government and in opportunity for all. After graduating from law school in 1949, he returned to his home of Hays, Kansas, where he volunteered as a precinct committeeman, a position he held for the following 25 years. Norbert's enthusiasm and ability brought opportunities well beyond local politics. From 1966 to 1974, he served as State party chairman of the Democratic Party and as campaign chairman for Kansas Governor Robert Docking.

□ 1930

The party flourished under Chairman Dreiling's leadership; and for the first time in Kansas's history, an incumbent Republican Governor was defeated in a race for that office. Norbert went on to advise Governor Docking and helped elect him to a historic four terms as Kansas Governor, the most terms ever served by a Governor in our State. Norbert took an interest in national politics; and along with serving as a delegate to four national party conventions, he served as State co-chairman for the Johnson and Kennedy Presidential campaigns. Today, at the wise age of 79, Mr. Dreiling continues to advise and empower candidates and officeholders.

Norbert's influence extends well beyond politics. Even before President Kennedy's call for civic duty, Norbert was revered as a strong leader and a generous spirit in our community. His benevolent service in support of hospitals, rest homes, schools, and civic organizations is legendary. With an eye to bettering the future, Norbert also knows the importance of remembering

the past. He has been instrumental in promoting the Volga-German heritage of Ellis County, Kansas; and he has authored a history of the Volga-German people and their immigration to Kansas, as well as a pageant play marking the centennial anniversary of these events.

When he is not volunteering his time and talents, Norbert is a successful attorney and a partner in the law firm of Dreiling, Bieker and Hoffman. Despite his many activities, his family comes first. Norbert is a devoted husband to his wife Jeannie, and a proud father of four children: January, Mark, Curtis, and Kathy.

Like his Volga-German ancestors who crossed the Kansas prairie many years ago, Norbert's hard work and strong values have made his community and our State a better place. I want tonight to thank Norbert for his many accomplishments, for his civic-minded spirit, and for his sound leadership. Despite a difference in our party affiliation, he is a friend and adviser; and I commend him for his longtime service to our great democracy.

Norbert has spent his life advocating for those in need and enabling others to overcome life's challenges. Today, Norbert himself is facing a great challenge, a personal battle with Parkinson's disease. And tonight, our prayers go out to Norbert and his family during these difficult times. May the strength and courage demonstrated in his years of service throughout his life help him fight the effects of this terrible disease.

TIME IS RUNNING OUT ON RENEWING ASSAULT WEAPONS BAN

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

Mrs. MCCARTHY of New York. Mr. Speaker, at the end of this week, we all take our 6-week break before we come back to the House. That means we only have 9 days left before September 13 when we are going to see the assault weapons ban in this country expire. We have already seen where the gun manufacturers are coming out and saying they cannot wait until this expires, mainly because on September 14 they will be able to supply assault weapons back into the stores so anyone that wants to can buy them.

Mr. Speaker, since I have been here in Washington trying to fight and reduce gun violence in this country, I have always been fair. I have never tried to take away the right of someone to own a gun. But assault weapons go way overboard. Do we want to see our citizens in this country be able to have assault weapons? Assault weapons are the guns that we are seeing every day, unfortunately, in Iraq. Assault weapons are guns that are made to take down as many people as possible in the shortest period of time.

A recent poll by the Educational Fund to Stop Gun Violence shows that an overwhelming amount of Americans support renewal of the ban, including gun owners around the country and NRA supporters. Voters in key Midwestern States, including Ohio, Wisconsin, Michigan, and Missouri, average 72 percent in support of the renewal. In Florida, 81 percent of likely voters support renewing the ban. In rural States, including West Virginia and South Dakota, 68 percent of voters support the renewal. The majority of gun owners in this country support the renewal, mainly because the majority of gun owners in this country are fair, and they know what kinds of guns they need and what kinds of guns we do not need.

In the face of these dramatic numbers in favor of the ban, the issue, unfortunately, remains in a political deadlock. In 2000, the President, President Bush, said that he would sign the bill if it got on his desk. Well, we know that the President has been able to get everything that he has wanted through this House by making some phone calls. It is time the President stands up. It is time the President says, we should have the assault weapons ban certainly renewed, at the least.

Listen, I support our police officers across this country. The police officers across this country want this ban kept in place. Why? Because they have found over the last 10 years fewer and fewer assault weapons are being used in crimes. Fewer and fewer assault weapons are being used to hurt our police officers across this country.

Mr. Speaker, I happen to believe very strongly that one person can make a difference. That is why I came to Congress. But I also know that it takes the American people to wake up, to be able to have their voices heard here; and this is one chance when the American people can come together.

Do not let this time run out. This is where the American people can get involved. Certainly e-mail the Speaker of the House and the President of the United States. Let us keep this promise that the President made back in 2000 a reality. Do we want assault weapons back on our streets? Do we want the possibility of terrorists that are supposedly in this country being able to buy these guns? Do we want the drug lords to be able to have these guns? Think of the shootings that we have had in this country over the last several years. Can we imagine if they had had an assault weapon and how many more people they could have taken down?

I spent my life as a nurse before I came to this great House. My job is to take care of people. My job is to prevent people from being ill, to give them the best quality of life possible. Having assault weapons is deadly for all of us. It is deadly for our children. It is deadly for our police officers. I here in Congress refuse to let this die. That is why I came to Congress, to save lives.

I am asking the American people to get behind this. When we come back in September, over 2,000 people will have died during that time. Two thousand people. Two thousand families, not even counting how many have been wounded. I know this is personal for me, but the rhetoric that we are hearing from the NRA is false.

Ten years ago we heard constantly the only reason we wanted to get this assault weapons ban done is so we could go down that slippery road. Well, let me tell my colleagues something. Second amendment rights, the Constitution, each one of us swears that we will uphold that. I am not out here to take away anyone's right to own a gun.

Please, the American people must become involved in this.

DEFINITION OF MARRIAGE

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

Mr. OSBORNE. Mr. Speaker, there has been a great deal of debate lately about the definition of marriage. It seems that the position taken is determined largely by a person's world view. Some are primarily interested in what best serves adults. Issues such as health insurance benefits, Social Security benefits, survivor benefits, hospital visitation rights tend to dominate the debate. There is emphasis upon individual rights and personal freedoms.

There is resentment of those who would attempt to limit the definition of marriage. On the other hand, there are those who are primarily interested in children's welfare and long-term cultural implications as they seek to define marriage. For these people, marriage is viewed as the most basic, elemental social contract. It is the bedrock of the culture. Its primary purpose is the conception and rearing of children in a stable, long-term relationship between a man and a woman. The strength of the culture, possibly for its very survival, depends upon this process.

If one subscribes to the primacy of the importance of children, then certain facts appear to be incontrovertible. First, a man and a woman produce a child; no other arrangement seems to work very well. Second, research shows that children do better when they live with their biological father and mother in a long-term, stable relationship.

Twelve leading family scholars summarized thousands of studies on child rearing as follows: children raised by both biological parents within a marriage are less likely to become unmarried parents, live in poverty, drop out of school, have poor grades, experience health problems, die as infants, abuse drugs and alcohol, experience mental illness, commit suicide, experience sexual and verbal abuse, engage in criminal behavior. And they conclude their observations as follows: ''Marriage is more than a private, emotional relationship. It is also a social good.'' In

other words, all of these behaviors certainly impact all of us as tax payers and certainly break down the culture.

I worked closely with young people for 40 years and personally witnessed the emotional pain and dysfunctional behavior brought about by the destruction of marriages. Most of this dysfunction was caused by the absence of fathers. Fathers contribute to a child's well-being in a unique way. Mothers also obviously make a unique contribution. It takes both.

Opponents of traditional marriage will refer to studies refuting this data. However, these studies almost always compare families where no father at all is present, are not longitudinal, and are poorly designed. Several countries, notably in Scandinavia, have changed the traditional definition of marriage. The result has been a decline in traditional marriage and a surge in out-of-wedlock births in these countries. Children born in such circumstances on average suffer significant dysfunction and distress.

The strength of a culture can be measured by how it treats its most vulnerable citizens: its children. So the question before us today is this: Do we allow a small number of members of the judiciary to alter an institution which has been the backbone of this Nation? Do we allow these same jurists to do so with the great majority of our citizens in our cities and our States firmly opposed to a change? Forty-four of 50 States have laws defining marriage in a traditional manner.

Again, Mr. Speaker, this is a matter that speaks directly to the welfare of our children and our Nation. Same-sex marriage issues such as survivor benefits and health care benefits for adults can be addressed without doing violence to a time-honored institution which is vital to our national well-being and particularly to our children.

BUDGET ENFORCEMENT

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

Mr. STENHOLM. Mr. Speaker, an earlier speaker tonight said the economy is showing signs of some considerable improvement. Jobs are being created, GDP is increasing. Well, it should. We have borrowed $2.5 trillion in the last 3½ years and spent it. We should get the kind of results with that amount of borrowing.

Last week, the administration failed to meet the deadline to release the mid-session review of the budget. If the administration had released the mid-session review, it would have shown that our budget is in a deep hole. As my colleagues have heard me say many times, when you find yourself in a hole, the first rule is to quit digging. Soon we will have an announcement of another record deficit, somewhere between $425 billion and $500 billion.

Under the simple concept of pay-as-you-go, if we want to pass a tax cut or spending increase, we need to say how we would pay for it. We need to take two shovels away from Congress and the President to stop us from digging the hole deeper. The original PAYGO legislation was part of the bipartisan 1990 budget agreement between President George Herbert Walker Bush and the Democratic Congress. It was subsequently extended in 1993 and 1997, but was allowed to expire in 2002 by President Bush and the Republican Congress.

We should be spending our time trying to find a bipartisan solution to balance our budget, but that may be too much to expect from this do-nothing 108th Congress. Not only has this Congress failed to make any serious efforts to reduce the deficit, we have allowed the budget enforcement tools, which we have proven the track record of in controlling the deficit, to expire. Last month, the House spent 7 hours on this floor debating 19 amendments on budget process reform, but the House leadership would not even allow an up-and-down vote on the Blue Dog budget enforcement proposals because the leadership knew that it would have enough bipartisan support to pass.

□ 1945

Now, I associate myself with the remarks of the gentleman from Nebraska who just spoke regarding marriage. I strongly support middle-class tax relief. I support extending the marriage penalty relief, the $1,000 per child tax credit and the 10 percent tax bracket. What I oppose is passing these tax cuts with borrowed money and leaving our children and grandchildren to pay our bills.

Those who want to extend expiring tax cuts or make the tax cuts permanent, which they will try to do again this week, adding another $120 to $180 billion to our deficit, should be willing to put forward the spending cuts or the offsetting necessary to pay for them.

Applying pay-as-you-go rules to tax cuts does 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 so the deficit does not get deeper.

If Republicans actually meant what they say about controlling spending, they would have no problem with applying pay-as-you-go to tax cuts, because it would force Congress to actually control spending when we pass tax cuts instead of just promising to do so in the future.

The problem is the actions of Republicans have not matched their rhetoric. They cut taxes without cutting spending and charge the difference to our children and grandchildren.

Last year we increased the debt limit by $984 billion. The current debt limit is $7.384 trillion. At the close of business last Friday, our total national debt stood at $7,273,792,456,490.62. It appears very likely the debt limit will be reached sometime in late September or October, with the most likely date being early October.

It is time for Congress to deal seriously with our Nation's fiscal affairs. We cannot keep having 70 percent of our debt being bought by foreigners and not paying the bill sooner or later.

LEWIS AND CLARK NATIONAL HISTORICAL PARK DESIGNATION ACT OF 2004

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

Mr. GOODE. Mr. Speaker, I am pleased that H.R. 3819, the Lewis and Clark National Historic Park Designation Act of 2004, passed the House earlier today.

From Jamestown to the Cumberland Gap, Virginia has been a land of pioneers. Virginians have explored the New World and established America, and two of her most adventurous sons are Meriwether Lewis and William Clark.

While the western trail of the Lewis and Clark Expedition is well-recognized, less known is the route taken in the preparation phase and return phase of the expedition. I thank my colleagues for joining me in support of H.R. 3819 and in recognition of the Eastern Legacy of the Lewis and Clark Expedition during this bicentennial commemoration.

On January 18, 1803, President Thomas Jefferson sent a confidential letter to Congress requesting an appropriation of $2,500 to fund an expedition of exploration to the Pacific Ocean by route of the Missouri and Columbia Rivers with the hope of discovering a continuous water passage to the Pacific for the purpose of commerce. It was from Monticello that Jefferson conceived this idea, and he chose Captain Meriwether Lewis to lead the exploration. Thus began what would become the Lewis and Clark Expedition.

On March 15, 1803, Meriwether Lewis left the President's House in Washington, D.C. and began preparations for his adventures toward the Pacific. He stopped at the arsenal in Harper's Ferry with an authorizing letter from the Secretary of War and purchased items. He proceeded to Philadelphia, where he studied a wide range of scientific topics. Lewis returned to Washington when he wrote to Captain William Clark to enlist his aid and to share command of the expedition.

In Pittsburgh, Lewis had a keelboat constructed and recruited boatmen to man the vessel that would enable him and Clark to make the long journey. Preparations for the expedition, beginning at Monticello and ending in Wood River, Illinois and the return phase beginning in St. Louis and ending in Washington, D.C., included visiting sites in ten States in the East. These States include Virginia, Maryland,

Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana and Illinois, as well as the District of Columbia.

Currently, no sites visited in these States are recognized as Lewis and Clark National Historic Landmarks nor are they locations along the Lewis and Clark National Historic Trail. I am pleased that Title II of H.R. 3819 implements a study that begins the process towards obtaining recognition for these sites east of the Mississippi.

On January 18, Jefferson's Monticello hosted the commencement of the National Lewis and Clark Bicentennial Commemoration that will continue through 2006. This was the first signature event of the Lewis and Clark Bicentennial, and hopefully, once the study has been completed, the National Park Service will designate Monticello and other parts of the Eastern Legacy as official Lewis and Clark trail sites.

I believe that it is appropriate to include the route followed by Meriwether Lewis and William Clark, whether independently or together, in the preparation and return phases of the expedition. The Eastern Legacy should rightfully be included in the Lewis and Clark National Historic Trail. H.R. 3819 is a positive step towards properly recognizing and honoring the Eastern Legacy of the Lewis and Clark Expedition.

THE FAILINGS OF CONGRESS

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

Mr. HILL. Mr. Speaker, if Congress were to receive a fiscal responsibility report card, there would not be a single passing grade. Congress should receive an ''F'' for failing when it comes to taking care of our Nation's fiscal security. Congress should receive an ''F'' for failing to pass a budget resolution conference report.

Both the Senate and the House are controlled by the same party, and yet no agreement was reached on simply setting a budget that Congress should stick to. So much for taking fiscal responsibility seriously.

Congress should receive an ''F'' for so poorly managing the taxpayers' money that the debt ceiling will have to be raised by over $8 trillion in just a few short months.

For the third time in 3 years, the majority party needs to increase the debt limit. Last year we saw the largest debt limit increase in history, $984 billion, Mr. Speaker, and now we are looking at another $690 billion increase just to keep the Federal Government running.

Congress should receive an ''F'' for failing to pass spending caps and pay-as-you-go legislation, or PAYGO. Pay-as-you-go is a common-sense piece of legislation that Congress ought to pass if we are going to be serious about putting this fiscal House back in order. Simply put, PAYGO provides the blueprint for getting our Nation out of the red ink that we are swimming in.

The PAYGO rules Congress and the President enacted in 1990 were an important part in getting a handle on the deficits in the early 1990s and getting the budget back into balance. The pay-as-you-go rules enacted in 1990 have been tested, and they have passed. There is no question that significantly improved the responsibility and accountability of the budget process and were instrumental in getting from large deficits in the 1980s and early 1990s to budget surpluses in the late 1990s.

The one area that this Congress and administration has excelled in is its ability to run up massive amounts of debt. This year alone we are expected to run approximately a $425 billion deficit, just this year alone, the worst deficit in the United States history, every dime of which must be paid back.

Had Congress and the administration worked in a bipartisan manner with the Blue Dog Coalition, they could have passed a budget and PAYGO. Instead, they forged a partisan path, and the American people are left with neither. The American people deserve a better grade than failure on fiscal responsibility from their elected officials. The President is fond of saying it is the people's money, and he is correct. It is the people's money. And I believe that the people deserve to have our Nation managed in a fiscally responsible manner.

Let us stop playing politics with our financial security. Instead, pass real, meaningful PAYGO legislation and get our Nation's fiscal health back in order.

WERE WE RIGHT TO REMOVE SADDAM?

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

Mr. COLE. Mr. Speaker, recent reports have done much to identify the mistakes, shortcomings and gaps in U.S. intelligence about Iraq. There is no doubt that the information we had about the weapons programs of Saddam Hussein was incomplete and, to some degree, inaccurate. However, these reports also demonstrate that in a number of respects, U.S. intelligence got it right. Saddam Hussein did possess forbidden weapons, particularly missiles. Saddam and his cronies did indeed have contact and discussions at some level with al Qaeda and various terrorist groups. Terrorists did in fact use Iraq as a sanctuary for training and as a source of supply.

Finally, if British reports are to be believed, President Bush was correct when he warned that Saddam was seeking nuclear material in Africa.

The real question, Mr. Speaker, is not whether U.S. intelligence was perfect, but whether America was right to remove Saddam Hussein from power. Not so long ago, few Americans professed doubts about removing Saddam. In 1998, President Clinton made regime change in Iraq the goal of U.S. policy. In doing so, he received bipartisan congressional support. When President Bush made the case for war against Saddam in 2002, he, too, received bipartisan support in Congress.

Lest we forget who and what Saddam Hussein was, we should remind ourselves of his actions over the course of his political career. Saddam is a man who launched two regional wars in the Middle East. One cost nearly a million lives. The other required an international military coalition led by the United States to free the victim. Saddam Hussein has actively pursued and employed weapons of mass destruction since the 1980s. He has trained, armed and patronized terrorists of various sorts. He attempted to assassinate a United States President, and his forces routinely tried to down U.S. and allied planes that were responsible for enforcing U.S. sanctioned no-fly zones.

Saddam's crimes and atrocities were not just directed against his neighbors in the international community. The 20-year-plus reign of terror he unleashed against his fellow Iraqis almost defies belief. The countless murders, torture sessions and rapes made him one of the 20th century's most feared and ferocious dictators. He gassed thousands of his own Kurdish citizens, poisoned the environment of those Arab marsh tribes that opposed his rule and looted the country of its wealth. When Saddam's own people rose up against him in 1991 at our urging, he butchered them by the tens of thousands.

When American and Coalition forces finally came to Iraq 12 years later, what did they find? Not, at least yet, stockpiles of WMD. They found something far worse. Dozens of mass graves containing an estimated 400,000 men, women and children murdered by the minions of Saddam Hussein.

I invite my colleagues who so quickly and correctly condemn every shortcoming in the Coalition occupation of Iraq to spend equal time cataloging and criticizing the atrocities of the Hussein regime. If they need any help finding the information, they should talk to the lucky survivors and visit with the thousands of grieving family members who can acquaint them with the full scope of Saddam's crimes.

Once they do, I suspect they will agree with one young American soldier I met while in Iraq. He said, ''The real question is not why we came to Iraq but why the whole world was not here years ago.''

Would it have been better to leave Saddam in power? In power to do what? To resume his unending efforts to acquire and develop WMDs, to expand, develop and formalize his evolving relationship with al Qaeda and other terrorist groups, to continue murdering his domestic opponents by the thousands?

When the history of Saddam Hussein and the liberation of Iraq is written, Mr. Speaker, there will be many lessons to learn. We will wonder why our intelligence was not better. We will question some of the decisions we made during the occupation. We will be ashamed of a few of our fellow Americans who lost their moral compass in the awful crucible of war and occupation. We will ask why so many Europeans were so slow to learn the lessons of their own sad history and so unwilling to extend to others the freedom they now enjoy. And we will be amazed at so many humane and decent people willing to allow Saddam to reign from a palace rather than rot in a prison.

But, Mr. Speaker, history will show we were right to remove Saddam Hussein. It will demonstrate that the demise of his regime made the world better, America safer and gave the Iraqi people a chance for a decent future. It will vindicate the leaders, especially our President, who saw the danger, rallied the forces of decency and stayed the course.

Finally, and most appropriately, history will honor those Americans in uniform who once again answered the call of their country and liberated an oppressed people.

Mr. Speaker, the recent Senate Intelligence Committee Report on the status of Weapons of Mass Destruction in pre-war Iraq and the early release of material from the 9/11 Commission's Report that will appear later this week have done much to identify the mistakes, shortcomings and gaps in U.S. intelligence about Iraq. There is no doubt that the information we had about the weapons programs of Saddam Hussein was incomplete and, to some degree, inaccurate. It's worth noting that almost every other intelligence estimate in the world was similarly flawed.

The Senate Report and the 9/11 Commission Report, however, also demonstrate that in a number of respects, U.S. intelligence did get it right. Saddam Hussein did possess weapons—particularly missiles—which were forbidden under U.N. resolutions. Saddam and his cronies did, indeed, have contact and discussions at some level with al Qaeda and various terrorist groups. Terrorists did, in fact, use Iraq as a sanctuary, for training, and as a source of supply. Finally, if British reports are to be believed, President Bush was correct when he warned that Saddam was seeking nuclear material in Africa.

The real question, Mr. Speaker, is not whether U.S. intelligence was right in every particular. By its very nature intelligence is incomplete, imprecise, and imperfect. What America must resolve for itself is whether or not we were right to remove Saddam from power in Iraq. Is the world better off, America safer, and the situation in Iraq more hopeful without Saddam?

Not so long ago, Mr. Speaker, before the amnesia induced by the current political season, few serious Americans professed doubts about these issues. It was, after all, President Clinton who made regime change in Iraq the goal of U.S. policy. He received bipartisan congressional support when he did so. And, again, when President Bush made the case for war against Saddam in 2002 he received bipartisan support in Congress. That support included the votes and the vocal support of those from the minority party who now seek to unseat the President and the Vice President in the current electoral campaign.

Lest we forget who and what Saddam Hussein was we should remind ourselves of his actions over the course of his political career. Saddam is a man who launched two regional wars in the Middle East. One cost nearly a million lives. The other required an international military coalition led by the United States to free the victim. Saddam Hussein has actively pursued and employed weapons of mass destruction since the 1980's. He has trained, armed, and patronized terrorists of various sorts. He kidnapped and killed foreign nationals from Kuwait. He attempted to assassinate a former U.S. President. And his forces routinely tried to down aircraft from the U.S. and other countries which were responsible for enforcing the U.N. sanctioned no-fly zones in Iraq.

Saddam's crimes and atrocities were not just directed against his neighbors and the international community. He was at least a brutal toward his own people. The 20 year plus reign of terror he directed against his fellow Iraqis almost defies belief. The countless murders, torture sessions, and rapes made him one of the 20th century's most feared and ferocious dictators. He gassed thousands of his own Kurdish subjects, poisoned the environment of those Arab marsh tribes who opposed his rule, and looted his country of its wealth. When Saddam's own people rose up against him in 1991 at our urging, he butchered them by the tens of thousands. The failure of the United States and its allies to support an uprising which we helped to encourage is, in my view, a sad chapter in our own history.

When American and Coalition forces finally came to Iraq twelve years later, what did they find? Not (at least yet) stockpiles of WMD's, to be sure. They found something far worse—dozens of mass graves containing an estimated 400,000 men, women and children murdered by the minions of Saddam Hussein. I invite my colleagues who so quickly and correctly condemn every shortcoming in the Coalition occupation of Iraq to spend equal time cataloging and criticizing the atrocities of the Hussein regime. If they need any help finding the information—for it is seldom chronicled in the elite media of our country—they should read the voluminous documents and numerous eyewitness accounts, talk to the lucky survivors, and visit with the thousands of grieving family members who can acquaint them with the scope and scale of Saddam's crimes against humanity.

Once they do, I suspect they will echo the sentiments of one young American soldier I met while in Iraq. He said, "the real question is not why did we come to Iraq, but why the whole world wasn't here years ago."

Given Saddam's record of international villainy, brutality and mass murder how can anyone argue that it would have been better to leave him in power? In power to do what? To resume his unending efforts to acquire and develop WMD's? To expand, develop, and formalize his evolving relationship with al Qaeda and other terrorist groups? To continue murdering his domestic opponents by the thousands while the world turned a blind eye?

It is revealing, Mr. Speaker, that the current critics of the war in Iraq never question whether or not that tortured country is better off without Saddam in power. In fact, the critics usually ignore the Iraqi people altogether when they discuss the conflict. It is as if the critics believe that the suffering of the Iraqi people under Saddam does not matter and that their future does not count. How convenient! How self-serving! And how morally bankrupt.

When the history of Saddam Hussein and the liberation of Iraq is written, Mr. Speaker, there will be many lessons to learn. We will wonder why our intelligence was not better. We will question some of the decisions we made with respect to the occupation. We will be ashamed of a few of our fellow Americans who lost their moral compass in the awful crucible of war and occupation. We will ask why so many Europeans were so slow to learn the lessons of their own sad history and so unwilling to extend to others the freedom they now enjoy. We will be amazed that so many humane and decent people were willing to allow Saddam to reign from a palace rather than rot in a prison. We will even question, as we now do with respect to World War II, why the United States took so long to confront evil and act to end the atrocities of a dangerous and evil dictator.

But, Mr. Speaker, History will show we were right to remove Saddam Hussein. It will demonstrate that the demise of his regime made the world better, America more secure, and gave the Iraqi people a chance for a decent future. It will vindicate the leaders—especially our President—who saw the danger, rallied the forces of decency, and stayed the course. Finally, and most appropriately, History will honor those men and women in uniform who once again answered the call of their country, liberated an oppressed people, and left America and the world safer and freer than they found it.

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FINANCIAL FREEDOM NEEDED

Mr. TANNER. Mr. Speaker, I want to adopt as part of my remarks the comments that the gentleman from Indiana (Mr. HILL) and the gentleman from Texas (Mr. STENHOLM) made before me.

The Blue Dogs have tried repeatedly to do something about this abuse of our country and what is going on here with regard to the Nation's balance sheet. I do not think that people of this country realize fully how bad it is and how quickly it is deteriorating. And I am talking about our Nation's financial picture.

We cannot be a strong and free country if we are in hock to every other country on Earth. We cannot be strong and free if we are broke. We cannot fix the problems our society faces as long as we are engaged in this financial madness that has been going on around here for the last 3½ years.

Let me just tell you something that is going to scare you. It is not fun to talk about and nobody talks about it because it is not much of a comfort to us as Americans when we beat on our chests and say how great we are. Let me tell you what we are doing. The privately held debt, that is the debt not

held by government agencies, the debt that we write checks on every year as interest, in January of 2001 was $2.96 trillion. Of that amount, foreign interest, foreign governments owned $1.01 trillion; 34 percent, in other words, of our debt in 2001 was held by foreigners.

Today, that privately held debt is $4.22 trillion. Foreign interests own $1.75 trillion. It is now 42 percent of our Nation's debt, outstanding debt held by foreign interests. That is a 73 percent increase since we had a one-party government here the last 3 years. Can you imagine what we are doing in the name of cutting taxes for American citizens and without the PAYGO rules to discipline ourselves on spending, which the majority party will not allow the Blue Dogs to bring up? They have increased what we are in debt to the rest of the world by 73 percent in the last 3 years. Last year alone the deficit was $374 billion.

Do you know how much foreigners lent us so that we could keep on spending? $260 billion. Seventy percent of the deficit last year that we spent right here on this floor was lent to us by foreigners who we are now writing interest checks to.

This is the most irresponsible financial game plan for this country in my lifetime, maybe in the country's lifetime.

What is happening here ought to enrage the American people. They will not let us bring up PAYGO so we can stop the spending. They keep on spending, keep on reducing revenue, and borrowing it from foreign interests.

You talk about patriotism. We are in hock. Let me read you a few, if you would like. Do you know how much Japan owns of our paper? $668 billion. China and Hong Kong together, $216 billion. Almost a trillion dollars by two countries. Caribbean banking centers, we owe them $72 billion. Korea, $58 billion. Germany, $49 billion. Switzerland, $49 billion. OPEC, $48 billion. Mexico, $41 billion. Canada, 33. It goes on. We owe Brazil almost $13 billion. The Netherlands, $13 billion. Belgium, $13 billion. Turkey, 15. India, 15. And just the other day we had a foreign aid bill.

What is happening for the last 3½ years here financially is an outrage. It is not only what we are doing to ourselves now. I contend that this Congress has raised taxes more than any other Congress in history. Why? Because they borrowed so much money that we have got to pay interest on, not just once, but every year, every year.

So far this year we have spent $130 billion just to write interest checks to people. I tell you what, unless the American people get on to this scheme that is going on around here about borrowing and spending so that we can hold down taxes or so we say in which we are doing the reverse, we are raising taxes because we will have interest payments on all of this borrowing every year, not to mention the sad fact that we are in hock to every nation that lends us money.

I will tell one thing to the American people that was said in the Wall Street Journal, ''Whose bread I eat, whose song I sing.''

We are in hock all over the world, and we had better stop right now.

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

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

WHERE IS THE VISION

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

Mr. BERRY. Mr. Speaker, I come here night after night, and I see these Howdy Doody neo-cons come to the well and present this ridiculous idea that everything is all right, everything is wonderful. All we need to do is just keep cutting taxes and borrowing money and acting like we have not got good sense, and everything is just going to be wonderful.

I heard a speech this evening about how great the economy is in Tennessee, and I just ask you one question, Mr. Speaker, if things are so doggone good, how come we are broke?

I met with the manufacturer of Army boots last week. He was not complaining. I just happened to run into him, and we had a conversation. He was not asking me to do anything. He said, We do not have money to warehouse Army boots for our troops. We have to ship them directly to the field because we do not have the money to buy any more Army boots for the troops until the year comes in, until October. He said, We are making boots and warehousing them at our own expense so that they will be ready when the time comes because we do not want our men and women in the battlefields to not have boots.

I was just astounded because I hear these folks come down here and talk about how wonderful it is. This is insane what is going on here. We cut taxes and brag about what happens that is good about it. We borrow money that our children, our grandchildren will not even be able to pay back, and act like we do not know what the consequences of all this is going to be. And it is the Republicans that are doing it.

All we get to do is come down here and have a 5-minute discussion about why it is the wrong idea. You have heard tonight, 70 percent of our debt is being bought by foreigners; we have borrowed $2.5 trillion, and we owe another $2 trillion in current account deficits. You cannot be broke and free. Everybody knows that.

Health care costs are in runaway conditions because the Republicans and the Republican administration are so determined to pass public law and public policy that gives the pharmaceutical companies the exclusive right to rob the American people.

You cannot fund veterans, you vote to send men and women on the battlefields and then you do not have enough money to pay for the veterans benefits that they are entitled to, and you keep coming back with budgets that cut that and then come back here and talk about how wonderful things are.

I do not know what in the world they are thinking about. Where I come from it is just as bad to be lying as it is to be stealing.

I just wonder, where is the vision?

There was an article in The Washington Post yesterday about where are the patriotic businessmen; where are the people in this country, the leaders in the business community that used to stand up and say, This is a bad idea, do not do this. It will hurt everybody. It will hurt our children and grandchildren. We want this country to continue to be good and strong and wonderful like we have had it. And yet these people come down here and try to blow smoke at everybody and tell them everything is going to be all right and it is going to be wonderful; and then they put everybody's children and grandchildren at risk.

I just wonder where is the vision. What were you people thinking about?

We met with Mr. CHENEY, the Blue Dogs, we met with Vice President CHENEY back in the Spring of 2001. He said, we think you are nice people, but we can cram this down your throat and that is what we are going to do. And they did. We voted against it.

Then they send that little fellow over there from OMB, I cannot remember his name. He is running for Governor of Indiana today. And he said, Do not worry. We are going to have so much money, we will not even have any bonds to sell. Now look at this mess we have got.

It is time for us to do something about it. And the good news is it is up to the American people, and we still get to vote in November, and we are going to make the decision.

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

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

SEARCHING FOR A BALANCED BUDGET

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

Mr. BOYD. Mr. Speaker, I am honored to be here today to join my Blue Dog colleagues who have preceded me, the gentleman from Texas (Mr. STENHOLM), the gentleman from Indiana

(Mr. HILL), the gentleman from Tennessee (Mr. TANNER), the gentleman from Arkansas (Mr. BERRY), and also the gentlewoman from South Dakota (Ms. HERSETH) who will follow.

We have worked together on this fiscal responsibility and budget issues. Mr. Speaker, I listened to what the gentleman from Arkansas (Mr. BERRY) said, and I just have the thought that most American families when they sit down to look at their finances and they consider that they have got a food bill and rent or a house payment, utilities, car payments, they have got to send their kids to school, they know that at the end of the day, at the end of the month, at the end of the year, they have to have had enough revenue come in to meet those expenses. This is a very simple principle. You have to have enough revenue coming in to meet your expenses.

I like to look at the history of this whole deficit situation, and let us just go back about 12 years. Mr. Speaker, in 1992 this Congress, this government was spending $290 billion more than it took in. In other words, there was an annual deficit of $290 billion. That was the largest at that time in the history of the Nation. It was stagnating the economy. The interest rates were higher than they should have been. The American people understood this because it was affecting them on a daily basis, and they spoke through the ballot box in 1992.

Starting in 1993 and for the next 5 years, the deficit went down every year. In 1998, for the first time since 1969, the Federal Government had a surplus. In 1998, for the first time in almost 30 years, the Federal Government had a surplus. Two years later, our Federal Government, for the first time since the 1950s, did not have to borrow from the Social Security fund to cover its yearly operating expenses. That was only 4 short years ago in fiscal year 2000. Since then, Mr. Speaker, this government has borrowed $1.7 trillion to pay its bills. We have put that into the economy.

We hear rhetoric every day about how the economy is improving. Mr. Speaker, if you cannot improve this economy by borrowing, the government borrowing $1.7 trillion and pumping it into the economy, I feel for you; $670 billion was borrowed during that same 3-year period from the trust funds, like Social Security. And as we heard the gentleman from Tennessee (Mr. TANNER) say, we borrowed over a trillion dollars from the public, mostly, about 70 percent of it coming from foreign countries like China and Japan.

Mr. Speaker, our government with respect to our budget and fiscal responsibility is headed in the wrong direction under the current leadership.

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Let me say that again. The government and the budget, with regard to fiscal responsibility, is heading in the wrong direction under the current leadership.

This Congress and this administration have no discipline when it comes to fiscal responsibility. We are spending at record levels. It is absolutely running out of control, while there is no thought given to how we responsibly pay for that spending, and we are simply sending the bill to the children and the grandchildren. We will pay for it in our lifetime, and we will pay for it soon as we see those bills come due.

Mr. Speaker, the group that I work with, the Blue Dogs, have worked hard to return some sanity to the budgeting process. Just like any responsible American family that has to balance their own family budget or business budget, we believe that it is time for the Federal Government, the Congress, to dust off the deficit reduction tools that we used in the 1990s to get the budget under control.

We have heard them talk about this here tonight. We heard the gentleman from Texas (Mr. STENHOLM) talk about them. Strong PAYGO rules, that means pay-as-you-go. When you find yourselves in a hole, that is what you do.

Enforceable spending caps, that was an important component of the 1997 Balanced Budget Act. We put caps in place for spending and we lived by it.

Most important of all and a simple step that this Congress and administration ought to be able to do is to enact a budget resolution that the House and Senate can use as a blueprint to establish its priorities and identify the resources to pay for those priorities.

Mr. Speaker, I think that pretty soon the American people will realize that annual deficit spending to the tune of a half a trillion dollars a year will come back to haunt us.

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

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

FISCAL RESPONSIBILITY

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

Ms. HERSETH. Mr. Speaker, as the newest member of the Blue Dog Coalition, I rise today to speak on an issue of vital importance to the hardworking people of South Dakota, fiscal responsibility.

South Dakota families know how important it is to live within their means. They do this because they know that is what it means to live responsibly, even if it requires difficult decisions for them and their families.

In its most recent pronouncement, the Congressional Budget Office now estimates that the Federal budget deficit for fiscal year 2004 will be approximately $477 billion. This means that in a 12-month period ending this September 30, the Federal Government will spend almost half a trillion dollars more than it will take in. If a South Dakota family behaved in this way, they would ultimately be headed to bankruptcy court under the burden and pressure of crushing debt.

This projected deficit would be the highest in our Nation's history, and the picture does not get much better as we look down the road. CBO's updated 10-year deficit estimate is $2.4 trillion, almost $1 trillion more than its earlier predictions. To make matters worse, the 10-year deficit estimate would virtually explode to $4.1 trillion if all of the current administration's tax cuts are extended for 10 years.

What is often lost in the debate about the budget deficit is its impact on the overall Federal debt. We cannot allow this fact to be obscured. The national debt currently stands at well over $7 trillion. That is an estimated Federal debt of more than $24,000 for every man, woman and child in the United States. During this past year, the national debt has continued to increase an average of $1.69 billion per day.

In fiscal year 2003, the U.S. Government spent $318 billion of taxpayers' money on interest payments on the national debt. This is over $1,000 per person and over $4,000 for a family of four in this country, and that was for last year alone.

The problem can be brought into sharp focus by taking a snapshot of the programs under the jurisdiction of the committees on which I serve: Committee on Agriculture, Committee on Resources, and Committee on Veterans' Affairs.

Because Congress and the administration have failed to exercise the same fiscal responsibility that South Dakotans use to balance their household budgets every day, our government is now seeking to balance the budgets on the backs of family farmers, veterans and vulnerable members of our society, such as many Native Americans.

Under pressure from our massive deficit, the Agriculture appropriations bill that just passed the House shortchanges conservation programs that are needed to restore the land and build wildlife habitat.

The same fiscal policy has led to cuts in vital service for Native Americans, including in education and human services. These cuts come despite the fact that Native Americans in my State live in some of the poorest counties in the entire Nation in sometimes desperate conditions. They know better than anyone else that education is the only path toward a better life.

Finally, just as we are creating a whole new generation of veterans on the battlefields of Iraq and Afghanistan, pressure from the deficit has led to a budget that shortchanges America's veterans. It is a sad fact that this

administration's budget is $1.2 billion short of the amount that the Secretary of Veterans Affairs said is necessary simply to maintain current services.

In the years ahead, we must meet the obligations that we are making to these tens of thousands of selfless Americans. They will need assistance to recover from injuries sustained on the battlefield. They deserve assistance with education, housing and building a better life. Especially in light of the sacrifices they have already made, they do not deserve having to bear the additional burden of financing this outrageous financial debt.

We must put our financial house back in order. The $318 billion we are paying in interest on the debt alone would fund all of these needs many times over. It would help sustain family farms and rural economies, build new schools for all who need them, and keep our Nation's promise to our veterans.

I hope that we can bring common sense back to our Nation's budgeting process. We must reinstate meaningful budget enforcement tools such as the pay-as-you-go rule proposed by the Blue Dogs and by which this House previously abided. We must focus on middle class tax relief, paying down our Nation's debt and balancing our Nation's budget in a way that protects our key priorities.

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

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

ORDER OF BUSINESS

Mr. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

SMART SECURITY AND HALLIBURTON

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

Ms. WOOLSEY. Mr. Speaker, for nearly 3 months, the Bush administration has flatly refused to cooperate with the United Nations-sanctioned auditors examining the contracts provided to companies like Halliburton for services in Iraq.

President Bush's government has withheld pertinent information from the U.N.'s International Advisory and Monitoring Board which was specifically tasked to ensure that Iraq's oil revenues would be managed responsibly during the United States occupation and for as long as American and other companies work on reconstruction jobs in Iraq.

Halliburton, my colleagues may remember, is the Texas-based oil company that has received over $1 billion in lucrative contracts from the United States for the reconstruction of Iraq, and they have never had to place a single bid for these contracts.

Years ago, the Pentagon established the practice of allowing private companies to bid on various projects, rewarding the most qualified company willing to complete a given project for the lowest price with a highly sought after government contract.

Mr. Speaker, this practice was good for American companies, while, through competition, also kept prices down, ensuring that American taxpayers did not get fleeced in the process.

The Pentagon, under the shoddy supervision of the Bush White House, has all but disregarded this process in 4 short years. Not only has the Bush administration given rise to the shameful new policy of the no-bid contract, it has also rebuffed any and all attempts by international organizations to provide oversight to those companies that are the recipients of these no-bid contracts.

My colleagues may also recall that Vice President CHENEY is the former CEO of Halliburton. In the months since the beginning of the Iraq War, Vice President CHENEY's former company, from which he still receives nearly $200,000 a year in deferred income, has been nothing if not greedy.

CHENEY's company, Halliburton, overcharged the U.S. Government for the price of gasoline imported into Iraq from Kuwait. CHENEY's company, Halliburton, charged the United States Government for thousands of meals for soldiers that were never provided. Yet the Bush administration has done everything in its power to ensure that CHENEY's company, Halliburton, gets whatever it wants or whatever it does not want.

In this case, Halliburton does not want international auditors to get their hands on documents that stipulate how Iraq's oil revenues have been spent or even how much oil has been processed. Halliburton does not want international auditors to learn that meters have never been installed on Iraq's Persian Gulf loading platforms, allowing for the exportation of an unlimited and unaccounted amount of crude oil.

As a result, in addition to the billions of dollars in no-bid contracts, Halliburton may be making millions of dollars more off of the oil that rightfully belongs to the Iraqi people, but then this is the same company that provided fake meals to American troops and overcharged our government for Kuwaiti oil.

There has to be a better way, because the Bush doctrine of rewarding cronies at the expense of the American taxpayer has proven to be an utter failure. We need to be smart about how we choose companies to rebuild countries like war-torn Iraq.

I have introduced H. Con. Res. 392, which is legislation to create a SMART security platform for the 21st century. SMART stands for Sensible, Multilateral, American Response to Terrorism.

The wonderful organizations Physicians for Social Responsibility, Friends Committee on National Legislation and Women's Action for New Directions helped me in crafting this legislation.

In this day and age, terrorism is an international problem, and so it makes sense that the fight against terrorism should involve the international community. That is why SMART security calls for working closely with the U.N. and NATO to achieve its goals. Only by actively involving other nations in this fight can we hope to prevent future acts of terrorism.

The Bush administration likes to talk the talk when it comes to national security, but if they want to walk the walk, they will stop rewarding their buddies with no-bid contracts, while protecting these same buddies from international auditors. If they want to be truly smart about defending our country, they will be smart enough to realize that national security depends on international cooperation.

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

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

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

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

IN MEMORIAM OF JUANITA RABOUIN PHILLIPS

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

Ms. WATSON. Mr. Speaker, I rise to honor and memorialize a great American, Juanita R. Phillips, a retired educator in the St. Louis public schools. She died of natural causes on Thursday, July 1, 2004, 3 months shy of celebrating her 100th birthday.

She was born in Chicago, Illinois, on September 26, 1904, 3 months, as I said,

before her centennial. She attended the Clinton Iowa public schools and graduated in 1927 from the University of California at Los Angeles and earned a master's degree in English from Ohio State University.

After graduation, she taught English at various historically black institutions such as Florida A&M College in Tallahassee, Florida, and Hampton Institute in Hampton, Virginia, before moving to St. Louis.

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In 1943 she moved with her husband, Dr. A.C. Phillips, an educator who served as principal of Washington Technical, Vashon, and Central High Schools, and after retirement as a former president of New Age Federal Savings and Loan in North St. Louis.

Mrs. Phillips continued her love for teaching English at Soldan High School, from which she retired in 1972, and subsequently served as a tutorial volunteer.

During her lifetime, Mrs. Phillips remained engaged in various local and national organizations until she became well advanced in age. As a founding member and first president of Alpha Kappa Alpha Sorority's Alpha Gamma Chapter, my chapter, at UCLA in the 1920s, she also dated Ralph Bunche, a classmate while in college. She continued an active social life in St. Louis where she maintained membership in the Booklovers Club, the Garden Club, a local women's bridge club, as well as shared activities with her husband as an archousa in the Beta Eta Boule, The Anniversary Club, The Couples Club, and numerous civic and philanthropic projects. She was a voracious reader, avid gardener, a consummate traveler, and a generous hostess who enjoyed sharing her time and energy to make life more pleasant for her friends and family, and especially her grandchildren.

Mr. Speaker, I want to say I just returned from the Alpha Kappa Alpha Convention, over 10,000 women, and announced to them her passing. But the remarkable thing is that she almost saw a full century of life and we, her family, she was my aunt, need to emulate her spirit because she believed in peace. She loved poetry, and she wrote to us poetically. The last conversation I had with her she said to me, I think I have just lived too long. And I responded, you will live forever in our hearts and our minds.

EXPENSING STOCK OPTIONS

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

Mr. BLUMENAUER. Mr. Speaker, this evening I want to reference briefly, legislation that we are going to be dealing with tomorrow that I think is very important. I have been spending time, as I know a number of my colleagues have, questioning the recent proposal from the Financial Accounting Standards Board, FASB, about whether or not we are going to be expensing stock options.

This is particularly important for somebody from the State of Oregon where technology has become a critical part of our local economy. It is the largest export of our State by far, a State originally founded on agriculture and timber. Now, technology exports are twice what we have in those traditional areas. The wages that are paid are twice the State average. They are high-paying, important jobs for a growing part of our economy that is increasingly a critical part of a global economy.

When these proposals came forward, I looked at them closely because, sadly, Congress in the past has not always been the most constructive partner. When it comes to financial regulations, often our participation has hindered rather than helped. I think any objective analysis would suggest that congressional interference with what happened with the savings and loan scandal probably added billions of dollars to the long-term cost to the taxpayer.

More recently, congressional interference dealing with accounting standards probably increased the problems there when we had some of the most difficult fallout. We had an opportunity to play a more constructive role; I am not certain that we did.

That is why I look at this carefully. I started by talking to business people I know back home who were involved with this process to find what impact expensing options would have on their businesses. It was clear that were we to be dealing with the expensing of broad-based stock option plans, the impact would be negative.

Now, it is clear that we are not talking about the vast majority of stock options that are granted to only a small number of high-level employees. Here we have seen expensing take place with little or no impact on shareholder value. That is because they are very limited. In the area that we are talking about with broad-based stock options where the majority of the employees have these options vested, not just the top few, it would have a dramatic impact on the balance sheet.

What it would mean in the long term is that a number of these firms, because of the lower values, they would simply stop offering broad-based stock option programs. That would be a tragedy on several levels. One has to do with the fact that broad-based stock option programs probably are a counterweight, a check and a balance against abuse. If you have a large number of employees who have a stock option program, there is less incentive and it is harder to manipulate. Indeed, to the best of my knowledge, there has not been a single case of a broad-based stock option program that has been one of the problems we have been reading about in the papers. The Worldcoms or the Enrons have been those stock options that were more limited in nature. So we would lose that check and that balance.

Additionally, we lose an important part of start-up capital. What we are finding in the volatile world of technology finance is that there are a number of people who are willing to grab the brass ring, they are willing to take a chance to forgo salary for stock options, putting, in effect, sweat equity into the business on the prospect that it will prosper and that they will reap handsome rewards in the future. This does not happen all of the time, but it happens frequently enough that people are willing to make that type of investment. It has been a critical part of the success in getting the talent and getting these start-ups off the ground.

It is particularly important in a small State like Oregon which does not have access to capital that we see in other parts of the country like Silicon Valley; and as a result, Oregon would be particularly hard hit if we were to lose the opportunity for broad-based stock options.

Mr. Speaker, I hope that my colleagues carefully examine this legislation coming before us tomorrow and look at the impact that broad-based stock options have in terms of the entrepreneurial spirit, in terms of what it means for the benefit of large numbers of employees, and the integrity of stock options themselves. Members should look carefully at the problems of valuation for something that is in effect equity in the future that is unknown and avoid a problem of adopting a new policy that could have a very negative effect on our technology industry and small business.

BUDGET DEFICIT

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

Mr. TANCREDO. Mr. Speaker, it has been an interesting time sitting here and listening to my colleagues on the other side of the aisle talk about the issue revolving around the budget, the budget deficit and spending problems we are experiencing. It is undeniably true that we are spending far too much money. It is fascinating to hear the discussion of this particular phenomenon, spending too much money, and having Members on the other side of the aisle decry that particular activity.

It is fascinating because I sit on the Budget Committee, and on that committee we have for a number of years now looked at budgets that are offered by not just the administration, by the Republican Party, but by Members of the other party. To the best of my recollection, we have yet to see any budget proposed by the other side of the aisle that would address the issue

of spending. Not one. In fact, every single budget proposed by Members from the other side of the aisle spends more.

At no time to the best of my recollection have we said on this floor, while we debated any particular appropriations bill, any one of the 13 appropriations bills the House has the responsibility to address and pass to keep the government moving, I do not recall, and I certainly could be wrong, but I just do not recall any time during the discussion of any one of those appropriations bills where the issue was we are spending too much from the other side. That is to say that they were complaining that the bill was too rich.

They were oftentimes complaining about where the money was spent, but not that we were not spending enough. Nobody was complaining about the fact that it was overspending; complaints were almost always that we were not spending enough on particular programs.

On every single appropriations bill, or at least a majority of the appropriations bills that come to the floor, the gentleman from Colorado (Mr. HEFLEY), who has been around for approximately 20 years and has certainly seen a lot of budgets come and go in this process, but every year he stands up and to almost every single appropriation bill he attempts to add an amendment. He offers an amendment that is a limiting amendment.

It does something really very scary. The ramifications would be incredible if we were to ever pass it. We fail to pass it every single time; but what this amazing, incredible thing that he offers to the Members of this body who are supposedly concerned about spending, he suggests that we should cut spending on each one of the appropriations bills by an enormous amount, or enormous around here, and that amount is 1 percent. Every single year he gets up and offers this amendment to every appropriations bill, let us just cut 1 percent off of this appropriation, and he fails. Almost all of the Members on the other side of the aisle vote against it, as do many Members on our side.

Mr. Speaker, I do not rise here to defend the spending activities of this Congress, but I do suggest that when one does propose that we should not spend so much, when one stands up at this microphone and condemns the body for spending a lot of money, they should be willing then to vote to stop that, not just criticize it, but stop it.

What, is the devil making us do this? That is what it sounds like: please, somebody stop me; I cannot control myself. Please, somebody out there deal with it. Institute some rule, institute some program because I have to continually vote to spend all of the money that I can possibly vote to spend, and then some. And then it is somebody else's fault. And the one continuing theme that ran through almost every one of the discussions that preceded mine here tonight discussing the appropriations process and the budget process, the continuing theme was this: the real problem, the real dastardly thing that we, the Republicans, have done over the course of the last 4 years is to reduce taxes. That is the most heinous crime with which we have been charged during the last hour.

There was a lot of discussion about the economic condition that most Americans find themselves in and many families are wondering about how to pay the bills and especially their health care costs. All these things are undeniably true.

□ 2045

Here is the solution, then, as I heard them explain it. The best thing we can do to those people who are trying to figure out how to pay the bills in America is to increase their taxes. This will help us all. This will make everybody happy. It will solve all of our problems because you and I both know, Mr. Speaker, that there are just too many Americans out there, middle-class Americans who are not paying enough to keep this thing afloat.

Again I want to stress, I absolutely do not wish to defend the spending practices of this body, both Republicans and certainly the Democrats. We spend too much money. That is undeniably true. It is also undeniably true that something happened called 9/11 and as a result of that we did have extraordinary things occur. One, a dramatic drop in the economic activity of the country and, two, an inordinate increase in the amount of money we spent on homeland security and on national defense. Those things, I think, are understandable. Our expenses went up, our revenues went down as a result of an event. But I do not excuse the fact that we still spent money beyond what we took in to an ever greater extent every year. I believe that we should have made many more decisions about how to cut in other areas. Whenever the Labor, Health and Human Services bill comes up, which is a huge, huge, huge spending bill, all for social services, we shall see how many amendments will be offered by the other side to that bill to cut spending. We shall see whether or not anybody would vote for that 1 percent cut in that $400 billion or $500 billion bill in order to reduce the size of the deficit that we all decry. I will vote for it. I guarantee you I will vote as I did every single time for every single 1 percent and I would have voted for a much higher percentage cut had it been offered, but I voted for every single one of those 1 percent cuts. What a scary thing that we proposed, 1 percent. We failed to get it.

As I say, the issue evidently is spending. Nobody really tries to stop it around here. But the real scary thing to our friends on the other side of the aisle is that we may in fact be allowing people to keep too much of their own wages, too many of their own dollars. This absolutely astounds the other side. It is frightening to them. Everybody would be happier, as I say. We could go to every one of those families that are sitting around the table, that they talked about earlier tonight, wondering how to pay their bills and say, ''We'll help you figure out how to pay the bills. We'll take more money away from you in taxes. That will be better. Believe us. Trust us. That's going to help you out.''

Does this sound weird to anybody else out there? It is a very strange philosophy but it is decorated with a lot of rhetoric so that all of a sudden it sounds logical. ''Of course, we just need to do that. We have to raise taxes, naturally. We have to spend all this money, take money away from everybody, it is only right. Everybody would be happier if we did, right?''

I do not think so. I do not think so. I think most Americans do not think so, either. They are not delusionary. Most Americans want us to spend less. That is undeniably true. I am with them. I am with them in that regard. I do wish that we could spend less and I do wish that we could prioritize better than we have been able to prioritize and I believe that it is incumbent upon us to continue the effort. But the last thing I think we should do is to turn over that process to the folks whose only history in dealing with budgets, by the way, around here for 40 something years prior to the time that Republicans took control was to develop dramatic spending increases ad infinitum. I just really do not feel safe in thinking that the other way to handle this is to provide the other party with the keys to the treasury.

Of course that is not the issue that I wanted to bring forward tonight. I just had to comment on that as I listened to the discussion. I wanted to talk tonight about an issue that does compel me to come to this floor often and that is an issue dealing with the policy of this government with regard to immigration and to hopefully address the broader concept that immigration, immigration policy, has a tendency to affect. There are many aspects, many facets to the immigration debate. That is why I find it so fascinating, quite frankly. I cannot think of another domestic policy issue that should command as much of our attention as should the immigration debate, what little debate I should say, that goes on. There is not an awful lot. People suggest that we should really pay close attention to this in the presidential race. I hope we do. But the reality is there is not all that much difference, I am afraid and ashamed to say, between the two positions taken by the presidential candidates. One is strictly pandering for votes and one is pandering light, I guess I would call it, but they are both in the process of trying to figure out a way to gain votes among those folks who are here as immigrants and/or people who have come to this country even illegally and who sometimes, in fact oftentimes, do vote.

Let me talk a little about this whole concept of voting. This is really what

has propelled me to come to the floor this evening. About, I guess it was a year or so ago, maybe 2 years now, a year and a half, I read something that was a statement by the then candidate for mayor of Washington, D.C. I found it disconcerting, to say the least, and I have quoted it often because a lot of people when I talk about the issue of immigration and citizenship which, of course, go hand in hand, people are surprised by the fact that there are places around this country, cities in particular, that have called themselves and/or we have called sanctuary cities. Sanctuary cities are cities that develop policies with regard to immigration. Of course, this is bizarre to say the least because the Federal Government is supposed to have the primary and unique role of determining our immigration policies. But what we are seeing happen all over the country, well, I should not say all over the country, primarily on the left coast and on the east coast, we see these peculiar things going on in local communities where they will say things like, in our community, in our city, we will not allow our police departments to communicate with the Department of Homeland Security. If they arrest someone and find out that that person is here illegally, we will not allow our police department to tell the government about that, tell the Department of Homeland Security. Some have gone farther than that, farther than saying that if you are in their community illegally, you will not be hassled essentially, that that little city will not participate in the process of trying to identify your status and/or have anything to do with the punishment of the crime. If, in fact, you have come into this country illegally, they will not help enforce the law of the land. I find this to be quite peculiar.

I have spoken about this. We have attempted to amend other bills, appropriations bills, to stop this from happening but something occurred here just the other night that goes along with what the then candidate, or, no, I am sorry, he was mayor at the time, Mayor Anthony Williams. I see this article was back on October 1, 2002, when he was running again but he was the mayor. Mayor Anthony Williams said on October 1, 2002, that noncitizens in the District of Columbia should be allowed to vote in local elections. He had said this in response to a complaint from a Latino coalition where they issued a report in which they identified a lack of services and access to local government. Mayor Williams said, ''I am committed to expanding the franchise. The city needs to develop a new standard for voting.''

This is the mayor of Washington, D.C., the Nation's capital. Again, only here on the east coast or maybe in some scattered pockets of the left coast would a statement like this not be incredible and would go without a great deal of attention being paid to it, but he says, ''The city needs to develop a new standard for voting, but it isn't citizenship.'' When the council's executive director, I think there they are talking about the city council of D.C., the executive director, Eugenio Arene, suggested that all local taxpayers be allowed to cast ballots, the mayor added, ''Sounds like a good standard to me.'' Asked about extending the vote to noncitizens, Williams pledged to work with local government officials and experts on the idea and he said he hoped it would be possible in elections for mayor on down.

By the way, in this proposal, there was nothing at the time that would even indicate that they were entertaining the idea that people who are noncitizens should vote but excluding it from people who are here illegally. There is nothing in here to suggest that that was the case. In fact, it is just the opposite. Anyone who they say is a resident should vote. Anyone who is a resident should vote. This, of course, is an attack on the whole concept of citizenship. It is becoming less and less meaningful to many people, it is true. We are trying our best to eliminate anything that distinguishes a person here as a citizen from someone who is not and to accommodate, therefore, the massive numbers of people who are here illegally. If this is not pandering for votes, you tell me what is, Mr. Speaker. How can we possibly define such a thing, that a statement of this nature could be made and that people could possibly think that it was for any other purpose but to go after a voting group that perhaps is not solidly behind you or you want to sort of encourage, you want to make sure that you pay them back for whatever kind of political support they may give you, that you would even go to the extent of saying that citizenship in this country is not important, it is essentially meaningless. Because, you see, if it is not meaningful to the mayor for voting purposes, what in the world could it be meaningful for? What purpose does it have? What does citizenship mean? Is it of any value whatsoever?

There is an oath that is taken when someone wants to become a citizen of the United States. It has been around for a couple of hundred years. In it we talk about the need to disavow any allegiance to any other government or potentate, I think the words are, in the vow itself. We are talking about somebody who is separating themselves from whatever they were in terms of their political affiliation to something new. We do that for a purpose, because it is important to have that distinguishment. It is important to have people who come here as immigrants. It is important to have people who are born here understand the importance of citizenship. It does distinguish someone here and it distinguishes us from other nations and other people groups. I think that that distinguishment is a good thing.

I am constantly amazed at how much time and attention is spent on trying to minimize the importance of the whole concept of citizenship, that we are all just residents, that is the theory, that we are just here on the planet in this particular location. Nothing really holds us together as a nation except for the economic benefits that can be obtained by living in this particular geographic area. That is all. As bizarre as that sounded back on October 1, 2002, and to a certain extent I did not really worry about it because you can write that off to a political campaign and the rhetoric of someone looking to pander to voters. Certainly that is the only way I could read what he said there.

Come to find out last week, this particular little seed, bad seed, has begun to sprout.

□ 2100

The other day several Councilmembers here in the District of Columbia introduced the ''Equitable Voting Rights Amendment Act of 2004,'' a bill that will extend full local voting rights to documented permanent residents of the District of Columbia. The bill was co-introduced by Councilmember Jim Graham, and it goes on to describe them. The Voting Rights for All D.C. Coalition is actively seeking other co-sponsors. So in the City Council of Washington, D.C., they are proposing now to implement the Mayor's idea of having people who are noncitizens be eligible to vote.

We know we will have the Washington, D.C. appropriations bill up here soon, and we will certainly look at that for an opportunity to address this particular issue, as the Federal Government does have a responsibility for oversight, and I will have an amendment prepared. But whether or not we offer it, whether or not it passes, I mean the idea that this is happening in cities across the country and here in the Nation's capital has got to be a sobering thought even for those people who press for more and more of the elimination, if the Members will, of anything that distinguishes individuals here as citizens of the United States.

Massive immigration into the country, both legally and illegally, has consequences. And it is absolutely true that we have been successful as a Nation in assimilating hundreds of millions of people into this country and into this culture over the past 200 years. And it is true that sometimes that is assimilation happened easily and sometimes not so easily. It is true that many people faced hardships and discrimination and that it was not an easy thing to do, and that groups came into the country, and every time there was a wave of immigration from any particular area, there would be people here saying we have got to stop that. There is something bad about that particular group coming into the country.

The country not only survived it but grew and prospered, and I think, for the most part, we can look back at the experience and say it was positive for the Nation.

But there is a different phenomenon today. It is a different immigration, not just in terms of numbers. There are far more people coming into this country today legally and illegally than ever before in the Nation's history. But there is also this growing problem, this sort of cult of multiculturalism, as I call it, that has taken over much of certainly the media. Certainly our colleges and high schools and textbooks are influenced by this peculiar philosophy. I say peculiar because it is this: It is not just a recognition of our differences, which I think all of us can appreciate. It is not just extolling the virtues of diversity, of which there are many. It is not that at all. The cult of multiculturalism to which I refer is the kind of thing that pushes this idea that we should no longer identify ourselves as Americans because that is, of course, some unique distinction that is in some way troublesome; and that we should in no way extol the virtues of American society or the American creed. We should not tell our children in schools that there is anything of value in what we have established here, that there is nothing in Western Civilization in our history of which we can be proud, that everything is negative, that the only way that we can portray a sympathy and express a sympathy and an appreciation for another culture is to degrade and debase our own. That is the cult of multiculturalism, and it is rampant throughout the country.

There was an interesting little spot on National Public Radio not too long ago about a school in Los Angeles, a public high school, 5,000 students, most of them, as they said, had ''recently arrived,'' almost all from Mexico, almost all speaking Spanish. And in this NPR spot, they were interviewing the teacher, and they were talking about the fact that they did not have enough textbooks in the school, especially civics or history textbooks. And the teacher said, I do not care that we do not have any textbooks in the school because the textbooks that we have prepared for us and are given to us by the school district do not teach our kids about who they are. She said, They only teach about this other culture.

Now, what was she talking about? Who were their kids and who they are, and who was the other culture that she was deriding and in saying that we should not be teaching children today? That other culture was, of course, ours, America's. Who were these children? She said ''our children.'' Not American children? No. No. So, therefore, she said, I have devised a different curriculum for these kids, and I do not want them using textbooks provided by the Anglo community. She said, Instead of using textbooks, we are going to go out and study murals.

Mural, that is a euphemism, most of the time, for graffiti.

So they went out, and the reporter went out with them, and they walked along the streets of Los Angeles. The school kids, instead of being in class studying American history, this was her alternative, a ''mural walk.'' That is what she called it. And when the students got there and they talked to the ''artist'' who had created this thing, this mural, this historical monument, this psychological jewel, they asked him to teach the class. This was on radio. They were interviewing these guys, and this was all recorded. And the guy said, I want the students to know you do not belong here. That flag is not your flag, pointing to American flag. He said, You are just all a colony. This is a colony of the United States. You really do not belong here. You have no allegiance here.

This is the cult of multiculturalism to which I refer. And it is there, and it permeates our society, and it is problematic when it meshes with massive immigration, when there is no longer a press for assimilation or pressure for assimilation, but all the pressure is just the opposite. It is all to divide us into subgroups, into hyphenated Americans in every way.

I had a meeting, I remember, with a bishop in Denver, Bishop Gomez. And we were arguing this issue, and he said to me, I do not know why you are so concerned about people who are coming here from Mexico. He said, They do not want to be Americans.

I said, Bishop, there are two things about that statement that really get me. First of all, that you assume my problem with immigration is that I do not want the people who immigrate here to become American; and, secondly, the fact is you are right. That is the problem, and it is exactly why I am worried. It is not that I should not be worried about that. It is that every American should be worried about it. There are many people doing exactly what my grandparents did and your grandparents and everybody else's grandparents or great grandparents or great great grandparents did. They all come here because they all make a very difficult choice to come to a brand new land. And it is true that that is the one thing we have in common, people coming today and people coming when my grandparents came: They want to come to America. But let me ask you if there is now a difference. Let me ask you if you can just get a feeling that, in fact, something else is different. They want to come to America. The question is do they want to be American?

The answer, according to Bishop Gomez, is no. This is different.

I see the gentleman from Virginia has joined me, and I will ask him to express his observations here in just a second.

But I just want to point out that this cult of multiculturalism is truly having an impact on our society because historically public schools, we could at least rely on them. When I went to school, when my grandparents went to school here, we could rely on a public school as a place to help assimilate children into the American culture. There was a pressure to do so, first of all, of course, to learn English. That was an absolute must. Secondly, to learn about the history of this country and attach ourselves to it, which I did. That is gone. That is gone from most schools in this Nation.

According to a study of San Diego high school students in the early 1990s, after 3 years of high school, the proportion of students identifying themselves as ''American'' dropped by 50 percent from the time they came into the school. The proportion identifying themselves as hyphenated Americans had gone down by 30 percent, and the proportion of identifying themselves with a foreign nationality, overwhelmingly in this case Mexican, had gone up 52 percent.

What did we teach them? To what did we say that they should attach themselves? As immigrants or as citizens who have been here for years, whatever that citizenship concept is in anybody's mind anymore? What we taught them is there is nothing unique, nothing that they should, in fact, attach themselves to; that they should stay separate, keep their own language, keep their on special identity, separate identity.

I tell my colleagues this is the problem that the immigration policy has got to address. And I am pilloried many times certainly by the press, my opponents, because I talk about this issue. And there are always attempts to characterize my debate or my desire to debate this issue in the most nasty of terms. And the epithets that are thrown around here and at me oftentimes, we just have to accept that people wish to change the debate away from these kinds of issues that I am trying to address tonight on to the stuff of racism and xenophobia and that sort of thing.

I have watched over the years, and there are people who have been here longer than I and have done far better work than I, far more productive work in many cases, I am sure, in this particular area than I have ever been able to do, and one is the gentleman from Virginia (Mr. GOODE), who is here tonight and I am proud to say is a friend.

I yield to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I thank the gentleman from Colorado (Mr. TANCREDO) for yielding to me.

I want to thank the gentleman for his tireless efforts on bringing immigration reform to this Congress and before the American people. He has traveled across this Nation. He has gone to the border between Mexico and the United States. He has also been to the Canadian border. He brought back the tax returns and have weighed them of those who I believe were here illegally, trying to get money from the American Treasury and who, no doubt in my mind, many of which have been successful.

□ 2115

The gentleman saw how they were going to utilize the Earned Income Tax Credit on papers that the gentleman gathered in alleged trash near the Mexican border. The gentleman has done the research on items like the papers by the mayor of the District of Columbia. The gentleman has talked to the Border Patrol agents. The gentleman has done countless other things on behalf of bringing true immigration reform to this country, and I want to thank the gentleman.

We heard speakers before the gentleman from Colorado (Mr. TANCREDO) talk about the deficit, and I want to see the deficit reduced. I would like to see it eliminated. It is great to identify a problem, but you also need to address the problem.

Reduce illegal immigration and reduce the deficit. Illegals come into this country and soak up not thousands, not millions, but billions of healthcare dollars that taxpayers of this country are paying for. If we stopped illegal immigration, we would have those billions of dollars to apply to the deficit.

We can look at social services and social programs. Again, we are not talking about hundreds, thousands or millions; we are talking about billions of dollars.

If we want to reduce the deficit, reduce illegal immigration. Stop it, and stop that money going to them from these social programs.

Another area of concern are illegals getting Social Security. I have heard some say, ''Oh, we passed a law to stop that.''

Yes, we passed a law saying if you are illegally in this country, you cannot draw Social Security benefits. But if you go back to Mexico, or you go back to whatever other country you came from to this country illegally, you can start dipping into the Social Security System and getting money out of it.

If we were to get that totalization agreement with Mexico, which I surely hope we do not, the totalization agreement would override the statute that says illegals cannot get Social Security benefits. If that were followed by an amnesty of any type, form, shape or regularization or whatever euphemistic phrase you want to call amnesty, you are going to hear a sucking sound out of the Social Security fund that would turn all seniors whose heads are not gray gray, I would predict, because the drain on the Social Security fund would be significant and heavy. Again, it is not hundreds, it is not thousands, it is not millions; it is billions of dollars.

So, if you want to reduce the deficit, let us stop illegal immigration and put a big dent in the deficit.

Pretty soon we are going to get the September 11 Commission report. It is going to talk an intelligence czar, and I am anxious to see what they have to say about that. But I bet it will not mention too much about the fact that 19 of those terrorists who flew the airplanes into the buildings of this country and killed thousands of citizens in New York, Pennsylvania and across the river in Arlington, were in this country illegally. They had overstayed their visas, for the most part, illegal aliens.

They committed suicide by flying those planes into the World Trade Center and into the Pentagon. They were in this country illegally, and if they were not here illegally, they could not have done the acts. If we stopped illegal immigration, then there would have been 19 fewer persons in this country to do those acts that they did. I hope, but I do not expect, the 9/11 Commission to address this facet of making America more secure.

I remember the gentleman from Colorado (Mr. TANCREDO) bringing to a meeting of the Immigration Reform Caucus, and I recollect it was held in the courtyard outside of the Longworth Building, the father of one of the September 11 victims. As I recall, the statements made by that individual, he said, ''If I had to pick out a key factor in what caused September 11, it was a huge sea of illegal immigration, whereby 19 illegals could float around in that sea undetected.''

What he wanted was to see a reduction in illegal immigration. I hope the 9/11 Commission will address this fact. I want to see America be made more secure, and one way to make America more secure is to reduce illegal immigration, just as one way to reduce the deficit is to reduce illegal immigration.

So I would like to close by doing as I started and to thank the gentleman from Colorado (Mr. TANCREDO) for taking the time to come to the floor of this House on a repeated basis and point out the many problems and the many pitfalls of illegal immigration. I hope that the voting standard in this country will always be that you have to be a United States citizen to participate in our electoral process.

Mr. TANCREDO. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. Speaker, there is another issue when we talk about spending and deficits that I think is intriguing. We just passed last week the foreign operations bill. This is most often referred to as the foreign aid bill. There is an interesting aspect of this particular spending plan that really deserves our attention here, and I think we seldom ever address it.

It is this: That beyond the money that we appropriate in that bill for governments all over the world, most of them, unfortunately, corrupt, and much of the money, of course, as we know, does not get to the intended individuals that most desperately need it, but we, nonetheless, distribute moneys to countries all over the world in the form of foreign aid.

But most people I think do not understand or know that a great deal of wealth is also transferred in another way from the United States to other countries, and this is by the process of what is called remittances.

Now, ''remittances,'' that is just a term that refers to the dollars that flow from people who are working here in the United States to people who are in other countries, mostly to family members who are in other countries.

I was in Mexico not too long ago speaking to a gentleman who was the head of a newly created ministry down there called the Ministry for Mexicans living in the United States. I think it has changed its name, but that is what it was originally. But Mr. Hernandez, the minister, was telling me that part of the responsibilities he had as a minister of this particular agency was to make sure that the movement, the flow of Mexican nationals into the United States, was maintained, and, in fact, increased.

That was such an odd thing, in a way. When I asked why in the world would a government agency be set up to increase the flow of their nationals to another country, he said, ''Well, it is actually kind of simple.'' He said, ''There are actually several reasons, but they are all beneficial to Mexico, and you can see why we would be doing this.''

He said that the number of people between the ages of 18 and 25, Mexican citizens, that particular demographic profile, the number of people in that profile had doubled in 10 years, and he said the unemployment rate for that same group is about 40 percent.

So on the remittance issue, he said the people coming into the country were in desperate need of a job, and what would happen when they get here, they get employed, and then they send money back home, in this case to Mexico. That was 2 years ago, and that amounted to $13 billion. $13 billion.

Now, you say, well, so what? That is a significant portion of the GDP of Mexico, as a matter of fact. Mr. Hernandez referenced it. He said this was an important thing, to have the money be sent back. It actually now approximates the greatest amount of foreign investment in the country of Mexico.

Remittances. Far in excess of any sort of investment by any other corporation in the world; far in excess of the money that goes into Mexico from tourism. It is the highest source of foreign investment they have, except for PEMEX, the government-owned oil company.

''Therefore,'' he said, ''it is important for us to have this continual flow.'' He went on to explain there were other important things. He said, ''You know, the more Mexican nationals we have living in the United States, the more your government will be influenced in a positive way to treat Mexico.''

Finally, he said, when I told him I thought these things were incredible in a way, that any government would be set up for the purpose of trying to actually influence our policy vis-a-vis their government by exporting people

into our country, he said, ''Congressman,'' he said this in a relatively condescending way, he said, ''Congressman, it is not two countries. It is just a region. It is not two countries.''

Interestingly, Vincente Fox was here just a couple of weeks ago in the United States campaigning. The President of Mexico was in the United States of America, in Illinois, in Michigan and in Wisconsin, campaigning, talking to Mexican nationals living here, trying to get them to vote, and also promising them, by the way, that he would defend their rights in the United States, asking them to vote in the election in Mexico, saying that they will pass legislation to allow them to do so, because they wanted them to remain connected to Mexico.

That gets us back to this issue we talked about earlier, about whether or not people come to the United States because they want to be in the United States, or because they want to be Americans. Two different things. In this case he is saying, ''I want you to come to America; I just do not want you to become Americans. I want you to stay connected to Mexico.''

He is not the only person, and that is not the only country. The countries in the world, there are now seven or eight countries that have actually over 10 percent of their gross domestic product as a result of the remittances coming from the United States.

Now, I suggest that we ought to reduce our foreign aid to every single one of those countries by the amount of remittances that are going there. Actually, the remittances are a better way of getting foreign aid to them, because it actually is going to people and not the corrupt governments.

I have written the committee. I have written the gentleman from Arizona (Chairman KOLBE) and asked him to consider this in the creation of the bill. He chose not to. But I suggest to you there is no reason we should not at least count this into the amount of money that we do in fact provide for foreign aid.

The reason I think we should do this is because we have to, I think, begin to eliminate the allure of the remittances to other countries, because as they begin to depend more and more on the United States and their nationals working here to send money back home, then they press us more and more for open borders and for reduction in any sort of obstacles that might be placed in the path of immigration into the country, legally or illegally.

Then we see the Mexican consulates and the Guatemalan consulates, 15 countries that are now handing out these matricula consular cards, these cards to their nationals living in the United States, for the purposes of, again, making it easier and simpler for them to live here, and make money and, of course, send it home.

Mr. Speaker, I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman very much.

First and foremost I would like to honor my colleague from Colorado. All of us in Congress who take this issue seriously know that without the leadership of the gentleman from Colorado (Mr. TANCREDO), this issue would not be getting the attention it is, and it is not getting the attention it deserves as it is.

□ 2130

So the fact is that he has taken many hard knocks; he has been attacked personally and politically for the leadership that he has provided on this issue. I salute him. And, let me just say that I am proud that on most of these fights that I have been able to rush down here and be at his side and fight the good fight, because this issue is determining the well-being of the people of the United States of America.

That is what we are supposed to be doing here, is it not? We are here elected to watch out for the well-being of the people of the United States; more than anything else that we do, that is supposedly our responsibility. Yet, we have seen almost no action on the part of the political establishment of the United States to deal with the issue of illegal immigration, and our people are paying for it. They are paying for it in a big way. There is no doubt what effect this massive flow of illegal immigration that continues into our country is having. And if I would just have any difference with my colleague, it would only be to stress that it is not just illegal immigration from Mexico. And, by the way, we would not care if it was illegal immigration from Ireland or from Germany or Italy or anywhere else. We have an out-of-control flow of illegal immigration into this country. Today, I believe the biggest source of illegal immigration into our country actually is not Mexico, but is China and countries in Asia.

Again, people who come, for them we have, I would say, the most generous legal immigration policy of any country in the world. We admit more legal immigrants into our country than all other countries in the world combined. But to permit millions more on top of that to pour into our country is having a dramatic impact on us, and it is heroes like the gentleman from Colorado (Mr. TANCREDO) who are stepping up to the plate and trying to do something about it.

The average person out there knows that his children and the working people themselves are suffering from the fact that their wages are being kept down. Yes, we had a huge growth in our GNP, but the wages of our middle class and our working class people have been kept down by a massive flow of illegals into our country. There is nothing wrong to think that people who work in hotels changing beds and cleaning should earn a good living, but their pay has been kept way down. People who pick fruit and vegetables, yes, okay, so it is going to cost us 10 cents more for a hamburger. The bottom line is, the people of this country who make hamburgers and are involved with that industry should be paid more money, but they will not be paid more money and the people who clean the buildings and take jobs like this, they are being paid less. The working people are being hurt by this. Of course, we are not going to provide them health care, because we have plenty of illegals who work and are not getting health care. The taxpayers pick up their health care.

In California we know wages are being kept down for normal people. The health care system in our State is collapsing, and around the country there is strain, especially in the southwest. The education system in California, because of the illegal flow of illegals into our system, our children are not getting the education they deserve. It can be traced right back to a massive, uncontrolled flow of illegals into our country, bringing their children, so that they can get benefits that they could never afford in their own country. We should not blame the illegals. Blame us. Blame the government. Because this government is supposed to watch out for the welfare of our people. We are not doing it. The criminal justice system in California is breaking down. Over 40 percent of the people in our prisons and our jails are illegal immigrants.

This is a huge burden on the taxpayers but, also, on our own people. Do my colleagues know what happens when those people get out of jail? They do not send them back to the countries they came from; they let them out among our population and they commit more crimes. Not only the terrorists who came into our country legally and just overstayed their visas, not only have they murdered our people, but every day someone is killed in this country by someone who is not supposed to be in this country because they are not here legally. We are talking about our citizens being murdered, their wages being kept down, their children's education system and health care system going to hell. This is a major issue and it is not being addressed.

Mr. Speaker, I would say to the gentleman from Colorado (Mr. TANCREDO), by continuing to bring it up over and over again, he is doing a tremendous service to our people, and I am proud to stand with him tonight again to try to motivate the people in this city, in Washington, D.C. They say that Washington, D.C. is 64 square miles surrounded by reality. We have to bring some reality here to Washington, D.C. Our people are suffering because of this issue. Let us deal with it. Let us deal with it, yes, in a fair way. And again, this has nothing to do with where illegals are coming from, but it has everything to do with getting control of an out of control situation that is hurting our people.

So I thank the gentleman for his leadership, and I am proud to work with him on the issue.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman, and I am certainly proud that he is a friend and has become, and has been for a long time, not become, but has been a major and important voice for reason on this particular issue.

Mr. ROHRABACHER. Mr. Speaker, just a note that I will be giving a Special Order in about an hour on 9–11, so if people are looking in to see about this, this is not the Special Order that I will be giving.

Mr. TANCREDO. Stay tuned. Stay tuned.

Mr. Speaker, I will end this Special Order with just this last reference. It is to one thing that was written in a book called ''Who Are We?'' By Samuel Huntington. This has become I think one of the most important books written, and it just came out actually in May, but it is a fascinating analysis of this whole issue we are talking about in terms of trying to understand the merging of multiculturalism, this sort of cult of multiculturalism and the issue of massive immigration and the erosion of the concept of citizenship.

Samuel Huntington puts it this way: ''The erosion of the difference between citizens and aliens, the overall declining rates of naturalization, and the naturalization spike of the mid 1990s, all suggest the central importance of material government benefits for immigrant decisions. Immigrants become citizens not because they are attracted to America's culture and creed, but because they are attracted by government social welfare and affirmative action programs. If these are available to noncitizens, the incentive for citizenship fades. Citizenship is becoming, in Peter Spiro's phrase, one more generally available 'Federal social benefit.'. If, however, citizenship is not necessary to get the benefits, it is superfluous. As Peter Schuck and Rogers Smith argue, it 'is welfare state' membership, not citizenship, that increasingly counts. Membership in the welfare state, in contrast to membership in the political community, is of crucial and growing significance; for some, who are wholly dependent upon public benefits, it may be literally a matter of life and death.''

It is citizenship, it is the concept of a nation State that we are today debating. Whether or not its existence can be assured, certainly we do not know, but I can guarantee my colleagues this, that the threats to its existence are great and are exacerbated by the cult of multiculturalism and unrestrained immigration.

REGARDING NATIONAL SECURITY PRIORITIES AND THE REAL WAR ON TERROR

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

Mr. SKELTON. Mr. Speaker, I am joined this evening by a number of colleagues interested in the safety of America and Americans, and concerned about the future of our military forces. We are speaking this evening because we have great reservations about the way America's national security policy is being conducted.

Sixty years ago next month, the American Army was welcomed into Paris with cheers and flowers and cries of ''Vive les Americains!'' We had fought a dogged and grueling war against the forces of a cruel dictator. And from every window and rooftop, a liberated populace honored the foreigners who restored their freedom.

Move forward 60 years to another war, another dictator, another country freed. To be sure, many Iraqis welcomed the American invasion and, for all the talk of coalition, this was an overwhelmingly American force. But those who welcomed our forces found they had to keep their voices low lest they become targets of those who rewarded their liberators with bombs and bullets.

We should not accept the appearance of an ungrateful Nation at face value. But neither should we idealize the occupation of Iraq.

It is increasingly clear that at a time when America should have focused its might on punishing those who, callously and in defiance of any known theology, attacked our country, and eliminating the threat they continued to pose, we allowed ourselves, Mr. Speaker, to be diverted.

What we see on TV every night is not the war on terror. The war in Iraq; really, now, the peacekeeping mission in Iraq, is costly and bloody and largely irrelevant. Was Saddam Hussein unpleasant? Yes. Did he bode U.S. ill? Without a doubt. But going to war against Saddam Hussein, taking people and resources away from the search for Osama bin Laden and the destruction of al Qaeda, is like the football defense that goes after the runner while the quarterback sneaks the ball across the goal line. We fell for the fake.

The real war on terror is the war to find and punish those who attacked this country and who would do so again. After nearly 3 years, their networks have been shattered, their organization has been bruised. But destroying such a strong and such a decentralized threat is very difficult. Any one man with a weapon of mass destruction is a superpower. The best we can do, militarily anyway, is to contain and keep the leadership incommunicado or on the run. That is the real war.

Is America safer with Saddam Hussein out of power? Probably. But is America safer because of the Iraq war? No, it is not. Because of the way we entered that war and the way in which we have handled the aftermath, I believe that we have increased the chances of another attack and, sadly, another war. We have incited the anger of millions who previously did not much like the United States, but probably would have been willing to live and let live. We have become the villain of millions of glittering eyes, and we did it to ourselves.

At the same time, we drove away stalwart friends whose company provided us with such strength. By forcing a political showdown on Iraq rather than focusing on the real war, the proven threat to all western civilization, we made our allies choose between the will of their people on the one hand and the relationship with the United States on the other, and it was unnecessary.

After September 11, the leaders of countless nations expressed their support to our President. Not one, not one called to gloat or said that we deserved what we got. NATO invoked Article 5 for the first time ever to come to the collective defense of the United States. They were all on our side, in the real war.

We chose to defy the will of the international community and take it upon ourselves to unilaterally enforce sanctions that were not solely America's to begin with. The Canadian Mounties cannot come to Lexington, Missouri to enforce Missouri law; that is the duty of the State of Missouri. Similarly, I do not believe it was right for the United States to act to enforce edicts that were not of our creation. That is why the United Nations was created. By taking it upon ourselves to literally become the world's policeman, we changed the view that many of our allies had of us. We became, in their view, not just a victim of a vicious attack, but a potential attacker ourselves.

Let me be candid, Mr. Speaker. I and some of those who will speak later voted to give the President the authority to move Saddam Hussein out. We did that based on the information at the time, much of which has since fallen into question. The former Vice Chief of Staff of the Army, General Jack Keane, told the Committee on Armed Services last week, ''We were seduced by the Iraqi exiles.''

□ 2145

But regardless of underlying data, nowhere in our votes did we say to go it alone. Never did we say that Iraq should take focus away from the real war. At the same time, I twice wrote to the President and pointed out that ejecting Saddam is one thing, but we have to plan to manage the aftermath. That clearly did not happen.

The peace has been managed far worse than the war, and it has been argued that the United States invasion was justified as an act of self-defense. Indeed, this administration changed the national security policy of our country to assert the right of the United States to preemptively attack anywhere we believe there might be a threat to our Nation.

We have debated, and I am sure we will continue to debate, whether the

policy of preemption is wise or in keeping with American values. But this much is clear. In order to preempt, in order to become an aggressor, in order to throw the first punch, we had better have clear, convincing and accurate intelligence that a real threat exists.

As we are seeing in the case of Iraq, our intelligence system is not yet ready to meet that standard. Until it is, a doctrine of preemption puts America in the black hat before the world. Whatever happened to the Weinberger doctrine? Whatever happened to the Powell doctrine?

Mr. Speaker, if a global black eye were the only consequence of our Iraqi adventure, it might be manageable. We could live with it. But to do that and to take energy and focus from finding the true villains of September the 11 and to enter into a war that was not clearly necessary and to strain local economies by calling up reserves, National Guard and even retired military to serve in that war and to drive a wedge in the alliance that kept peace for 60 years and to engage in a bloody and costly occupation and to stretch the American military forces to the breaking point and ultimately to inflame new generations to hate America, with all of that, I cannot see how America is in the end safer or better off because of this war.

The Soviet Union tried to put America in this strategic situation for half a century. We did it to ourselves in just a year. On top of that, we have created a huge new burden for America's military. I recently wrote that we could have forces in Iraq for 50 years. When I asked the Deputy Secretary of Defense Paul Wolfowitz whether we would be in Iraq for a good many years, he said this is entirely possible, and he added, ''I cannot tell you how long that's going to take.''

I and many who stand with me have tried to be supportive of our President and our policies. We stand foresquare with the troops under fire and grieve for the families of those who have been lost, who, Mr. Speaker, come disproportionately from rural America. We stand with them. We cannot stand with the failure to prosecute the real war against those who attacked and continue to threaten our country. We do not oppose having a strong military, and we do not oppose using it, but we do oppose squandering it.

That is a question of priorities. Over $10 billion just this year on missile defense. Is the threat of foreign missiles the most serious one facing our country? Remember, this is not a defense against weapons of mass destruction. Those can be delivered in many ways. Missile defense addresses the delivery system with the highest cost and the lowest probability of being used against us. So why is it there that we spend the most?

The administration is devoting hundreds of millions a year to develop fighter planes that push the envelope of technology and knowledge, bold innovation, the edge, but the true threats to our country from people who have no fighter airplanes, have no aircraft carriers and have no satellites.

The war against terror is door to door and manpower-intensive, so spending all this money on other items should make us ask, where are our priorities?

Soldiers make the war on terrorism work, more than any doctrine or any system. Yet, the most personnel-intensive services, the army and the Marine Corps, are last in line for funding from the Defense Department. Where are our priorities? Why, Mr. Speaker, are we not throwing America's might into the real war?

Mr. Speaker, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding, and let me say, Mr. Speaker, that I associate myself with his comments. As a member of Congress, a veteran who has been to Iraq five times and have sat many, many times across from our men and women in uniform, as they look into our eyes and they show not just their commitment and their professionalism but their trust in us to do the right thing, and sometimes I wonder if we are not betraying our obligations of doing the right thing for them.

So tonight, Mr. Speaker, I want to talk about an issue that is vitally important to our country and to the men and women that are fighting and defending our freedoms in Iraq, Afghanistan and other parts of the world.

Mr. Speaker, time and again attempts by this House to acquire documents related to the Abu Ghraib prison abuse scandal have been defeated, largely on party line votes. During consideration of the intelligence authorization bill, I offered an amendment, both in committee markup and on the floor of this House, to require the Department of Defense to turn over documents related to the handling and the treatment of detainees in Iraq, Afghanistan, Guantanamo Bay and elsewhere, including those documents that would come from the Permanent Select Committee on Intelligence and documents that had been already asked for, not just by our Permanent Select Committee on Intelligence but by other committees in this House.

Both of these attempts, attempts to find answers to the questions that all Americans are asking and that all Americans are expecting us to answer, have failed, again, largely on party line votes.

Last Thursday the House Committee on Armed Services met to mark up H. Res. 689 and H. Con. Res. 472, two resolutions that are a direct result of the prisoner abuse scandal. H. Res. 689 would require the Secretary of Defense, the Secretary of the State and the Attorney General to transmit to the House information produced in connection with the investigations into allegations of abuse against prisoners and detainees in Iraq, Afghanistan and at the U.S. base in Guantanamo Bay, Cuba.

Unfortunately and disappointingly, the committee ordered that this resolution be reported to the House with an adverse recommendation. This is the second time in less than two months that the House Committee on Armed Services has failed to order the production of documents that could assist this committee in understanding and working towards a resolution of the prisoner abuse scandal.

In June the committee adversely reported H. Res. 640, a bill that sought documents associated with the investigation by Army Major General Antonio Taguba into the prisoner abuses at Abu Ghraib prison in Iraq. I am deeply disappointed in this committee and at the partisan politics that are keeping America from learning the truth about what happened at Abu Ghraib.

Instead of supporting this fact-seeking resolution last week, Republicans on the House Committee on Armed Services preferred H. Con. Res. 472, a resolution expressing the sense of Congress that the apprehension, detention and interrogation of terrorists are fundamental elements in the successful prosecution of the global war on terrorism, and that the protection of the lives of the United States citizens at home and abroad.

Fundamentally, this resolution is mired in a lot of partisanship and may ultimately hurt our men and women in uniform. I am deeply concerned about the unintended consequences that could result from the adoption of such a resolution.

By effectively absolving ourselves from adhering to the Geneva Conventions and instead following our own standards of ''humane treatment for those in our custody,'' we open the doors for the rest of the world to do the same to our own troops.

In the words of former prisoner of war, the Nation's first ambassador to Vietnam and past Congressman Pete Peterson, ''I know what life in a foreign prison is like. To a large degree, I credit the Geneva Conventions for my survival. While the Vietnamese rarely abided by the rules, the international pressure on them to do so forced them to walk a fine line that ensured that they not perpetrate the sort of shocking abuses at Abu Ghraib.''

It is imperative, Mr. Speaker, that we live to the same standard that we expect other nations to abide by in the horrific event that they capture our soldiers. I am disappointed that the Republicans on the House Committee on Armed Services would prefer to have this resolution passed through our committee in the House rather than a resolution seeking the truth about what occurred at Abu Ghraib.

While we eventually voted to postpone marking up this resolution, the committee, however, is scheduled to take it up again this week. I hope that before then our colleagues will see the grave dangers that lie in insisting on

dismissing such behavior and not blaming it just on a handful of soldiers but instead recognizing it for what it is, a failure of our system and our failure on this committee and in this House to do our oversight responsibilities.

Mr. Speaker, I stand here tonight as a concerned American, a concerned Member of Congress, and I join my colleague from Missouri in asking our colleagues to do everything that we can to exercise our oversight responsibilities. It is the right thing to do. It is what our men and women in uniform expect us to do as they sit across the table from us in places such as Tikrit, Mosul and other parts of faraway lands. They trust us. We cannot fail them.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I thank my friend, the gentleman from Missouri, for yielding.

Mr. Speaker, I think that the entire House of Representatives knows that our ranking member (Mr. SKELTON), who there is not a more patriotic individual, there is nobody in this body who is for a stronger defense, and I think our ranking member has two of his sons serving in the United States military right now. It is just an example of the great military tradition in his family. And the ranking member as a student of history has very insightful questions that he asks at hearings, and his questioning of General Jack Keane the other day was just an example of that.

And I was struck by General Keane's testimony, when he said that if we had to put it in graphic terms, the prewar planning in Iraq was about like this, more or less a bucket full, a large bucket full, but the postwar planning in Iraq was more like this, more like a thimble full. And our ranking member has quoted General Keane when he said that he felt almost that he had been seduced by the Iraqi expatriates into believing that the postwar situation would be easy, friendly, we would be greeted as liberators, not as occupiers.

The two issues that I would like to bring up tonight have to do with the troop commitment that Tennessee is making, yet again. We are the Volunteer State and the most recent group of reservists and guardsmen to be called up. The 278th Armored Cavalry Regiment, these men and women in uniform are leaving family and friends back home for their tour of duty. They are proud to serve, but almost 4,000 Tennesseans will be involved in this mobilization, and that just reminds me that in this next rotation, 43 percent of our troops in Iraq, 43 percent of the 130,000 men and women in uniform, will not be active duty personnel. They will be guardsmen and reservists who are called up to serve their country in a faraway land.

I worry that our Nation is not aware of this terrific OP TEMPO, the fact that we have the heaviest OP TEMPO since World War II. A lot of folks do not know how to put that into perspective, because they think Vietnam was a big war or Korea was a big war; but, yet, due to the rotational demands on our troops, they are facing some of the greatest strains and stresses on family life and professional life than any other men and women who have served in uniform have faced since World War II. And the 278th Armored Cavalry Regiment from Tennessee is just the latest example of that in our State.

Another issue I wanted to focus on, Mr. Speaker, was the cost of the war and honesty in accounting. People have said for a long time that truth is the first casualty in war, and I am worried that when it comes to honestly and fully disclosing the cost of this war, the administration has not been forthcoming. As the gentleman from Missouri knows, the administration included no money in this year's budget for the war in Iraq or Afghanistan. That is almost too incredible to be believed by folks back home. To have a war of this magnitude go on and to have the administration put zero dollars in their budget for Iraq or Afghanistan is incredible.

Finally, after Congressional pressure, they have inserted, as the gentleman knows, $25 billion in the budget, and I think this week the defense appropriations bill will go through and it will become effective immediately. It won't wait until the beginning of the next fiscal year in October. Because why? Our troops need the money now. They are running out of money, and it is the least we can do as members of the Committee on Armed Services to fully fund our troops, our men and women in uniform, while they are serving our Nation abroad.

That $25 billion will not last for very long. As the gentleman knows, the estimates we have got on the committee indicate it might last through October, November, December, and then come January of next year, the next Congress. The gentleman from Pennsylvania (Mr. MURTHA) estimates we could be facing $50 billion then, and none of this is being disclosed to the American people as it should be. I think we should be honest with them and forthright, let them know the nature of our commitment overseas and let them know the burden that they bear as taxpayers to pay for this, because this is a very serious financial issue. These are large dollars involved.

□ 2200

If you add it all up, the total expenditure of the war so far is in the neighborhood of 150 and $200 billion, 150 to $200 billion. This is to wage war on a country whose annual defense budget was about $1 billion. So it is an incredible situation that we are in. And I think by being honest and straightforward with our constituents back home, being straightforward with the American taxpayer, we will come a lot closer to getting through this conflict successfully, to winning and bringing our troops back home safely.

I commend the leadership of our ranking member. He has done a great job and has done so for many years on the committee, a true patriot, a true leader, a true lover of the American military, and a true supporter of our troops. It is an honor to serve with the gentleman, and I am proud to be part of this special order.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Tennessee (Mr. COOPER).

Mr. Speaker, I yield to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for his leadership of the House Committee on Armed Services, as ranking member, where he commands respect on both sides of the aisle and across our military.

Mr. Speaker, I have 3 unique privileges in this institution. One is to represent the people of Long Island's Second Congressional District. The second is to serve under the gentleman from Missouri (Mr. SKELTON). And the third is to serve under the gentleman from Missouri (Mr. SKELTON) on the House Committee on Armed Services, a committee which has no more profound and fundamental mission than to protect our troops and keep them strong so that they can keep our Nation strong.

How do we do that, Mr. Speaker? How do we keep them strong in order to keep our Nation strong? We do it by having right priorities and by giving them the best resources. Having the right priorities means that we be focussed. We have to have focussed priorities and disciplined priorities. And having focus and said disciplined priorities enables us to provide the best resources to our troops so that they can combat the global war on terror.

Sadly, Washington has fallen woefully short on those priorities. Let me share some examples that come from some of the people that I represent. These are real people with real stories.

I have a policy, Mr. Speaker, that if you have been deployed into any dangerous place in the world, if you are a member of our military or related to a member of the military, my door is open at all times. You can come to my office on Long Island. You can come to my office in Washington and I will sit with you and listen to what you have to say.

I sat with the mother of a young soldier who said to me at a table in HopHog, New York. She said, I had to send my son money in Iraq so he could afford the best armored vest because he did not have the best armored vest. And then I had to send him money so he could afford night vision goggled because I believe that my boy deserves the best night vision goggles. And my boy had to spend 2 or $300 our of his own pocket every month to give the men in his command socks and underwear because they could not afford to do that. She said, Do you not think that should be your obligation and not my obligation?

I want to share with you the story of Raheen Tyson Heighter, a 19-year-old from Bay Shore, enlisted in the Army. He was asked what kind of life insurance he wants. That 19-year-old did not believe he needed life insurance. Most 19-year-olds do not believe they need life insurance. He said, Give me the cheapest that you have. Because all he could afford from his net monthly paycheck of about $1,200 was a $10,000 life insurance policy. And his pay check was docked about 80 cents a month for that policy. Well, he did not make it back. He was killed in Baghdad.

His casualty officer called his mother and said, We regret to inform you that your son was killed in action and his life insurance policy was $10,000, which does not go very far.

I believe if we are going to send young men into battle, we can handle their life insurance premiums, Mr. Speaker. It should not have been to come out of Raheen Tyson Heighter's pay check.

I want to close by sharing a story that I heard from a young woman whose husband is in the Reserves and has just been deployed. He has been accumulating hundreds of dollars of cell phone calls on his personal cell phone which he loans to the men in his command so that they can call home because they cannot afford it without any reimbursement.

These families do not complain. They do not come to my office to complain. They do come to my office because they are patriots, and they believe that we owe them something back. They are seeking fairness. They say, if you are going to honor us, honor us not simply with your words but in your budgets. Do not simply put lapel pins on your lapels, but put us in your budgets and do not balance those budgets on the backs of people who are fighting on our fronts.

Those are our sacred obligations to the men and women that are fighting for our freedoms in dangerous parts of the world. There should be no Democratic or Republican way to protect our troops. We ought to do it because it is the right thing to do. And we ought to quit talking about our troops as priorities and spending as if they were our priorities.

It is my privilege to serve under the gentleman from Missouri (Mr. SKELTON) so we can reach that vital goal. It is my privilege to continue to advocate for those in my words who advocate for us with their sacrifices.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from New York (Mr. ISRAEL). Mr. Speaker, I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for the opportunity. There has been a broad discussion here tonight on a variety of issues that we have been dealing with the on the Committee on Armed Services. I would like to thank the ranking member for the opportunity to share some of these views because we do not always get the opportunity in committee. We only usually have 5 minutes or so to question some witnesses that we may have before us or to talk about a particular issue.

Among some of the issues that were raised here tonight, I would like to shift the debate just a little bit over to Afghanistan. There were some of us when the war in Iraq began, where we were wondering, why are we going over there when we have obligations already in Afghanistan? And we had major obligations in Afghanistan. We had an international coalition that we had put together to go into Afghanistan on October 7, almost 3 years ago, to make this happen.

Reason we went into Afghanistan is that the Taliban, the ruling government in Afghanistan, was harboring terrorists from al Qaeda. Al Qaeda hit us on 9–11. We had every right to go into Afghanistan and try to rectify the situation and try to get the terrorists and try to destroy the al Qaeda network.

One of the problems in Afghanistan has been drug production, opium, heroine, poppy, is the main culprit there. And those of us who thought it was a bad idea to go into Iraq were saying, well, all the arguments that we do not believe they had weapons of mass destruction and we do not believe Saddam Hussein had any tie to 9–11 and all these other arguments that some of us were making aside, if we are going to be in Afghanistan let us be in Afghanistan.

If we want to try to set a democracy up in the Middle East, let us set one up in Afghanistan. We were already there. We invaded the state. We had taken control to a certain extent what was going on there.

We now, today, have 130,000 troops in Iraq. We have 17,000 troops in Afghanistan.

I want to share with the people at home here a picture of Afghanistan opium poppy cultivation in 2001. The areas that are producing or growing poppy in 2001 are in red. You can see a majority of the country is in white. Now I would like to share Afghanistan opium poppy cultivation in 2003. Nearly the entire country is producing poppies which is now, today, half of the gross domestic product in Afghanistan is poppy, $2.3 billion.

We have a narco-state on our hands in Afghanistan. And what happens is that in these outer regions outside of Kabul, which is the capital, the drug lords are running the show and they are making $2.3 billion worth of money that will eventually make its way back into the hands of al Qaeda, which their sole purpose in life is to destroy the United States of America, destroy the infidels.

So the question is, why do we have 130,000 troops in Iraq and only 17,000 in Afghanistan? We have $2.3 billion worth of poppies being grown and sold outside of Afghanistan. When General Myers was before our committee several months ago, maybe a month and a half ago, I asked General Myers, What are we doing about the poppy? What are we doing about the money that is making its way back to al Qaeda?

General Myers said, Well, we have a little problem this year. The harvest came in early. The harvest came in early.

So we have another year's supply of heroine on the market being sold that will eventually make its way back to al Qaeda to fund terrorists acts against the United States and the reason is the harvest came in early. We only have 17,000 troops there, and the question that I would like to ask the people at home across the United States of America, what would Afghanistan look like today if we had 130,000 troops there, if we spent $200 billion there, and we had the international community supporting the effort?

We would be much closer to having a democracy in the Middle East. I believe that we would not have $2.3 billion of drug money going back to al Qaeda to help fund acts against the United States. We would probably have elections very soon. And we would have the entire national community supporting the effort. And we would not be bogged down in the situation we are in now in Iraq.

So, when we look at the production and we look and see this next chart, how it has grown from 2001 when the Taliban ruled, they were obviously anti-narcotic, and the growth in 2000 and 2003 of opium production in Afghanistan. And when we look and see all the reasons that we have had for going to Iraq, and now the latest is create a democracy in the Middle East, we have spent $200 billion there. I think we had an opportunity, we had the commitment, we had the international community, we had the resolve to go into Afghanistan and set up this Arab democracy that would hopefully lead to the domino effect of leading the democracy throughout the Middle East.

So I want the people at home to know that this is a lack of leadership in my mind as to why we are in the position we are in. While we are over in Iraq struggling right now, we cannot forget that we also broke Afghanistan as we broke Iraq. And if we break Iraq, we have got to buy it, and it has cost us $200 billion. We cannot forget we broke Afghanistan. And I believe the major threat to this country is the money that is being taken out of this country through the drug sales and back to al Qaeda to lead the terrorist acts in this country.

So my point is that I think we have dropped the ball in Afghanistan. And I appreciate the letter the gentleman from Missouri (Mr. SKELTON) sent to the gentleman from California (Mr. HUNTER) last week saying that we need to have a full hearing on what is going on in Afghanistan and that the American people will not stand for the excuse that the harvest came in early as to why we have another $2.3 billion in the hands of al Qaeda.

I thank the gentleman for the opportunity and all his support with all the hearings that we have trying to get done in the Committee on Armed Services. I thank the other members of the committee, the gentleman from Tennessee (Mr. COOPER) who was phenomenal in a classified hearing last week. I would like to thank him as well.

Mr. SKELTON. Mr. Speaker, I thank the gentleman. Mr. Speaker, I yield 7 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

□ 2215

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for bringing us together this evening. I thank him for training his insight on a situation that, as I say, this as somebody who did not vote for the resolution in the first place because of my apprehension, but I could not have foreseen it being mishandled in a way that has produced the situation we face today.

I salute the gentleman for his leadership, his voice of reason throughout my tenure in Congress during some very difficult times. Whether it is in the Balkans or it is the Middle East, he has focused our attention. He has asked the right questions, and he has done so in a way that permits people to get past some of their biases and concerns and I think really approach it in an open, honest and forthright fashion. I salute the gentleman for that. I appreciate the leadership he is providing this evening.

I listened to the gentleman's appraisal and I could not agree more, that, sadly, this administration was not prepared to win the peace, and this, as my colleague has pointed out time and again, is not the fault of our men and women in uniform, who have performed heroically. They have done the task that is assigned to them and more.

I think it is clear that what we have seen here has been a failure of the people at the top, who refused to listen to the men and women in uniform in the command structure. They have indeed, as the gentleman mentioned, been diverted from the real war in Afghanistan, something that the vast majority of people in this chamber were united behind. They understood that was the origin of the attack on the United States. That is where al Qaeda and Osama bin Laden were headquartered. That is where we needed to act. Sadly, we did not finish the job. We were diverted.

We have seen stress unprecedented on our National Guard and ready Reserve, and I appreciate the gentleman focusing on that. It is something that I encounter every week as I go home, hearing from the families, from the employers, the news accounts, the meetings we have had at home where sometimes there are people that just want to have a confidential moment.

A couple of weeks ago, I had a young man call the office. I was very tightly scheduled. He said, ''I'll tell you what. I know you're going back to Washington, DC. Can I come and ride to the airport with you? I just want to tell you what's in my heart before I go back.''

It was for me extraordinarily frustrating to hear this young man unburden himself. He was back stateside because he had won a special commendation. He was back, but he wanted me to know the deep concern that the men and women he served with had about what was going on.

As the gentleman from Missouri (Mr. SKELTON) said, we did it to ourselves. Three years ago, the world was united behind us. We had specific objectives. There was a sense of unity here that could have been mobilized and was not, but I think the question that the gentleman is raising for us is not just focusing on what went tragically wrong, understanding what is there, but he is focusing our attention on where we go from here, how do we do right by these young men and women in the field, how do we do right by the people in both Iraq and Afghanistan.

Well, I think, first and foremost, I would like to see us do a better job at oversight, and I know the gentleman has done his best as the ranking member of the Committee on Armed Services, but there is no excuse for our not being able to do a better job of pulling this information out, sharing it with our colleagues and the American public, and holding people accountable, doing a better job of focusing on what is happening to the 5,600, what are we calling them, post-active duty people who are being brought back to service yet again. The strains that have been put on the ready Reserve, more people called up than in every previous mobilization from the Cuban missile crisis through every decade, every year right up till today, we have had this amazing stress.

What can we do? We can have an honest accounting of the costs and consequences, not the budgeting that puts it off till the future. We can chase down what happened with that prison abuse scandal and not scapegoat a few young men and women who were in a situation, candidly I think, over their heads. I would have liked to have thought that they would have known better, but by no stretch of the imagination can the evidence coming forth lead us to believe that we can resolve this by simply coming down on a half dozen, a dozen of these young men and women. It goes much further up the chain of command, all the way to the top. When we look at what orders have been issued, side-stepping the Geneva Convention, detention, it is a failure of responsibility at the top. We ought to hold them accountable.

There is also the focus on the people who are, to a greater extent than ever before in wartime in the United States, dealing with unaccountable, unelected, no-bid contracts and contractors who are doing things that should be the purview of the United States military, and had they been done, they would have been done far, far better.

We can shift much of this activity overseas to the locals, but it is insanity when we are paying $10-, $12,000 a month for contractors to drive a truck when we have Iraqis, for instance, unemployed, who would take that job for a couple hundred dollars a month and put that right back into their families.

Last, but by no means least, it is important that we not forget about Afghanistan, and I appreciate my colleague focusing our attention on that this evening. Here is a country from which the attack on the United States on 9/11 was launched. Here is a country that has been abused and damaged for over a quarter century. It is larger than Iraq. It is poorer than Iraq. It has a larger population than Iraq. Our friend, the gentleman from Ohio (Mr. RYAN) just pointed out how narco-terrorism is building and some of those resources are being used against us in the war on terror, and yet we are investing less than one-tenth of the amount of money in Afghanistan as we are in Iraq, and we have a much tinier military footprint, about one-ninth.

I appreciate the gentleman from Missouri's (Mr. SKELTON) leadership, his attention and the calm and quiet, thoughtful way he has analyzed this issue in a way that I think ought to touch the mind and heart of every Member of this chamber. I look forward to working with him in the weeks and months ahead to try and recover our momentum, our balance, and place our priorities where they belong and do right by the American people, the Iraqis, Afghanistan, and win this struggle against terror.

Mr. SKELTON. Mr. Speaker, let me thank my friend, the gentleman from the State of Oregon.

I now yield to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I want to begin by thanking the gentleman from Missouri (Mr. SKELTON) for bringing this issue before the House tonight. This is an issue that I spoke about this morning, and it seemed strange to me, as I was coming in here about to ask him for some time, to realize that his thinking and the thinking of the people who have been speaking are very much where my mind was.

I think it is probably where the American people actually are because, in my view, it is past time for America to have a national terrorism policy. The line between countries we call friend and foe is blurred. The distinction between peril and safety is just as vague here at home. America has too much at stake not to consider a national terrorism policy as a work in progress.

Civil liberties hang in the balance at home. Credibility is questioned in countries around the world. Military personnel are fighting and dying in one country today, but what about tomorrow? America is spending in excess of

$150 billion in a country that has more to do with errors in judgment than threats of terrorism against the United States.

The patchwork of actions and reactions about terrorism are long on rhetoric but stop well short of defining potential threats and responses or a philosophy to guide America. Questions need to be asked and answered, and that is why what the gentleman from Missouri (Mr. SKELTON) is doing tonight is so important.

The acting director of the CIA admits that a good case can be made for a new Cabinet-level Secretary to oversee all of the Nation's intelligence agencies, but the director thinks some changes in the CIA could accomplish just as much.

Now, in Washington, D.C., turf issues are big issues. Are the remarks by the acting director turf or analysis? When it comes to terrorism, the old ways of Washington, turf among them, must change.

The President took America to war in Iraq over alleged ties to terrorism, now proven incorrect. We learned just today that eight of the 9/11 hijackers passed back and forth through Iran before the attacks. We learned the Iranian government instructed border guards to let all al Qaeda pass. The CIA says there is no evidence of an official connection, but there is tacit approval, at a minimum. The same could have been said before Iraq, but that did not stop the President from going to war.

What does this new information mean about Iran? The President says he launched a preemptive war in Iraq. Well, will the President launch a postemptive war against Iran? Iraq had no weapons of mass destruction. Iran is openly developing a nuclear capacity, claimed peaceful at this point, but outside the scope of objective knowledge and data. Is Iran next for U.S. military action? Why? Why not?

Given Iraq, would Congress write this President another blank check for anywhere else in the world? What about North Korea? There is a regime that is as oppressive as Saddam's. There is a country that bought weapons technology from our old friend or our new friend and our old nemesis Libya. There is a country where weapons are almost certainly not theoretical. Are we going into North Korea anytime soon? We are pulling our troops back in South Korea from the border. We are thinking about moving some of them to Iraq. What does that mean?

Today, Libya must be in line for, and I am not kidding about it, a football game. Mr. Qaddafi may have isolated himself economically for years, but he could still watch television. So, today, Qaddafi is trying to buy a British sports club, hoping that the English version of football will thaw the icy relations.

Then there is Pakistan. They were not at the top of our list until we needed a friendly Nation in the Middle East after the September 11 attacks. Now, Pakistan is a key ally. We have made them a non-European NATO ally. Is that good for Pakistan and the United States? If so, why? Is it a good thing for relationships between India and Pakistan and the United States? If it is, does this mean that the world is so interconnected that the notion of friend or enemy no longer applies?

After all, we remember the television networks have shown pictures of Defense Secretary Rumsfeld bringing greetings to Saddam Hussein, not that many years ago, in the administration of Bush I. He was a bad guy then, but Mr. Bush liked him, and I guess that was good enough for those days.

□ 2230

Mr. Speaker, 2 years ago he became a bad guy. We did not like him any more, and we all know what happened then. What is the distinction between Saddam Hussein in Bush I and in Bush II? He just gassed people in his own country in Bush I. America needs a better definition of policy than just expediency. American policy today is grounded in reaction, not philosophy.

There has been enough time since the tragedy of 9/11 for the President to articulate a terrorism policy for the Nation to debate, adopt and defend. All of us gave him some slack right after 9/11. Who would not want our President to have the power to deal with what he needed to deal with at the moment, but that is a long time ago.

We see nothing. We do not have a policy, and the headlines can prove it. We have a military stretched so thin that the President launched an undeclared draft to compel soldiers to return to active military duty. If officers did not resign their commission, the service can reach back 20 years to bring them in.

The New England Journal of Medicine just carried a study that 1 out of 5 people coming home is subject to psychological problems, post-traumatic stress disorder, depression, and other problems. We are suffering casualties. If we think out of 160,000 people, 1 out of 5 coming home, that is 30,000 people, never mind all of the people who have lost an arm or leg. Now we have psychological problems coming home as well.

Does America need a draft? The administration says no, or not until at least after the election. They say this ''no'' just after they have issued stop-loss orders to prevent soldiers from leaving active duty in Iraq. We have an indefinite military commitment in Iraq. But why, if we supposedly handed the country over to the Iraqis?

America lives in perpetual terrorism-alert status. Is there nothing to be gained other than a CYA for this policy? Who decided that we should be told to be very worried just after America was told not to worry any more that we were already worried? They are moving the fear back and forth and keeping the American people on edge, and that summarizes the administration's recent public statements on terror. It also symbolizes the lack of a coherent terrorism policy.

Today the administration basically says just trust us. Just trust us. America's response should be mine from the Reagan administration, ''Just Say No.'' We did trust, and that is how we got into Iraq. The safety and security of America is everyone's business. It should be debated in this House before the People's Body. Every district, every person in this country is represented on this floor. It should not be decided by one man. I think the average American knows that and knows what the administration has given us so far is not a policy but wishful thinking.

Mr. Speaker, the President has 105 days to articulate the terror policy, what he is really trying to do. If he does not do that, we are going to have a new President.

Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding me this time.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for his comments. Let me close by saying at the end of the day we all need to pay tribute to those wonderful, wonderful young men and young women in uniform, whether they come from Missouri, Washington, Ohio, New York, Florida, or all across our country. They are professionals. They know what their duty is, and we certainly wish to salute them this evening as well as the families that support them and wish well for them and of course pray for them.

9/11 WAS NOT PREDESTINED

The SPEAKER pro tempore (Mr. HENSARLING). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for half the time before midnight, approximately 43 minutes.

Mr. ROHRABACHER. Mr. Speaker, let me thank the gentleman from Missouri (Mr. SKELTON) who has always had the respect of his colleagues. I know that the gentleman is very serious and sincere about the national security of the United States. I appreciate him trying to put forth some creative and positive alternatives to the current policies he may or may not agree with in terms of the war on terrorism.

There are positive opponents to the President and there are negative opponents to the President. There are people who offer alternatives, and there are people who do nothing but undermine the President's policy; but there are also those who have legitimate complaints and alternatives to offer, and I thank the gentleman from Missouri (Mr. SKELTON) for always trying to provide the alternative.

Let me note, after hearing our last colleague who spoke, Saddam Hussein had a blood grudge against the people of the United States of America. He

wanted to hurt us and would have hurt us had he been given a chance. It is a good thing that Saddam Hussein was removed from power. Those who nitpick our President and backbite him as we try to make this situation, turn the situation around in Iraq, would not return Saddam Hussein to power. That is not the question.

So with that, Mr. Speaker, let me note that we need to look at the terrorism angle which is what the gentleman from Missouri (Mr. SKELTON) was suggesting for tonight. I have a speech to talk about what happened on 9/11, the terrorist attack, and I give this speech leading up to some time this week when the terrorism task force will report to the American people on what happened on 9/11.

The most important thing that the American people need to know when looking at 9/11, the 9/11 terrorist attack, was that it was not predestined. It was not unavoidable. Unfortunately, the commission investigating 9/11, and we will find this out when they issue their report, they seem to be uncomfortable with fixing responsibility, branding such attempts of fixing responsibility to individuals or to policy as the blame game or pointing fingers. So instead of looking for policies that were dead wrong or people who were incompetent, we have heard about glitches in the system or a lack of communication or a lack of a shared database. Expect the recommendations of the task force to be consistent with this thinking. We will hear about changes in flow charts, organizational restructuring and the creation of a new central authority, an intelligence czar. If there has ever been a cliche, let us create a czar and give him all of the power, and that will solve the problems.

No, I am sorry, 9/11 represents a dramatic failure of policy and people. A number of insane policies led to the creation of a hostile, radical Islamic movement, the one that we face today, and we had policies in place that enabled this weird, feudalistic religion, religious zealots of radical Islam to become a major threat to the western world, and especially to the people of the United States.

Yes, the origins of this frightening reality go back aways. In the 1980s, high-level officials in the Reagan administration, and this is probably where it started, agreed to the demand of Pakistani President Zia Al-Haq that his government oversee, read that control, America's support for those Afghans who were fighting against the Soviet troops occupying their country. Much of the lethal inventory that we sent to the Afghan freedom fighters ended up in the hands of Pakistan's favorite Muslim fanantics, like Rasul Sayyaf or Gulbuddin Hekmatyar. Hekmatyar was a fiend, for example, who in his college days threw acid in the face of young women who refused to cover themselves with a burqa. That is who ended up with the lion's share of our aid to the Afghan freedom fighters.

During the war with the Soviet occupation, I hiked into Afghanistan with a small mujajadin infantry unit. On our way to the seige of Jalalabad, which was the last major battle in that war with Soviet troops, we came across an encampment of Saudi volunteers. In stark contrast to the spartan living conditions of the Afghan fighters who I was with, this camp site was complete with large safari-style tents, cots, and even SUVs. I was told not to speak English because the Saudi crazy man who led this bunch would rather kill Americans than Soviet troops. His name was Osama bin Laden.

So by the end of the 1980s, the presence of dangerous wackoes in Afghanistan was well known. I can assure Members that complaints were made at the highest levels about American support ending up in the hands of these fanatics. I personally made such protests while working in the Reagan White House, yet the policy continued, probably because those representing us on the scene, meaning in Pakistan and Afghanistan, did not complain. In fact, everything indicates that the American so-called professionals on the scene supported the let-Pakistan-decide policy.

Milton Bearden, senior CIA officer overseeing America's support for the Afghanistan insurgency, has suggested that his job was beating the Soviet Army and he should not have been expected to keep our weapons out of the hands of those who might pose a long-term threat to us, to the United States. Nonsense.

Had he raised the issue, coupled with the complaints like the ones I was making to the National Security Council, as well as other people who I know who were making these complaints, this policy would have been reviewed and it would have been reversed. But Milt did not want to rock the boat. He did not want to upset the Pakistanis, so our weapons continued to be delivered into the hands of people who hated us. So put this man, Milton Bearden, CIA station chief, on the list of people who helped bring about 9/11.

Also put unnamed high-level Reagan officials, perhaps even CIA Director Bill Casey, who I have a great deal of respect for, this might have been one of the mistakes he made. We all make mistakes. But in the end, we made a deal to give Pakistan the dominant role in this operation. To be fair, there was no indication at that time that these medieval mullahs would ever pose a threat to the United States, but we should have supported people who were more pro-western and more enlightened. They were available, but we would have had to make Pakistan mad at us for us to we have delivered weapons to them directly. Nevertheless, we could have helped these others and it would have been a better world and better path for us to be on in the long and short run had we done that, and had the CIA and Milton Bearden insisted this was the best way to go and the moral way to go.

Contrary to leftist cliche, and this is what is important, contrary to leftist cliche, the roots of the current terrorist crisis lie not in our support for the Afghan people in their gallant fight against the Soviet occupation, but instead on America's willingness to let Pakistan distribute war supplies and our unconscionable decision after the retreat of the Soviet Army to walk away ourselves and leave the poor and wounded Afghans to live in the rubble and suffer their misery.

To fix responsibility on that decision, look at the list of senior foreign service officers at our embassy in Islamabad, Pakistan, in the 1980s and 1990s. Up to this day, there are high-level State Department officials and career foreign service officers who still toe the Pakistani line, who still seem unable to call Pakistan to task for its transgressions, its sins of omission and commission. These State Department pros, always trying to prevent a crisis on their watch, always trying to avoid a decision that will mandate a confrontation, these people gave us 9/11. Put them on the list.

Furthermore, it was a policy decision to walk away and abandon our devoted Afghan allies even after psychopathic killers like Gulbadeen rose up as the Soviets departed. President George Bush, father of our current President, has to accept the lion's share of the blame for this cowardly, arrogant and selfish policy. There would be no Marshall Plan for Afghanistan or anything else like that because like during the war itself, we left postwar construction and assistance basically up to the Saudis and up to the Pakistanis which was another indefensible policy decision.

□ 2245

As we went into an era in the 1990s of prosperity, the Afghans were stuck in misery and they could not even take care of their wounded, the people who had lost limbs during the war. They could not even clear away the land mines.

So what happened when we left it up to the Saudis and Pakistanis to take care of the situation? Predictably, they had their own agenda, which included the creation of a radical Islamic state in Afghanistan. They were not upset about violent extremists like Hekmatyar and Sayyaf being so well armed. The Saudis and the Pakistanis supported these violent extremists. They were the ones who armed the violent extremists and did so in many cases with our own weapons. Predictably, what followed when the Soviets left and we walked away was a period of havoc and bloodshed. Hekmatyar Gulbadeen peppered Kabul with American rockets that were stockpiled during the Soviet occupation. Thank you, Mr. Bearden.

There was a way out of this bloody mess. Afghanistan's benevolent old king, King Zahir Shah, was exiled in Rome and he was ready and willing to

return to Afghanistan to offer a moderate leadership to that country. He is now and was at that time the most beloved man in Afghanistan. He is a pro-western force for stability and decency in that country. But instead of supporting King Zahir Shah, our State Department opted for the creation of a third force. This new force was to be made up of religious fanatics educated in the Madrassas, the so-called schools in Pakistan that were financed and built by the Saudis. I pleaded with my own government and I pleaded with the Saudi intelligence chief, Prince Turki, to at least give the old king, Zahir Shah, a chance to lead an interim government and bring some stability there. ''No way'' was the answer. Again our State Department sided with the Saudis and Pakistanis, going with the radical Muslim fanatics rather than going with a pro-western alternative. We ended up, yes, with the Taliban. That is what we are talking about being created.

Make no mistake about it, the Taliban's ascent to power as well as their ability to stay in power was a Clinton administration policy decision promoted by the know-it-alls at the State Department. Again, put on the list of those whom to blame for 9/11 those people in the State Department that supported and advocated this policy. The policy of the State Department again and the Clinton administration in collusion with the Saudis and the Pakistanis was to create and support the Taliban control of Afghanistan. They obviously did not learn a thing from the horror that they created by backing Islamic fanatics like Hekmatyar.

Two specific diplomats to put on the 9/11 blame or shame list are Ambassador Robert Oakley who was on the scene as U.S. Ambassador to Pakistan when following Pakistani lead became U.S. policy. Another diplomat, John Holtzman, was the deputy chief of mission at our embassy in Pakistan during the 1990s. He discouraged and undercut efforts to those who were offering an alternative to the Taliban in Afghanistan.

Of course our government's support for the Taliban was never publicly acknowledged. It is too diplomatic for that. We do not mention that but that was the policy and it was never publicly acknowledged but for those of us who were engaged in that region. Let me say there were darn few of us who were engaged in that region after the Soviets had left. We knew it was clear that the United States was supporting the Taliban, but what is even more poignant, most Afghans believed that the Taliban were created by the United States of America and that they had our support. Why should they not believe that that was our policy? America's aid, for the most part, was channeled, and I say this, channeled disproportionately through the Taliban-controlled areas. I remember trying to clear the way for the shipping of private humanitarian relief to a non-Taliban area in the northern part of Afghanistan only to be blocked by Assistant Secretary of State for Southern Asian Affairs Rick Inderfurth. If there was any doubt about my suspicions about U.S. policy, it was confirmed in 1997 when high-level executives from the Clinton administration saved the Taliban from total defeat and extinction. Here is what happened. In April of 1997, the Taliban launched a major offensive aimed at taking control over the northern third of Afghanistan which up until that point had remained a free zone under the control of regional leaders. Those regional leaders are commonly referred to as warlords. One of those regional leaders, General Malik, tricked the Taliban and managed to capture almost all of their front line troops along with most of their heavy weaponry. It was an utter disaster for the Taliban. The road to the capital, Kabul, was wide open. The Taliban were totally vulnerable and could easily have been wiped out. I sent a message to Commander Masoud and others that Kabul should be liberated and the king of Afghanistan, Zhir Shah, this moderate force I have been talking about, should be brought back to oversee a transition government which hopefully would evolve into a democratically elected government perhaps like we saw in Spain where the monarchy was brought back and they evolved into a democracy. But before the anti-Taliban forces could strike, before the anti-Taliban forces could take advantage of this incredible opportunity to get rid of the Taliban, Assistant Secretary of State Rick Inderfurth and American and United States Ambassador Bill Richardson flew to northern Afghanistan and convinced these anti-Taliban leaders that this was not the time for an offensive. Instead, they insisted, this was the time for a cease-fire and an arms embargo. This was clearly a statement of U.S. policy that two top foreign policy leaders in the Clinton administration for that region flew to northern Afghanistan to convince the anti-Taliban forces not to take advantage of their one opportunity to soundly defeat and thus eliminate this enemy.

Let us remember, by this time it was clear that the Taliban were Islamic Nazis. I had fought the Taliban for years trying to present the king as an alternative. When they took over Kabul, I remember even my comment was, ''Well, let's wait and see. Let's give them the benefit of the doubt.'' I was very skeptical, even for just a matter of 2 weeks, but within 2 weeks there was no doubt what these people were about: Making women stay inside their homes. They could not get adequate medical treatment, much less have jobs. Repression of any type. Listening to music much less expressing some type of opposition to their government. No, these were fascist Islamicists. Instead of letting them be defeated, the Clinton administration, Mr. Inderfurth and Mr. Richardson, went there and saved the Taliban and they convinced them not to take advantage of this one opportunity they had.

So let me underscore this again. We knew by that time that the Taliban were evil. Yet we helped save them because we had made a deal with Pakistan and with Saudi Arabia to create the Taliban and to keep them in power. Just to note, right after the cease-fire and the release of prisoners that were brokered by these high-level Clinton administration officials, the Pakistanis began a Berlin-like airlift to resupply and re-equip the Taliban which was obviously financed with Saudi money. If I knew of this massive resupply effort, certainly the Clinton administration officials who set up this disastrous scenario also knew. Why were the anti-Taliban leaders not notified of this situation? Why did we continue to enforce an arms embargo which only affected the anti-Taliban forces even as the Taliban were being rearmed and resupplied by Pakistan and Saudi Arabia? The answer is, it was U.S. policy to keep the Taliban in power during the Clinton administration. So add the Clinton appointees, Assistant Secretary of State Rick Inderfurth and U.S. Ambassador Bill Richardson on the 9/11 blame list, but, to be fair, they were obviously carrying out policies that were made elsewhere and higher up. How much higher up? All the way up to the very top of the Clinton administration.

Last year, the current Foreign Minister of Pakistan visited California. Furious by my repeated accusations that Pakistan was responsible for the Taliban, he blurted out at a well-attended event that from day one, America was part of the deal that created the Taliban. I had been trying to prove that the Clinton administration was covertly supporting the Taliban and now at last I had a confirmation. As a member of the Committee on International Relations, it had been my responsibility to oversee this policy. During the last 2 years of the Clinton administration, I made numerous requests, with the support of the committee chairman, Ben Gilman, for Taliban-related documents so I could prove what our policy was and what we were doing behind the scenes in terms of the Taliban in Afghanistan. I asked for these documents. I asked for cables, talking points, meeting notes. Secretary of State Madeleine Albright made a commitment to me and to the chairman of the committee in an open congressional hearing to provide my office and Chairman Gilman all related documents. We were stonewalled. That is it. The elected officials got stonewalled by the permanent government, by the pros who made the policy in the first place, the people who they sent over to take over the policy in Islamabad and oversaw this, protecting themselves but also protecting the secret agreement with Pakistan and Saudi Arabia. So instead of sending the

dossiers, the documents about the Taliban, they sent to us, the people who were elected to oversee that policy, meaningless documents that included innocuous news clippings. This is about as arrogant as it gets, unelected State Department careerists dismissing the requests of elected officials for security-related information.

One wonders if the current independent commission examining 9/11 has asked to see these documents. We will have to see if the commission investigating 9/11 goes into why the Taliban was in power in the first place. This is a vital piece of information. If the Taliban would not have been in power, these radical Islamicists would not have provided bin Laden and the terrorists with the base of operations which led to 9/11. In some ways, it is hard to characterize the Clinton administration's support of the Taliban as covert. The stench was hard to miss. Covert or overt, it was disgraceful and led to 9/11 by creating a safe base of operations for bin Laden and a training base and staging area for al Qaeda.

Bin Laden is from an enormously wealthy Saudi family. While our petro dollars flowed into Saudi Arabia by the hundreds or tens of millions, the Saudi establishment not only turned a blind eye but also attempted to buy off this violent anti-western Islamic fringe in their own country. Billions of our dollars, our petro dollars, came back to bite us in a big way. It obviously continues to this very day. The first gulf war in 1990 and 1991 did nothing but expand bin Laden's hatred for the United States. In terms of our presence in Saudi Arabia, he has piously proclaimed that it is an insult to his faith. Get that. An insult to his faith. This is a mass slaughterer of unarmed people and, of course, slaughtering these unarmed people and these noncombatants as we saw on 9/11 and others who he has slaughtered is perfectly consistent with his faith, but he is insulted by America being in the Middle East. Perhaps we should quit taking seriously all of this self-righteousness from radical Islamicists because in reality what we are talking about are psychopathic killers. And whatever religion they would be part of, whether it is Christianity or Hindus or Israelis or Americans, whoever we are talking about, there are psychopathic killers in every society, only what we have got here is in the name of the Muslim faith, these people have managed to wrestle leverage which gives them enormous power to attack us and to kill our people.

In the mid 1990s, bin Laden and his cohorts began to set up his terrorist underground army for the war that he intended to wage on America. In the mid 1990s, he operated not out of Afghanistan but out of Sudan. America's official position was that bin Laden was a terrorist on our most wanted list. In fact, CIA director George Tenet declared him the CIA's number one target. Inexplicably while designated as such this self-aggrandizing monster organized, financed and implemented attacks that caused tens of millions of dollars of damage and the deaths of thousands of innocent people, not just in the United States on 9/11 but in a worldwide campaign over a 2-year period.

□ 2300

Yet the same CIA that declared bin Laden as their number one target, with all the power, the money, the technology, and other assets available to our CIA, they could not thwart 9/11 nor did they even warn us about 9/11. Remember, 9/11 was a major operation planned and carried out by the CIA's number one target and hundreds of others, many of whom were also on that most-wanted list.

If this is not incompetence on the part of our intelligence establishment, then what is? Furthermore, there were mind-boggling missed opportunities to get bin Laden before 9/11. Either intentionally or as a matter of policy or through incompetence, bin Laden was never stopped, even though there were numerous opportunities to stop him permanently.

The government of Sudan paid close attention to bin Laden when he operated in that country. I am told they catalogued all the people to whom he spoke on the phone and in person. The former Ambassador for Sudan in the United States, Mr. Mahdi Ibrahim Mohamed, told me personally that he offered our government this terrorist catalogue, which was a silver bullet for the total destruction of bin Laden's terrorist network.

Vanity Fair reports that the Sudanese government's offer was abruptly turned down by none other than Secretary of State Madeleine Albright herself. Reportedly she instructed that no one look at the material or copy the material offered by Sudan. So in bold print add to the list of those responsible to 9/11 Secretary of State Madeleine Albright.

I should note that former President Clinton is denying that he turned down such an offer from the Sudan, and it is not unreasonable to assume that the wording of his denial has been crafted in such a way that we really do not know what is, is.

And while we are at it, we can add Richard Clarke to the list. Let us take a look at Richard Clarke, who got much attention a few months back by criticizing President George W. Bush before the investigating 9/11 panel. Clarke was a senior government policy official. And while all of that that I am describing took place, Richard Clarke was there in high-level positions of authority. He either approved of what was going on in all these things, especially that were happening during the Clinton administration; he either approved of the policy of the Taliban, he approved of not following up on these leads to get bin Laden, or he did nothing. Either way, he is certainly high on the 9/11 blame list, and he has no credibility in criticizing our President, who, as we now know, when he was sworn in as President of the United States, the 9/11 plot to attack the United States was well on the way, that it had been planned long before George Bush was even elected. It was planned and started and put into place during the time when Richard Clarke was a senior guy at the White House and could have done something about it and instead did nothing.

From the first attack to the World Trade Center in 1993, to the bombing of the U.S. military barracks in Saudi Arabia, to the attack on the USS Cole, and the destruction of our embassies in Africa, the response from the last administration was so tepid and so weak that the perpetrators thought Americans were cowards. That was why they went ahead with 9/11, which was aimed at killing not just 3,000 Americans but tens of thousands of Americans that they thought they were going to kill in those towers. This we have learned from those we have captured since 9/11. It was the weakness of the 1990s that led to the war that we are in today. It was the weakness during the Clinton administration years and the weak response and limp-wrist response that we gave to the terrorists that encouraged them to move forward with a monstrous attack on 9/11.

By the way, after one attack it is reported that Richard Clarke was the White House official who insisted that retaliation be taken against guess what target they chose after an attack where our people died? The target was a pharmaceutical factory in the Sudan, which had nothing to do with terrorism. This was while our government was still helping the Taliban stay in power. So we attacked a pharmaceutical company in Sudan. Something stinks about this situation, and some day we are going to get to the bottom of it and we will learn what forces were at play and what the positions of our government and those people really were.

Then an even more personal incident happened about bin Laden. In April and May of 1999, America, our country, had an incredible opportunity to be capture bin Laden. And, yes, I was personally involved in this one. It is, unfortunately, another example of incompetence by those we trust to protect us from attacks like the one that occurred on 9/11. In April of 1999, a friend of mine, a long-time friend, who was deeply involved in the Afghan fight against Soviet occupation, contacted me. My friend, an American, had an impeccable record, had credentials, and he was widely known and admired among the Afghan people. My friend called to tip me off that bin Laden was out of Afghanistan and could be easily captured. I told him I would pass on his phone number and his name to the CIA, and I did so the very next day. There I passed on my friend's name and phone number and explained that they had to get to him right away because he could

give them bin Laden on a platter and that he had great credentials, so he was believable.

A week passed, and my friend was not called by the CIA. So I went back to the CIA, and this time they were adamant that they would contact my friend because they insisted they wanted to get bin Laden.

As time passed, guess what. They did not call my friend again. So I went to the gentleman from Florida (Mr. GOSS), who is the chairman of the House Permanent Select Committee on Intelligence, and let me note that I have deep respect for the gentleman from Florida (Mr. GOSS) and hope that he becomes the next Director of the CIA because he is a man who knows that agency and a man who is committed to the security of our country and whom I trust explicitly.

When the gentleman from Florida (Mr. GOSS) heard my story, he immediately went into action and arranged a meeting for the next day. At that time I met with not just the CIA but with representatives from NSA, National Security Agency, and the FBI. They were the ''bin Laden Task Force.'' I told them what had happened. They apologized for those dunderheads at the CIA, they will never get it right, and they promised they would get on it. Another week passed, and my friend still was not contacted.

So here we had bin Laden vulnerable for weeks, and our intelligence establishment did nothing. I mentioned it to the gentleman from Florida (Mr. GOSS). He was appalled. The very next day, and I am sure it had something to do with the gentleman from Florida (Mr. GOSS), a representative from an intelligence agency called my friend, but the caller's tone of voice suggested that the call was obligatory and he really was not interested but he made the call, but it would not make any difference anyway because by then the trail was too cold to follow.

This was very strange and very disheartening. We had passed up a chance again to get the America's most-wanted terrorist, and there was no explanation. Either incompetence or by design, I do not know. Clearly, however, there was something dreadfully wrong at the CIA or with American policy.

Over at the FBI, it was just as bad, if not worse. It is widely known now that 2 months before the September 11 attacks, Phoenix FBI agent Kenneth Williams sent a memo to FBI headquarters in Washington and New York warning that bin Laden's disciples might be training at U.S. flight schools, and he asked for a review of documents and a review of the situation to determine if bin Laden's people were being trained in other parts of the country. The Williams memo was ignored by David Frasca, the Supervisory Special Agent in Washington, D.C.

One month before 9/11, Minnesota FBI agent Colleen Rowley asked FBI headquarters to issue a warrant allowing agents to search would-be terrorist Zacarias Moussaoui's computer. They determined that he might have links to the terrorists, and when this FBI agent asked that his computer be searched, the FBI headquarters ignored her warnings and ignored her. So agent Rowley basically notified the CIA about the Moussaoui case, and the FBI, when they learned that she had told the CIA to watch out for this guy, reprimanded her.

□ 2310

There is something terribly wrong in a culture at the FBI if when they get admonished for telling the CIA, and they will not investigate themselves, and then admonish the person for contacting the CIA.

Clinton appointee Louis Freeh headed the Bureau for almost 8 years. The new director, Robert Mueller, took over just 7 days before 9/11. The Bureau obviously needed a major overhaul, and this became painfully evident shortly after the World Trade Center crashed to the ground and shocked the Nation.

The troubles at the FBI were not just organizational, but there was a mindset there, and that was a problem, but there were also mandates and restrictions that were put on the Bureau during this time period.

Let me note that we had all sorts of political restrictions put on the FBI, especially during the 1990s. The one case in point, Jamie Gorelick, who now passes judgment on the Bush administration as part of the 9/11 investigation, she is part of that committee. In the 1990s, she was in the Clinton administration. She ran our domestic terrorist law enforcement and intelligence operations, and she wrote a memo while a Clinton lawyer forbidding any cooperation between intelligence organizations and law enforcement agencies.

So right here on the 9/11 investigating panel is an example of why we suffered 9/11. The presence of Jamie Gorelick on the investigating panel represents a massive conflict of interest, and this was well-known and has been well-known. She should have been removed a long time ago. The panel thus is demonstrating the same inflexibility and aversion to correct action as it is investigating.

The Gorelick directives reflected a mindset in the last administration, a mindset that was reflected even by high-level career intelligence officials.

The Defense Intelligence Agency, for example, is supposed to provide the Pentagon with detailed information necessary for it to deal with any potential threat. With all that is spent by the DIA, the Pentagon, like the rest of the government, let us just note, the Pentagon was caught off guard and unprepared for 9/11, just like the rest, even though we spent enormous amounts on the DIA.

The Pentagon's lack of information and analysis almost had disastrous results beyond 9/11. A counterattack strategy almost implemented would have sent American military forces into Afghanistan from the south, where the goal was occupying a few major cities like Jalalabad and Kabul, leaving the Taliban in charge of the countryside. We would then negotiate with the Taliban and offer to withdraw our forces if they turned over bin Laden.

The Taliban would have been left in power. That is insane, but that was what the policy was. The plan was to come in through the south and to have our troops supplied out of bases in northwestern frontier areas in Pakistan, an area that we now know as being a anti-American stronghold.

An alternative plan, based cooperation with the battle-tested troops of the Northern Alliance took time to develop, because the Pentagon didn't know who the players were, much less what the anti-Taliban forces in the north could do. My staff, my personal staff, ended up providing the Pentagon with the names and satellite cell phone numbers of those significant Afghan leaders who opposed the Taliban who could help drive them out of Afghanistan.

That the Pentagon was unprepared was no surprise to me. In early 1999, a DIA analyst came to me for help. She was in the process of being fired, and her story tells us volumes about why 9/11 caught America off guard and ill-prepared.

Julie Sirrs was one of a small number of Afghan analysts at the DIA. She took her job seriously, as she should have. She, in fact, went to Afghanistan, but was only permitted in those areas controlled by the Taliban.

Upon returning, she realized that her one-dimensional view of Afghanistan left gaping holes in the Department of Defense's understanding of the situation. She requested to go to Northern Afghanistan, especially to that area controlled by anti-Taliban Commander Masoud. She was denied permission to go.

Realizing the danger posed by her lack of information, Julie Sirrs took the initiative. She paid her own way, organized her own trip to the Panjshir Valley in Northern Afghanistan, which is the bastion of Commander Masoud, and he was the last Afghan holdout against the Taliban.

Well, I met with Masoud in one of his mountain strongholds 2 years before and had dinner with him and discussed strategy. That was risky. What Julie Sirrs did was even riskier for her. What she did was heroic.

When she got to the Panjshir Valley, she found out her assumptions were right. Something vital to America's security was happening, something she was not allowed to discover when she visited the Taliban-controlled areas.

Commander Masoud told her he was facing a new enemy in Afghanistan. Masoud's militia was finding itself in fire fights with some kind of fundamentalist foreign legion. Apparently, bin Laden was making Afghanistan his base of operations and importing Islamic radicals from around the world,

training them as terrorist killers and then setting them against Masoud's troops for combat experience.

Masoud offered to let Julie and other Americans interrogate these foreign prisoners, many of whom he had captured.

This was an intelligence bonanza. Julie Sirrs was uncovering the creation, the organization and the training of bin Laden terrorist army, al Qaeda. She only had a short time. She collected enough information for a preliminary report and then she headed home.

The minute she got back, she was ordered not to distribute her report and limit her briefings within her own agency. The commanding officer of DIA labeled her as insubordinate, fired her, and when she fought her dismissal, he set out to destroy her.

Amidst the fight to save her job, the DIA Director complained that he was upset with Julie because she had made contact with Masoud, who, according to the DIA, was a bad guy. This general was sending his people to be briefed by the Taliban, but refused them any contact with Masoud or he would dismiss them.

Something is terribly wrong with this picture. The vitriol in the attack against Sirrs were shockingly false. Patently false charges were brought against her to overwhelm her defenses and to intimidate her and force her to go quietly.

She was charged, for example, with lying, even though the agency lie detector test proved she was telling the truth. She was charged with misusing equipment, having borrowed an office camera to take pictures of Afghanistan. She returned the camera when she got back, and she had taken valuable pictures of Northern Afghanistan.

The attacks on this sincere and responsible intelligence analyst were arrogant, nasty, malevolent and loathsome. The brutal treatment of Sirrs sent a negative message to anyone at that time in the DIA who had idea of taking the initiative or thinking creatively.

Let me just note that Julie Sirrs was fired. She was fired by a general who was in charge of the DIA, who I had come to my office. That general, General Hughes, is now, unfortunately, a high level official in our Department of Homeland Security in charge of analysis.

There are many things that we need to do, where we need to hold people accountable. General Hughes was wrong and put our country in jeopardy. These other individuals that I have mentioned tonight, their decisions were wrong, the policies were wrong. We must hold them accountable.

We are looking forward to the report by the 9/11 Commission that will be up this week to see if they name names, hold people accountable, hold policy accountable, and we will be having a further talk on this issue later on.

Julie came to me because she had no one else to whom she could turn. I was the one elected official with experience in Afghanistan. I requested a meeting with the General and right off the bat he insisted Sirrs was insubordinate. I told him that from my view she was a hero, risking her job, and her life, spending her own money, all this to get information she believed necessary for our country to be prepared if something happened in Afghanistan.

After hearing each other out, I recommended to the General that we compromise. If he just gave her back her job she'd end up neither hero nor scofflaw. I'd back off and he could use political pressure from me as an excuse for reinstating her.

After the General left my office he not only reaffirmed the firing of Julie Sirrs, but later stripped her of her security clearance as well, thus eliminating her ability to earn a living as an intelligence analyst. He demonstrated how he could destroy anyone who would deviate from his program or defy his directives. "Insubordination" was the ultimate challenge to his authority, and reaffirming his authority, was more important than the security of the United States of America.

A few months later the General retired and all this would have been a regrettable but forgotten incident, except for the resultant 9/11 tragedy. Except for how terribly unprepared the Pentagon was for a war in Afghanistan.

It is my sad duty to report to my colleagues that the General to whom I'm referring is Lt. General Patrick Hughes, who today is one of the top officials, as Assistant Secretary for Information Analysis at the Department of Homeland Security. I am certain that over his long and distinguished career he made many contributions, but his indefensible conduct in the Sirrs case cast serious doubt over his judgment. I have notified Secretary Ridge of this side of General Hughes' character and recommended that he should not hold the high level position in the Department of Homeland Security that he does.

When George W. Bush took office in January of 2001, the 9/11 terrorist operation, unbeknownst to anyone in our government, was already well underway. But the threat posed by the radical anti-western Islamic regime in Afghanistan was known, and policy towards it needed to go. Having worked in the Reagan White House I understood it took time for a new President to appoint staff, set policy and begin to take control of government. Nevertheless, during that brief interlude between Bush's inaugural and 9/11, I met the new National Security Council staff on three occasions, including one meeting with Condoleezza Rice, to discuss Afghanistan. There were, in fact, signs noted in an overview story in the Washington Post that some steps were being made to break away from the previous administration's Afghan policy.

One thing was certain to me at that time, George W. Bush, unlike his predecessor, would have an unmistakable response to bin Laden's terrorist attacks. As I stated earlier we know now that those who planned and financed the 9/11 attack did not believe the United States would act as forcefully and as unrelentingly as we have. This calculation was a result of the tepid American response to earlier al Qaeda attacks from Africa to New York City.

Here again, was an example of the rotten policy that led to 9/11. And yes, had we retaliated more aggressively when our Embassies were blown up in Kenya and Tanzania in 1998 the terrorists we have captured now tell us that it may have been given them second thoughts.

I took pride in those days as being one of the few Members of Congress who had maintained an interest in Afghanistan, which I saw as a potential major national security threat to our country.

Then, 2 days before 9/11, the news came that Commander Masoud had been murdered in Afghanistan. I felt as if I had lost a friend. As I mourned his loss I struggled to fully understand the significance of his death. Then it dawned on me why Masoud had been assassinated. America was going to be attacked and it would be so monstrous that bin Laden's gang in Afghanistan wanted to cut us off from the means of counterattacking. We would have turned to Masoud if we were attacked; now he was dead. Perhaps his death was a signal to set the planned attack in motion.

So on the 10th of September I tried to alert anyone and everyone who would listen to my warning of an imminent terrorist attack. A few people listened as a courtesy but for most their eyes simply glazed over as I tried to warn them. One of my colleagues, JIM GREENWOOD, stood behind me in an elevator and overheard me lamenting that something horrible was about to happen and that I couldn't get anyone to take my warnings seriously. It's like the Twilight Zone, I said. As I got off the elevator he lightheartedly patted me on the back and with a smile told me not to be so melodramatic and certainly not so apocryphal.

Undeterred, I called the White House and asked for an emergency appointment to see Condoleezza Rice in order to warn her of a major impending attack. Her office apologized that she was incredibly busy that day, but she respected my opinion and would see me at 3 p.m. the next day. The next day was 9/11. The plans began flying into the buildings at 8:48 a.m.

In the afternoon of that chaotic and fateful day, my colleague, Congressman GREENWOOD, approached me. I've been telling everyone how you tried to warn people of this. You knew it was about to happen? How did you know? We must ask, how is it that one Member of Congress, with the help of one staff member, was able to analyze the situation and determine that the terrorists based in Afghanistan were about to launch a major attack on us, when the CIA and others failed to do so. The question is not how did I know. It is why didn't the rest of the establishment know. Those whose job it is to protect us should be held accountable for 9/11, for not thwarting the attack or even warning us.

On 9/11 there was an incident that underscored that something was dreadfully wrong at the CIA. Shortly after the attack I called King Zahir Shah in Rome. He was now America's greatest asset in any action against the terrorist forces in Afghanistan. Masoud was dead, but the Afghan people would rally behind the King. If I could figure that out so could the Taliban, so I was shocked to find that the King had no protection. He was totally vulnerable. I told the King to stay put and went to work. I called the CIA and managed to speak directly to one of Tenet's top lieutenants. I explained the situation and he acknowledged the importance of the King, assuring me he would take care of it.

About 5 hours later, I happened to run into this gentleman. I will never forget his response

when I asked if the King was now being protected. "You don't expect us to act that fast do you?"

Just like at the FBI, there was something wrong with the mindset at the CIA. Yes, George Tenet must be placed on that 9/11 blame list; perhaps his name should be underlined.

It is time for those who made possible the rest of the Taliban; the rise of bin Laden and yes, the tragedy of 9/11 to be held personally accountable.

The list stretches over both Republican and Democratic administrations. Through the failures of the CIA under Reagan to the blunders of the State Department under Bush to the incompetence and disingenuous posturing of the diplomats under Clinton, accountability requires that their names be given.

Retired General Patrick Hughes, who as head of the DIA fired Julie Sirrs and who today holds a high position in the Department of Homeland Security.

Former Ambassador and now Governor Bill Richardson, who save the Taliban from military defeat.

Former senior CIA Officer Milt Bearden, who armed the most fanatic of the Afghan factions in this struggle against Soviet Occupation.

Former Assistant Secretary of State Rick Inderfurth, who weakened the anti-Taliban forces.

Former CIA Director George Tenet, whose culpability should have led him to resign long ago.

Former Secretary of State Madeleine Albright, who was the point person for the policy of covert support for the Taliban, and who derailed the opportunity to receive a detailed account of the entire al Qaeda terrorist network.

And finally, Richard Clarke, former senior Clinton official, who along with a few others was in a position to argue against if not to change the grotesquely mistaken policies of the 80s and 90s, but failed to do so.

If another 9/11 is to be avoided, we need accountability, not rearranging of bureaucratic organization charts. There was nothing wrong with our system that brought on 9/11, which will not be corrected by having different policies in place and different people in positions of authority.

Let us now, if nothing else, be honest with each other and insist on an honest accounting. Then let's beat our murderous enemy so completely that no one will ever miscalculate about our power and courage ever again.

IRAQ WATCH

The SPEAKER pro tempore (Mr. HENSARLING). Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. INSLEE) is recognized until midnight.

Mr. INSLEE. Mr. Speaker, we come to the floor this evening in the continued responsibility of keeping a very close eye on this administration's policy in Iraq in the continued series of what we style the Iraq watch.

I will be joined by the gentleman from Massachusetts (Mr. DELAHUNT) this evening, and hopefully the gentleman from Ohio (Mr. STRICKLAND.)

We have been now coming once a week to the floor of the House because we believe that the House has a duty not to sweep under the rug the accumulation of errors, misjudgments and deceptions that have been foisted on the American people by the Bush administration leading to the war in Iraq.

The reason we are here every week is that there is too much tendency to forget the sacrifices that are being made by our men and women in uniform in Iraq; to treat them as sort of background noise; to sort of say, well, the casualties are down to several a week, so we can just sort of forget about Iraq. That is wrong.

We have been here for months blowing the whistle on this administration's repeated failures in Iraq, and we will continue to do so, because this Nation owes it to our men and women in uniform to continue to be vigilant about what this administration is doing and not doing in Iraq.

□ 2320

Perhaps, even more importantly, we owe it to the cause of democracy itself not to allow it to go unnoted when a President of the United States starts a war based on deception of the American people. We are here to say there is perhaps no greater abuse of democracy, no more dangerous event in the great American democratic experiment, than for an American President to foist falsehoods on the American people to start a war, which we believe occurred in this case.

Now, I would like to start our discussion tonight by quickly setting the stage for the history of the Iraq war to date. Unfortunately, this administration has made not 1, not 2, but 10 serious mistakes, deceptions, errors of judgment, negligence, and carelessness that have led to the troubles that our people are facing in Iraq. I would like to run through those very quickly before I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

There are 10 major errors the Bush administration has made in Iraq. Error number 1: This administration told America in no uncertain terms, with no doubt, with no vagueness, with no ambiguity whatsoever, that it was required to start a war in Iraq because Iraq had weapons of mass destruction. The President said, in a culmination of his multiple statements, and this must not be forgotten; on August 26, 2002, the President said, ''Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction.'' And there was not only no weapons of mass destruction, there was plenty of doubt. This President's statement was false, and this was falsehood number 1.

Error number 2: The President told us on repeated occasions, and his administration, that they had clear, convincing and cogent evidence that there was a working relationship between Saddam Hussein and al Qaeda which led to the attack on September 11. They told us this over and over and over again, and now that the evidence has been made clear from the multiple reports that have come in on a bipartisan basis, this President's statement that Saddam Hussein was associated with the attack on this country, this venal, evil attack on this country was false, and it led to a war. And there is no greater error, breach of democracy than an American President saying that when this was false. And it continues to this day. With all of this mountain of evidence showing the falsehood of this President's statement, the Vice President of the United States has the chutzpa, if one can stretch that word that far, to try to continue to foist this on the American people, and it is falsehood number 2.

Number 3: The American people were told repeatedly that we would be welcome as liberators in Iraq. We would be welcome with rose petals at our feet. We would be welcome with nothing but clear sailing because the people would see us as liberators. There is no question in the belief that Saddam Hussein was an evil tyrant, and there is no question he abused thousands of Iraqis. But this President made a massive misjudgment by listening to Mr. Chalabi, one of the great sycophants in failures of predictions in international history, and the President was suckered and the American people were suckered by this misstatement, and we have paid dearly with our treasure and our lives and the health of our service personnel in Iraq.

Falsehood number 4: This President ignored the clear, professional judgment of people who said we needed to have more boots on the ground to prevent anarchy in Iraq, but this President ignored that advice because he has wanted to fight this fight on the cheap from day 1, and we have suffered as a result. General Shinseki told him that we needed several hundred thousand people in Iraq to quell disturbance after the Iraq war, and he ignored it, and our people paid dearly for error and falsehood number 4.

Number 5: The President said we did not need the United Nations, we could go in there alone, as long as we had the Philippines and a couple of other small island nations. Well, the Philippines have now withdrawn. This President decided to go it alone in Iraq, and our people have suffered dearly. Falsehood number 5.

Falsehood number 6: The President said that by implication, everything would be aboveboard. There would not be any war profiteering in Iraq, people would not make millions of dollars worth of profits in Iraq. Now we see Halliburton, this company so intimately tied with this administration, reaping millions of dollars of taxpayers' money, wrongfully. The GAO has reported on it. This is a scandal, and Harry Truman rooted out world profiteering in World War II. We need to get to the bottom of this war profiteering by Halliburton and the like. Falsehood number 6.

Falsehood number 7, and error number 7: This President and this administration led us down one of the most

embarrassing breaches of American integrity, and that is the horrendous occasions of abuse at the Abu Ghraib prison, and it happened because people at the top of this administration gave a green light to stretching our well-accepted rules of following the Geneva Convention. The memos are now in and public information that multiple memos were sent saying that we did not have to give the protections of the Geneva Convention to people. This is something we do to protect our own troops so that they will be not abused if they are captive. This is a long held principle of America. But out of hubris, out of outright arrogance, this administration ignored those rules and we have suffered in the eyes of the world grievously. Make no mistake, 99.9 percent of our troops are doing a magnificent job, but this was error number 7.

Error number 8: This President sent American troops into battle without adequate armor. Even today, our troops are driving around thin-skinned Humvees that should have armor, and I believe our people have been injured with shrapnel grievously.

Error number 9, and this is one that is going to haunt us for a long time: The President started and continued a war with absolutely no plan whatsoever in how to pay for it. He has tried to hide the ball over and over again on the costs of this war to the American taxpayer, and he is still doing it. This year, this budget my colleagues in the majority party put out with $25 billion, we know it is going to be $60 billion next year. There is no question about this. Why did they hide this information from the American people? Do they think the American people will be so sleepy they will ignore the fact that another $60 billion will go to Iraq instead of schools and health care in America? Do they think that will be forgotten? I do not think so. This deficit is now in the billions of dollars and it is growing rapidly because the President wants our children to pay for the Iraq war rather than us. And this is that continued attitude of trying to fight this war on the cheap. This President needs to be honest and forthright with the American people about the real costs of this war, which are grievous. Error number 9.

And error number 10: And this one rankles me greatly as a person who has read the casualty reports of what hot steel and shrapnel has done to our troops, sending our troops into combat without flak jackets, and it took us a year-and-a-half to get this administration to get flak jackets. Is that too much to ask of an administration for our troops? Error number 10.

Those are a quick summary of the errors that have been made in Iraq. Today we heard about some new ones. We found out that, in fact, it was Iran that was allowing 10 of the terrorists who injured us so terribly on September 11, they were passing through Iran, not Iraq. The President never leveled with us and told us that. It turns out it was Iran that was trying to buy the Iranian yellow cake, not Iraq. It is not a good enough excuse that they are one letter apart. That is not a good enough excuse for this President.

I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Maybe it is the wrong enemy, maybe it is the wrong war.

But before I explore that, I thought I would just take a few minutes to amplify a bit on two of the points that the gentleman made. The cost of this war in terms of dollars and cents. I have this memory of the Under Secretary of Defense, Mr. Wolfowitz, testifying before a congressional committee saying that there would be no cost to the American taxpayers because Iraqi oil would obviously be more than sufficient to pay for the costs, not just of our military presence, our security presence, but the cost of reconstruction.

□ 2330

Well, that clearly was a mistake. In fact, I thought it was interesting that the criticism from the other side of the aisle, from Republicans, about the costs and the misestimates was probably even louder than that that came from this side, from Democrats.

I have a memory of reading a particular column that was penned by Senator DICK LUGAR, the prestigious Chair of the Senate Foreign Relations Committee, where he described the postwar phase. Of course, I would suggest we are still at war. When one reads the casualty list, on a weekly basis it is clear that American troops are still being killed, and a large number of course are wounded. Many of us have visited them at Walter Reed and Bethesda Hospital here in Washington, DC, but going back to what Senator LUGAR said, he said the postwar planning was totally inadequate. And, again, where is that oil money?

And a further observation. If we remember the first Gulf War, the cost to the American taxpayers was approximately $4 billion. We have already expended somewhere between $150 and $200 billion, and as you suggest, many hundreds of billions of dollars more will be added to the bill, the bill that will be passed on to the American taxpayers for generations.

In the first Gulf War, there was a real coalition, a genuine coalition of the willing. There was participation in terms of the military presence. There were more non-American troops in the first Gulf War than there were American troops. Other than those forces from Great Britain, as you indicated, there are only small detachments of security forces from other countries.

And as was noted in a story last Thursday in the Washington Post, four countries have already left, four more are due to leave by September, and others are now making known their intention to lying down a depart before the political transition is complete next year.

Norway pulled out its 455 military engineers this month. New Zealand intends to pull out its 60 engineers by September, while Thailand plans to withdraw its more than 450 troops that same month. The Netherlands is likely to pull out next spring after the first of three Iraqi elections, while Polish military officials told the Pentagon that Poland's large contingent will leave probably in less than a year. And as you indicated, the Filipinos withdrew already. The Spanish have withdrawn. We are going to end up there alone, Mr. Speaker, and the bill will be paid for by the American taxpayers.

Now, much was stated back five or six months ago about a donors' conference in Madrid, Mr. Speaker, where the coalition was brought together in an effort to have nations other than the United States contribute, contribute financially even if they had no military presence there.

Well, quoting the Los Angeles Times of July 12, ''Little of the $13 billion promised for rebuilding has been donated, and countries are hesitant to waive that, frustrating the new Iraqi government.'' Countries have provided only a small fraction of the reconstruction aid they promised at a conference nine months ago, Mr. Speaker. Of the $13 billion in nonAmerican aid pledged, less than $1 billion has been turned over to the United Nations and the World Bank, funds set up to take in most of the donations.

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

Mr. DELAHUNT. I will yield to the gentleman.

Mr. INSLEE. I think it is important to realize what this President's unilateralism has done to the American taxpayer by putting it in context, vis-a-vis the first Iraq war, because the first President Bush did in fact work with the rest of the world community, and as a result, the rest of the world paid well over the majority. I think it was close to 80, 90 percent of the total cost of the first Iraq war. It was not borne by the American taxpayer.

But the cost of this second President Bush's go-it-alone strategy to the American taxpayer is enormous, because as of May the American taxpayers had spent $174 billion. Now, to put that in perspective, we are going to pass the total inflation-adjusted cost of World War I sometime early next year in the cost of Iraq, which was $199 billion. And, again, the insidious part about this is that the President, because he is unwilling to do what Winston Churchill did, which was to call for blood, toil, sweat and tears, this President just wants to put this war on the credit card, and every single dollar of the Iraq war is going to deficit spending.

We have a $7 trillion debt. This President Bush's budget is out of balance $368 billion a year, and he is adding every single dollar of this going straight on our national debt. And it is our children that are going to suffer as

a result of this. Why? Because the President is unwilling to really face the truth in Iraq. He was unwilling to face the truth about weapons of mass destruction. He was unwilling to face the truth about a purported connection with al Qaeda. He was unwilling to face the truth about how many troops we were going to need. He was unwilling to face the truth about the armor that we needed. He was unwilling to face the truth, you name it, about anything you can think of in Iraq. And this is a continuing sore on our fiscal house as well as the suffering that we have had.

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

Mr. DELAHUNT. As was indicated, it is only going to get worse, because I would suggest that what we are going to find is as time moves on, there will be fewer and fewer even pledges that will be made, let alone honored. We now know they are not being honored, at least if you accept the report from the Los Angeles Times.

It is easy to go out and say, yeah, America, you come up with $19 billion to build roads in Iraq, to provide universal health care coverage, to rehab schools and to build affordable housing. If you do that, American taxpayer, we will promise that we will pledge or we will pledge at least half of what you do, and now we find out that less than $1 billion has actually been transferred to the appropriate agencies. In fact, half of that $1 billion comes from a single nation, Japan.

But I would like to get on to something else for just a minute. The President is prone to be saying, particularly at campaign rallies, that America is safer than ever. It is safer than it was three years ago. In fact, he extends it to the entire world. He is saying that the world is safer than it was three years ago. And yet, ironically, yesterday, Mr. Speaker, I think it was on Fox News, one of the magazine editions, there was an interview with the current, the so-called interim director of the Central Intelligence Agency, John McLaughlin.

□ 2340

And he said that while several al Qaeda plots against the United States, against our homeland have been foiled, the truth remains that the threat is as high as it ever was.

Now, there is an inconsistency here. All we have to do is count 14 to 15 days and there will be a new terror alert. How often do we turn on one of the cable news networks or turn on our TV and we see the Attorney General or we see Secretary Ridge talking about an elevated threat? In fact, Secretary Ridge was in my hometown of Boston, Massachusetts just recently talking about the threat. And here we have the new Director of the CIA contradicting the President of the United States who, and maybe he was simply indulging in campaign rhetoric, saying that we are much safer now and the world is safer. And yet here, ''U.S. Spy Chief: Al Qaeda Threat Strong As Ever.''

Is this what we call winning the war on terror, Mr. Speaker. Is this making the world safer? I do not know that answer. I do not think the President really does either.

Mr. INSLEE. The fact of the matter is, and the sad fact is that this administration has taken its eye off the ball of the people who killed almost 3,000 Americans on September 11, al Qaeda, Osama bin Laden.

When is the last time you actually heard the President of the United States say the name Osama bin Laden? It is like he is the great forgotten person in this terrible tragedy that we suffered. I remember him and I think that our focus ought to remain on him.

Let me give an anecdote why it is not. We found out the other day in the Committee on Financial Services, the secret of stopping terrorists, you cut off their money. You cut off their money, you kill the beast, in part.

We found out that this administration has more people, more agents of the Treasury Department, this is the agency that is supposed to be in charge of lopping off the conduit of funds to al Qaeda, this administration has more agents chasing American tourists going to Cuba than it does chasing off money that goes to al Qaeda.

That is just one sort of sad indication that this administration has not focused on where the real threat has been which is al Qaeda which is still out there and which is still a meaningful threat.

Mr. DELAHUNT. Let me give another example in terms of seriousness. The administration's position, vis-a-vis tracking down the terrorists. There was a Committee on Ways and Means hearing where a representative of the IRS was posed a question and in response to the question indicated that the IRS's request for an additional 80 investigators who would be assigned to tracking terrorist financing throughout the world was rejected by the White House through the Office of Management and Budget. Is this how you fight the war against terror?

Mr. INSLEE. I bet they have got 80 bean counters that the American taxpayer are funding who work for Halliburton. This administration has no problem dishing out the dough for Halliburton and we cannot get 80 inspectors to track down Osama bin Laden. How is that for a sad commentary on taking your eye off the ball.

Now, I want to suggest how this has happened a little bit, how this emphasis has been misplaced. And it has because of this President's administration's focus on Iraq and their efforts to hoodwink the American people into believing that the real culprit or at least one of the culprits behind September 11 was Saddam Hussein. I want to spend just a moment talking about that because I think one of the single most serious affronts and dangers in a democratic system is for elected officials, particularly in the powerful position of the President, to tell things to the American people which are false that end up starting a war.

We found out that last September a poll of American people said that 65 percent of American people believed that Saddam Hussein was behind the attacks on us on September 11, and Saddam Hussein has a list longer than my arm of his depredations against the Iraqi people. But 65 percent of the Americans had been convinced by someone that Iraq was behind the attack on September 11.

Now, who was that someone? Where did the American people get that idea which has turned out to be false and it is pretty clear where they got it. They got it from the President of the United States who was standing right there and tried to convince, and he did by and large, convince the American people of something that is false. The President did not let this slip on one iota. We all make mistakes and misspeak on occasion. This was a concerted, organized and consistent effort to fool the American people into believing that the culprit was Saddam Hussein behind September 11.

Look at some of his quotes. May 1, 2003, the President says, ''The liberation of Iraq is a crucial advance in the campaign against terror. We have removed an ally of al Qaeda and cut off a source of terrorist funding.'' Vice President CHENEY, September 14, 2003, says, ''If we are successful in Iraq, then we will have struck a major blow right at the heart of the base, if you will, the geographic base of the terrorists who had us under assault for the many years but most especially on September 11.''

What do we find the truth is? Our intelligence people knew at that time but was shielded from the American people? The bipartisan committee under the chairmanship of a Republican Governor Keen concluded there was ''no credible evidence of a link between al Qaeda and the attacks against the United States.'' No credible evidence. Not some credible evidence but not much. Not just a scintilla of credible evidence. Not a couple of ounces.

They said no credible evidence, but this President stood right there and started a war based on a falsehood, and he knew he was doing this to the American people and he is responsible for this. He is personally accountable for this and the American people need to hold him accountable for this depredation and affront to democracy as soon as they can.

Mr. DELAHUNT. Is not it ironic that on Sunday there appears a story in the New York Times about that report that will be forthcoming later this week, and the gentleman alluded to it earlier, when he mentioned Iran. And by the way, the acting director of the CIA confirmed the fact yesterday on the Fox News Program, yesterday morning that, yes, there was information that a number of the 9–11 hijackers had safe

passage through Iran, Iran, not Iraq but Iran. I guess we made a mistake as far as what country to invade.

But seriously, let me just read several excerpts from the Sunday editions of the New York Times. ''The final report of the commission investigating the September 11 attacks will offer new evidence of cooperative ties between Iran and al Qaeda including information drawn from intelligence reports suggesting that Iran provided several of the hijackers with safe passage in the year before the attacks, government official said. The evidence raised enough questions about why the Bush administration focused on the possibility of Iraqi ties to be Osama bin Laden's terror network after 9–11 when there may have been far more extensive evidence of the Iranian connection. The panel had recently obtained intelligence showing that Iran had ordered guards at its border stations not to stop the passports of al Qaeda members from Saudi Arabia who were moving through Iran after training at terrorists camps in Afghanistan.''

□ 2350

My memory is this Iran, according to the President, was a member of the axis of evil club, but as you pointed out, there is no collaborative relationship according to the commission between Iraq and Iran. But why did we end up attacking Iraq rather than Iran?

Mr. INSLEE. Mr. Speaker, I will answer that question. The reason we attacked Iraq is that the day after September 11, maybe it was 2 days after, it has been reported that the Secretary of Defense goes in to the President and says now is our chance, now is our chance to go after Iraq. This was like 48 hours after September 11. There was no evidence whatsoever that Iraq was associated with September 11, but this President and his political advisers knew one thing. They knew if they could fool the American people into believing that Saddam Hussein was behind September 11, the neo-cons could con the American people into supporting a war in Iraq, and to some degree, their maliciousness was successful to the detriment of our proud men and women in service who are there tonight in the heat of Iraq, 130 degrees, suffering, dying in the sands of Iraq because an American President's administration was not forthright with the American people and consciously, willfully gave false information to our fellow countrymen.

This is not just a little happenstance. We have a memo from a political operative of the President about how to talk about this. This was a cold-blooded, calculated act, and you talk about having your missed priority and what country you would be involved in.

I have been asked by one of my constituents if I have seen the movie ''Fahrenheit 9/11.'' He said, JAY, is it true, did the President allow the family members of Osama bin Laden, who are Saudi Arabian, to fly out of the country when all the other planes were grounded in the country? Did this administration let his friends from Saudi Arabia fly out of the country without a full and thorough investigation of their relationship? Did that really happen?

The sad fact is, yes, it did, and we have discovered that, in fact, did occur in our Committee on Financial Services hearing, and I pressed for an answer of who made that decision. I never got that answer, who made that decision, and 3 days later, the President is on the south portico of the White House smoking cigars with Prince Bandahar, the ambassador of Saudi Arabia, where two-thirds of the terrorists came from that attacked this country, and we let their families fly out without even a decent interrogation of them. Talk about having a mixed-up relationship about who our enemies are and who our friends are.

Mr. DELAHUNT. Does it come as a surprise to you that at least according to Bob Woodward in his most recent book, a book that was praised by the White House, in fact, there are excerpts of it I understand on the President's campaign Web site, but in that particular book, it was noted by the author that Prince Bandahar was informed of the attack on Iraq prior to the Secretary of State Colin Powell.

Let me go back just for a moment, because I know we are wrapping up, to another observation by Mr. Woodward, and this I would suggest is where ideology colors reality and affects the truth, the objective truth.

The passion of some in this administration, and I put beside you there a Newsweek cover with a picture of the Vice President DICK CHENEY, emblazoned that says how DICK CHENEY sold the war. It was clear that this individual was obsessed with Iraq, for whatever reason. I am not questioning his motives.

But in the book by Mr. Woodward, it is noted on page 175, for those who might have it, that the Secretary of State ''detected a kind of fever in CHENEY. He was not the steady, unemotional rock that he had witnessed a dozen years earlier during the run-up to the Gulf War. The Vice President was hell-bent for action against Saddam Hussein.'' It is very dangerous when ideology colors the objective truth and reality. In the end, it gets us in a mess, and this is where we are now.

Mr. INSLEE. Well, I am going to close with a couple of comments.

We are here to discuss a basic principle of American democracy, and that is, accountability, that people in public service need to be held accountable, both for their successes and their failures.

There is a group that we should recognize for valor and effectiveness and honor in our government and our government personnel, and that is our Army, navy, air corps, Coast Guard, marines, who are serving in Iraq. Those folks deserve to be held accountable by being praised for their tremendous service to this country in difficult circumstances tonight, and they are still continuing to suffer the pangs of war tonight, and we have come here to make sure that their sacrifice is not forgotten and that we treat them with as great an honor as we can and that we restore our Veterans Administration health care system so that when they come home they are not exposed to the cuts in the veterans health care system that this administration has proposed.

This group of public servants, we cannot forget their contribution. It should never be forgotten, but there is another group of public servants whose massive failures and deceit should not be forgotten either, and that is the Bush administration who has made at least 10 major failure, falsehoods, negligence and carelessness, to the great cost of the American public, and those public servants should not be forgotten in their failure either and should be held accountable, and we will continue to have this discussion until they are.

Would the gentleman from Massachusetts (Mr. DELAHUNT) like to close? Do you have any closing comments?

Mr. DELAHUNT. No, I concur with those sentiments.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, JULY 15, 2004, AT PAGE H5851

The SPEAKER pro tempore (Mr. BURR) assumed the chair.

The SPEAKER pro tempore. The Chair lays before the House the following enrolled bill:

S. 15. An act to amend the Public Health Services Act to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States by giving the National Institutes of Health contracting flexibility, infrastructure improvements, and expediting the scientific peer review process, and streamlining the Food and Drug Administration approval process of countermeasures.

The SPEAKER pro tempore. The Committee will resume its sitting.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of physician's advice.

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. FROST (at the request of Ms. PELOSI) for today on account of personal reasons.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today on account of personal business.

Mr. QUINN (at the request of Mr. DELAY) for today and the balance of the week on account of the death of his father.

Mr. RENZI (at the request of Mr. DELAY) for today on account of his speaking to the Navajo Nation Tribal Council.

Mr. BARTON of Texas (at the request of Mr. DELAY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. HILL, for 5 minutes, today.

Mr. TANNER, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mr. BOYD, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. COLE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and July 20, 21, 22, and 23.

Mr. COX, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, July 21.

Mr. GOODE, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, July 22.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, July 21.

Mr. JONES of North Carolina, for 5 minutes, July 20 and 21.

Mr. PENCE, for 5 minutes, July 20 and 21.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. WATSON, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2479. An act to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes; to the Committee on Government Reform.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 14, 2004 he presented to the President of the United States, for his approval, the following bills:

H.R. 3846. To authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

Jeff Trandahl, Clerk of the House reports that on July 16, 2004 he presented to the President of the United States, for his approval, the following bills:

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.

ADJOURNMENT

Mr. DELAHUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 20, 2004, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9137. A communication from the President of the United States, transmitting notification of the intent to transfer funds provided in Pub. L. 107-38, the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Acts on the United States, to the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction; (H. Doc. No. 108–202); to the Committee on Appropriations and ordered to be printed.

9138. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Report to Congress on the Plutonium Storage at the Departmentof Energy's Savannah River Site, pursuant to Public Law 107–314, section 3183; to the Committee on Armed Services.

9139. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Michael L. Cowan, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

9140. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Charles W. Moore, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

9141. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9142. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the report of the results of the study of the adequacy of the beryllium industrial base, pursuant to Public Law 108–136, section 824; to the Committee on Armed Services.

9143. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting the Annual Report of the Strategic Environmental Research and Development Program for Fiscal Year 2003, pursuant to 10 U.S.C. 2902(d)(3) and (g)(2) Public Law 101–510; to the Committee on Armed Services.

9144. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report on the circulation of the Golden Dollar coin at resale activities on domestic military installations as requested by Senate Report 108-87 on the Department of Defense Appropriations Bill for FY 2004; to the Committee on Armed Services.

9145. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, ''Merger Decisions 2003,'' in accordance with Section 18(c)(9) of the Federal Deposit Insurance Act; to the Committee on Financial Services.

9146. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting Annual uranium marketing report for 2003, pursuant to 42 U.S.C. 2296b–5; to the Committee on Energy and Commerce.

9147. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the final report on the Department's Alternative Fuel Vehicle (AFV) program for FY 2003, pursuant to Public Law 105–388 42 U.S.C. 13211–13219; to the Committee on Energy and Commerce.

9148. A letter from the Chairman, National Committee on Vital and Health Statistics, transmitting the Sixth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act, pursuant to Public Law 104–191, section 263; to the Committee on Energy and Commerce.

9149. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 04-11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9150. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 04-10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9151. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting a report on economic conditions in Egypt 2003, pursuant to 22 U.S.C. 2346 note; to the Committee on International Relations.

9152. A letter from the Deputy Secretary, Department of Defense, transmitting notification that no offensive biological weapons research prohibited by international law is being conducted at the listed facilities and that appropriate security measures have begun to be, or will be, put in place at the listed facilities to prevent theft of dangerous pathogens from the facilities, pursuant to Public Law 108–136, section 1304; to the Committee on International Relations.

9153. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004-31, Waiving Prohibition on

United States Military Assistance with Respect to Burkina Faso and Dominica, pursuant to Public Law 107–206, section 2007(a); to the Committee on International Relations.

9154. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fourth annual Trafficking in Persons Report, pursuant to Public Law 106–386, section 110; to the Committee on International Relations.

9155. A letter from the Brown v. Board of Education 50th Anniversary Commission, Department of Education, transmitting A report describing the activities of the Commission during the calendar year 2003, an accounting of any funds received or expended by the Commission and recommendations for any legislation or administrative action which the Commission considers appropriate, pursuant to Public Law 107–41, section 6a (115 Stat. 228); to the Committee on Government Reform.

9156. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9157. A letter from the Secretary and Director, Department of Homeland Security & Office of Personnel Management, transmitting a joint prescription for a new human resources system for some or all of the organizational units of the Department of Homeland Security, pursuant to Public Law 107–296; to the Committee on Government Reform.

9158. A letter from the Administrator, General Services Administration, transmitting the Administration's thirtieth report on audit final action, as well as the semiannual report on Office of Inspector General auditing activity, pursuant to Public Law 100–504, section 5; to the Committee on Government Reform.

9159. A letter from the Administrator, General Services Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, and the Office of Management and Budget Memorandum 04–07, the Administration's report on competitive sourcing efforts; to the Committee on Government Reform.

9160. A letter from the Secretary of Labor and Chairman of the Board & Executive Director, Pension Benefit Guaranty Corporation, transmitting Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, the Corporation's Annual Report for FY 2003; to the Committee on Government Reform.

9161. A letter from the Chairman, Federal Election Commission, transmitting the 2003 Annual Report describing the activities performed by the Commission, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

9162. A letter from the Director, Bureau of Land Management--Eastern States, Department of the Interior, transmitting the FY 2003 Annual Report entitled ''Guardians of the Past—Stewards for the Future''; to the Committee onResources.

9163. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a report to Congress detailing the number of times since 1993 that the Department has inspected the records of any producer of materials regulated under the relevant U.S. Code, pursuant to Public Law 108–21, section 511 18 U.S.C. 2257; to the Committee on the Judiciary.

9164. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a report as required by Section 202(a)(1)(c) of Pub. L. 107–273, the ''21st Century Department of Justice Appropriations Authorization Act,'' related to certain settlements and injunctive relief; to the Committee on the Judiciary.

9165. A letter from the Solicitor General, Department of Justice, transmitting notice that the Department will not appeal the district court's order in the case United States v. Robert Mendoza, No. CR 03–730 DT (C.D. Cal. Jan. 12, 2004), pursuant to Public Law 108–21, section 401(l) (117 Stat. 650); to the Committee on the Judiciary.

9166. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, Calendar Year 2003, pursuant to 36 U.S.C. 4610; to the Committee on the Judiciary.

9167. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Shipping — Technical Amendments [Docket No. MARAD 2004-18059] (RIN: 2133-AB59) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9168. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Harmonization with the United Nations Recommedations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions [Docket No. RSPA-2003-13658(HM-215E)] (RIN: 2137-AD94) received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9169. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Maritime Security Program [Docket No. MARAD-2004-18489] (RIN: 2133-AB62) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9170. A letter from the FMCSA Regulatory Officer, Department of Transportation, transmitting the Department's final rule — Federal Motor Carrier Safety Regulations: Hazardous Materials Safety Permits [Docket No. FMCSA-97-2180] (RIN: 2126-AA07] (RIN: 2126-AA07) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9171. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400F Series Airplanes Equipped With Rolls Royce Engines [Docket No. 2003-NM-202-AD; Amendment 39-13648; AD 2004-11-03] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9172. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model BAe.125 Series 800A (Including C-29A and U-125 Variant) and 800B Airplanes; and Model Hawker 800 (Including U-125A Variant), and 800XP Airplanes [Docket No. 2003-NM-216-AD; Amendment 39-13646; AD 2004-11-01] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9173. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2003-NM-18-AD; Amendment 39-13647; AD 2004-11-02] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9174. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -200B, and -200F Series Airplanes [Docket No. 2002-NM-149-AD; Amendment 39-13682; AD 2004-13-02] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9175. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2004-18231; Directorate Identifier 2004-NM-94-AD; Amendment 39-13683; AD 2004-05-12 R1] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9176. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiess Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2003-NM-17-AD; Amendment 39-13662; AD 2004-12-03] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9177. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. 2003-NM-187-AD; Amendment 39-13688; AD 2004-13-06] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9178. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) [Docket No. 2003-NM-65-AD; Amendment 39-13695; AD 2004-13-13] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9179. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aircraft Equipped with Garmin AT, Apollo GX Series Global Positioning System (GPS) Navigation Units with Software Versions 3.0 through 3.4 Inclusive [Docket No. 2002-NM-254-AD; Amendment 39-13702; AD 2004-13-20] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9180. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 Series Airplanes [Docket No. 2003-NM-236-AD; Amendment 39-13690; AD 2004-13-08] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9181. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 SHERPA Series Airplanes [Docket No. 2003-NM-200-AD; Amendment 39-13703; AD 2004-13-21] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9182. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule — Modification of Class E Airspace; Scottsbluff, NE. [Docket No. FAA-2004-17429; Airspace Docket No. 04-ACE-28] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9183. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kimball, NE. [Docket No. FAA-2004-17433; Airspace Docket No. 04-ACE-31] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9184. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Zanesville, OH; Correction [Docket No. FAA-2003-15876; Airspace Docket No. 03-AGL-14] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9185. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Restricted Area 6604 (R-6004); Chincoteague Inlet, VA [Docket No. FAA-2004-17772; Airspace Docket No. 04-AEA-05] (RIN: 2120-AA66) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9186. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cooperstown, NY [Docket No. FAA-2004-17513; Airspace Docket No. 04-AEA-04] received July 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9187. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Goldsboro, NC [Docket No. FAA-2004-17345; Airspace Docket No. 04-ASO-5] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9188. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; St. Cloud, MN; Modification of Class E Airspace; St. Cloud, MN. [Docket No. FAA-2003-16693; Airspace Docket No. 03-AGL-21] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9189. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Broken Bow, NE [Docket No. FAA-2004-18010; Airspace Docket No. 04-ACE-39] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9190. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Trinidad, CO [Docket No. FAA-2003-15996; Airspace Docket No. 03-ANM-04] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9191. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendment [Docket No. 30417; Amdt. No. 449] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9192. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland Model MBB-BK 117 A-1, A-3, A-4, B-1, B-2, and C-1 Helicopters [Docket No. 2003-SW-38-AD; Amendment 39-13686; AD 2004-13-05] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9193. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A Model A109C, A109E, A109K2 Helicopters [Docket No. 2001-SW-15-AD; Amendment 39-13687; AD 2001-24-07 R1] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9194. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-SHERPA Series Airplanes [Docket No. 2003-NM-235-AD; Amendment 39-13685; AD 2004-13-04] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9195. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 875-17, Trent 877-17, Trent 884-17, Trent 884B-17, Trent 892-17, Trent 892B-17, and Trent 895-17 Series Turbofan Engines [Docket No. 2002-NE-19-AD; Amendment 39-13693; AD 2004-13-11] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9196. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines (Formerly Textron Lycoming), Direct-Drive Reciprocating Engines; Correction [Docket No. 89-ANE-10-AD; Amendment 39-13644; AD 2004-10-14] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9197. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 Series Airplanes; Model A300 B4 Series Airplanes; and Model A300 B4-600, B4-600R, C4 605R Variant F, and F4-600R (Collectively Called A300-600) Series Airplanes [Docket No. 2003-NM-52-AD; Amendment 39-13696; AD 2004-13-14] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9198. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2002-NM-208-AD; Amendment 39-13689; AD 2004-13-07] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9199. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400D Series Airplanes [Docket No. 2003-NM-126-AD; Amendment 39-13697; AD 2004-13-15] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9200. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-301, -311, -315 Airplanes [Docket No. 2002-NM-297-AD; Amendment 39-13691; AD 2004-13-09] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9201. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. 2001-NM-331-AD; Amendment 39-13692; AD 2004-13-10] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9202. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aernautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2003-NM-104-AD; Amendment 39-13698; AD 2004-13-16] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9203. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30416; Amdt. No. 3099] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9204. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Defense and Space Group Model 234 Helicopters [Docket No. 2004-SW-09-AD; Aemdnemtn 39-13651; AD 2004-06-51] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9205. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model BAe.125 Series 800A, 800A (C-29A), and 800B Airplanes; and Model Hawker 800 Airplanes [Docket No. 2003-NM-244-AD; Amendment 39-13661; AD 2004-12-02] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9206. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and A300 B4 Series Airplanes [Docket No. 2002-NM-337-AD; Amendment 39-13663; AD 2004-12-04] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9207. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes [Docket No. 2003-NM-94-AD; Amendment 39-13664; AD 2004-12-05] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9208. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. FAA-2004-17996; Directorate Identifier 2004-NM-100-AD; Amendment 39-13659; AD 2004-11-13] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

9209. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alexander Schleicher Model ASW 27 Sailplanes [Docket No. 2003-CE-53-AD; Amendment 39-13658; AD 2004-11-12] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9210. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa ''PZL-Bielsko'' Model SZD-50-3 ''Puchacz'' Sailplanes [Docket No. 2003-CE-66-AD; Amendment 39-13656; AD 2004-11-10] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9211. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330, A340-200, and A340-300 Series Airplanes [Docket No. 2003-NM-111-AD; Amendment 39-13654; AD 2004-11-08] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9212. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, 737-700, 737-700C, 737-800, and 737-900 Series Airplanes [Docket No. 2002-NM-323-AD; Amendment 39-13657; AD 2004-11-11] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9213. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 200-NM-110-AD; Amendment 39-13653; AD 2004-11-07] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9214. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 Series Airplanes [Docket No. 2002-NM-251-AD; Amendment 39-13655; AD 2004-11-09] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9215. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No. 2003-SW-32-AD; Amendment 39-13652; AD 2004-11-06] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9216. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 130 B4 and AS 350B3 Helicopters [Docket No. 2003-SW-29-AD; Amendment 39-13650; AD 2004-11-05] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9217. A letter from the Acting Director, National Science Foundation, transmitting the report, ''Women, Minorities, and Persons with Disabilities in Science and Engineering: 2004,'' the twelfth in a biennial series mandated by the Science and Technology Equal Opportunities Act (Pub. L. 96-516); to the Committee on Science.

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. FRELINGHUYSEN: Committee on Appropriations. H.R. 4850. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–610). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4492. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; with an amendment (Rept. 108–611). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4625. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes (Rept. 108–612). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4170. A bill to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; with an amendment (Rept. 108–613). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3313. A bill to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act; with an amendment (Rept. 108–614). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 724. Resolution providing for consideration of the bill (H.R. 4850) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–615). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 725. Resolution providing for consideration of the bill (H.R. 3574) to require the mandatory expensing of stock options granted to executive officers, and for other purposes (Rept. 108–616). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following actions occurred on July 16, 2004]

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H.R. 3574 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 4011 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RYAN of Wisconsin (for himself, Mr. DOOLITTLE, and Mr. FRANKS of Arizona):

H.R. 4851. A bill to reform Social Security by establishing a Personal Social Security Savings Program; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX (for himself, Ms. DUNN, Mr. CAMP, Mr. SHADEGG, Mr. THORNBERRY, and Mr. GIBBONS):

H.R. 4852. A bill to authorize appropriations for the Department of Homeland Security for fiscal year 2005, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committees on Science, Transportation and Infrastructure, Energy and Commerce, the Judiciary, Government Reform, Agriculture, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. FROST, Mrs. JOHNSON of Connecticut, Ms. MILLENDER-MCDONALD, Ms. GRANGER, Mr. SHAYS, Mr. KLECZKA, Ms. SLAUGHTER, Mr. ALLEN, Mr. MICHAUD, Mr. BONNER, Mr. MOORE, Mr. UDALL of New Mexico, Mrs. BIGGERT, Mr. MANZULLO, Mr. MCGOVERN, Ms. DEGETTE, Ms. NORTON, Mr. REHBERG, and Mr. CARDIN):

H.R. 4853. A bill to amend the Small Business Act to modify the women's business center program; to the Committee on Small Business.

By Mr. BECERRA (for himself, Ms. ROS-LEHTINEN, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. ACEVEDO-VILA, Mr. BACA, Mr. DOGGETT, Mr. FROST, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Ms. LEE, Mr. MEEKS of New York, Mr. MENENDEZ, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. SOLIS, and Mr. UDALL of New Mexico):

H.R. 4854. A bill to establish the Commission to Establish the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of the National Museum of the American Latino in Washington, D.C., and for other purposes; to the Committee on House Administration.

By Mr. CRAMER (for himself and Mr. BOSWELL):

H.R. 4855. A bill to establish an Independent National Security Classification Board in the executive branch, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. HERGER (for himself, Mrs. JOHNSON of Connecticut, Mr. DELAY, Mr. LEWIS of Kentucky, Mr. CAMP, and Mr. CANTOR):

H.R. 4856. A bill to provide States with improved incentives, more flexibility, and increased funds to develop child welfare services that meet the unique needs of children and families and enhance children's prospects for safe and permanent living arrangements; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 4857. A bill to require the Attorney General and the Secretary of Homeland Security to enter into a memorandum of understanding to guide the integration of the

automated fingerprint identification systems of the Federal Bureau of Investigation and the Department of Homeland Security, and for other purposes; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Mr. BLUMENAUER, Mr. DEFAZIO, Ms. KILPATRICK, Mrs. JONES of Ohio, Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. SERRANO, and Ms. SLAUGHTER):

H.R. 4858. A bill to authorize the Secretary of Agriculture to provide financial assistance for the construction, improvement, and rehabilitation of farmers markets; to the Committee on Agriculture.

By Mr. KENNEDY of Minnesota (for himself, Mr. DAVIS of Alabama, Mr. BEAUPREZ, Mr. SESSIONS, and Mr. CARDOZA):

H.R. 4859. A bill to amend part D of title IV of the Social Security Act to improve the collection of child support, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia:

H.R. 4860. A bill to amend title 49, United States Code, to allow States to regulate tow truck operations; to the Committee on Transportation and Infrastructure.

By Mr. SWEENEY (for himself and Mrs. LOWEY):

H.R. 4861. A bill to amend title 18, United States Code, to provide penalties for failure to pay certain obligations to spouses and ex-spouses that are similar to the penalties imposed for failure to pay child support obligations, and for other purposes; to the Committee on the Judiciary.

By Mr. HALL (for himself, Mr. BOEHLERT, Mr. CALVERT, Mr. WELDON of Florida, Mr. FEENEY, Mr. SMITH of Texas, Mr. CRAMER, Mr. CULBERSON, Mr. ADERHOLT, Mr. MCDERMOTT, Mr. GREEN of Texas, Mr. KENNEDY of Rhode Island, Mr. LAMPSON, Mr. ROHRABACHER, Mr. DELAY, Mr. SCHIFF, Ms. JACKSON-LEE of Texas, Mr. OXLEY, Mr. UDALL of Colorado, Mr. MOORE, Mr. BILIRAKIS, Mr. GORDON, Mr. SAM JOHNSON of Texas, Ms. BORDALLO, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 723. A resolution recognizing the 35th anniversary of the Apollo 11 lunar landing, and for other purposes; to the Committee on Science.

By Mr. BEREUTER (for himself, Mr. EMANUEL, Mr. WEXLER, and Mr. BURTON of Indiana):

H. Res. 726. A resolution congratulating the people of Serbia and government of Serbia for conducting a democratic, free and fair presidential election and for reaffirming Serbia's commitment to peace, democracy, and the rule of law; to the Committee on International Relations.

By Mr. DELAHUNT (for himself, Mr. GREENWOOD, Mr. BLUMENAUER, Mr. CASE, Mrs. CHRISTENSEN, Mrs. DAVIS of California, Mr. DOGGETT, Mr. ENGLISH, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Mr. HOLDEN, Mr. KUCINICH, Ms. LEE, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. RAHALL, Mr. RENZI, Mr. STARK, Mrs. TAUSCHER, Mr. VAN HOLLEN, Mr. WEXLER, Mr. BERMAN, and Mr. EVANS):

H. Res. 727. A resolution expressing the sense of the House of Representatives regarding the policy of the United States at the 56th Annual Meeting of the International Whaling Commission; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

392. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 75 memorializing the Congress of the United States to authorize and fund the establishment of the Coastal Forest Reserve Program, and to memorialize the United States Department of Agriculture Forest Service, the Louisiana Department of Agriculture and Forestry, and the Louisiana State University School of Renewable Natural Resources, with the assistance from the University of Louisiana at Lafayette and other Louisiana universites, to provide an inventory and assessment of coastal forests; to the Committee on Agriculture.

393. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 212 memorializing the Federal Government to conduct a thorough evaluation of the condition of the 187-acre property situated in Waikane Valley that was used by the United States Marine Corps for ordnance training until 1976, plan for and conduct as thorough a clean-up and removal of ordnance as is technologically possible, conduct an environmental assessment of the potential risk to human health and safety, and return the land to the State of Hawaii; to the Committee on Armed Services.

394. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 31 supporting the retention and expansion of all military bases and centers in Ohio and to urge that local governments and community, industry, and labor leaders work with the Governor's All-Ohio Task Force to Save Defense Jobs for that purpose; to the Committee on Armed Services.

395. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 44 memorializing the Congress of the United States to authorize state and national banks to participate in lotteries and related activites for charitable purposes; to the Committee on Financial Services.

396. Also, a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 2 memorializing the Congress of the United States make special eduction funding mandatory and fulfill its commitment to provide funding at the 40% level; to the Committee on Education and the Workforce.

397. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 56 memorializing the President and Congress of the United States to repeal the ban against the government negotiating price reductions of prescription drugs; to the Committee on Energy and Commerce.

398. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 24 memorializing the Congress of the United States to support Taiwan's participation in the World Health Organization and to deplore the persecution of Falun Gong practictioners, Christians, and members of other religious groups in the People's Republic of China and to urge that specified actions be taken to end that persecution; to the Committee on International Relations.

399. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 47 memorializing the Congress of the United States to continue 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; to the Committee on Government Reform.

400. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 167 recognizing Native Hawaiians as traditional, indigenous knowledge holders and recognizing their collective intellectual property rights; to the Committee on Resources.

401. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 17 memorializing the Utah Attorney General to immediately commence an investigation into apparent breaches of trust and constitutional violations and that he report to the Legislature on the progress of the investigation; to the Committee on the Judiciary.

402. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 5 memorializing the Congress of the United States to review and modify United States Immigration law so as to minimize the circumstances under which United States Citizen children are separated from their undocumented parents; to the Committee on the Judiciary.

403. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial 04-004 memorializing the Congress of the United States to vote to repeal the individual and corporate alternative minimum tax; to the Committee on Ways and Means.

404. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 1206 memorialzing the Congress of the United States to allow for the deduction of state and local sales taxes in the computation of Federal income tax liability; to the Committee on Ways and Means.

405. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 1206 memorializing the Congress of the United States to allow for the deduction of state and local sales taxes in the computation of Federal income tax liability; to the Committee on Ways and Means.

406. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 171 memorialzing the Congress of the United States and the federal government to work with Michigan officials to align the ownership of mineral rights and surface rights on state and federal lands in Michigan; jointly to the Committees on Resources and Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SIMMONS introduced a bill (H.R. 4862) for the relief of Majan Jean; 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. 58: Mr. HINCHEY.

H.R. 206: Mr. FROST.

H.R. 266: Mrs. JONES of Ohio.

H.R. 480: Mr. ISRAEL, Mr. KING of New York, and Mr. TOWNS.

H.R. 861: Mrs. BIGGERT.

H.R. 1052: Mr. LARSEN of Washington.
H.R. 1057: Mr. GILLMOR and Mr. MCCOTTER.
H.R. 1080: Mrs. JONES of Ohio.
H.R. 1083: Mr. BOUCHER.
H.R. 1157: Mr. PALLONE and Mr. GREEN of Texas.
H.R. 1212: Mr. SNYDER.
H.R. 1258: Mr. BACA.
H.R. 1422: Mr. BOOZMAN and Mr. ALEXANDER.
H.R. 1501: Ms. MILLENDER-MCDONALD.
H.R. 1563: Mr. EVANS.
H.R. 1701: Mr. BRADY of Pennsylvania.
H.R. 1717: Mrs. MALONEY.
H.R. 1755: Mr. BACHUS.
H.R. 1800: Mr. EVANS.
H.R. 1818: Mr. FRANK of Massachusetts.
H.R. 1824: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1868: Mrs. DAVIS of California.
H.R. 1993: Mr. UDALL of New Mexico.
H.R. 1994: Mr. UDALL of New Mexico.
H.R. 2096: Ms. HERSETH and Mr. MATHESON.
H.R. 2260: Mr. RYAN of Ohio and Mr. PICKERING.
H.R. 2387: Mr. OLVER, Mr. GREENWOOD, Mr. MEEHAN, and Mr. UDALL of New Mexico.
H.R. 2727: Mrs. MALONEY.
H.R. 2797: Mr. GILLMOR.
H.R. 2897: Mr. RODRIGUEZ, Mr. HONDA, Mr. BACA, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, and Mr. COSTELLO.
H.R. 2933: Mr. PETERSON of Pennsylvania.
H.R. 2971: Mr. FARR and Mr. RODRIGUEZ.
H.R. 3180: Mr. SHERMAN.
H.R. 3382: Mrs. EMERSON.
H.R. 3388: Mr. MICHAUD.
H.R. 3482: Ms. HERSETH.
H.R. 3484: Mr. EVANS.
H.R. 3619: Mr. BOYD.
H.R. 3676: Mr. DAVIS of Florida and Ms. BORDALLO.
H.R. 3765: Mr. LEWIS of California.
H.R. 3799: Mr. NORWOOD.
H.R. 3831: Mr. PASTOR and Mr. MOORE.
H.R. 3965: Mr. DAVIS of Illinois.
H.R. 4043: Mr. PAYNE.
H.R. 4057: Mr. BEREUTER.
H.R. 4067: Mr. STARK, Mr. ANDREWS, and Mr. RANGEL.
H.R. 4077: Mrs. BONO and Mr. MEEHAN.
H.R. 4101: Ms. LINDA T. SÁNCHEZ of California and Ms. DELAURO.
H.R. 4116: Ms. SLAUGHTER.
H.R. 4316: Ms. LORETTA SANCHEZ of California, Mr. OBERSTAR, and Mrs. CHRISTENSEN.
H.R. 4342: Mr. RADANOVICH.
H.R. 4375: Mr. MCNULTY and Mr. FROST.
H.R. 4415: Mr. LIPINSKI, Mr. SIMMONS, Mr. EMANUEL, and Mr. GREEN of Texas.
H.R. 4431: Mr. SANDLIN and Mr. FROST.
H.R. 4449: Ms. SCHAKOWSKY.
H.R. 4468: Mr. CHANDLER and Mr. STENHOLM.
H.R. 4578: Mr. PORTMAN, Mr. BISHOP of Utah, and Mr. BURGESS.
H.R. 4586: Mr. PITTS.
H.R. 4605: Ms. SCHAKOWSKY.
H.R. 4610: Mr. RUPPERSBERGER and Mr. BOUCHER.
H.R. 4633: Ms. SLAUGHTER and Mr. BERMAN.
H.R. 4657: Ms. NORTON.
H.R. 4658: Mr. MICHAUD, Mrs. DAVIS of California, and Mr. BRADY of Pennsylvania.
H.R. 4662: Mr. CHOCOLA.
H.R. 4669: Mr. MCGOVERN and Mr. WELDON of Florida.
H.R. 4674: Ms. MCCOLLUM, Ms. LEE, Mr. GEORGE MILLER of California, Ms. MILLENDER-MCDONALD, Ms. SCHAKOWSKY, and Mr. HONDA.
H.R. 4676: Mr. GUTIERREZ, Mr. NORWOOD, Mr. RANGEL, Mr. SNYDER, and Mr. GRIJALVA.
H.R. 4679: Ms. SCHAKOWSKY and Mr. MATHESON.
H.R. 4680: Mr. PAUL.
H.R. 4682: Mr. ANDREWS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Ms. KILPATRICK, Ms. HOOLEY of Oregon, Mr. BAIRD, Mrs. LOWEY, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. BERMAN, Mr. MEEK of Florida, Mr. TOM DAVIS of Virginia, Mr. OLVER, Mr. UDALL of Colorado, Mr. DICKS, Mr. RUPPERSBERGER, and Ms. HARMAN.
H.R. 4769: Mr. SCHIFF.
H.R. 4773: Mr. HOSTETTLER and Mr. BEAUPREZ.
H.R. 4792: Mr. STARK, Mr. GONZALEZ, Mr. JEFFERSON, and Ms. WOOLSEY.
H.R. 4793: Mr. GRIJALVA and Mr. EVANS.
H.R. 4809: Mr. BURTON of Indiana, Mr. CHOCOLA, and Mrs. BIGGERT.
H.R. 4812: Mr. HASTINGS of Florida and Ms. JACKSON-LEE of Texas.
H.R. 4840: Ms. PRYCE of Ohio, Mr. BACHUS, Mr. MCCOTTER, Mr. MILLER of Florida, Mr. SANDLIN, Mr. PORTMAN, and Mr. BARRETT of South Carolina.
H. Con. Res. 298: Mr. STENHOLM and Mr. MOORE.
H. Con. Res. 304: Ms. DELAURO and Mr. TOM DAVIS of Virginia.
H. Con. Res. 415: Mr. UDALL of New Mexico.
H. Con. Res. 467: Mrs. MUSGRAVE, Mr. MEEK of Florida, Mr. KENNEDY of Rhode Island, Mr. SANDLIN, Mr. MARKEY, Mr. PENCE, Mr. SHERMAN, Mr. PALLONE, Mr. ALLEN, Mr. RAHALL, Mr. HOEFFEL, and Mr. HONDA.
H. Con. Res. 469: Mr. DEUTSCH, Mr. SHAYS, Mr. PORTER, Mr. ROTHMAN, Mr. ABERCROMBIE, and Mr. TERRY.
H. Res. 556: Mr. PETERSON of Pennsylvania.
H. Res. 632: Mr. WEINER.
H. Res. 689: Ms. MCCARTHY of Missouri.
H. Res. 699: Ms. MCCARTHY of Missouri.
H. Res. 700: Ms. MCCARTHY of Missouri.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

93. The SPEAKER presented a petition of the City Council of Madera, California, relative to Resolution 04-113 supporting Taiwan's entry into the World Health Organization; to the Committee on International Relations.

94. Also, a petition of the City Council of Parma, Ohio, relative to Resolution No. 141-04 supporting the passage of the bill known as ''The No Oil Producing and Exporting Cartels Act of 2004 (NOPEC)''; to the Committee on the Judiciary.

95. Also, a petition of Ms. Shiela A. Miller, a Citizen of Kyle, Texas, relative to a notice of fraud, and petitioning the United States Congress for redress of grievances; to the Committee on Ways and Means.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4837

OFFERED BY: MR. FARR

AMENDMENT NO. 1: Add at the end, before the short title, the following new section:

SPECIAL TRANSFER AUTHORITY, FORT HUNTER LIGGETT, CALIFORNIA

SEC. ____. (a) Notwithstanding any other provision of law, when all or any portion of Fort Hunter Liggett, California, comprising approximately 165,000 acres, is determined by the Secretary of the Army to be excess to Federal military needs, the Secretary of Agriculture shall have the right of first refusal to negotiate with the Secretary of the Army and to accept, without reimbursement, the administrative jurisdiction of the lands determined to be excess for incorporation into the National Forest System.

(b) Lands transferred to the Secretary of Agriculture under subsection (a) shall be included the Los Padres National Forest and managed under the Act of March 1, 1911 (commonly known as the Weeks Act), and other laws relating to the National Forest System. Such lands shall be subject to the concurrent jurisdiction of the State of California.

(c) In anticipation of the transfer of land under subsection (a), the boundaries of the Los Padres National Forest are hereby revised as depicted on the map entitled ''Los Padres National Forest Boundary Modification'' and dated May, 2004, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service. For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the the Los Padres National Forest, as modified by this subsection, shall be considered to be boundaries of the Los Padres National Forest as of January 1, 1965.

(d) Prior to transfer of all or any portion of Fort Hunter Liggett, the Secretary of the Army shall provide the Secretary of Agriculture all documentation and information on the environmental condition of Fort Hunter Liggett, including an environmental baseline survey or its equivalent, and the Secretary of the Army shall perform all environmental response and restoration actions necessary to protect human health and the environment, consistent with the use of the transferred lands for National Forest System purposes.

(e) The transfer of land under this section shall not affect the responsibilities and liabilities of the Secretary of the Army under any applicable environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and, after transfer, the Secretary of the Army shall perform all necessary response and restoration actions consistent with the use of the transferred land for National Forest System purposes with respect to environmental contamination or injury to natural resources attributable to military activities, and neither the Secretary of Agriculture nor any employee of the Department of Agriculture shall be liable or responsible under such laws for matters related to any military activities.

(f) Subject to reasonable terms and conditions, as agreed upon by the Secretary of the Army and the Secretary of Agriculture, on the lands transferred to the Secretary of Agriculture under this section, the Secretary of the Army shall provide for protection of public health and safety for land on which the Army has environmental remediation responsibilities.

H.R. 4850

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following new section:

SEC. XXX. None of the funds contained in this Act may be used to permit voting in District of Columbia elections by individuals who are not citizens of the United States.

H.R. 4850

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

SEC. 139. Total Federal appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $5,600,000.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, MONDAY, JULY 19, 2004 No. 100

Senate

The Senate met at 1 p.m. and was called to order by the Honorable SAXBY CHAMBLISS, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Almighty and Everlasting God, with Your words You divide night from day. Thank You for Your glory that brightens our path to the future and for the brilliance of Your hope that beckons us to new beginnings. Forgive us when we are unfaithful, when we desire to sing solo and disrupt the harmony of Your will.

Bless the Members of this body. Guard them from the evil one. Give them hearts large enough to take the honesty of their skepticism and transform it with the confidence of faith. Imbue them with reverence for life and guide them toward unity.

As they find peace with You, give them peace with each other. Give each of us gentleness fashioned after the pattern of Your mercy.

We pray in Your compassionate name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAXBY CHAMBLISS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 19, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAXBY CHAMBLISS, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CHAMBLISS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Today the Senate will consider the nomination of Williams Myers III to be a U.S. circuit judge for the Ninth Circuit. Last week we attempted to reach a time agreement on the Myers nomination; however, there was an objection from the Democratic side of the aisle. I filed a cloture motion on the nomination and that vote will occur at 2:15 on Tuesday. We will debate that nomination throughout today's session, and I expect a number of Members will come to the floor and speak on this nomination.

As I announced on Friday, there will be no rollcall votes during today's session.

This week we also expect the Appropriations Subcommittee on Defense conference report. This is a very important piece of legislation that we will need to address before we adjourn for the scheduled recess. In addition, there is a conference report regarding some expiring tax provisions. We will consider that measure if and when it becomes available.

This is the final legislative week prior to the August recess. With the cooperation of all Senators, we should be able to complete our work and begin the recess on time.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

THANKING THE SENATE CHAPLAIN

Mr. REID. Mr. President, I have a couple of questions I would like to ask through the Chair to the majority leader.

First, we tend to dwell on the negative around here quite a bit. But one of the good things that happens to me every day that I come is to hear the prayer. Today, for example, I wish I were good enough to live up to the expectations of the prayer offered by Admiral Black. Really, he does a wonderful job, setting the tone for how we should work in the Senate. A lot of times I think we don't listen very closely to him. But, even though he is not in the Chamber now, I want to have the RECORD spread with my appreciation of the thoughtfulness he goes through every day in preparing his very meaningful prayers.

CONSIDERATION OF CERTAIN MEASURES

Mr. REID. Mr. President, I am wondering if the majority leader could give us an idea of whether we might get to the Morocco Free Trade Agreement this week, and also do we have any word on the childcare conference report? It is my understanding that the Appropriations Committee is going to report out of the committee the military construction and legislative branch bills this week. I would ask about Moroccan free trade, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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childcare conference, and those two appropriations bills, military and legislative branch, if we are going to be able to get to those this week?

Mr. FRIST. Mr. President, all four issues are issues important to the Senate. Progress is being made on all of them. With regard to Morocco, we will need to check with the chairman and the ranking member to see what their intentions are, which I will do and get back with the assistant Democratic leader.

The conference report on the child credit, again I very much would like to see action on it over the course of the week. I know there was discussion over the last several days and over the weekend itself. I will be able to update him once people return to town in the course of the day.

On the appropriations bills, we will see what progress can be made before we leave. It would be nice to be able to make progress on those appropriations bills. We will need to aggressively consider all of these appropriations bills, either now or in September, and finish before we complete the session.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF WILLIAM GERRY MYERS III TO BE A U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the nomination of William Gerry Myers III to be a circuit judge.

The assistant legislative clerk read the nomination of William Gerry Myers III, of Idaho, to be U.S. Circuit Judge for the Ninth Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5 p.m. shall be equally divided for debate only between the chairman and ranking member or their designees.

The Senator from Utah.

Mr. HATCH. Mr. President, I yield such time as he needs to the distinguished Senator from Idaho, and I will defer my remarks until after he finishes because he has a hearing scheduled in just a number of minutes, so we will turn to him first.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank the chairman of the Judiciary Committee for yielding me time at this moment. At 2 I have a special Committee On Aging hearing to chair, so I do appreciate the accommodation.

Mr. President, today we are here to visit about, and I hope confirm, a good friend of mine, William G. Myers III, whom the President nominated for a judgeship to the Ninth Circuit Court of Appeals. I commend President Bush for nominating Bill Myers.

I would like to spend a few moments today talking about the reasons my colleagues should vote for Bill Myers and set aside the larger political issues surrounding judicial nominations. Bill Myers was nominated by the President on May 15 of 2003 not May 15 of 2004 so it has been well over a year since the President sent up the nomination of Bill Myers.

Bill is an extraordinary person, and I believe his nomination deserves our full and focused consideration.

He was reported out of the Judiciary Committee on April 1, 2004. Once confirmed, Bill will fill the vacancy of Judge Thomas Nelson, who became the senior judge of the Ninth Circuit.

At this juncture, I would like to remind my colleagues that this is a vacant seat on the Ninth Circuit, a vacant Idaho seat we are proposing to be filled. The caseload of the Ninth Circuit judges at this moment is one of the largest in the country—as some would suggest, even overpowering and not allowing reasonable and appropriate justice to go forward simply because this seat and others are not filled and the caseload is so substantial.

As my colleagues know, Federal law requires that every State within a circuit be represented by at least one judge. I believe the Senate is in danger of failing to fulfill this requirement if it prevents an up-or-down vote on Bill Myers because he will be the Idaho judge of the Ninth Circuit.

A few critics of this administration's natural resource policy would have you believe Bill should not be confirmed. They have bandied about previous wrongs, if you will, but all they have demonstrated is the certainty of what?

First, these critics desire to capture the judiciary by opposing nominees who do not display activist tendencies that might work to their own political advantage. In other words, if you aren't our politics and we can make an example of your politics, you are not fit to serve. We all know that judges shouldn't be involved in politics.

Second, these critics have done nothing more than confirm that Solicitor Myers is the chief legal officer at the Department of the Interior, which is controversial in every administration by the very nature of the mission and the responsibility of the Solicitor at the Department of Interior.

By enforcing political litmus tests against judicial nominees, some are suggesting that in order to be a nominee, you should have no experience in the law. Let me repeat that. Some are suggesting, some of my colleagues on the Judiciary Committee—and you will probably hear it on the Senate floor—that it is the experience of the nominee that is giving him the problem. So are we to assume, then, that nominees should have no experience? How can they be a wise and thoughtful judge within the law if they have not had that kind of experience both in the public and private sector?

Make no mistake, Bill Myers' opponents are for enforcing just this test. The substance of their test is this: If you have represented farmers, ranchers, miners, and, frankly, anyone else who advocates a balanced multiple-use policy on public and private lands in the West, the radical left environmental groups have decreed that you do not even merit a vote in the U.S. Senate. And the Democrats at this moment are playing that game: Sorry, Mr. Myers. You did your job down at Interior; you don't deserve to get a vote on the floor of the U.S. Senate in an up-or-down fashion. Senators should be ashamed to enforce such an edict from those liberal interest groups. The interest groups in this instance have grabbed the power of those on the other side. That is a tragedy.

Among their many factual misstatements, critics of this nomination confuse the appropriate roles of the lawyer or the judge by suggesting that because Bill Myers has been a strong advocate for his clients, he will continue to advocate for them from the bench. Of course, they offer nothing but bland or bald assertions in support of their logic.

Of course, we know that as men and women come to the bench, quite the opposite happens. They have a role in the private sector to represent their clients—that is their job—or in the public sector, in the case of Bill Myers, the Solicitor to represent his client, the Secretary of Interior. Is it to suggest that he will continue to do that as a judge? Quite the opposite. Let me tell you, that is the argument we will hear today on the floor of the Senate, and that is the argument being placed.

If their theory is correct, no practitioner who has ever represented committed clients in adversarial proceedings or political policy battles would be qualified to serve in the judiciary. Even so, any fears are allayed by a fair review of Bill's public service. His record as Solicitor shows balance and mainstream decisionmaking.

Let me give you a few examples: opposition to trespass by inholders in national parks of Alaska, impoundment of trespass livestock on Federal lands in Nevada, expansion of a national monument in New York, support for reinterment of Native-American remains, recognition of tribal boundary rights in New Mexico, record penalties for failure of a company to pay gas royalties, and support for settlement of tribal water rights claims.

I remind my colleagues that as Solicitor, Bill Myers was not a decisionmaker. He was the legal advisor to the Secretary of the Interior. In this role, as with all other roles in his life, Bill Myers has been an advocate for his clients.

I see no reason to believe Bill Myers would not continue to do this as a

judge. But in this situation, his client will be the law, and he will be the advocate of truth and justice. That is the responsibility of a judge. The law becomes the client. Exactly what we all want in a judge is just what I have stated.

In addition, leaders in the field of law, including Democratic leaders in the West, have written to the committee supporting Bill's qualification to be a circuit judge. Letters of support have been written by the following, and all letters can be found in the committee's hearing record: Congressman HENRY HYDE, Wyoming Supreme Court Justice Marilyn Kite, Idaho Democrat Senator Chuck Cuddy, Chairman Carol Dinkins for the ABA Committee on Federal Judiciary, former Democrat Governor Mike Sullivan of Wyoming, and former Democrat Governor Cecil Andrus of Idaho. In neither of these two Governors' cases can you suggest they were anti-environment. They stood for balanced use, they stood for environment, and they stood for protecting our public lands and providing reasonable and responsible management. Of course, that is why we are supporting Bill Myers, because that is how Bill Myers handled his position as Solicitor at the Department of the Interior.

Democratic State attorney generals of Oklahoma and Colorado are also in support of this nominee.

Is this the message we want to send to hard-working families of farmers and ranchers and miners in South Dakota, North Dakota, Montana, Nevada, Oregon, and other Western States? I hope not. I think just the opposite. I think any one Senator could review the Myers record and could go to those who now oppose him and simply say this: I have reviewed William Myers' record. I find his integrity is beyond reproach. His intellect shows he is a man who has served a variety of capacities and the law extremely well. He has a solid, well-balanced temperament that would serve him well if we put him on the bench. That is what they ought to be saying.

No, today they are winking and nodding and saying to their environmental friends, we gave you one. We gave you a vote. Instead of saying, we have reviewed the record of William Myers, he is the one who deserves the vote, they are saying to the special interest votes, we gave you a vote.

I hope my colleagues hear that. I hope they weigh that in their consideration of this nominee. That is not the way nominations ought to be handled in our committees or in the Senate. Tragically enough, that is exactly what is happening.

Let it be said that the President of the United States has nominated a quality person. That person is William Myers. He is before the Senate now for a seat on the Ninth Circuit. He deserves our full consideration and a vote, not a political pass by. I wholeheartedly recommend we consent to this nomination. The President has treated this post well with the selection and the nomination of William Myers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, the distinguished Senator from Idaho has made some very important points. That is, this is now eight judges who the Democrats have indicated they would filibuster in the Senate, including this very excellent candidate for the Federal bench, William G. Myers III. We have never had filibusters of judicial nominees in the history of this country, not one time before. No one in the past has been willing to violate the rules in such a fashion until this President was elected.

It began with Miguel Estrada who, of course, removed his name from consideration. After having sat there for better than 2 years, he decided he better get back to his law practice. It includes another seven, including Mr. Myers, who the Democrats have indicated they will filibuster—in other words, try to talk to death this nomination. Since they have been able to keep control of almost everybody in their caucus, needing only 41 votes against cloture—in other words, against ending the debate so a vote can be taken—they have subverted the rules and have caused what is going to be called a crisis unless we can find a way around it.

It is a crisis now because excellent nominees have been badly mistreated in the Senate by not even getting a vote up or down. Once a nominee is brought to the floor, that nominee deserves, under the advice and consent clause of the Constitution, article II, section 2, a vote up or down.

If my colleagues on the other side do not like people, they can do everything they can within the committee to try and block the nomination there. But once that nominee is brought to the Senate, that nominee, under the advice and consent clause, deserves a vote up or down. Mr. Myers is no exception. He deserves a vote up or down. He is an excellent nominee, one who would have that vote up or down if the Senate were acting responsibly.

I rise today in strong support for the confirmation of William G. Myers III who has been nominated to fulfill the Idaho vacancy on the Ninth Circuit Court of Appeals.

Let me emphasize, when current Circuit Judge Trott takes senior status at the end of this year, and if the Senate refuses to even vote on Mr. Myers' nomination, there would be no Idaho representative on the Ninth Circuit Court of Appeals.

Federal Law 28 United States Code section 44(c) requires each State within a circuit must have at least one active judge serving on that circuit. We have heard a lot of discussion over the past few months about how circuit court seats should not be switched from one State to another out of respect for home-State senators. I hope the Senators who have raised those valid concerns afford Senators CRAIG and CRAPO and the rest of us in the West the same respect they believe they themselves and their States deserve.

Again, this is not about Idaho having two or three or even one or two seats on the Ninth Circuit. It is about whether the Senate will refuse to even vote on filling Idaho's only active seat on the Ninth Circuit.

As I will discuss further, it is also about whether a qualified nominee can be blocked by a minority of Senators because he at one time or another represented ranchers, farmers, and miners in their efforts to make balanced use of public and private uses of public lands in the Western United States of America. These are among the greatest pioneers and greatest leaders of the intermountain West, these farmers, ranchers, and miners. These are good people. These are people who, like everyone else in our society, deserve representation. Many of them came to William G. Myers III for such representation. He represents them well, as he should, as an advocate. The fact that some on the other side of aisle do not agree with his advocacy is no reason to stop him from being the sole active Idaho judge on the Ninth Circuit Court of Appeals.

Bill Myers was nominated by President Bush in May of 2003, over a year ago, and his nomination was carefully examined, debated, and favorably reported out of the Judiciary Committee in early April. Democrats who opposed him in committee voted against him. That is their right. But they should not now delay all Senators the right to vote on this confirmation. Bill Myers deserves and is overdue for an up-or-down vote in the Senate.

I remind my colleagues that the Ninth Circuit is the most notoriously liberal Federal circuit in the United States. It is and has been for at least a decade quintessentially out of the mainstream of American jurisprudence. The infamous case in which this court held our Pledge of Allegiance is unconstitutional because it contains the word ''God'' is but one of many examples of its all too frequent perversions of Federal jurisprudence.

Fortunately, the Supreme Court unanimously reversed the Ninth Circuit in that case, one of 16 times in the 2003–2004 term alone the Court unanimously reversed or summarily vacated the Ninth Circuit Court of Appeals.

This past Supreme Court term, the Ninth Circuit was reversed or vacated 81 percent of the time. Even my liberal friend from New York, Senator SCHUMER, once noted the Ninth Circuit is ''way out of the mainstream on the left.''

As Senator FEINSTEIN noted in the 1996–1997 term, the Ninth Circuit was reversed 20 of 21 cases. While some circuits had similar reversal rates, no other circuit came close to the number of cases considered and reversed. The same has been true since then. The

Ninth Circuit has been reversed 86.5 percent of the time since 1998. That is a disgrace to the Federal bench. In 58 cases the Court didn't even need to hear argument, they simply vacated the Ninth Circuit summarily. In the 2003–2004 term, Ninth Circuit appeals accounted for about one-third of the Supreme Court's docket, suggesting that the Court feels the need to focus disproportionately intense scrutiny on decisions from that circuit.

As I noted, about two-thirds of the Ninth Circuit reversals this past term, 64 percent, to be exact, were unanimous. This is a court that is desperately in need of good, nonactivist judges who will be faithful to the Constitution.

There is no doubt in my mind or in the mind of anybody who knows him that Bill Myers would be such a judge. One would think the Senate would welcome the confirmation of an expert on public lands and natural resources law to a court that has enormous influence over how disputes over the uses of these resources are resolved. Western Senators know all too well that the Ninth Circuit is the 900-pound gorilla of public lands, natural resources, and environmental law. Its decisions have significant and often adverse impacts well beyond the borders of its jurisdiction.

Yet today, and tomorrow, I suppose, we will hear it is Bill Myers who is out of the mainstream and not fit to join the ranks of the Ninth Circuit judges who routinely ignore law and precedent to rule based on their own personal policy preferences, both on natural resources issues and in many other areas of the law, including, but not limited to, the constitutionality of the Pledge of Allegiance and the death penalty.

The prejudices against Bill Myers reflect today's poisoned confirmation process: Nominees who somehow offend any well-funded liberal interest group are subject to distortions and baseless personal attacks, which the media echo chamber dutifully resound as proof positive of unfitness for the Federal bench. And with Bill Myers and his record, the distortions continue, baseless as ever.

His record as the Interior Department's Solicitor, where he was doing his duty to represent the policy positions of the United States of America, has been attacked because the liberal environmentalists do not like those policies. He has been vilified for daring to represent farmers, ranchers, and miners while in private practice, as if ranchers, farmers, miners, and those who make economic uses of Western lands are less entitled to representation than the elite, liberal environmental groups that attempt to dictate Western land policy from Eastern cities, while they derisively refer to most of our Nation as a flyover country.

So what is at stake is this: Is a judicial nominee disqualified from service on the Federal bench solely because he or she has advocated, successfully and competently, for people or policies that liberal groups of various stripes dislike? If the answer from my Democratic colleagues is yes, then I do not want to hear one more word—not one—from any of them about how it is Republicans who are politicizing the judiciary.

There is no more blatant way for Senators to politicize and degrade the confirmation process than to reflexively disqualify nominees who have represented people and groups or advanced policies they do not like. Ask yourselves, is this vote on Bill Myers really about Bill Myers? If it is, you know and I know there is no reason on the merits to deny him an up-or-down vote. Or will this vote be a reflection of liberal disdain for policies favored by farmers, ranchers, miners, the Bush Interior Department, or anyone else who advocates balanced uses of Western lands?

If the latter is true, let me emphasize again for those who still do not get it, the Constitution did not and does not establish Federal courts as the policymaking branch of the Government. Federal judges should not make policy, though too often, especially on the Ninth Circuit, they do.

Policy debates ought to have no place in our consideration of a nominee's qualifications to serve as a Federal judge—unless we think he or she does not understand the proper role of Federal judges under our constitutional system.

Absent absurd and unfair distortions of his record, there is zero evidence that Bill Myers does not understand that proper role.

I would also like to remind my colleagues of some facts about Bill Myers that the liberal interest groups and the media have willfully ignored or deliberately misrepresented.

He has an exemplary record that includes service as a successful, committed advocate and public servant. As Solicitor for the Department of Interior, a position to which he was confirmed in 2001 without opposition, Mr. Myers supervised over 300 attorneys and 100 support staff in 19 different offices throughout the United States, and managed a $47 million annual budget. He has served as counsel here in the Senate to our former colleague Senator Al Simpson, and, as well, in the Department of Justice and the Department of Energy.

His confirmation is supported by Democrats, including former Wyoming Governor Mike Sullivan and former Idaho Governor Cecil Andrus, who also served President Carter as Secretary of the Interior, plus the Democratic attorneys general in both Colorado and Oklahoma, and Republicans alike. Five Western Governors, including the Governors of Hawaii, Montana, and Nevada, have written to the committee expressing their support and emphasizing ''the need for quality judges who will provide a balanced perspective to the Ninth Circuit's extraordinary caseload.''

I also want to respond to a blatant misrepresentation about Mr. Myers' record that was made by one of my colleagues who suggested, falsely, that Bill Myers ''thinks the Clean Air Act and the Endangered Species Act have harmed the environment.''

Well, as anyone who has bothered to read Mr. Myers' hearing testimony and written questions or even conducted a cursory review of his record would know, he thinks no such thing. In fact, I do not think he has ever said anything about the Clean Air Act at all.

Now in his responses to Senator FEINSTEIN's written questions, Mr. Myers affirmed that congressional intent in passing the Clean Water Act was to ''restore and maintain the chemical, physical and biological integrity of our Nation's waters,'' and that ''the health of our Nation's waters is often inextricably connected to the health of adjacent wetlands.'' This is an extreme conservative position? Only in the sense that Bill Myers failed to endorse the full policy platform of Greenpeace.

Similarly, regarding the Endangered Species Act, we all know there have been cases in which Government authorities have abused their power under this law to confiscate private property without compensation. Let me give you one example, the 2001 Ninth Circuit decision in the Arizona Cattle Growers case. Here, a unanimous appellate panel, composed of two judges appointed by President Clinton and one judge appointed by President Reagan, wrote the following:

> [T]he Fish and Wildlife Service acted in an arbitrary and capricious manner by issuing Incidental Take Statements imposing terms and conditions on land use permits, where there either was no evidence that the endangered species existed on the land or no evidence that a take would occur if the permit were issued. We also find that it was arbitrary and capricious for the Fish and Wildlife Service to issue terms and conditions so vague as to preclude compliance therewith.

So Bill Myers has been an advocate for farmers and ranchers who have challenged such abuses of this law, because their families' lives and fortunes depend on their ability to responsibly use land they own or lease. For such efforts, he is unfit for Federal judicial service? Give me a break.

Here is what Bill Myers has actually said about the Endangered Species Act. Contrast what he has said with what his opponents believe he thinks. He has said Federal agencies should not use it as a zoning tool on public lands.

Now, is that unreasonable? He argued in a brief on behalf of the American Farm Bureau and others that the Babbitt Interior Department regulations that defined the term ''harm'' in the Endangered Species Act in a way that essentially precluded any private landowners' use of property on which an endangered species might find habitat should be invalidated.

That sounds like a reasonable position to me. And I think it would be to anybody under similar circumstances.

Why, it might even be a reasonable position for some of my more liberal legal colleagues on the other side, if they bother to think about it.

Importantly, the Government had no intention of compensating affected landowners if these regulations rendered their land valueless, despite the Fifth Amendment's takings clause, and despite provisions in the Endangered Species Act itself that authorize the Government to compensate landowners in such situations.

So, again, are the positions taken by the American Farm Bureau and other farmers and ranchers extreme and unreasonable, disqualifying their lawyer from Federal judicial service? I think the obvious answer is no—unless every nominee to the Ninth Circuit must share the policy positions of the elitist and more radical environmental groups.

Let me make one related point. I will refer to a news report dated March 17, 2004, headlined: ''Grad Student Charged in SUV Arson.''

According to the article, a student with connections to the radical environmentalist group Earth Liberation Front firebombed and vandalized 125 vehicles at Los Angeles area car dealerships and private homes in August 2002. The words ''ELF'' and ''Fat Lazy Americans'' were spray-painted onto some of the vehicles.

ELF also took responsibility for a 2002 fire in San Diego that destroyed an apartment building and caused $50 million worth of damage. Just 2 weeks ago ELF is suspected of carrying out an attack in my home State of Utah at Brigham Young University.

When ELF extremists are arrested, they are represented by attorneys. Without in any way suggesting that anything Bill Myers has ever done or advocated approaches such actual extremism, are these attorneys presumptively disqualified from service on the Federal bench because of the criminal actions of their clients? Can we assume that they sympathize with the criminals' actions? In light of some Senate Democrats' apparently closed minds against a growing number of President Bush's nominees, perhaps we all need to think more carefully about how we answer such questions.

Some Senators apparently believe that nominees who do not think like they do, and will not advocate their pet causes while on the bench, deserve nothing more than to be filibustered—denied an up-or-down vote because they—a minority—know that a Senate majority stands ready to confirm these nominees.

Unlike those who are supporting such filibusters for purely ideological reasons, I do not believe that a nominee must share all of my favorite interest groups' policy views in order to deserve an up-or -down vote. And let me read what Bill Myers had to say on this at his hearing.

I would stand on my personal record that I cited a moment ago that I have spent my free time in serving national parks, such as picking cigarette butts out of fire pits. I have a great love for the national parks. That is where we recreate and that is where we go for sustenance, for spiritual refreshment, and that is a personally-held view. The larger view, though, and the one that is really important for this Committee is whether I would carry into a judicial position, if I were so lucky as to be confirmed, an ideology that would result in a bias against or for any litigant.

And I think it should be noted that every nominee, I suspect, that comes before you has both proponents and opponents, and some of those people may hope that once that person becomes a judge that they can either count on them to do the right thing or cower in fear that they will do the wrong thing.

I hope that both of those groups, the proponents and the opponents, are disappointed; that when a person takes on those robes, takes the oath of office, swears to uphold the Constitution, that that means that they will follow the law and the facts, wherever the law and the facts take them, without regard to personal opinion, public opinion, friends, or foes.

Ask yourselves, is this an ideological nominee? Out of the mainstream? As I said before, only in the eyes of the well-funded environmental extremist groups who cannot stand the idea of a Ninth Circuit judge who might not buy into all of their propaganda.

Finally, Bill Myers would fill an Idaho seat recently vacated by an Idaho judge. While no Federal judge should represent anyone or anything but Federal law, to the extent the Ninth Circuit currently represents anything other than embarrassment and summary reversals, it represents President Clinton, who appointed 14 of its active 26 judges four during election year 2000 alone. And let me note, for the benefit of those who now say it is too late in an election year to confirm judges, that Clinton nominee and current Ninth Circuit Judge Rawlinson was confirmed to his position on July 21, 2000, in the last year of the Clinton administration.

Bill Myers was a successful advocate for people and causes that deserve representation just as much as any environmental activist group, or any liberal's pet causes. As the Interior Department's solicitor, Mr. Myers defended balanced policy solutions to difficult questions of how our public lands and natural resources in the west should be managed. His confirmation will help balance a very out-of-balance Ninth Circuit, as well as ensuring that Idaho maintains its only seat on that court. I hope my colleagues will join me in voting to confirm this good man to the Ninth Circuit.

We have heard from the other side about the mythical ''Thurmond rule'' and all kinds of other suggestions that judges should not be confirmed from here on, this late in a Presidential election year. I remember way back when, cases where we confirmed judges, Democratic nominees, Carter nominees, even after President Reagan had won the election. In fact, one of them is sitting on the Supreme Court of the United States of America.

I remember when my colleagues came to me back in the year 1980 and asked if I would be willing to support then-Harvard law professor Stephen Breyer for the First Circuit Court of Appeals. I have to say there were some Republicans who didn't want that to happen. But he had been a wonderful chief of staff for Senator KENNEDY on the Judiciary Committee. He was honest, decent, honorable, kind, worked well with both sides. He had all of the qualifications. There was no question about intelligence and ability. I led the fight to make sure he was confirmed. That was later in that year. There have been other cases as well.

It is wrong to set any arbitrary limits on when during the year the Senate can confirm judges. If a person is not qualified, that is one thing. But everybody we have brought to the floor has not only been qualified, they have been among the best nominees of my 28 years in the Senate. Mr. Myers is one of them. He is knowledgeable. He has held high-level positions in our Government. He has served with distinction. He has served well. He is one of the brightest people. He would represent Idaho in the only active seat Idaho would have. He certainly understands all of the problems in the intermountain West, an area where the Ninth Circuit Court of Appeals could use his knowledge. He is one of the top public lands and natural resource lawyers in the country.

He is a person of inestimable ability, great charm, decency, honorable ways, and capacity. He is a person who would have great temperament on the court. In other words, he is a person we ought to confirm. We should not get into these Mickey Mouse filibusters that fly in the face of the advise and consent clause itself, and which basically have cost the dignity of the Senate to a large degree.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. What is the matter now before the Senate?

The ACTING PRESIDENT pro tempore. We are in executive session for Calendar No. 603.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. REID are printed in today's RECORD under ''Morning Business.'')

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to speak on the William Myers' nomination to the Ninth Circuit Court of Appeals. He is a man of skill, a man with a proven record of public service, a man with a broad background in legal matters, a man perfectly suited to help improve the Ninth Circuit Court of Appeals, which has had an extraordinary number of problems in recent years.

William Myers has bipartisan support. He has had a distinguished legal career. Ranging from his service as a solicitor for the Department of Interior, the chief legal officer at the Department of Interior, to his extensive private practice at Holland & Hart, one of Idaho's most prestigious law firms, where he specialized in Federal litigation involving public lands and natural resource issues.

He served for close to 4 years on the staff of former Senator Alan Simpson as legislative counsel. Senator Simpson served for many years in the Senate. William Myers has also served as an assistant to the Attorney General in the U.S. Department of Justice and as Deputy General Counsel for Programs in the United States Department of Energy.

These are broad experiences, the kinds of experiences that will be most valuable to him as a Federal judge because many Federal cases involve relations and litigation affecting Federal agencies in matters of land, conservation, and energy. This is particularly true of the West.

He is qualified to serve. The American Bar Association, certainly not a conservative organization, has rated him qualified to serve, and he has won many plaudits from across party lines.

Cecil Andrus, former Idaho Democratic Governor, had this to say about Mr. Myers:

> He possesses the necessary personal integrity, judicial temperament, and legal experience, as well as the ability to act fairly on matters of law that will come before him on the court.

Mike Sullivan, former Democratic Governor of Wyoming and U.S. Ambassador under the Clinton administration, calls Mr. Myers a thoughtful, well-grounded attorney who has reflected by his career achievements a commitment to excellence. He would provide serious, responsible, and intellectual consideration to each matter before him as an appellate judge and would not be prone to extreme or ideological positions unattached to the legal precedence or the merits of a given matter.

That is a high compliment. I think it goes to the heart of what a judge is; that, yes, one can be active politically; yes, one can be a person who has public policy views about what America should do to make this a better country. But when the question is, when one comes on the bench, what is their philosophy about judging? How do they think about judging? What do they think the role of a judge should be? Do they think the role of a judge is to try to use the power of the robe, the power of the bench, to implement their political views?

Frankly, if people come up for a judgeship and have never been active in any way in public policy issues, I wonder if they are qualified. Surely, they ought to have some views about issues that come before this country and care about America and have spoken out on them. The question simply is, do they understand when they put on that robe they are not a politician. They are judicial officers required to interpret the laws of this country as best they can, to give plain meaning to the words of the statute and the Constitution and not to utilize that bench as a mechanism to impose their personal views on the people in their district or their circuit? Because, of course, Federal judges have lifetime appointments.

Some would think our Founding Fathers, if they made an error, it was when they gave one group of people, the third branch of our Government, unreviewable power. So we need judges who show personal restraint, and that is Judge Myers' judicial philosophy. Frankly, it could be utilized on the Ninth Circuit to a great degree.

Some have questioned his commitment to environmental issues, even called him anti-environment. His record indicates otherwise. In fact, he is most knowledgeable and skilled in these areas. He has been a leader in the American Bar Association's Section on Environmental Energy and Resources and has served as vice chairman of the ABA's Public Lands Committee.

Now, as my colleagues know, the ABA is certainly not a right-wing organization, but they have rated him qualified. They know him. He has been active in their issues in a professional and legal manner, not in a partisan way but on the American Bar Association committees.

He has done a number of things such as settling a big case on behalf of the Government against the Shell Oil Company for flaring and venting natural gas in the Gulf of Mexico. They had to pay $49 million as a result of that settlement. An environmental group sought Mr. Myers' aid to protect Atlantic salmon and 10 other species of native fish in a dispute over removing two dams on the Penobscot River.

At the end of the day, the Myers' settlement allowed a dramatic increase in raising the population of these fish and the environmental groups called the agreement ''the biggest restoration project north of the Everglades.''

He understands environmental issues. He understands legitimate concerns about the American environment, the need for us to make sure that the environment is protected and that the law is followed. I hope, however, he is not one who believes the environmental laws the Congress has passed, some of them somewhat complex, can be twisted around and utilized as a weapon to further a personal political environmental agenda. I do not believe that is his idea.

From what we have seen from some of our Federal judges, too often in the Ninth Circuit, that is how they have acted.

Some have expressed concern about this nominee being one who is from the West. He understands the Government lands issue. He has served on ABA committees and served in areas of the Government that have dealt with those issues. He is knowledgeable on environmental issues and other issues that are important to that region of the country in which he is called on to serve. Now, what is wrong with that?

I am sure we have Members of this body from Massachusetts out on Martha's Vineyard, and they would like to tell everyone that if someone is a member of the Cattleman's Association and a lawyer for them, that person cannot be trusted, they do not understand what life is about, they are not committed to the environment; you know, the cows eat grass, and it is not helpful, that kind of thing.

Mr. Meyers is a nominee who has a record of adhering to the law. I have no doubt he will be a fine judge, and he deserves to be confirmed.

I think it is important that we take a minute to say this: If we get a judge who is committed to the rule of law, committed to showing restraint, committed to the judicial philosophy that a judge ought to follow the law and not make it, where better should they be sent than the Ninth Circuit Court of Appeals?

I will share some thoughts about that circuit. Politically, let's just say that party affiliation should not affect a judge's ruling, but to those who say this man is conservative, he is a Republican, and he ought not be confirmed, let me point this out about the Ninth Circuit: Of the 26 active judges, 17 were appointed by Democratic Presidents. Only 9 are Republican appointees. A remarkable 14 of the 26 judges, 54 percent, over half were appointed by President Clinton alone. In the year 2000, a Presidential year, President Clinton appointed four judges to this court. The last year in office, he appointed and we confirmed four judges to this court.

Of course, it is the biggest circuit in America and having quite a bit of difficulty, frankly. It needs some help, and we need to see in what kind of bipartisan way we can work to improve this Ninth Circuit. We need some rule of law balance on this court. I believe that Mr. Meyers will provide that.

I will go on. The Ninth Circuit has established a pattern of issuing the most activist decisions in the country. On one day earlier this year, the U.S. Supreme Court reversed three decisions from the Ninth Circuit. The Supreme Court ended its 2003–2004 term having reversed the Ninth Circuit in 81 percent of the cases appealed from it.

As the Presiding Officer knows—and I see Senator CORNYN from Texas, who is a former attorney general and a member of the Texas Supreme Court, who would also know—the Supreme Court of the United States can only hear a small fraction of the cases that come from the entire United States. They can hear only a small fraction of the cases that are appealed from the Ninth Circuit, and they reversed them 81 percent of the time. That means hundreds and perhaps thousands of other litigants in California and the West did not have their cases heard by the Supreme Court. Perhaps they, too, would have been reversed had they been heard, but they are stuck with the Ninth Circuit as the final court that ever heard their case.

The Ninth Circuit has established a pattern of issuing the most activist decisions in the country. I will give some more examples.

During the last decade, in the last 10 years, the Ninth Circuit has reversed death sentences at an increasingly high rate.

The Supreme Court has affirmed the legality of the death penalty in America, and Congress and States like California and other States in the West have it, as does my home State. But they are being reversed at an increasingly high rate which moves it out of step with the other circuits in America. While all the other circuits uphold approximately 80 percent of death penalty convictions, the Ninth Circuit has gone the other way, reversing a majority of convictions in most years, and approximately 80 percent of the convictions over the last 3 years.

I served as a prosecutor for most of my professional career—almost 17 years. An 80-percent reversal by the Federal court, which is simply to review the State court's decisions to see if fundamental Federal principles have been violated, is a stunning statistic. So I say, if Myers has a little different view of these things, we need him in a hurry on the Ninth Circuit.

Most recently, in September of 2003, an 11-judge en banc Ninth Circuit panel ruled 8 to 3 that the U.S. Supreme Court's decision in Ring v. Arizona, which held that capital defendants have a constitutional right to a jury determination of the facts supporting their death sentences, applies retroactively to over 100 death row inmates who were sentenced by judges. Of the 11 panel judges—I want to point this out, how this circuit is made up—of the 11 judges on this panel, one was appointed by a Republican President.

Fortunately, the U.S. Supreme Court reversed the Ninth Circuit's decision, but such lack of balance on that court has produced the almost tiresomely predictable set of results. The balance I speak of is rule of law balance, not conservative versus liberal balance.

In 2001, the Ninth Circuit acted to invalidate an application of California's three-strikes law as a violation of the eighth amendment's protection against cruel and unusual punishment, a decision fortunately overturned by the U.S. Supreme Court.

It would be funny, if it were not so serious.

There is no doubt that the rather significant decline in criminal activity in America today is driven by tough sentences and things like California's ''three strikes and you are out'' laws which have sent repeat offenders off to jail for longer periods of time. It has saved the lives of hundreds, thousands of Californians who would have been murdered by some of these people, much less raped, assaulted, had their homes vandalized and burglarized, their automobiles stolen, and drugs sold in their neighborhoods. This law was struck down by the Ninth Circuit.

Fortunately, it was reversed by the Supreme Court. The Ninth Circuit opinion, of course, was authored by Clinton nominee Richard Paez, who came through here and was confirmed in this Senate several years ago. I opposed his confirmation.

The Ninth Circuit, then, after the Supreme Court reversed the decision, only implemented the reversal of through a divided panel. After the Supreme Court told them what to do, the panel still divided, with Judge Reinhardt, the epitome of judicial activism in America, upholding the defendant's sentence only under the Supreme Court ''compulsion,'' he said. And Judge Pregerson stated that ''in good conscience'' he could not follow the Supreme Court's decision.

This kind of contempt and disrespect for the U.S. Supreme Court is a matter of concern, of real concern. What is not a matter of concern is that Mr. Myers represented the Cattlemen's Association and understands land issues in the West. That is what we need on this court, some respect for law.

The Ninth Circuit reinstated in another case a claim by a prisoner who had been convicted of making terrorist threats and sentenced to 100 years to life. They ruled he had a constitutional right to artificially inseminate his wife from prison via overnight mail. The en banc Ninth Circuit reversed the decision over the dissents of four Clinton appointees, including Marsha Berzon and Richard Paez, who I voted against, but I voted not to filibuster, to bring them out so they could get an up-or-down vote in this body. My suspicions about their activist nature have been confirmed in case after case, unfortunately.

In 2002, the Ninth Circuit struck down Alaska's Megan's Law, a sex offender notification law. Both plaintiffs in the case had been convicted of sexual abuse of a minor. Judge Reinhardt's opinion was joined by Clinton nominee Sidney Thomas and Carter nominee Dorothy Nelson. The Supreme Court reversed their decision 6 to 3. Many of those cases have been reversed by the Supreme Court 9 to nothing.

The Ninth Circuit infamously declared the Pledge of Allegiance unconstitutional. The Ninth Circuit panel, including Stephen Reinhardt, ruled the Pledge of Allegiance unconstitutional because it contained the word ''God.'' The en banc court later refused to reconsider the ruling and the case thankfully was reversed earlier this summer on summary grounds by a unanimous Supreme Court.

The Ninth Circuit ruled that California State courts erred as a matter of State law when they found that a defendant, convicted of selling cocaine, had failed to present sufficient evidence to warrant a jury instruction on entrapment.

This is a Federal court sitting in review of an oversight of a State court ruling. They are State judges, by the way, who are sworn to uphold the Constitution and sworn to uphold the laws of the State of California. Judge Susan Graber, writing in dissent, faulted the majority for failing to adhere to the proper standard of review of State court decisions. She noted that:

> [t]he Supreme Court of the United States has just chastised this court, in the strongest possible terms, for substituting our judgment for that of a state court on matters of federal law. . . . We have even less justification for substituting our judgment for that of a state court on matters of its own state law.

I am pleased that one justice spoke up there.

There are quite a number of other cases I could mention. I will not go into them. Actually, there are quite a number of others.

I will say this. This judge has the ''qualified'' rating by the American Bar Association. He has had broad public experience. He has had private litigation experience with a good law firm in Idaho and in the West and back here in Washington. He knows what he is doing. He has bipartisan support, Democrats and Republicans. He is a person who is qualified and should take this position. But we have a small group who thinks these people in the South, they put judges up who want to turn back the clock. They believe we have nominees, if they come from the West and represent the Cattlemen's Association, that they do not believe in the Constitution, they don't believe in the environmental laws. It is a conceit of the elites. It is not correct. This judge is committed to following the law. He would be a wonderful addition to a circuit that is in serious trouble today and needs some reform and needs some judges with good skills, a commitment to the law, common sense, personal integrity, and a willingness to follow the Supreme Court rulings whether they agree with them.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Texas.

Mr. CORNYN. I will ask unanimous consent I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CORNYN are printed in today's RECORD under ''Morning Business.'')

Mr. DEWINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise in support of the nomination of my good friend, William G. Myers III. I recommend him highly, and I believe the United States Senate should approve his nomination to serve as a judge on the Ninth Circuit Court of Appeals. He has earned that position by his dedication and a remarkable record of service to the country and to our legal system.

I am concerned we won't hear about his impressive record, however, I am afraid we are going to hear a lot of needlessly harsh rhetoric about Bill being a radical who has only represented extreme conservative interests during the course of his outstanding legal career. That isn't the truth, of course, but it does make for good soundbites and unfortunately, that is often what is promoted as the truth.

The truth is that Bill is not a radical extremist, nor does he have a political agenda that he is trying to pursue in agreeing to be nominated for the Ninth Circuit. A radical judge would be one who is intent on making extreme, sweeping changes in the political and social make up of the west. A radical judge is someone who stands out as being significantly different from the community he represents, who pursues his ideology regardless of its impact on those affected by his actions, and who doesn't care if his actions do not represent the interests of the people he serves.

No, Bill is not a radical for he is none of those things. In fact, he is quite the opposite. He is someone who has lived and worked with the people of the West. He knows them, respects them, and he understands the demands they face every day as they try to make a living. He knows their dreams and he shares their values. He is looking to serve on the bench to make life better for them and for all those in the West who will be affected by his decisions.

It is unfortunate that this is an election year. Any other year and we would see Bill for who and what he is. We would see him, not as a radical, but a typical Westerner who has a well established and outstanding reputation for his work representing the West.

Who else shall we appoint to the Ninth Circuit to truly represent the typical West? I believe it would be very safe to say that the Ninth Circuit Court is made up predominantly of judges who are sympathetic to radical agendas with very few if any of them representing the hardworking miners and ranchers who have for generations made up the backbone of the Western economy.

Of the 26 active judges on the Ninth Circuit Court, 17 were appointed by Democrat presidents. Only 9 judges are Republican appointees. A remarkable 14 of the 26 judges—54 percent of the court—were appointed by President Clinton. In 2000 alone—a presidential election year—President Clinton appointed four judges to the court.

The Ninth Circuit has established a pattern of issuing the most activist decisions in the country. In one day earlier this year, the U.S. Supreme Court reversed three decisions from the Ninth Circuit, and the Supreme Court ended its 2003–2004 term having reversed the Ninth Circuit in 81 percent of the cases appealed from it. Needless to say, that's not a good record. That means, in every five cases that were appealed, the Supreme Court ruled that these judges got it wrong 4 out of every 5 cases. Worse still, this was an improvement over their embarrassingly high reversal rate over the past several years—86.5 percent since 1998. This trend is likely to continue unless we help correct the situation by confirming good, honest judges who respect the Constitution and Federal law. Judges who will bring some balance to the Ninth Circuit equation.

Why do they call Bill a radical? If you examine his record, you will see that he represents and understands those under the jurisdiction of the Ninth Circuit Court—the average person in the West who relies more on common sense than complicated legal arguments to determine right from wrong. That ought to erase that label. But, for some reason, it doesn't. Could the placing of this label on this good, fair, honest, and decent individual be another ploy at politicizing this nomination for the sake of obstruction?

Most of the Judges on the Ninth Circuit Court come from the Circuit's most populated States, such as California. The other States that make up the Ninth Circuit, such as the State of Idaho, are allowed only one judge. Right now Idaho's seat is vacant. Will Idaho only be allowed representation on the court when it has a nominee from California?

We begin every session here in the Senate with the Pledge of Allegiance. We join together to say those special words. As we do, I know that my colleagues, on both sides of the aisle, say those words with a firm heartfelt commitment to this country and that they mean every word of pledging their allegiance to the flag and to this Nation. But I have to wonder if they haven't forgotten the meaning of all the words in the pledge when they take a hardline stance like this against a fully qualified nominee.

The last six words of the Pledge of Allegiance, ''with liberty and justice for all,'' mean that we do not preserve justice or liberty for a few people, or for most of the people, and leave a few, or even an individual, behind. It means we have justice for all, for everyone, and that we don't make exceptions because they come from a State that doesn't have as many people as California, or may not be as liberal as California.

In fact, this is one of the situations that the courts were created to protect—the rights of each individual. I think it is a little ironic that there are those here in the Senate that would be willing to withhold justice and rights from some people, in this case the average, hardworking people who make up the population within the Ninth Circuit just because those individuals don't share their political philosophy.

I hope we will do the right thing by Bill Myers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that there now be a period of morning business for debate only, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. REID. Mr. President, this is a time when American families take their vacations. I can remember as a young man working in a service station in Las Vegas and Henderson. This was a busy time of the year. It was always interesting to see the cars loaded with kids going every place. Even today, these many years later, families still drive. This summer, although the price of gas is not quite as high as it was a few months ago, it is still near record levels in many parts of the country, including the State of Nevada. Every time a family stops for gasoline, it is a reminder that our country needs reliable sources of energy that are not subject to wild price swings.

Every time we see a scene from the Middle East on TV news—and that is

often—it is a reminder that our Nation depends too heavily on oil from that volatile region. Every time a parent tells a child with asthma that he cannot play outside because the air is unsafe, we are reminded that fossil fuels do tremendous harm to our environment and to ourselves.

Our Nation desperately needs a new energy policy, one that protects consumers, safeguards our environment, and makes us stronger by reducing our dependence on Mideastern oil. We cannot create an energy policy for the future by simply repeating the past. We need new ideas. We need some new approaches.

We use about 25 percent of the oil that is produced worldwide, but we only have less than 3 percent of the proven oil reserves in the world, including ANWR. So it is a cinch we cannot drill our way out of the problems we have dealing with the production of fossil fuel. We need to remember the words of Benjamin Franklin who said a penny saved is a penny earned. In the case of oil, a barrel saved is better than a barrel drilled and consumed. Why? Because it does not pollute the air or contribute to global warming.

After the Arab oil embargo of 1973, our Nation got serious about conserving oil. By 1990, less than 20 years later, our vehicles were using about 40 percent as much fuel as they did in 1973. We can do this again.

America's talented engineers and scientists can still design vehicles that save fuel without sacrificing safety if we make conserving oil a national priority. We have to do a better job of conserving oil and we have to develop new sources of energy that are clean and reliable.

Again, we in America are fortunate because this great land of ours is blessed with an abundance of clean, renewable energy sources. We can harness the warmth of the Sun, the power of the wind, and the heat within the Earth. All it takes is good old American ingenuity, and a little bit of incentive but we should be clear. For decades we have provided subsidies and tax breaks for the big oil companies. Today we need some incentives to help spur production of renewable energy.

I have been in Congress a long time, and I know how things work. It takes time to get things done. I try to be very patient, but when we not only fail to make progress on an important issue but actually move backward instead of forward, then I think an alarm must be sounded, and that is what has happened on renewable energy. Instead of making progress, we seem to be taking steps backward.

Over the last 15 years, wind power has been the fastest growing source of renewable energy, thanks to the section 45 production tax credit. This incentive spurred billions of dollars of investment in new technology. As a result, wind energy has become increasingly cost effective and it provides jobs and electricity. In parts of the Midwest, some farmers make more money producing electricity from wind turbines than they do selling their crops.

I worked for years to expand this incentive to other forms of renewable energy, especially solar and geothermal power. But instead of expanding the tax credit that has been so successful in promoting wind power, we have allowed it to expire. It is hard to believe but it is true. This seems crazy. It is like allowing insurance on one's home to lapse for failing to properly maintain a vital piece of equipment, equipment that is used every day.

The tax incentive for wind energy expired 31 December 2003. We need to restore it as soon as possible, and we need to extend it to solar, geothermal, and biomass energy.

I was encouraged that the FSC bill passed by the Senate last month contains these section 45 production tax credits. That is great work by Senators GRASSLEY and BAUCUS, and I have told them personally how much I think they have the right idea of what it is going to take to help this country from an energy perspective.

Unfortunately, the companion House bill would only extend the production tax credit for wind. We are beginning to see again, as we always do, the powerful interests of the oil companies who want all the subsidies, but we now have another chance to get it right because this bill is going to conference. That was agreed last week. We must not squander this opportunity. We must get back on the path to renewable energy and energy independence.

America, our Nation, is blessed with abundant renewable energy resources, especially in the western part of the United States. Last month, the Governors of nine Western States, including Nevada, formally signed a plan that commits the region to developing 30,000 megawatts of electricity. That is about 15 percent of current demand from renewable sources by the year 2015, which is going to be soon.

I applaud their determination. I applaud their vision. They know that developing renewable energy is not only good for consumers and the environment but also for creating jobs.

Because renewable energy is ''Made in the USA,'' it can reduce our dependence on oil from the Middle East. Many Western States have already adopted renewable portfolio standards requiring a fixed percentage of energy sold in-State come from renewable energy resources. As we speak, 13 States have set these goals, and the number will increase.

I am happy that Nevada has adopted one of the most aggressive renewable portfolio standards of any place in the country. It commits the State of Nevada to produce 15 percent of our electricity from renewable sources by the year 2013. A goal had been set of 5 percent by the end of 2003. We didn't do that. We could have. We didn't. There were a number of reasons. One was there was uncertainty about whether the tax incentive for wind power would be extended or expanded to solar and geothermal power. The other reason is utilities in Nevada and other Western States are still reeling, they are in bad shape, from the western energy crisis of 2000–2001, when Enron and other traders manipulated the energy market to jack up prices for no reason other than to generate obscene profits. Because of the exorbitant contracts with Enron, the State of Nevada's utilities are near bankruptcy. As a result, companies that want to develop renewable energy and sell it to these utilities have not been able to attract the investment they need. The investment community evaluates renewable energy projects based on the strength of long-term purchase agreements between the proposed facilities and the local utility, but if the utility is in trouble, investors shy away.

To address this problem, Kenny Guinn, the Governor of Nevada, will ask the legislature which meets next year to create a temporary renewable energy development trust that will provide some protection to renewable energy power plants if our utilities file for bankruptcy.

We need action at the Federal level also. The Federal Energy Regulatory Commission, referred to as FERC, must provide relief to utilities and ratepayers in Nevada and other Western States. FERC needs to act, and now, to vacate the exorbitant contracts of the energy crisis. We know that two of the FERC Commissioners were recommended by Kenny Lay, the Enron CEO, who was a major contributor of the President's campaign, and the President referred to him as ''Kenny Boy.'' These Commissioners should either step down or clean up this mess. I am happy to report that Kenny Boy is now under indictment.

Our Nation must have energy markets that function properly. We must have incentives to develop our clean, renewable energy resources, and we must apply American ingenuity to do a better job conserving energy. These are critical steps toward the kind of far-sighted energy policy this country needs. These steps will protect consumers, they will safeguard the environment, and they will make our Nation stronger by moving us closer to energy independence.

SUPPORTING U.S. EFFORTS IN IRAQ

Mr. CORNYN. Mr. President, on July 7, 2004, the Senate Select Committee on Intelligence issued an important report regarding flaws in our prewar intelligence on Iraq. Last week, Lord Butler issued a similar report on British intelligence. In a related vein, the 9/11 Commission will issue its report this Thursday.

Each of these reports either already has, or no doubt will, shed light on how we can improve our ability to protect this country and our allies from future terrorist attacks.

Coming almost 3 years after 9/11, it is important to note that many reforms have already been implemented by Congress and the administration without waiting on a committee or a commission report. Still, the recommendations of each of these reports ought to be carefully considered and debated by Congress.

If this were not a Presidential election year, we might be able to even undertake this important work without playing the blame game in order to score political points. My hope is that we will, to the extent humanly possible, strive to do so. If not, we risk politicizing the process to the detriment of long-term solutions to our intelligence problems.

Some have used the occasion to criticize our Nation's policies in Iraq and the broader war on terror. Some say, on the one hand, that our leaders did too little before 9/11 to stop the horrible events of that day. Some say, on the other hand, that our leaders did too much in removing Saddam based in part on the remarkable clarity that comes with 20/20 hindsight.

I did not say, and consciously so, President Bush's policies but, rather, our Nation's policies because our policies in Iraq and in the broader war on terror have generally been a consensus policy authorized by the Congress and ultimately implemented by President Bush. In fact, the policy of regime change in Iraq was shared by the Clinton and Bush administrations and is now being criticized for political gain by some who voted for those very policies.

It is important that we set the record straight. The Senate Intelligence Committee report in particular directly rebuts some of the more outrageous claims that administration officials, including the President himself, intentionally misled the American people. Indeed, due to systemic flaws in our intelligence apparatus, it appears that it was the administration itself that was misled to some extent. But that does not mean we were wrong to remove Saddam Hussein from power. There were many good reasons for the regime change in Iraq in addition to those which have at least so far turned out to be mistaken.

There is no question that the world is better off with Saddam Hussein in a prison cell instead of remaining in his royal palaces. There is every reason to believe he is precisely where he belongs.

When the Senate voted overwhelmingly on a bipartisan basis in October 2002 to authorize military force to defend the national security of the United States and enforce all relevant United Nations security council resolutions, the resolution this body passed noted that Iraq, in 1991, entered into a United Nations-sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed among other things to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them and to end its support for international terrorism.

That resolution also noted that the efforts of international weapons inspectors, U.S. intelligence agencies, and Iraqi defectors led to the discovery in 1991 that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated.

That resolution also said that Iraq in direct and flagrant violation of the cease-fire attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction and development capabilities which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998.

That resolution went on to note that the current Iraqi regime at that time under Saddam Hussein has demonstrated its capability and willingness to use weapons of mass destruction against other nations and against its own people.

Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of U.S. citizens.

It was on this last point that Acting Director of Central Intelligence John McLaughlin said just yesterday in an interview:

> We could, through intelligence reporting, say with some credibility that there had been meetings between senior Iraqi officials and Al Qaida officials. We could also say that there had been some training that had flown back and forth between the two sides. And we could say that there was some degree of safe haven that Al Qaida-related people had obtained in Iraq for a variety of reasons. We could also say with some assurance that operating from Iraq, someone like Abu Musab Zarqawi had arranged the assassination of an American diplomat in Jordan.

Saddam dared the United Nations Security Council and the free nations of the world to act and act we, the coalition, did. Congress expressly recognized in the authorization it gave President Bush that ''the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations.''

We knew that Saddam had them but we did not yet know what he did with them. Why he kicked out United Nations weapons inspectors in 1998 and never accounted for them, all the while defying resolution after resolution of the United Nations Security Council we may never know for sure.

I once thought that no one would question whether America was safer and that the Iraqi people are better off without Saddam but some, during this political season, have come awfully close. Put another way: Does any reasonable person truly believe that America and Iraq were better off with Saddam Hussein in power? Surely not. Surely not. But you simply can't have it both ways. You must choose, and choose we did.

I believe the Senate made the right decision in supporting our efforts in Iraq to remove Saddam Hussein from power. Nothing we learned since then has changed my mind. It has been our official consensus policy since 1998 under both Presidents Clinton and Bush, under both Democrat and Republican leadership in the Senate. For example, in the Iraq Liberation Act of 1998, we said:

> It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.

Everyone, Republican and Democrat, knew that the dictatorship of Saddam raised the prospect of a dangerous and irrational government in the Middle East. Everyone knew that the Iraqi people were living under a brutal and murderous tyrant. And at that time everyone knew that Saddam was armed with weapons of mass destruction.

It was in a speech to the Joint Chiefs of Staff and the Pentagon staff generally that President Clinton eloquently described the consequences of inaction. He said:

> What if [he] fails to comply, and we fail to act, or we take some ambiguous third route which gives him yet more opportunities to develop this program of weapons of mass destruction. . . . He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you, he'll use the arsenal.

That was President Clinton in 1998.

Our intelligence community told us before the Iraq war that Saddam Hussein had weapons of mass destruction programs—chemical, biological, and possibly nuclear. Now in the past, in 1991, our intelligence had sometimes underestimated Saddam's capabilities; so there was no question that there was reasonable cause for concern for an armed Saddam, ready to lash out, without warning, against Israel, Kuwait, or other countries in the region. We also feared that because of his hatred for America, Saddam might give the weapons he was developing to terrorists for whom he provided sanctuary. These concerns were nearly universally shared, as articulated in the quote I read from President Clinton.

At the outset of our military operations against Iraq in December of 1998, President Clinton described the risks of leaving Saddam in power. He said:

> The hard fact is that so long as Saddam remains in power, he threatens the well-being of his people, the peace of his region, the security of the world. The best way to end that threat once and for all is with the new Iraqi government, a government ready to live in peace with its neighbors, a government that respects the rights of its people.

Again, a statement by President Clinton in 1998.

We should all be glad Saddam Hussein is out of power. Iraq's fledgling government is taking the first steps toward freedom and democracy. Neither we nor they have to fear Saddam's regime cooperating at any level with al-Qaida or other terrorists who wish to do violence against the American people or our allies. But it is also true that the weapons programs we found in Iraq were not what our intelligence information predicted before hostilities broke out in 2003. Saddam Hussein had the capability and the raw resources to do many things, but he did not at that time have the fully operational weapons systems we believed he possessed.

So why, it is logical to ask, did we have this problem with our intelligence? We know, as the unanimous, bipartisan report of the Select Committee on Intelligence said, that despite the insinuations of administration critics, the intelligence we had was not rigged or interfered with in any way. The same conclusion was echoed by Lord Butler's report in Great Britain which found no evidence of deliberate distortion of the intelligence material or of culpable negligence. It is clear that any such allegations to the contrary are baseless, partisan, and have no foundation in the truth.

The Select Committee on Intelligence of the Senate found in conclusion 83:

> The Committee did not find any evidence that Administration officials attempted to coerce, influence or pressure analysts to change their judgments related to Iraq's weapons of mass destruction capabilities.''

In conclusion 84, the Senate Select Committee on Intelligence said:

> The Committee found no evidence that the Vice President's visits to the Central Intelligence Agency were attempts to pressure analysts, were perceived as intended to pressure analysts by those who participated . . . Or did pressure analysts to change their assessments.

And in conclusion 102:

> The Committee found that none of the analysts or other people interviewed by the Committee said that they were pressured to change their conclusions related to Iraq's links to terrorism.

How did we get here? How did we know that Saddam had these weapons of mass destruction, defied resolution after resolution of the U.N. Security Council, defied every request that he open his country to U.N. weapons inspectors and reveal what he had or, we might say, what he no longer had?

Consider in 1993 we saw the first successful terrorist strike by radical Islamists on U.S. soil—a car bomb that exploded in the basement garage of the World Trade Center, killing 6 and wounding 1,000. Then in 1996, there was another attack on the Khobar Towers barracks in Saudi Arabia, killing 19 Americans and wounding 515 Americans and Saudis. In 1998, the United States embassies in Kenya and Tanzania were attacked by al-Qaida suicide bombers who killed 234 people and wounded more than 5,000. And in 2000, al-Qaida attacked the USS Cole, killing 17 American sailors and wounding 39.

It was during these same years that Congress made dramatic cuts in funding for the Government agencies most involved in the fight against terror, particularly the Central Intelligence Agency. These cuts were significant, including letting go nearly 40 percent of those recruited to spy for America's interests. The number of officers in the clandestine service was downsized by roughly 25 percent and nearly one-third of our overseas offices were shut down. All of these cuts seriously hampered the intelligence community's ability to monitor and analyze the rising threat posed by terrorism. Again, Acting Director of the Central Intelligence Agency, John McLaughlin, said yesterday, because of these cuts, we were almost in Chapter 11 in terms of our human intelligence collection. This much seems clear: Our early warning system was blinded by a self-inflicted wound.

There is simply no way that President Bush's administration could have filled all the holes of an underfunded and demoralized intelligence community in a mere 8 months after it had been dismantled systematically and deliberately during the preceding years. So when President Bush came to office, he inherited an intelligence community that was ill prepared to meet the challenges of the war on terrorism.

We should not make this merely a game of election year ''gotcha.'' We must debate the causes of our intelligence flaws in a way that commands the confidence of the American people and in a way that makes them safer and freer. We must also remain committed to our task in Iraq, to finishing that task and not allow election-year politics to create a climate that undermines the morale of our brave troops in the field.

Let us finish the task we have undertaken in good faith and with the noblest of aspirations on behalf of free people around the world. Let us not let partisan politics lead us into the trap identified by Winston Churchill when he said:

> Nothing is more dangerous in wartime than to live in the temperamental atmosphere of the Gallup Poll, always feeling one's pulse and taking one's temperature.

September 11 forced the civilized world to realize that the terrorist foe we had been fighting for years sought a more deadly goal than we ever suspected. Once Congress and the administration came to grips with the horrible truth of this new breed of terrorism, we knew what had to be done. We knew we had to take action. Under President Bush's leadership, we resolved that our aim was to defeat terrorism as a threat to our very freedom and our very lives.

Nor could we achieve our aim merely by maintaining a defensive posture. Fighting terrorism on American soil is not enough. That is merely a holding pattern and a capitulation of our responsibility. When it comes to confrontation with terrorists, we must either change the way we live or we must change the way they live. We chose the latter, and I believe we chose wisely. It is a policy of action rather than inaction, and one clearly warranted by the new reality of our post-9/11 world.

Mr. President, I yield the floor.

HONORING OUR ARMED FORCES

ARMY PRIVATE FIRST CLASS GAVIN NEIGHBOR

Mr. DEWINE. Mr. President, I rise this afternoon to honor and remember a young man from Somerset, OH. I rise to honor Gavin Neighbor, a soldier who gave the last full measure of devotion to our Nation on June 10, 2003. On that date, Gavin was killed by a rocket-propelled grenade while serving in Iraq as part of Company C, 3rd Battalion, 325th Infantry Regiment, of the 82nd Airborne Division. At the time of his death, Gavin Neighbor was 20 years old.

When Gavin Neighbor was killed, Marisa Porto, who at the time was a journalist with the Zanesville Times Recorder, had a very difficult time writing about Gavin. She struggled to write about his life and his death because she said she knew she had to balance the reporting of the news with the personal connection she felt knowing that someone so young from her own community had just been killed. She managed, though, to find the right words and wrote the following:

> My thoughts [are] simple. Gavin Neighbor's family won't get the chance to see his wedding announcement in his newspaper. They won't ever have the opportunity to see his son's birth announced in this newspaper. These next few days may be the last time his name is ever published in this newspaper. . . . So, let's give him the homecoming he deserves.

Mr. President, Members of the Senate, since his death, I have learned that Gavin Neighbor, in his all-too-brief 20 years on this Earth, did, in fact, live life fully. He was an outgoing, determined young man, who felt great love and affection for his family, for his fiancee, his friends, and his country.

Gavin was born in Newark, OH, on November 25, 1982. He graduated from New Lexington High School in 2001, where high school friends described him as dependable and fun loving. Gavin was a gifted artist. He had a signature piece: a drawing of a dragon. His friends say he would draw that dragon anywhere, anytime.

He loved to draw, and he was good at it. According to his high school art teacher, Jody Bowen:

> Gavin would work on projects on the side, after his classwork was done. I saw something more in him. . . . He certainly impacted my life. I feel fortunate I met him and got to know him.

Equal in his devotion to art, Gavin was committed to serving his country and making his family proud. Gavin had a strong sense of duty and a strong sense of family. He was always trying to take care of others and protect others. That is part of what compelled him

to join the military. He wanted to follow in the footsteps of several relatives. Like them, he wanted to protect his family and his friends and his country. So after his high school graduation in 2001, Gavin enlisted in the U.S. Army.

According to Gavin's grandmother, Gladys Hykes:

He was wonderful. He loved the service. That was his goal.

Gavin planned to make a career for himself in the military, aspiring to join an elite Ranger battalion. He was well on his way toward achieving that dream. Gavin earned his paratrooper wings and was known for performing, with ease, some of the most difficult airplane jumps. Known as a ''Javelin Jumper,'' he would jump from planes while carrying part of an antitank missile system strapped to his leg. Upon receiving an award of recognition for this accomplishment, Gavin dedicated it to his parents and had his thanks to them engraved on the plaque.

Gavin loved his family very much. He had an especially strong bond with his mother Cathy. Oh, he loved her cooking. He loved to spend time with her. He wrote and called home often, and when he did he had simple requests. According to his mom, Cathy:

I kept sending him letters and boxes. He wanted Kool-Aid and chips. And Copenhagen. He wanted Copenhagen. I didn't want to send it, but I did.

Gavin called home on February 13, 2003, to say his unit was leaving on Valentine's Day for Iraq. Soldiers only had an hour for family visits. Cathy and her husband Willie drove more than nine hours to visit one last time with Gavin. As Cathy said:

All I knew was that I had to get there. I had to be there to hug him.

Many of his fellow comrades have said that Gavin Neighbor was the kind of soldier you wanted by your side—any time, any place. He was dependable. He was tough. He was a real leader.

Gavin was also known for his ability to make light of serious situations—an admirable quality in the face of war. While training in California, to humor his comrades, he would walk around flapping his arms like a chicken and then claim to be a dinosaur. During a punishing mountain hike, Gavin lightheartedly asked his leader, ''Are we there yet? Are we there yet?'' The other members of the platoon could not help but smile. As Sergeant Arthur Swartz said at Gavin's memorial service:

When we were at our lowest, Gavin could turn the whole platoon around just by making a joke or saying something funny. . . . He was definitely the best, youngest soldier in my platoon.

Gavin's unique sense of humor did not cloak the fact that he was also a very hard worker and a very independent young man. Captain Todd Hollins, a chaplain with the 82nd Airborne Division, said that when he thinks of Gavin:

I see a young man who chose to walk the road less traveled—a man who gave 100 percent, all the way, all the time. . . . I see a young man, one who cared about others more than himself, a man with a zest for life, who was willing to face his fears. . . . I see a volunteer, a bold spirit. I see a young man who was genuine in all regards.

Gavin Neighbor's dependability, commitment, and fun-loving attitude will never be forgotten. His life is an example for us all. Left to cherish his memory are his parents; his sisters, Roxanne Lewis and Tracy Neighbor; brother Willie Neighbor, Jr.; and Gavin's special friend—his fiancé, his soulmate—Rachel Sanderson.

Gavin Neighbor was just a good kid, who died too young. I think that Brigadier General Abe Turner, assistant division commander of operations with the 82nd Airborne, said it best:

He quickly became a very important part of our band of brothers. We asked him if he'd be willing to pay the ultimate sacrifice, and he did. . . . He was our hero.

PATIENT SAFETY AND QUALITY IMPROVEMENT ACT

Mr. ENZI. Mr. President, I rise today to talk about patient safety. There is bipartisan legislation pending in the Senate that is absolutely critical to reducing health care errors and increasing health care quality. It is S. 720, the Patient Safety and Quality Improvement Act.

The HELP Committee reported this bill to the Senate in November of last year. It was approved in committee by a unanimous vote. It is past time for the Senate to vote on and pass this important legislation.

This patient safety legislation is an important step toward building a culture of safety and quality in health care. The Patient Safety and Quality Improvement Act would create a framework through which hospitals, doctors, and other health care providers can work to improve the health care quality in a protected legal environment.

The bill grants privilege and confidentiality protections to health care providers to allow them to report health care errors and near-misses to patient safety organizations.

The bill also allows these patient safety organizations to collect and analyze the data confidentially. After analyzing the data, patient safety organizations would report on trends in health care errors and offer guidance to providers on how to eliminate or minimize these errors.

Some of this takes place today, but much more information could be collected and analyzed if providers felt confident that reporting these errors did not increase the likelihood that they or their colleagues would be sued for honest mistakes.

This legislation would not permit anyone to hide information about a medical mistake. Under the bill, the lawyers still can access medical records or other information that would normally be recoverable in legal proceedings. However, the bill would ensure that the analysis of that information by patient safety organizations would take place on a separate track than in a protected legal environment.

Health care providers would be much more likely to share information about honest mistakes and how to prevent them if they have some assurance the analysis of their information will not result in a tidy package of information a personal injury lawyer could use against them in court.

Errors in medical treatment take place far too often today. Unfortunately, providers live in fear of our unpredictable and unfair medical litigation system, and this legal fear inhibits efforts to address the root causes of health care errors. Without appropriate protections for the collection and analysis of patient safety data, providers are unwilling to report mistakes and errors, which is one of the reasons health care quality today is not what it could be.

Litigation does nothing to improve quality or safety. The constant threat of litigation indeed stifles honest analysis of why health errors happen. This is one more reason why we need wholesale reform of our medical litigation system. We need to foster alternatives that restore trust between patients and providers and result in fair and reliable outcomes for both parties. We need to scrap the present system, not just cap it. Until we do so, we should take whatever steps we can to create an environment that protects the collection and analysis of patient safety data so providers can learn from their mistakes and the mistakes of others and prevent them from happening in the future.

The Patient Safety and Quality Improvement Act is one of these steps. Last week, our committee chairman, Senator GREGG, asked for unanimous consent that we move to consideration of this legislation in the Senate. This is the third time since November he has done so. Each time he has been blocked by our colleagues in the minority, even though the committee of jurisdiction was unanimous—you cannot get more bipartisan than that—in support for the bill.

My colleagues in the minority keep talking about problems with health care quality, as they keep on talking about the loss of American jobs. However, talk is cheap when their actions don't match their words.

If they are really so concerned about improving health care in our Nation, why would they object to a bill that would reduce errors and improve patient safety, particularly a bipartisan bill with unanimous committee support? If they are really so concerned about American workers and jobs, why won't they let a bill improving the Nation's job training system go to conference?

Another example of what is happening or not happening in the Senate: We have a bill, a bipartisan bill, that

will help workers get back to work or find better jobs. This bill will equip our workforce with skills necessary for America to compete and succeed in the global economy. It reauthorizes and improves the Nation's job training that was created under the Workforce Investment Act. The Workforce Investment Act provides job training and employment services to more than 900,000 unemployed workers each year. Just like the patient safety legislation, this bipartisan bill passed out of the Health, Education, Labor, and Pensions Committee unanimously. We passed it on the Senate floor by unanimous consent last November. Remember, that is as bipartisan as you can get.

Where is the bill now? Well, it passed in the House, too. The House has a somewhat different version. When there is a different version between the House and the Senate, you normally would have a conference committee, and the conference committee would work out the differences so that both Houses could pass it again as a unified bill that would then go to the President to be signed. It has to be one bill that goes to the President, not two bills that go to the President. You have a conference committee to work those bills out.

Now, the House appointed a conference committee. It is a very simple task. You just figure out how many Members are going to be in the conference committee, and Members are chosen from both sides of the aisle in both Chambers to meet together to talk about the differences, to propose alternatives, to vote on those alternatives, and to come up with a compromise bill. Sometimes the compromise is taking all of one Chamber's bill and eliminating the other one. Usually it is somewhere in between.

The first excuse I heard on this Workforce Investment Act, which will train 900,000 people to do jobs they do not have now or definitely to have better jobs than what they might have now, with a particular emphasis on moving women into higher paying jobs was how bad the outsourcing is in this country. Yes, because we do not have trained workers to take those jobs at the present time. We hear about the wages in this country. Yes, because the people do not have the higher skills for which you get paid higher wages.

This bill would provide training for jobs we are having to send overseas right now or better paying jobs for American workers. We passed it unanimously. The House passed it. The House appointed a conference committee. We are not even allowed to appoint a conference committee, to get together and talk about it with the House. That is nothing final. It would have to be voted on again before it could be passed. There is an opportunity for a filibuster at that final point. Instead what we are getting is a filibuster at this point, a very subtle filibuster but nevertheless a filibuster.

If jobs are important, why aren't we doing this JOBS bill that was unanimously passed out of committee and unanimously passed on the floor of the Senate? A lot of opportunity, and it is passing by. I guess because there is a Presidential election, and it might help President Bush if there were more jobs. Actually, the only ones it would help, if there are more jobs, is the people getting those jobs. None of us ought to be stopping people from getting jobs or getting better jobs. We recognize that. That is why we passed it unanimously.

So where is that bill now? We can't get a conference committee appointed to resolve the differences with the House. There was enough trust in what I did in committee that it passed unanimously. There was enough trust when it came to the Senate floor that we passed the bill unanimously. The only thing I can see that has happened in the meantime is that we have gotten closer to an election. That should not happen in America. We teach people bad things about elections when we hold up important things such as workforce investment for jobs. If we really want to take care of jobs and workers in this country, we should appoint conferees for the Workforce Investment Act legislation.

I could run through a few more excuses that I have heard on this bill. One of the excuses was that we might put something in that would allow faith-based groups to participate in job training and, under that scenario, put in something that would allow them to not hire people who are averse to their religion.

Members may be surprised to find out that we already have statutes that do provide that churches, when they are involved in government work, can't discriminate, except they don't have to hire people who are averse to their religion. That would be a very small change if it made it in there at all, but we are not even allowed to get together and discuss whether that would make it in there for fear that maybe it would. Again, that is just an excuse for not passing the bill, an excuse to keep jobs from being created which would make the economy better and which would improve the President's chances of getting reelected. That is not how politics is supposed to work.

I have to say there is a difference between Republicans and Democrats on most of the big issues facing our Nation. If my colleagues in the minority want to bottle up legislation with which they disagree, that is their prerogative. But that is not what I am talking about. I am not talking about bottling up issues with which they disagree. We have members of the minority party holding up bipartisan bills that received unanimous approval in committee—that is where the patients safety bill is—and holding up conferences on a bill that received unanimous support on the Senate floor. That is where the workforce bill is.

The only logical conclusion I could draw to these roadblocks is based on politics, not policy, and that is a shame.

Right now, the Senate floor reminds me of the airspace above a busy airport. We have a number of bipartisan bills lined up for final approach, but our colleagues in the minority are holding those bills up and won't allow them to land. The tactics of my colleagues in the minority give new meaning to the term ''holding pattern.'' That should not happen. There is going to be a crash.

It is time for our Democratic colleagues to break this holding pattern so we can pass bipartisan bills such as the Patient Safety Act and the reauthorization of the Workforce Investment Act. These are not only bipartisan bills, they received unanimous committee support. Let's set election politics aside for a moment. These are bipartisan bills, so no one party can claim credit for their passage.

The Patient Safety Act was introduced by the distinguished Senator from Vermont, Mr. JEFFORDS, who is the lone independent in the Senate. This bill is more than bipartisan. My distinguished Senator from Nevada, Mr. REID, suggested last week that we should approve the House-passed patient safety bill. He suggested we should take up the House bill rather than pass the Senate bill because Members of the House are the true experts on such complex legislation.

I wonder if my colleague's opinion would be the same on medical liability reform. After all, the expert legislators in the House have sent us some excellent legislation to reform our medical litigation system. Perhaps we should stop working on this in the Senate and approve the House bill, as he is suggesting we should do with patient safety.

I mentioned the Workforce Investment Act. The House passed that one. Their version is considerably more difficult, perhaps more conservative than the version I worked through with unanimous consent on this side, but if we are going to consider them the experts on patient safety, why don't we consider them the experts on workforce investment and take their version of the bill? We didn't do that on that bill.

No, the right way to do it is to pass the patient safety bill, hopefully, by unanimous consent over here because there is no dissension on it. The dissension is with what they are doing over on the House side. So we would go ahead and pass it, and then we have a conference committee, a conference committee in the old-fashioned style. Not this ''let's preconference and give somebody on the minority side a veto right over anything that is done.'' That is a brandnew twist around here. What we have always done is appointed the conference committee, recognizing that there are majorities and minorities even on the conference committee,

but that the point is to get the agreement between the House and the Senate. We will get that agreement between the House and the Senate, and will have better patient safety.

I hope our colleagues in the minority will agree to take 2 hours of their time to debate and vote on the bipartisan safety act. Two hours is not a lot of time. It is the least we can do on such an important piece of legislation. We have spent hour upon hour working on this bill in committee and crafting a bill that received unanimous bipartisan support. Let's spend 2 more hours on the Patient Safety Act so that we can improve the quality and safety of health care in America. I don't think that is too much to ask.

DEPARTURE OF REPRESENTATIVE C.J. (CHIEN-JEN) CHEN

Mr. ALLEN. Mr. President, a good friend of the Senate Taiwan caucus, Ambassador C.J. (Chien-Jen) Chen, will soon be leaving Washington, D.C., after having served for nearly 4 years here as Taiwan's principle representative. We are going to miss him very much. As chairman of the Taiwan caucus, I would like to bring special attention to his accomplishments for his country and his commitment to the advancement of freedom.

Ambassador Chen brought a wealth of experience to his job. He was first assigned to Washington, D.C. in 1971, and he spent most of his distinguished 37-year career promoting good relations between Taiwan and the United States. Over the years, he won many friends for himself and for his country. An eloquent speaker and polished diplomat, Ambassador Chen also has a reputation for being a ''straight shooter.'' He was always prepared to provide an informed, balanced, and fair opinion on the complex relationship between Taiwan and the United States as well as the broad range of political, economic, cultural and other issues of common interest to our two countries.

Ambassador Chen's skill and determination as a representative of Taiwan have been made plain in many ways, but I want to mention one in particular. He has persistently pushed for Taiwan to have a role in international organizations. That is a real challenge, because Beijing opposes it at every turn, but Mr. Chen has pressed on. Owing in large part to his efforts, much progress has been made on these issues. During his most recent assignment in Washington, with U.S. support, Taiwan has acceded to the World Trade Organization and become our eighth largest trading partner. At the same time, Taiwan has also contributed greatly to U.S.-led international humanitarian efforts in places such as Afghanistan and Iraq, and it has cooperated with the United States in fighting proliferation, terrorism, and money laundering in Asia.

All these matters required intensive communication and coordination, and we were lucky to have someone like C.J. Chen in place to lead the way. He understands that the people of Taiwan are as entitled to the blessings of liberty such as shared knowledge and the free exchange of information. Fighting for this freedom, he has had a special determination to secure Taiwan's entrance into the World Health Organization, an issue on which he and I have worked together. As the SARS virus swept Asia and frightened the entire globe, he seized the moral initiative to say the Taiwanese people are also vulnerable to this disease and that Taiwanese doctors also may heal. He clearly stated that they have a right to seek help and to give it, and that no petty, technical political agenda should stand in the way of that simple affirmation of humanity. When the doors to the WHO are thrown open for Taiwan, and they will be, people will remember with gratitude how C.J. Chen moved us toward that day.

One of the most notable and likable things about C.J. is his inexhaustible optimism. While the United States-Taiwan relationship has certainly experienced its fair share of twists and turns, ups and downs—as Mr. Chen will surely attest—he has always remained consistently upbeat. His confidence is contagious, and I agree wholeheartedly with his observation, that Taiwan and the United States—united by shared values and common interests—will continue to work closely together, not only for their mutual benefit but also for the sake of lasting peace and prosperity in the Asia-Pacific.

Now, after having served as his chief representative in the United States, as his country's foreign minister, as member of Taiwan's Legislative Yuan, and as a university professor, this man of extraordinary talent and vision is leaving Washington, DC. While he will be sorely missed, I am certain that he has established an admirable legacy of friendship, trust, and cooperation that will long endure.

WOMEN IN TECHNOLOGY

Mr. INOUYE. Mr. President. Today I would like to recognize women in technology. While gender equity is not found on the agenda when discussing homeland security, it certainly is a key strategy for maintaining our Nation's preeminent status in science and technical innovation. The last 30 years have seen women make great strides in education and employment. Women are receiving more than 50 percent of the bachelor degrees conferred and are close to reaching parity in the once male-dominated fields, such as law. Unfortunately, these gains have not been uniform in all fields. Women continue to be persistently underrepresented in high-demand, high-wage science, technology, engineering and math, STEM, education and employment. While women make up 46 percent of the American labor force, they are less than 25 percent of the total science and engineering workforce, and have not been able to break through a 10 percent ceiling in engineering.

At a time when we face a shortage of skilled STEM workers who are U.S. citizens, women provide an untapped national resource to fill the workforce pipeline. Recent studies from the National Science Foundation and the Department of Commerce confirm these conclusions, including the September 2000 Report of the Congressional Commission on the Advancement of Women and Minorities in Science, Engineering and Technology, which concludes that, ''Unless the STEM labor market becomes more representative of the general U.S. workforce, the nation may likely face severe shortages in [STEM] workers and thus risks undermining its global competitiveness.''

We are at a serendipitous time, when our Nation's economic and security imperatives are aligned with social justice. We must leverage this opportunity to build the requisite partnerships with stakeholders in government, academia, and industry to recruit, train, and retain women and underrepresented minorities in STEM fields. Not only is it a strategy that will ensure our global competitiveness and national security, but it is the right thing to do to ensure that all our citizens have equal access to the education and training needed to succeed.

In 1999, when I recognized that the jobs at the Maui High Performance Computer Center and other related research and development contract activities were being filled by males recruited from the mainland, I secured Department of Labor funding to launch the Women in Technology project designed to bring Hawaii's women into these emerging STEM fields. The island of Maui reflects the characteristics of many rural American communities: professional isolationism, limited access to higher education, overdependence on a single economic engine, and perceived limited career opportunities for its young people. These conditions uniquely position Maui to pilot workforce development programming that can be exported to other rural communities.

The Women in Technology, WIT, project is administered by the Maui Economic Development Board, a private nonprofit organization well respected for its leadership in helping to diversify the economy through high technology industry development. The board of directors, comprised of community leaders in industry, academia, business, and government gave the project access to key partners. Interviews, focus groups, and roundtable discussions helped establish the workforce challenges and skill sets needed to sustain industry growth projections. Workshops were designed to provide tools to educators and industry on how to overcome the barriers that had created the chilly climate for women. Buy-in was established that even though teachers and employers had no

intent to track girls and women into different fields than boys and men, long-established cultural stereotypes of gender roles were imbedded throughout society and insidious messages of what were appropriate female jobs versus male jobs were very strong. The WIT project provides ongoing technical assistance to educators, guidance counselors, and industry partners on recruitment and retention skills to overcome these societal barriers.

We must start young. By middle school our girls lose interest in math and science, unless proactive efforts are exerted. In a survey of Maui students, boys were five times more likely than girls to express interest in careers in computer science and engineering. Despite the fact that girls outperformed boys academically in math and science, their personal esteem in these areas was significantly lower and they did not self-select into the physical sciences. After compiling a database of female industry role models, WIT has developed a multitrack program to keep girls engaged in the STEM pipeline. Job shadowing programs, career days, science camps, and mentoring are anchor events in the program designed to influence career intent.

Attrition has been another factor in keeping the number of women in STEM low. Mentoring has been identified as the most successful intervention strategy. WIT successfully negotiated with MentorNet, a Presidential award winning program that has been deployed at elite engineering research universities. Maui Community College was accepted into MentorNet's first community college cohort and the program has significantly reduced the female attrition from its STEM courses.

The Women in Technology project continues to work with local industry to develop internship and apprenticeship programs. Four years later, the number of women in technical employment at the Maui Research & Technical Park has gone from 0 percent in November 1999 to 23 percent in June 2004. This is the direct result of a local industry and education commitment to build a qualified resident workforce that reflects the diverse demographics of its community, including gender balance.

We must use this time when both our Nation's security and its economic strength are dependent on producing more citizens trained in STEM fields, to assure that we do not perpetuate the climate which has precluded women and minorities from entering these fields. Gender equity in science, technology, engineering, math, education, and employment equals homeland security.

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I would like the record to reflect that I was necessarily absent for the vote on the DeWine-Kennedy Amendment offered to the FSC/ETI bill on Thursday, July 15, 2004. Had I been present, I would have voted in favor of the amendment.

ADDITIONAL STATEMENTS

RETIREMENT OF NEWMAN A. FLANAGAN

• Mr. KENNEDY. Mr. President, it is a privilege to pay tribute to Newman Flanagan, a dedicated public servant from Massachusetts who is retiring after a distinguished career in law enforcement. Mr. Flanagan served as a Boston prosecutor for 32 years, with the last 14 of those years as Boston District Attorney. For the last 12 years, he has served as the Executive Director of the National District Attorneys Association, a position from which he is now retiring. I commend him on his many years of outstanding work and dedication.

Newman is a son of Boston who graduated from Boston College and the New England School of Law. I had the privilege of serving under him and learning from him when I was an assistant district attorney in the office in the early 1960s, before I came to the Senate. He was elected district attorney in 1978, and was re-elected for four additional terms. During his long and impressive career, he represented the state in more than 2,500 criminal prosecutions, including 75 murder cases. Scott Harshbarger, former Attorney General of Massachusetts, described him as ''Mister District Attorney of the United States.''

Newman also deserves great credit, in his years at NDAA, for his leadership in creating the National Advocacy Center, which trains local and Federal prosecutors, and is one of the finest training centers of its kind in the country. As James C. Backstrom, Dakota County Attorney in Minnesota and a past vice president at NDAA said, ''He will be deeply missed by all members of NDAA's Board of Directors and prosecutors throughout America. Newman Flagagan has been a timeless leader of America's prosecutors for more than three decades. We all owe him our thanks and gratitude for his efforts on our behalf.''

I know that his wife, Eileen, and his children and grandchildren are proud of all he has accomplished. Newman Flanagan has served the people of Massachusetts and our country well, and I wish him a long and happy retirement.•

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 14, 2003, a gay man named Ricardo Lorenzana, 47, was struck in the head with a baseball bat and needed 14 stitches to close the wound. He said the attack makes him constantly worry about his safety. Soon after Lorenzana was attacked, a 19-year-old gay man was assaulted, warding off blows from the bat but getting cut by a knife. Authorities said the assailants used antigay slurs during that attack.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

TRIBUTE TO LAURANCE SPELMAN ROCKEFELLER

• Mr. JEFFORDS. Mr. President, I wish to recognize a great American, a true Vermonter and a good friend who passed away on July 11th. That friend is Laurance Spelman Rockefeller.

Thirty-five years ago, Mr. Rockefeller received the highest honor that our country can bestow upon a civilian when President Johnson awarded him the Presidential Medal of Freedom for his philanthropic and conservation efforts. That award did not culminate a lifetime of accomplishment, but rather served as a milestone for the beginning of another three-and-a-half decades of benevolent contributions by Mr. Rockefeller. In 1991, Laurance Rockefeller was again honored with the Congressional Gold Medal awarded by President George H.W. Bush.

Laurance Rockefeller was instrumental in establishing the Virgin Islands National Park and donated land for, or helped with the acquisition of 11 other national parks, national battlefields and national monuments.

In 1958 Mr. Rockefeller chaired the Outdoor Recreation Resources Review Commission. The Commission's landmark report led to creation of our national system of wilderness areas, wild and scenic rivers, and Federally protected trails.

I knew Laurance Rockefeller and his wife, Mary French Rockefeller, as residents of and benefactors to the town of Woodstock, VT. Laurance and Mary Rockefeller preserved the character of Woodstock, as an historic village surrounded by rolling hills and farms, while also building its economic vitality. The Rockefellers built the Woodstock Inn and Suicide Six ski area into successful economic engines for the area, and established the Billings Farm and Museum. Conservation easements were also secured on surrounding lands to help protect the village from sprawl.

These projects were all undertaken with a careful eye towards sustainability. The businesses are viable enterprises and the nonprofit entities are

generously endowed and tended to by the Woodstock Foundation, also created by the Rockefellers.

Mr. Rockefeller was a quiet and unassuming man who sought no personal recognition for his work in Woodstock and truly loved the small villages and agricultural landscape of rural Vermont.

The crown jewel of the Rockefellers' contributions to Woodstock and to the Nation is the Marsh-Billings-Rockefeller National Historical Park, encompassing the buildings and grounds of their family estate, which they donated to the United States. As the only national park dedicated to the history and future of conservation thought and practice, the park is a fitting legacy for a man known as America's leading conservationist.

Laurance will be sorely missed by all those who knew him and by those who have been able to enjoy the fruits of his conservation efforts.●

LEWIS AND CLARK EXPEDITION: PRESERVING HISTORY AND PERPETUATING TRADITION

● Mr. NELSON of Nebraska. Mr. President, today I would like to share with you and my colleagues my appreciation for Neal Corey of McCook, NE. Neal is my cousin and a role model to Americans, a preserver of history, and a perpetuator of tradition.

Neal Corey, who is now a retired conductor for Burlington Northern Railroad, is the third generation of his family to maintain a farm in Red Willow County, a homestead that is still on its original site in Nebraska. A pioneer of subsurface irrigation in his county, Neal has helped others in his area to set up similar irrigation systems during his retirement to improve farming efficiency.

As you can see, Neal has been perpetuating tradition and preserving history through a lifetime of service to his family at the farm, to the railroad, and to his neighbors. History has always interested him, but it literally took a greater vessel to move him to become an active part in preserving it. Neal's curiosities were piqued when he read a small article in the hometown newspaper we share, the McCook Gazette, about the recreation of the Lewis and Clark Expedition.

After Neal sent in his $50 membership fee to the Discovery Expedition of Saint Charles, MO, he decided that wasn't enough. No, Neal decided he wanted to contribute something more than $50. So he looked into what it would take to be a part of this expedition.

He thought it might be fun to get out and do some ''camping'' during his retirement. It was only during his training for the expedition, when he found himself wearing historical fashions that include long-sleeved cotton shirts, canvas pants, and a wool army coat during the summertime, that he realized just which kind of camping he would do.

To this day, Neal selflessly contributes his time, his enthusiasm, and his energy to the Discovery Expedition of Saint Charles, MO. Through this expedition, Neal's goal is to preserve the history made by Meriwether Lewis and William Clark when they first set out to explore the unknown of a new Nation.

Each year, the Discovery Expedition reenacts a different part of the original river journey—a journey that began in 1803 in Elizabeth, PA, and extends to Great Falls, MT.

This year, Neal will be participating in the Nebraska portion of the river journey of the Lewis and Clark Expedition. This portion is scheduled to reach the Missouri River around July 16, and will include week-long activities at Fort Calhoun, NE, beginning July 30.

I have been so inspired by Neal's energy and enthusiasm that I, too, will take part in a portion of this great commemoration. Through his example and his service, Neal Corey has been a force in both the preservation of American history, and the perpetuation of American traditions.●

HONORING THE CITY OF FREEMAN

● Mr. JOHNSON. Mr. President, today I wish to publicly recognize and acknowledge the 125th anniversary of the founding of the city of Freeman, SD.

Freeman was settled throughout the 1870s by German and Russian immigrants. By 1879, like many cities throughout South Dakota, a railroad stop had been established in Freeman and was a center for immigrants arriving at that period of time. In 1893, the town was officially incorporated.

By 1893, Freeman had established numerous businesses, schools, and many residences. The town of Freeman combines a rich heritage with strong hopes for the future. The Freeman Area Veterans Memorial and the Heritage Hall Museum are two examples of the town's appreciation for its rich history. Two strong schools give the town an appeal to families raising children and comprehensive medical services attract people to retire in Freeman. A strong, diverse economy including retail businesses, professional services, and manufacturing components keeps Freeman strong.

Freeman is the type of town that forms the backbone of rural life in South Dakota. Hometown values, respect for neighbors, and a commitment to its past all point to a prosperous future for Freeman. It is with great honor that I advise my colleagues of the achievements made by this great community.●

TRIBUTE TO FRANCIS MATTHEW McFAUN

● Mr. JEFFORDS. Mr. President, I wish to congratulate and thank Francis Matthew McFaun, an outstanding citizen and a Vermont leader in the fight against poverty. As he prepares to retire from his position as manager of the Central Vermont and White River district offices of the Vermont Department of Employment and Training, it is significant to recognize how much one person can achieve in serving others.

''Topper,'' as he is known to his colleagues, family, and friends, has had a distinguished 37-year career with the State of Vermont. He moved to Vermont in 1966 to start a pilot of the Neighborhood Youth Corps Program with the Central Vermont Community Action Agency. He moved up through the organization, quickly becoming director of the Vermont Office of Economic Opportunity. From there he began working for the Vermont Department of Employment and Training, where he has become an institution. Topper is deeply committed to improving the quality of life of Vermonters through strengthening communities and improving our workforce. He has also served with great distinction and exhibited leadership at both the State and local level and is involved with numerous community activities. From his current role as chairperson of the Barre Town Select Board to his veteran position as the Spaulding High School Varsity Ice Hockey coach, Topper is tireless in his devotion to his State.

I also have the pleasure of having his daughter, Molly McFaun, on my State staff. Molly exhibits the work ethic and compassion that has driven her father throughout his career. Topper established himself through his efforts to help others, and the legacy of his work lives on in his daughter. We are truly fortunate to have Topper and Molly working in a field where the benefits of their kindness and support are reaped by people all around the State. I thank Topper not only for his many years of exemplary service, but also for teaching his children the value that is public service.

It is people like Topper, who give so greatly of themselves without expectation of recognition or personal gain, that make our communities stronger, better places to live. I want Topper McFaun to know that his years of dedicated service have not gone unnoticed. I am proud to stand here and tell you about such a great Vermonter. I wish him and his wife, Mary Ann, best wishes as they venture into the next chapter of their lives.●

HONORING THE CITY OF BROOKINGS

● Mr. JOHNSON. Mr. President, today I would like to honor and publicly recognize the 125th anniversary of the founding of the city of Brookings, SD.

The city and the county were both named for Wilmot W. Brookings, one of the first settlers in the Dakota Territory. Arriving in June of 1857, Brookings was a highly respected explorer with great amounts of courage, energy, ability, and perseverance. He settled in Sioux Falls on August 27, 1857. Beginning the trip in January of 1858, he was

soon set upon by a heavy blizzard, the result of which required the amputation of both feet. Not to be deterred, Brookings continued settle the area, eventually becoming a leader in a number of government entities. The town and county were named for him in his honor and out of respect for all he did in the settlement of Dakota Territory.

Before Brookings' arrival, the area was populated by American Indians. Large mounds that were used as burial grounds have been found in the area, as well as stone hammers and other stone tools. Fur traders entered the area as early as 1750.

Originally, settlers founded the town of Medary in 1857 in what would become Brookings County. Oakwood and Fountain, two other small settlements, were also founded at this time and all were hopeful that railroad tracks would be laid through the city. On October 18, 1879, the railroad passed through Main Street in Brookings, which greatly helped the town to grow and prosper. Many of the residents and businessmen in Medary and Fountain would eventually move to Brookings.

Currently, over 18,000 people live in Brookings. The town boasts numerous businesses, as well as South Dakota State University. The city has already started celebrations for its 125th anniversary and will continue them throughout the year. These include a ''Crazy Days'' celebration, a large art exhibit, and a tour of historic homes throughout the city. It is with great honor that I advise my colleagues of the achievements made by this great community.●

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 PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1914. An act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 2768. an act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act..

H.R. 4818. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 462. Concurrent resolution reaffirming unwavering commitment to the Taiwan Relations Act, and for other purposes.

MEASURES REFERRED

The following bills were read the first time and the second times by unanimous consent, and referred as indicated:

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act; to the Committee on Governmental Affairs.

H.R. 4818. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 462. Concurrent resolution reaffirming unwavering commitment to the Taiwan Relations Act, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2678. A bill to ensure that Members of Congress do not receive better prescription drug benefits than Medicare beneficiaries.

S. 2679. A bill to strengthen anti-terrorism investigative tools, promote information sharing, punish terrorist offenses, and for other purposes.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3277. An act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 1914. An act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8569. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report relative to the Family Subsistence Supplemental Allowance (FSSA) program; to the Committee on Armed Services.

EC–8570. A communication from the Federal Register Liaison Officer, Plans and Policy Directorate, Department of the Air Force, transmitting, pursuant to law, the report of a rule entitled ''Department of Defense Commercial Air Transportation Quality and Safety Review Program'' (RIN0701–AA67) received on July 15, 2004; to the Committee on Armed Services.

EC–8571. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–8572. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Chief Financial Officer, Department of Housing and Urban Development, received on July 15, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8573. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986; to the Committee on Banking, Housing, and Urban Affairs.

EC–8574. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's notification of its 2004 compensation program adjustments; to the Committee on Banking, Housing, and Urban Affairs.

EC–8575. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Inseason Adjustments Management Measures'' (ID062304A) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8576. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Modify the Management of the 'Other Species' Community Development Quota (CDQ) Reserve'' (RIN0648–AQ88) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8577. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Prohibiting Directed Fishing for Atka Mackerel with Gears Other Than Jig in the Eastern Aleutian District (Statistical Area 541) and the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area, and Announcing Opening and Closure Dates of the First and Second Directed Fisheries Within the Harvest Limit Area (HLA) in Statistical Areas 542 and 543'' received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8578. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustment Opening Directed Fishing for Pollock in Statistical Area 630 of the Gulf of Alaska (GOA) for 12 Hours'' (ID020204B) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8579. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Notification to Owners and Operators of Registered Vessels of Their Assignments for the A Season Atka Mackerel Fishery in Harvest Limit Area (HLA) 542 and/or 543 of the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8580. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to foreign-policy based export controls on certain energetic materials and other chemicals; to the Committee on Commerce, Science, and Transportation.

EC–8581. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'') (Central Air Costs)'' (RIN3084–AA74) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8582. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Dinosaur and Rangely, CO, Frankin and Preson, ID, Beaver, Coalville, Elsinore, Manilla, Monroe, Nephi, Richfield, Smithfield, and Tremonton, UT, and Fort Brider, Green River, Lyman, Rock Springs, Saratoga, and Wamsutter, WY'' (MD Doc. No. 02–290) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8583. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Sierra Vista and Corona de Tuscon, AZ'' (MB Doc. No. 03–141) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8584. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Newcastle, Pine Haven, Warren AFB, Centennial, Casper, Wright, Douglas, and Kaycee, WY, Rapid City, SD, and Gering and Scottsbluff, NE'' (MB Doc. No. 03–258) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8585. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations: Roswell, NM'' (MB Doc. No. 04–16) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8586. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Anniston, AL'' (MB Doc. No. 03–229) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8587. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Arlington, The Dalles, Moro, Fossil, Astoria, Gladstone, Portland, Tillamook, Coos Bay, Springfield-Eugene, Manzanita and Mermiston, OR, and Covington, Trout Lake, Shoreline, Bellingham, Forks, Hoquiam, Aberdeen, Walla Walla, Kent, College Place, Long Beach, and Ilwaco, WA'' (MB Doc. No. 02–136) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8588. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Amboy, Baker, and Desert Center, CA; Kingman, Mohave Valley, Parker, and Seligman, AZ, and Boulder City, Caliente, Henderson, and Pahrump, NV'' (MB Doc. No. 02–124) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8589. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Tullahoma, TN and New Market, AL'' (MB Doc. No. 03–244) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8590. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations: Ponce, PR'' (MB Doc. No. 04–78) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8591. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations: Jackson, MS'' (MM Doc. No. 01–43) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8592. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Mitigation of Orbital Debris'' (IB Doc. No. 02–54) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8593. A communication from the Associate Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Forfeiture Maxima to Reflect Inflation'' (FCC04–139) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8594. A communication from the AMD-Performance Evaluation and Records Management, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 2004'' (FCC04–146) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8595. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Removal of Transitional Rule for Vested Accrued Vacation Pay'' (RIN1545–BD12) received on July 15, 2004; to the Committee on Finance.

EC–8596. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Partnership Transactions Involving Long-term Contracts'' (RIN1545–BA81) received on July 15, 2004; to the Committee on Finance.

EC–8597. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: IRC 351 Contingent Liability Capital Loss Transactions'' (UIL9300.17–00) received on July 15, 2004; to the Committee on Finance.

EC–8598. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, documents related to the United States-Morocco Free Trade Agreement; to the Committee on Finance.

EC–8599. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Offsets Under 6402 and the Community Property Laws of Texas'' (Rev. Rul. 2004–74) received on July 15, 2004; to the Committee on Finance.

EC–8600. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8601. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–8602. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Sweden; to the Committee on Foreign Relations.

EC–8603. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates; Proposed Rule'' (RIN1400–AB94) received on July 16, 2004; to the Committee on Foreign Relations.

EC–8604. A communication from the Chairman, Parole Commission, Department of Justice, transmitting, pursuant to law, the Commission's annual report for calendar year 2003; to the Committee on Governmental Affairs.

EC–8605. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's report to Congress on law enforcement classification, pay, and benefits; to the Committee on Governmental Affairs.

EC–8606. A communication from the Human Resources Specialist, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Policy, Department of Labor, received on July 15, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8607. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a change in previously submitted reported

information for the position of Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, received on July 15, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8608. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary, Office of Civil Rights, Department of Education, received on July 15, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8609. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Assistant Secretary, Office of Civil Rights, Department of Education, received on July 15, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8610. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, received on July 15, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8611. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Three Threatened Mussels and Eight Endangered Mussels in the Mobile River Basin'' (RIN1018–AI73) received on July 16, 2004; to the Committee on Energy and Natural Resources.

EC–8612. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Removal of Federal Protection Status from Two Manatee Protection Areas in Florida'' (RIN1018–AJ23) received on July 16, 2004; to the Committee on Energy and Natural Resources.

EC–8613. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Arabis Perstellata (Braun's Rock-cress)'' (RIN1018–AI74) received on July 16, 2004; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 2683. A bill for the relief of Majan Jean; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2684. A bill for the relief of Maria Cristina Degrassi; to the Committee on the Judiciary.

By Mr. GRAHAM of Florida:

S. 2685. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs; to the Committee on Finance.

By Mr. ENZI (for himself, Mr. GREGG, Mr. KENNEDY, Mr. DODD, Mr. ALEXANDER, Mr. JEFFORDS, Mr. SESSIONS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON):

S. 2686. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 2687. A bill to provide coverage under the Railway Labor Act to employees of certain air and surface transportation entities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FITZGERALD (for himself and Mr. AKAKA):

S. 2688. A bill to provide for a report of Federal entities without annually audited financial statements; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 740

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 740, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Rhode Island (Mr. REED) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1411

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1735

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1735, 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. 2158

At the request of Ms. COLLINS, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2302

At the request of Mr. BROWNBACK, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2351

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2351, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 2361

At the request of Mr. DEWINE, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2361, a bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes.

S. 2370

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2370, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 2449

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2449, a bill to require congressional renewal of trade and travel restrictions with respect to Cuba.

S. 2461

At the request of Mr. DEWINE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2505

At the request of Mr. MCCAIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2505, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service.

S. 2519

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2519, a bill to authorize

assistance for education and health care for women and children in Iraq during the reconstruction of Iraq and thereafter, to authorize assistance for the enhancement of political participation, economic empowerment, civil society, and personal security for women in Iraq, to state the sense of Congress on the preservation and protection of the human rights of women and children in Iraq, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2602

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of 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.

S. 2603

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

At the request of Mr. SMITH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2603, supra.

S. 2623

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2623, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants.

S.J. RES. 41

At the request of Mr. CAMPBELL, the names of the Senator from Nevada (Mr. REID) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S.J. Res. 41, a joint resolution commemorating the opening of the National Museum of the American Indian.

S. CON. RES. 41

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Con. Res. 41, a concurrent resolution directing Congress to enact legislation by October 2005 that provides access to comprehensive health care for all Americans.

S. CON. RES. 106

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 106, a concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

S. CON. RES. 113

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from North Carolina (Mr. EDWARDS), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. CON. RES. 124

At the request of Mr. CORZINE, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Con. Res. 124, a concurrent resolution declaring genocide in Darfur, Sudan.

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. Con. Res. 124, supra.

S. CON. RES. 126

At the request of Mr. COLEMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Con. Res. 126, a concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. Con. Res. 126, supra.

S. RES. 271

At the request of Mr. COLEMAN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 271, a resolution urging the President of the United States diplomatic corps to dissuade member states of the United Nations from supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East.

S. RES. 389

At the request of Mr. CAMPBELL, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Virginia (Mr. WARNER), the Senator from New York (Mr. SCHUMER), the Senator from Minnesota (Mr. DAYTON), the Senator from Oregon (Mr. WYDEN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

S. RES. 404

At the request of Mr. SMITH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Res. 404, a resolution designating August 9, 2004, as ''Smokey Bear's 60th Anniversary.''

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM of Florida:

S. 2685. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the Medicaid and State children's health insurance programs; to the Committee on Finance.

Mr. GRAHAM. Mr. President, I am introducing the Immigrant Children's Health Improvement Act today.

This legislation would allow States the option to once again provide Medicaid and State Children's Health Insurance Program (SCHIP) coverage to legal immigrant children and pregnant women.

Traditionally, Medicaid and SCHIP have served as vital components of our nation's health care safety net. These programs have provided coverage to over 50 million non-elderly, low-income Americans, most of them children, and have helped to dramatically reduce infant mortality and provide health care for millions of poor children whose families cannot afford the high cost of private health insurance.

However, for many low-income families that are income eligible for Medicaid and SCHIP, these safety programs are today little more than a mirage—an illusion to those who need them most. The 1996 welfare reform law arbitrarily barred states from using Federal funds to provide health coverage to low-income legal immigrants during their first 5 years in the United States.

While the goal of welfare reform was to encourage self-sufficiency in adults, the legislation unfortunately has punished children. Today, half of all legal immigrant children from families making less than 200 percent of the Federal Poverty Level are uninsured. That's over two and a half times the uninsured rate for children who are United States citizens.

In the long term, ignoring the health care needs of legal immigrant children

and pregnant women will prove more costly than providing care today. Children and pregnant women who do not have access to preventive care often use the emergency room as a first resort—an expensive treatment for conditions that could have been treated at a fraction of the cost or possibly even prevented.

The American Journal of Obstetrics and Gynecology in 2000 estimated that $1 spent on prenatal care for immigrant women saved $3 in short-term postnatal costs and $5 in longer-term costs. By spending on prevention today, we can reduce health care costs in the future.

Another result of the 1996 legislation was to push the costs of care to the States. The 20 states with the highest number of legal immigrants all used to have state-financed health care programs for legal immigrant children or pregnant women. States put these programs in place because they recognized the enormous toll the 1996 rules have taken on state budgets, when states have to provide preventable emergency-room care to thousands of uninsured legal immigrants.

But due to the recent State budget crisis, some of these states cannot now afford programs that are exclusively state-financed. In my home state of Florida, for example, new enrollment in the program has been frozen.

This amendment allows states the option to use Medicaid and SCHIP funding to cover legal immigrant children and pregnant women. Over the last 6 years, Senator CHAFEE and I, along with our colleagues in the House and Senate, have worked to restore this option and we've come very close to achieving our goal.

Last year, a 3-year restoration provision was included in the Senate-passed Medicare prescription drug bill, with 65 Members supporting it. Over 400 national, state, and local organizations have supported this legislation, including the National Governors Association, the National Conference of State Legislatures, the American Academy of Pediatrics, and numerous immigrant, ethnic, labor, health and faith-based organizations.

Despite this support, Congress has yet to enact legislation that restores health benefits to legal immigrant families.

Why?

Some Members argued it didn't belong on a Medicare bill but instead on a welfare reauthorization bill. That was one of the reasons it was dropped from the Medicare bill. But the same argument has been made when it was discussed in the context of welfare—that it is not a welfare issue, it's a health care issue.

Well, while this volleyball match continues, legal immigrant families in this country continue to work hard and pay taxes, while being denied the benefits of the system they are paying into. Meanwhile, States continue to provide as much care as they can from strapped state budgets. We need to send a clear message about our concern for uninsured children and we need to stop pretending that our federal penny-pinching is cost free to the states or to taxpayers.

Mr. President, legal immigrants pay taxes, serve in the military, and have the same social obligations as United States citizens. Legal immigrant children are, as much as citizen children, the next generation of Americans. It is important that all children start off on the right foot towards good health. This provision can help them do just that.

This legislation is offset by a custom user fee extension included in the President's budget.

I hope that we will begin consideration of this important measure before the August recess. The health and lives of many children is at stake, and there is simply no reason to delay any further.

By Mr. ENZI (for himself, Mr. GREGG, Mr. KENNEDY, Mr. DODD, Mr. ALEXANDER, Mr. JEFFORDS, Mr. SESSIONS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON):

S. 2686. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce the Carl D. Perkins Vocational and Technical Education Improvement Act of 2004. The Perkins Act is a central part of a combination of federal education and training programs that provide opportunities for lifelong learning to our workforce. The Perkins Act, together with the Workforce Investment Act, the Higher Education Act, and other federal education programs, provides the resources that are needed to help adequately prepare students of all ages for jobs in high-wage and high-skilled occupations. In this technology driven, global economy, everyone is a student who must adapt to the changing needs of their jobs and the workforce by continuing to pursue an education in their chosen field. In turn, Congress must ensure that education and training are connected to the needs of business, including small businesses, now and into the future as well.

It is my hope that this body will take the necessary action to reauthorize the Carl D. Perkins Vocational and Technical Education Act. The Act is an essential part of a combination of federal education and training programs that will strengthen our workforce and enable America to compete—and succeed—in the global economy.

At a hearing held on June 24, 2004, before the Health, Education, Labor and Pensions Committee, members heard testimonies from leaders in career and technical training emphasizing the importance of constant training, retraining and upgrading of the skills today's jobs require. Many students leaving high school or college and entering the workforce find that they are unprepared for life because they lack the skills they need to succeed in the workforce. This country created over 1 million new jobs since January. That's great news. Unfortunately, the complaint heard from employers is that there are too few skilled workers to meet their needs. We have a strong interest in making sure this is corrected. The Perkins Act, along with the Higher Education and Workforce Investment Act would provide both strong academic and relevant job skill training to promote and sustain the long-term competitiveness of this country.

A unique aspect of the Perkins program that addresses the needs of the changing workforce is that it targets funds to both secondary and postsecondary schools. This unique aspect also provides a good platform from which we can better coordinate workforce preparation policy and training with an emphasis on lifelong learning. It is essential to facilitate a sequence of career or technical education courses that a student can complete before they even get to college, and that they can continue at the postsecondary level, whenever they decide to go on. Dr. Michael Rush, the Idaho Division of Professional-Technical Education, Boise, ID, Administrator, used the example of student Chelsie Lea Marier in his testimony to stress this point. He said Chelsie took professional-technical classes in welding, auto technology, mechanics and power technology at her home high school, Meridian High. As a high school senior, she enrolled in an automotive collision repair program at the Dehryl Dennis Technology Center. During this time, Chelsie took advanced placement academic classes and was President of her Skills-USA chapter. She is now enrolled in the auto body program at the College of Southern Idaho, and she intends to continue her education and become an auto collision forensics investigator. She is an excellent example of how linking academic and technical skills attainment can lead to success in the workforce.

In order to strengthen schools programs at both the secondary and postsecondary level that meet local workforce needs, provisions in the Perkins Act must include the participation of business, including small business. In my home state of Wyoming, a career and technical education instructor by the name of Ted Schroeder is doing a lot of what I've just described. He has met with the local Chamber of Commerce in Rock Springs, WY, to identify workforce needs and matched his programs with industry standards to meet those needs. When the local business community suggested they needed students with computerized accounting skills, he took on the task of designing curriculum to help his students acquire the skills the businesses had requested. His efforts are a good example of what

Perkins funds are intended to accomplish. It is my hope that we can increase the successes of the Perkins program, just like Ted has done in the community of Rock Springs.

I'm pleased to have worked with the Members of the Committee and stakeholders on a bipartisan bill that will improve the Perkins Act to better meet the needs of students, workers, and business. The legislation I am introducing today, with my colleagues Senators GREGG, KENNEDY, ALEXANDER, DODD, JEFFORDS, BINGAMAN, MURRAY, SESSIONS, REED and CLINTON, will help strengthen the Perkins program by improving accountability, involving businesses in career and technical education programs, emphasizing challenging academic instruction, and advancing the field of career and technical education by linking those programs to advances in industry.

This legislation would also encourage greater collaboration between state agencies responsible for education and workforce activities. This legislation requires state agencies to work together on identifying the needs of the workforce and designing curriculum to match those needs. It also emphasizes the needs of nontraditional students and other lifelong learners, who are returning to school for the first time, or those who are seeking additional skill training.

This legislation also continues to emphasize the need to introduce women and girls to high skill, high wage jobs. It is important that we help expand the vision of our students to ensure they consider all the options that are available to them, not just the ones that fit general, and sometimes erroneous, conceptions.

I hope our bipartisan efforts will continue to produce results as we move the bill through the Senate and into Conference. I do not wish to see another piece of bipartisan legislation lost in the legislative limbo of election year politics. An important step that the Senate must take is to appoint conferees to finish the reauthorization of the Workforce Investment Act. That program offers the resources that are needed to help adequately prepare more than 900,000 unemployed workers find work each year. It passed the Senate unanimously, both in Committee and the floor. Conferees must now be appointed before the August recess. It we are going to help workers in this country, we must send this important legislation to Conference so that it will ultimately reach the President and be signed into law.

I cannot stress enough the importance of federal initiatives like the Carl D. Perkins Vocational and Technical Education Act and the Workforce Investment Act to keep American workers and businesses competitive. The Perkins Act can help close the gap that threatens America's long-term competitiveness. It is essential that we take advantage of the opportunity we have during this reauthorization process to improve the link between education and relevant academic and skills preparation. By so doing, we will create a pathway to prosperity for American workers and businesses alike, that both will make good use of for years to come.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues, Senators GREGG, ENZI, DODD, JEFFORDS, BINGAMAN, MURRAY, REED and CLINTON in introducing the bipartisan reauthorization of the Carl Perkins Vocational Education Act. We have worked closely with leaders of the secondary and post-secondary vocational education community to make important improvements in this important program in current law. Among the key issues we addressed are the more effective integration of academic and technical education, the use of funds for secondary and post-secondary programs, the Tech Prep Programs that form the bridge between the high school and college training programs, and the need for students to have access to good information about emerging and existing job opportunities in high-wage, high-skill and high-demand careers.

Since passage of the original Smith-Hughes Act in 1917, the Federal Government has recognized the importance of good preparation for technical occupations. Over the years, we have made a series of revisions in the law to reflect the growing importance of combining academic learning with technical skill learning in order to meet the changing needs of American business and industry.

This bill is an example of how we can work well together when we focus on good policy. I look forward to action on this bill in our Labor Committee before the recess, and to its enactment into law this year.

By Mr. HARKIN:

S. 2687. A bill to provide coverage under the Railway Labor Act to employees of certain air and surface transportation entities; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am introducing a bill that will help ensure that employees of ''express carrier'' delivery companies are treated like employees who perform the same duties for other delivery, companies when it comes to Federal labor law jurisdiction.

Over the years, there have been many advances made in the way citizens and businesses ship goods from city to city. Numerous air-carrier and cargo services make the delivery of goods speedy, reliable and affordable. Truck, air and rail delivery networks are in place across the country. These operations employ large workforces that perform various types of work in a range of conditions.

Some of the leading delivery companies appear to have similar organizational structure and clientele. But there is a disparity in the terms and conditions of their workers' employment. Some of the companies provide full- and part-time workers with good wages and benefits, including medical plans, dental coverage and paid vacation time. Others take a lower road, in part by using independent contractors and anti-union campaigns.

Unfortunately, Federal law facilitates this difference. It ensures that all of the workers at one of the largest companies which delivers by air are covered by the Railway Labor Act (RLA), even when those workers do the same jobs as employees at other delivery companies who are covered by the National Labor Relations Act (NLRA). What is the difference? Under the NLRA, workers can act locally in seeking to organize and bargain collectively. Under the RLA, workers must organize nationally, an enormous challenge in today's labor environment.

Congress created the concept of an ''express carrier'' in 1996, putting all the employees of one large company under RLA jurisdiction, regardless of individual employees' relation to air transportation. That means those workers cannot organize a union chapter locally, weakening their opportunity to bargain for better wages, benefits and workplace conditions.

This bill provides that employees of an express carrier will be governed under the RLA only if they are licensed airmen, aircraft maintenance technicians or aircraft dispatchers. That is consistent with the treatment of other delivery companies' workers.

The bill delivers fairness to responsible employers trying to do the right thing for workers while remaining competitive. It seeks to raise living standards, not encourage a race to the bottom. Workers can decide for themselves whether or not to collectively bargain, but in all businesses similarly situated, workers should be regulated the same.

Let's deliver fairness to those who deliver for us.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Monday, July 19, 2004, at 2:30 p.m., to consider the nominations of Neil McPhie to be Chairman, Merit Systems Protection Board, and Barbara J. Sapin to be Member, Merit Systems Protection Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee on Aging by authorized to meet Monday, July 19, 2004 from 2 p.m.–5 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Angie Williams and Romney Hogaboam, law clerks in my office, during the consideration of the nomination of William Myers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent Spencer Kiggins, James Mainord, and Anand Singh be granted floor privileges during the debate on the nomination of Mr. Myers.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE—REGISTRATION OF MASS MAILINGS

The filing date for 2004 second quarter mass mailings is Monday, July 26, 2004. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

MEASURES PLACED ON CALENDER—S. 2678 and S. 2679

Mr. ENZI. Mr. President, I understand there are two bills at the desk which are due for a second reading. I ask unanimous consent that the bills be given a second reading en bloc, and then in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings on the measures en bloc at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills en bloc.

The legislative clerk read as follows:

A bill (S. 2678) to ensure that Members of Congress do not receive better prescription drug benefits than Medicare beneficiaries.

A bill (S. 2679) to strengthen the antiterrorism investigative tools, promote information sharing, punish terrorist offenses, and for other purposes.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar.

SANTIAGO E. CAMPOS UNITED STATES COURTHOUSE

JAMES V. HANSEN UNITED STATES COURTHOUSE

WINSTON E. ARNOW UNITED STATES COURTHOUSE

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 596, 597, and 598, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 2385) to designate the United States courthouse at South Federal Place in Sante Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse.''

A bill (S. 2398) to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building.''

A bill (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.''

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. ENZI. Mr. President, I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1572) was read the third time and passed.

The bills (S. 2385 and S. 2398) were read the third time and passed, as follows:

S. 2385

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

SECTION 1. DESIGNATION OF SANTIAGO E. CAMPOS UNITED STATES COURTHOUSE.

The United States courthouse at South Federal Place in Santa Fe, New Mexico, shall be known and designated as the ''Santiago E. Campos United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Santiago E. Campos United States Courthouse''.

S. 2398

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

SECTION 1. DESIGNATION.

The Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, shall be known and designated as the ''James V. Hansen Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''James V. Hansen Federal Building''.

SERGEANT FIRST CLASS PAUL RAY SMITH POST OFFICE BUILDING

Mr. ENZI. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 4380, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4380) to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building''.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4380) was read the third time and passed.

AMENDING THE ACT OF NOVEMBER 2, 1966

Mr. ENZI. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged from further consideration of S. 2277, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2277) to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. 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 any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2277) was read the third time and passed, as follows:

S. 2277

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

SECTION 1. BINDING ARBITRATION FOR SALT RIVER PIMA-MARICOPA INDIAN RESERVATION CONTRACTS.

(a) IN GENERAL.—Section 2(c) of the Act of November 2, 1966 (25 U.S.C. 416a(c)), is amended—

(1) in the first sentence—

(A) by striking ''Any lease'' and all that follows through ''affecting land'' and inserting ''Any contract, including a lease, affecting land''; and

(B) by striking ''such lease or contract'' and inserting ''such contract''; and

(2) in the second sentence, by striking ''Such leases or contracts entered into pursuant to such Acts'' and inserting ''Such contracts''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the Indian Tribal Economic Development and Contract Encouragement Act of 2000 (Public Law 106–179).

ORDERS FOR TUESDAY, JULY 20, 2004

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 20.

I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for the transaction of morning business for statements only for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee, and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate proceed to executive session and resume consideration of Executive Calendar No. 603, the nomination of William Myers III; provided further that the time until 12:30 p.m. be equally divided for debate only between the chairman and the ranking member or their designees. I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party luncheons; provided that at 2:15 p.m. the Senate proceed to the cloture vote on the nomination, as provided under the previous order.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, I wish to express, through the Chair, to my friend from Wyoming my appreciation for waiting. I am sorry he had to wait for me to close shop tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENZI. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the nomination of William Myers III to be a U.S. Circuit Court Judge for the Ninth Circuit. Under the previous order, the Senate will vote on the motion to invoke cloture on the nomination at 2:15 p.m.

Over the next several days, it is the leader's intention to move forward with several important issues. We need to complete action with respect to the Department of Defense appropriations conference report and the conference report to accompany the Tax Relief, Simplification, and Equity Act. The House is expected to act on these items this week, and it is the leader's intention to bring them before the Senate. In addition, the Senate may act on the Morocco free trade bill and any appropriations bills which can be dispensed with in a timely manner. Therefore, Senators are encouraged to expect a busy week with rollcall votes throughout.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ENZI. Mr. President, if there is no further business to come before the Senate, I thank the Democratic whip for being here and I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Tuesday, July 20, 2004, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 19, 2004:

DEPARTMENT OF COMMERCE

MICHAEL D. GALLAGHER, OF WASHINGTON, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, VICE NANCY VICTORY, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

THEODORE WILLIAMS KASSINGER, OF MARYLAND, TO BE DEPUTY SECRETARY OF COMMERCE, VICE SAMUEL W. BODMAN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

AMTRAK

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE AMY M. ROSEN, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

JACK EDWIN MCGREGOR, OF CONNECTICUT, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE VINCENT J. SORRENTINO, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL DON T. RILEY, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642).

DEPARTMENT OF STATE

B. LYNN PASCOE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL R. LEVINSON, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE JANET REHNQUIST, RESIGNED.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

TIMOTHY D. MASTRO
STEPHEN C. REDD

To be senior surgeon

DAVID R. ARDAY
DIANE E. BENNETT
DAVID B. CANTON
LOUISA E. CHAPMAN
ISABELLA A. DANEL
KAREN M. FARIZO
JAMES R. GRAHAM
STEPHEN G. KALER
MARCEL E. SALIVE
GAIL M. STENNIES
KIM M. WILLARD-JELKS

To be surgeon

JOHN T. BROOKS
ELIZABETH C. CLARK
RODNEY W. CUNY
REUBEN GRANICH
LISA A. GROHSKOPF
PAUL T. HARVEY
DANIEL B. JERNIGAN
AMY J. KHAN
MATTHEW J. KUEHNERT
RACHEL E. LOCKER
SHARON L. LUDWIG
JEFFREY B. NEMHAUSER
LISA D. ROTZ
JEFFREY C. SALVON-HARMAN
LAURA A. TILLMAN
STEPHEN H. WATERMAN
CYNTHIA G. WHITNEY

To be senior assistant surgeon

ROXANNE Y. BARROW
MARK E. BEATTY
FELICIA L. COLLINS
SRIPARNA D. DATTA
LISA K. FITZPATRICK
IDALIA M. GONZALEZ
SHANNON L. HADER
JAMES D. HEFFELFINGER
TERRI B. HYDE
DAVID E. JOHNSON
SHERYL B. LYSS
LOIS R. NISKA
KELTON H. OLIVER
BERNARD W. PARKER
FARAH M. PARVEZ
MICHALE D. RATZLAFF
SCOTT S. SANTIBANEZ

To be dental director

GERALYN S. JOHNSON

To be senior dental surgeon

JOEL J. AIMONE
HIROFUMI NAKATSUCHI
WILLIAM V. STENBERG

To be dental surgeon

RANDOLPH A. COFFEY
MARK R. FREESE
ARLENE M. LESTER
JAMES M. SCHAEFFER

To be senior assistant dental surgeon

KENNETH S. CHO
CIELO C. DOHERTY
RONALD L. FULLER
TAMEKA D. LEWIS-BAKER
LAURA J. LUND
ROBIN G. SCHEPER
ROBERT P. SEWELL
ANTHONY VITALI
JAMES H. WEBB JR.

To be senior nurse officer

MARJORIE E. EDDINGER
ROSE A. JENKINS

To be nurse officer

ROSA J. CLARK
PHILIP JARRES
IVY L. MANNING
JOYCE A. PRINCE
DORIS L. RAYMOND
MICHAEL L. ROBINSON

To be senior assistant nurse officer

DIANE M. AKER
ILEANA BARRETO-PETTIT
KELLY L. BARRY
THEODORA R. BRADLEY
FRANK L. CORDOVA
WILLIAM F. COYNER
DERWENT O. DANIEL
BELINDA E. DEAN
JENNY DOAN
DEANNA M. GEPHART
JOHN S. HARTFORD
ERIK S. HIERHOLZER
ERIC M. HOWSER
CHAD W. KORATICH
DELIA MARQUEZ-ELLIS
LISA A. MARUNYCZ
CAROLYN J. MCKEOWN
ANTONIO PALLADINO
SHELLY K. PAYNTER
THUYLE T. PHAM
PHIL B. SARGENT
DONNA K. STRONG
JUDITH B. SUTCLIFFE
AMY O. TAYLOR
NANCY L. TONE
THERESA TSOSIE-ROBLEDO
VICTORIA F. VACHON
DAWN L. WILL
ZENJA D. WOODLEY

To be assistant nurse officer

GLENN R. ARCHAMBAULT
JOYCE T. DAVIS
CHANNEL R. MANGUM
HUNG P. PHAN
MONICA D. RANKINS

To be senior engineer officer

VERNON L. TOMANEK

To be engineer officer

DANIELLE DEVONEY
KELLY B. LESEMAN
KARL R. POWERS
ARTHUR D. RONIMUS III

To be senior assistant engineer officer

KENNETH J. GRANT
DAVID E. HARVEY
DAVID E. JOHNSON
MARCUS C. MARTINEZ
ANDREW M. MELTZER
JAMIE D. NATOUR
RICK A. RIVERS
ERIC Y. SHIH
JACK S. SORUM
CHARLES H. WEIR

To be senior scientist

PAMELA L. CHING

To be scientist

LAILA H. ALI
CLEMENT J. WELSH

To be senior assistant scientist

CARMA S. AYALA

DIANA M. BENSYL
AMANDA S. BROWN
MICHAEL J. COOPER
KAREN A. HENNESSEY
DAPHNE B. MOFFETT
MEREDITH A. REYNOLDS
CYNTHIA A. STRILEY

To be sanitarian

JAN C. MANWARING

To be senior assistant sanitarian

GARY W. CARTER
JULIA E. CHERVONI
VIVIAN GARCIA
KIT C. GROSCH
WAYNE L. HALL
BRIAN E. HROCH
HARRICHAND RHAMBAROSE
DONALD B. WILLIAMS JR.

To be senior veterinary officer

YVETTE M. DAVIS
STEPHANIE R. OSTROWSKI
LOWREY L. RHODES JR.

To be veterinary officer

ESTELLA Z. JONES-MILLER

To be senior assistant veterinary officer

GREGORY L. LANGHAM

To be pharmacist director

DIANE L. FRANKENFIELD

To be senior pharmacist

SHARON K. GERSHON
GEORGE A. LYGHT
JO ANN M. SPEARMON

To be pharmacist

MICHAEL S. FORMAN
PAMELA M. SCHWEITZER
PAUL N. SHEDD
SHARON K. THOMA
ADOLPH E. VEZZA

To be senior assistant pharmacist

SEAN J. BELOUIN
SEAN K. BRADLEY
ROSALIND P. CHORAK
CARMEN C. CLELLAND
JAMES L. COBBS
THOMAS C. DURAN
JENNIFER E. FAN
CAROL A. FELDOTTO
REBECCA E. GARNER
PATRICIA N. GARVEY
EUGENE HAMPTON JR.
CLINT E. HINMAN
TOMMY E. HOREIS
KRISTINA M. JOYCE
MARIANN KOCSIS
YOON J. KONG
REY V. MARBELLO
JEEN S. MIN
DENISE A. NORMAN
LISA D. OLIVER
MARGARET A. RINCON
AMY D. RUBIN
JANE J. RUSSELL
SPENCER S. SALIS
MELISSA R. SCHWEISS
CATHERINE W. WITTE

To be assistant pharmacist

KRISTEN L. MAVES
PARAS M. PATEL
EMILY T. THAKUR

To be senior assistant dietitian

KARI R. BLASIUS
ALEXANDRA M. COSSI
CAROL A. TREAT
KIRSTEN M. WARWAR

To be senior assistant therapist

ANDRA F. BATTOCCHIO
CYNTHIA E. CARTER
FREDERICK V. LIEF
WILLIAM H. PEARCE JR.
TARRI ANN RANDALL
JEFFREY D. RICHARDSON
JOSEPH B. STRUNCE
CHRISTA L. THEMANN

To be health services officer

MALCOLM B. JOHNS
HENRY LOPEZ JR.
GUY J. MAHONEY
GEORGE J. MAJUS
NICOLE M. SMITH
LOLA R. STAPLES

To be senior assistant health services officer

JANE M. BARNES
MICHAEL A. CANDREVA
ROBERT P. CHELBERG
DAVID S. DE LA CRUZ
BETH D. FINNSON
GREGORY J. FLAITZ
ARNOLD L. HOWARD
ERICH KLEINSCHMIDT
AUDREY G. LUM
MARSHA R. MCCRIMMON
DANIEL H. REED
RUBEN T. SABATER
DAVID C. STATEN JR.
MICHAEL D. WEAHKEE

To be assistant health services officer

MICHELLE M. BLETH
CARRIE L. EARNHEART
CHERYL L. FAJARDO
RYAN D. HILL
DAVID J. LUSCHE
ANTHONY A. WALKER

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JACQUELINE BELL, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

ZAC T. BAO, OF FLORIDA
GEORGE H. BUZBY, OF FLORIDA
THOMAS L. MCCLANAHAN, OF COLORADO
JOHN P. NICHOLSON, OF FLORIDA
JOHN D. VERNON, OF VIRGINIA
TERRY G. YOUNGBLOOD, OF TEXAS

DEPARTMENT OF COMMERCE

CHRISTOPHER R. QUINLIVAN, OF WASHINGTON

DEPARTMENT OF STATE

KATELYN CHOE, OF FLORIDA
LYNN M. FERENC, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ALICIA P. ALLISON, OF THE DISTRICT OF COLUMBIA
JOSEPH RAY BABB, OF CALIFORNIA
JULIANA KINAL BALLARD, OF THE DISTRICT OF COLUMBIA
DANA LYNN BANKS, OF PENNSYLVANIA
ALEXANDER LUCIAN BARRASSO, OF THE DISTRICT OF COLUMBIA
ROIS MEGHAN BEAL, OF GEORGIA
SCOTT A. BLOMQUIST, OF FLORIDA
TOMEKAH L. BURL, OF ARKANSAS
YAN CHANG, OF GEORGIA
JOHN REID CROSBY, OF TEXAS
MARY EILEEN DASCHBACH, OF NEW HAMPSHIRE
GENE J. DEL BIANCO, OF MASSACHUSETTS
BRADLEY RICHARD EVANS, OF TEXAS
FIONA SCHOLAND EVANS, OF TEXAS
DAN O. FULWILER, OF WASHINGTON
ANN ELISE GABRIELSON, OF MINNESOTA
MICHELLE MARIE GIDASPOVA, OF NEW YORK
DAVID LINDGREN GEHRENBECK, OF RHODE ISLAND
STEPHEN P. GOLDRUP, OF CALIFORNIA
JOHN GORKOWSKI, OF VIRGINIA
CHRISTOPHER LEE GREEN, OF TEXAS
DANIEL O'CONNELL HAMILTON, OF MISSOURI
PATRICK N. HANISH, OF WASHINGTON
MARGARET REIKO HARTLEY, OF CALIFORNIA
IDA EVE HECKENBACH, OF LOUISIANA
JANELLE S. HIRONIMUS, OF CALIFORNIA
JOEY ROBERT HOOD, OF NEW HAMPSHIRE
PATRICK WYNTERS HORNBUCKLE, OF NEW YORK
DARRAGH JONES, OF OREGON
DENNIS T.P. KEENE, OF FLORIDA
ROBERT L. KINGMAN, OF WASHINGTON
LAURA HOPE KIRKPATRICK, OF VIRGINIA
JAMES GORDON LAND, OF FLORIDA
KAMAL IMHOTEP LATHAM, OF NEW YORK
CLAIRE LE CLAIRE, OF MINNESOTA
JASON ROSS MACK, OF NEW YORK
BETTINA ANNE MALONE, OF VIRGINIA
TYLER L. MASON, OF NEW YORK
GREGORY CHARLES MAY, OF TEXAS
KARA CHERISE MCDONALD, OF VIRGINIA
JOHN W. MCINTYRE, OF MISSOURI
EMILY ANN MESTETSKY, OF NEW JERSEY
SHANTE J. MOORE, OF MICHIGAN
CARLA J. MUDGETT, OF VERMONT
ADRIENNE B. NUTZMAN, OF TEXAS
NICHOLAS PAPP III, OF FLORIDA
SUSAN PARKER-BURNS, OF MASSACHUSETTS
JONATHAN P. POST, OF CALIFORNIA
GABRIELLE M. PRICE, OF PENNSYLVANIA
MARCO GLEN PROUTY, OF WASHINGTON
DANIEL J. RICCI, OF CALIFORNIA
JOHN G. ROBINSON, OF MISSISSIPPI
PETER A. SCHROEDER, OF WASHINGTON
MARC LONDON SHAW, OF MISSOURI
ANDREW KENNETH SHERR, OF COLORADO
JEFFERSON DAVID SMITH, OF TEXAS
TIMOTHY LYLE SMITH, OF MICHIGAN
TIMOTHY M. STANDAERT, OF FLORIDA
DANIEL ALEXANDER STEWART, OF VIRGINIA
TOM S. TARGOS, OF WISCONSIN
TIMOTHY P. TRENKLE, OF KANSAS
JOSEPH FINCH TRIMBLE JR., OF TEXAS
DAVID NATHANIEL GARTLAND WHITING, OF SOUTH DAKOTA
DANA RENEE WILLIAMS, OF TEXAS
MICHELLE ELIZABETH WOLLAM, OF CALIFORNIA
EBONI YORK, OF MICHIGAN

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

GEOFFREY S. BOGART, OF CALIFORNIA
VAL E. HUSTON, OF INDIANA
JUSTIN D. MYLROIE, OF WASHINGTON
CHRISTOPHER D. WOOSLEY, OF VIRGINIA

DEPARTMENT OF STATE

JASON ANDREW ABELL, OF ILLINOIS
ANGELA C. ALEXANDER, OF VIRGINIA
ANTHONY ALEXANDER, OF CALIFORNIA
CHRISTOPHER C. ALLISON, OF MISSOURI
FARIS Y. ASAD, OF OHIO
BENJAMIN S. BAILEY, OF WASHINGTON
ANNE ELIZABETH BAKER, OF PENNSYLVANIA
ERIN C. BARCUS, OF MARYLAND
ALISTAIR C. BASKEY, OF THE DISTRICT OF COLUMBIA
MATTHEW HAROLD BLONG, OF MARYLAND
SCOTT CHARLES BOLZ, OF WASHINGTON
PAULINE N. BORDERIES, OF VIRGINIA
JENNIFER F. BOSWORTH, OF THE DISTRICT OF COLUMBIA
RYAN E. BOWLES, OF MINNESOTA
TOBIAS ALYN BRADFORD, OF TEXAS
ROBIN S. BROOKS, OF COLORADO
JUSTIN PATRICK BROWN, OF CALIFORNIA
TIMOTHY PATRICK BUCKLEY, OF NEW YORK
TODD A. CAMPBELL, OF ILLINOIS
CHERYL BARNES CARSON, OF VIRGINIA
CHRISTOPHER JAMES CHAISSON, OF VIRGINIA
MIN CHANG, OF CALIFORNIA
ALICE RUTH CHU, OF VIRGINIA
THEODORE H. CLARK, OF VIRGINIA
ELISE C. COCKE, OF THE DISTRICT OF COLUMBIA
JOHN D. CULP, OF VIRGINIA
KIM D'AURIA-VAZIRA, OF CALIFORNIA
MARK G. DAVENPORT, OF VIRGINIA
ERFANA S. DAR, OF WASHINGTON
TIMMY T. DAVIS, OF MISSISSIPPI
GREGORY W. DEPUTY, OF VIRGINIA
DAVID DOLAHER, OF VIRGINIA
ANDREA SUSANA MARTINEZ DONNALLY, OF TEXAS
JED TARO DORNBURG, OF THE DISTRICT OF COLUMBIA
JULIE A. EADEH, OF MICHIGAN
MICHAEL G. EDWARDS, OF WASHINGTON
RICHARD J. FAILLACE, OF NEW JERSEY
MAHA GAMAL FARID, OF THE DISTRICT OF COLUMBIA
SITA M. FARRELL, OF VIRGINIA
YURIY R. FEDKIW, OF OHIO
JULIA C. FENDRICK, OF MARYLAND
MARY ANN FREEMAN, OF CALIFORNIA
ENRIQUE RODRIGO GALLEGO, OF ILLINOIS
JULIE C. GIBSON, OF VIRGINIA
ALEXANDER PAUL GOGULSKI, OF VIRGINIA
MATTHEW B. GOLDEN, OF CALIFORNIA
LYNNETTE LYNN GORDON, OF TEXAS
JOHN HARRISON GREGG, OF ALABAMA
LINDA A. GREGUS, OF VIRGINIA
JOHN ARTHUR HAID, OF VIRGINIA
MATTHEW S. HAND, OF VIRGINIA
ALEXANDER KEITH HARDIN, OF OHIO
GAYLE R. HARNEST, OF VIRGINIA
ANBEREEN HASAN, OF VIRGINIA
PRISCILLA ANN HERNANDEZ, OF TEXAS
TRACY E. HILL, OF THE DISTRICT OF COLUMBIA
JULIUS E. HOFFMAN JR., OF THE DISTRICT OF COLUMBIA
MICHAEL JOHN HOUGAARD, OF VIRGINIA
KEVIN E. HULBERT, OF THE DISTRICT OF COLUMBIA
AARON L. HUMMELDORF, OF VIRGINIA
JERRY ISMAIL, OF NEW YORK
ROBERT A. IVEY, OF VIRGINIA
JOSEPH SAMUEL JACANIN, OF VIRGINIA
DAYLE REBECCA JOHNS, OF TEXAS
MATTHEW P. JOHNSON, OF VIRGINIA
TODD M. KATSCHKE, OF THE DISTRICT OF COLUMBIA
PAMELA R. KAZI, OF MINNESOTA
CHARLES J. KELLY, OF VIRGINIA
STEPHEN GYULA KOVACSICS, OF FLORIDA
ERIC J. KRAMP, OF FLORIDA
COBY DAWNE LASTUKA, OF WASHINGTON
THADDEUS C. LAW, OF VIRGINIA
JEFFREY MICHAEL LOREE, OF THE DISTRICT OF COLUMBIA
ADHAM ZIBAS LOUTFI, OF CALIFORNIA
KATHERINE M. F. LOWNDES, OF VIRGINIA
ROSE A. MANOR, OF VIRGINIA
JOHN A. MARCINEK, OF VIRGINIA
MICHAEL H. MARGOLIES, OF LOUISIANA
ANN L. MASON, OF MICHIGAN
JOSIAH D. MAYNE, OF VIRGINIA
JOHN WILLIAM MCCLURE, OF VIRGINIA
JAMES P. MCDONALD, OF MASSACHUSETTS
BERNADETTE M. MEEHAN, OF NEW YORK
LAURA P. MERKLE, OF VIRGINIA
GREGORY C. MORRIS, OF VIRGINIA
JAMES M. MORRIS, OF MASSACHUSETTS
HEATHER MULVENNA, OF VIRGINIA
JUNAID MUNIR, OF MICHIGAN
FAHEZ A. NADI, OF NEW YORK
DAVID C. NG, OF ARIZONA
SADIA NIAZI, OF VIRGINIA
MARLENE E. OLSEN, OF FLORIDA

TREVOR R. OLSON, OF IDAHO
ADAM PACKER, OF THE DISTRICT OF COLUMBIA
CHRISTINE D. PARKER, OF ILLINOIS
VANESSA M. PAULOS, OF TEXAS
DEXTER C. PAYNE, OF VIRGINIA
ELIZABETH LYNNE PERRY, OF MASSACHUSETTS
MICHAEL E. PIGNATELLO, OF NEVADA
MATTHEW P. POLITTE, OF VIRGINIA
MAURICIO H. PUERTO, OF VIRGINIA
HELAENA W. RATHORE, OF TENNESSEE
NAZIMA H. RAZICK, OF VIRGINIA
KELSEY THOMAS RIDEOUT, OF VIRGINIA
RYAN J. ROBERTS, OF TEXAS
JEFF ROTERING, OF KANSAS
LENORE MARIE SANTONE, OF VIRGINIA
JULIE MICHELLE SCHOHN, OF NORTH CAROLINA
MAHVASH SIDDIQUI, OF CALIFORNIA
DANIEL E. SLAVEN, OF TEXAS
PATRICK T. SLOWINSKI, OF UTAH
ALYSSA SMITH, OF THE DISTRICT OF COLUMBIA
WILLIAM H. STEELE JR., OF FLORIDA
WILLIAM B. STEVENS, OF VIRGINIA
BRIAN K. STIMMLER, OF NEW JERSEY
AMY L. STORROW, OF TEXAS
RACHEL ELIZABETH SUBLER, OF VIRGINIA
KARAN ELIZABETH SWANER, OF VIRGINIA
B. RICHARD SWITZER, OF VIRGINIA
DMITRI TARAKHOVSKY, OF MICHIGAN
SHAWN HARRIS TRIBE, OF CALIFORNIA
KAREN K. TSAI, OF NEW YORK
FRANK F. TU, OF CALIFORNIA
DILLON R. TWOMBLY, OF VIRGINIA
KEVIN D. VAIL, OF VIRGINIA
KEVIN A. VAILLANCOURT, OF VIRGINIA
PERRY M. VENTURINI, OF VIRGINIA
SCOTT LEE WHITMORE, OF MASSACHUSETTS
BRENDAN R. WHITWORTH, OF VIRGINIA
PATRICK C. WILLIAMS III, OF WEST VIRGINIA
MAMIE WILLIS, OF VIRGINIA
WOODS, JODY L., OF VIRGINIA
ELIZABETH L. WOUDENBERG, OF MARYLAND
CARSON H. WU, OF MICHIGAN
BAIMBA M. YILLA, OF VIRGINIA
MICHAEL H. YOUNG, OF CALIFORNIA
ALEXANDER YUAN, OF NEW YORK
JIM ZIX, OF OREGON

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 19, 2004, withdrawing from further Senate consideration the following nomination:

ALBERT CASEY, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2009, WHICH WAS SENT TO THE SENATE ON JANUARY 21, 2004.

EXTENSIONS OF REMARKS

FEDERAL WETLANDS JURISDICTION ACT OF 2004

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 2004

Mr. BAKER. Mr. Speaker, today I am introducing the Federal Wetlands Jurisdiction Act of 2004. Joining me in cosponsoring this important legislation are the Chairman of the House Transportation and Infrastructure Committee DON YOUNG, Chairman of the House Transportation and Infrastructure Subcommittee on Water Resources and the Environment JOHN DUNCAN, former Energy and Commerce Committee Chairman BILLY TAUZIN, Western States Caucus Chairman CHRIS CANNON, and fellow conservationist Congressmen MARION BERRY, ROB BISHOP, BUTCH OTTER, JOHN DOOLITTLE, RANDY FORBES, and DOUG OSE.

The legislation my colleagues and I are introducing today does two things. First, the legislation clearly defines the areas over which the Federal government has jurisdiction as ''wetlands'' or ''waters of the United States'' under Section 404 of the Clean Water Act of 1977. Second, the legislation concentrates the implementation of the Section 404 ''wetlands'' permitting program in one Federal agency: the U.S. Army Corps of Engineers. The legislation does not affect any part of the Clean Water Act other than Section 404.

On January 9, 2001, the Supreme Court in Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers held that the Clean Water Act does not provide the Federal government jurisdiction over areas known as ''isolated wetlands.'' The Supreme Court case dealt with an area that was found to be jurisdictional to the Section 404 program under an Environmental Protection Agency and U.S. Army Corps of Engineers interpretation of the Act known as the ''migratory bird rule.'' The ''migratory bird rule'' made jurisdictional to the Section 404 program any wetland that migratory birds could inhabit. The Supreme Court found that this interpretation was beyond the bounds of the Act. However, the Supreme Court was not specific concerning the exact areas that are ''isolated wetlands.''

The uncertainty about the jurisdiction of the Section 404 program that resulted from the SWANCC decision has not been resolved by interpretive rulings by the Environmental Protection Agency and the U.S. Army Corps of Engineers. Applications of SWANCC by the Corps and the EPA in determinations of Section 404 jurisdiction have resulted in a range of judicial decisions that are not consistent across the Nation. The resulting uncertainty is causing difficulty for my constituents and I am sure for the constituents of many Members of this House.

In fact, it is not impractical to say that there are literally hundreds of agency interpretations of SWANCC's impact because the Corps and EPA have essentially allowed individual personnel to make their own judgments on a case-by-case basis. Could you imagine the speed limit being set by individual police officers on a case-by-case basis?

I believe that Congress must end this uncertainty by stating as clearly as possible the areas that we intend to be jurisdictional to the Section 404 program of the Clean Water Act. While the SWANCC decision involved a Section 404 matter, the judicial decision can be interpreted to apply to the entire Clean Water Act. The legislation my colleagues and I are introducing today, however, only applies to Section 404 of the Clean Water Act. Indeed, there may be sound policy reasons to have different jurisdictional limits for other sections of the Act.

The legislation that I am introducing today provides Federal Section 404 jurisdiction over the territorial seas, traditionally navigable waters, tributaries that flow into traditionally navigable waters and the wetlands adjacent to these waters. Excluded from jurisdiction are man made connectors, such as ditches and underground culverts, and the wetlands connected thereto. The legislation also makes clear that the Section 404 program does not apply to so-called ''ephemeral streams'' or underground water. Finally, the legislation provides a mechanism by which landowners expeditiously can obtain a determination of whether wetlands areas on their property are within the jurisdiction of the Section 404 program.

Mr. Speaker, this legislation will exclude from areas of Federal jurisdiction areas that Congress clearly never intended to be jurisdictional to the federal government. For example, on March 30, 2004, one of my constituents testified about this problem at an oversight hearing of the Water Resources and Environment Subcommittee of the Transportation and Infrastructure Committee. On his land were some puddles of water, which is very typical of our part of the country. A tractor had driven through one of the puddles on a rainy day and down to and through a small drainage ditch on the property. Because the tractor left a rut that filled up with water from the puddle down to the stream, Corps field officials asserted jurisdiction over the puddles. The only connection between these puddles, which I believe are true ''isolated wetlands,'' and the small drainage ditch was this man-made rut accidentally left behind by the tractor. Surely, Mr. Speaker, my colleagues will agree with me that Congress never intended to assert Federal jurisdiction over such areas of land. This legislation will exclude these areas from Federal jurisdiction.

I believe that the definition of jurisdiction contained in this legislation is consistent with the SWANCC decision, the intent of Congress in enacting Section 404 of the Clean Water Act and the traditional division of jurisdiction between the Federal government and the States and local governments.

This legislation also addresses a problem that has confounded my constituents since the original enactment of the Section 404 program in the Federal Water Pollution Control Act of 1972. When the Section 404 program was enacted, there was a disagreement between the House and Senate regarding whether the newly created Environmental Protection Agency or the U.S. Army Corps of Engineers should have jurisdiction over the program. The conferees settled this disagreement by giving both agencies jurisdiction over the program. The result for my constituents often has been chaos. The U.S. Army Corps of Engineers implements the Section 404 program, but must also apply rules adopted by the Environmental Protection Agency; the Corps of Engineers makes jurisdictional determinations in the field, but the EPA, under a 1979 Attorney General's Opinion, has final say in this area; and, finally, the EPA can veto a decision by the Corps of Engineers to issue a Section 404 permit. No other Federal regulatory program that I know of is implemented by two Federal agencies. My legislation resolves this inherent conflict by placing responsibility for the implementation of the Section 404 program solely in the hands of the U.S. Army Corps of Engineers, which I believe has incomparable expertise in wetlands management.

Mr. Speaker, the Federal Section 404 wetlands permitting program is a very controversial program. In general, Americans want to see wetlands preserved. However, this general objective hits close to home when the wetlands in question are on privately owned property—as are 75 percent of the Federal jurisdictional wetlands. The Section 404 program can prevent or severely restrict the private use of privately owned property. Unfortunately, many of my constituents face these consequences under the Section 404 program.

Mr. Speaker, the very least we can do for the citizens of this Nation is to define clearly those areas that are subject to the jurisdiction of this regulatory program and to designate one Federal agency to implement the program. The legislation that I am introducing today does just that and no more than that. I believe, also, that our bill is pro-environment because it will diminish the number of individual landowners who unknowingly disturb or destroy wetlands. If a constituent knows ahead of time that a parcel of land is a wetland, they will refrain from buying it or developing it. Isn't precaution an effective medicine? I believe it is, and I believe this bill is the right prescription. I encourage my colleagues to support this legislation and ensure its timely enactment.

ABA CONFERS HIGHEST HONOR ON THE REVEREND ROBERT F. DRINAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, I am very proud to serve in this House as the

successor to one of its most distinguished former Members, the Reverend Robert F. Drinan, who represented the Fourth District of Massachusetts from 1970 to 1980. Father Drinan came to Congress after a very distinguished career as a legal scholar and administrator, having served with enormous distinction as Dean of the Law School at Boston College. For 10 years he played a leadership role in this body on a wide range of issues, significantly enriching the deliberations of the House with his vigorous intellect and strong commitment to the public interest.

Upon leaving Congress in 1981, he resumed his academic career and has for more than 20 years continued to make extraordinary moral and intellectual contributions to the law. To take just one example, no one in the world has done more to advance the cause of international human rights—defending basic human rights without regard to the ideology of those would deny them—than Father Drinan, both as a Member of Congress and subsequently.

In recognition of his extraordinary career—which still goes forward—the American Bar Association will present its highest honor to him on August 9 at the ABA Annual Meeting in Atlanta. As ABA President Dennis Archer said in announcing the decision to award the ABA medal to Father Drinan, "By his standards of leadership, he contributes to the luster and dignity of our award."

Mr. Speaker, the American Bar Association in explaining its decision to confer this award on a man who "has demonstrated to lawyers what it means to be committed to public service and to countless law students what is embodied in the highest dedication to ethical, moral legal practice" gives a summary description of his extraordinarily productive career. I ask that this announcement by the American Bar Association be printed here.

ABA CONFERS HIGHEST HONOR ON FORMER CONGRESSMAN, THE REV. ROBERT F. DRINAN, GEORGETOWN LAW PROFESSOR

CHICAGO, June 28, 2004.—The American Bar Association today announced it will present the 2004 ABA Medal, the association's highest honor, to the Rev. Robert F. Drinan, S.J., a former congressman, law school dean, ethicist and human rights activist.

ABA President Dennis W. Archer will present the medal at 11:30 a.m. Aug. 9 during the opening session of the association's House of Delegates during the 2004 ABA Annual Meeting in Atlanta.

"In an amazing career that has spanned more than half a century, Father Drinan has never faltered in his extraordinary humanitarian efforts and support for justice under the law. He has demonstrated to lawyers what it means to be committed to public service and to countless law students what is embodied in the highest dedication to ethical, moral legal practice. By his standards of leadership, he contributes to the luster and dignity of our award," said Archer in announcing the selection.

The ABA medal recognizes exceptionally distinguished service to the cause of American jurisprudence.

In nominating Drinan, admirers described him as "an eloquent and effective advocate for the most downtrodden in society," someone "active in so many areas of the law and human rights that there is not enough space to catalog them," and such a "towering figure in the academic, professional, clerical and public service fields" that he "is the stuff of which legends are made." They noted the ABA Section of Individual Rights and Responsibilities created the Robert F. Drinan Distinguished Service Award in 2001, recognizing his leadership in protecting and advancing human rights, civil liberties and social justice.

Drinan represented the Fourth District of Massachusetts in the U.S. House of Representatives from 1971 to 1981, and was a member of House committees on the Judiciary, Internal Security, and Government Operations and of the House Select Committee on Aging. He chaired the Subcommittee on Criminal Justice of the House Judiciary Committee, and was a member of the Executive Committee of the Democratic Study Group of the Environmental Study Conference and the Steering Committee of Members of Congress for Peace Through Law. As a congressman, he traveled in congressional delegations and on human rights missions around the world, and he has subsequently served as an election observer in Armenia and Panama.

Drinan has been a professor at Georgetown University Law Center since 1981. He began teaching at Boston College Law School, where he became a professor in 1966 and also served as dean. He has been a visiting professor or guest lecturer at universities and law schools internationally and across the U.S.

He is a prolific author, and his eleventh book, "Can God and Caesar Coexist Balancing Religious Freedom and International Law," is due to be published in August by Yale University Press. His previous books all have dealt with major public policy issues. He is the recipient of 21 honorary doctoral degrees.

In the ABA, Drinan is among a very few people ever to serve as chair of two distinct substantive legal sections: the Section of Family Law in 1966–67 and the Section of Individual Rights and Responsibilities in 1990–91. He also is a past chair of the association's Standing Committee on Professionalism and Standing Committee on World Order Under Law, and a former member of the association's policy-making House of Delegates.

In other law-related organizations, he has been vice president of the Massachusetts Bar Association and chair of its Committee on the Administration of Justice, chair of the Boston Bar Association Committee on Family Law, chair of the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights, and a member of the National Executive Committee of the American Judicature Society and of the Executive Committee of the Association of American Law Schools.

Drinan's public service has taken him to leadership roles in many other organizations. He is a member of the National Governing Board for Common Cause and the National Council for the Lawyers Committee for Human Rights, and the Board of Directors of People for the American Way, and a past president of Americans for Democratic Action.

He was a founder and member of the Board of Directors of the Lawyers Alliance for Nuclear Arms Control, and a member of the boards of directors for Bread for the World, the Council for a Livable World Educational Fund and the NAACP Legal Defense and Educational Fund, Inc., and an advisor to the U.S. Holocaust Memorial Commission.

He served on the Advisory Committee to the U.S. National Archives and the Advisory Board of the Union of Councils for Soviet Jews. He was vice chairman of the National Advisory Council for the American Civil Liberties Union and is a member of the Helsinki Watch Committee.

Drinan chaired the International Committee for the Release of Anatoly Scharansky and Peace PAC, is a fellow of the American Academy of Arts and Sciences and the American Bar Foundation, and was a founder of the National Interreligious Task Force on Soviet Jewry. He is a past board member of the National Board of Trustees of the National Conference of Christians and Jews and a member of the American Law Institute.

With more than 400,000 members, the American Bar Association is the largest voluntary professional membership organization in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law in a democratic society.

PERSONAL EXPLANATION

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. MURTHA. Mr. Speaker, on July 15, 2004, on rollcall No. 378 regarding H. Res. 713, I inadvertently voted "yea" but meant to vote "nay."

Similarly, on rollcall No. 379 regarding H. Con. Res. 462, I inadvertently voted "yea" but meant to vote "nay."

DEPLORING MISUSE OF INTERNATIONAL COURT OF JUSTICE BY UNITED NATIONS GENERAL ASSEMBLY FOR POLITICAL PURPOSE

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this resolution, and I would like to elaborate upon the important issues that are involved in securing Israel and peace in the Middle East.

As a strong supporter of Israel, I believe that Israel has every right to defend itself and that a security fence is an understandable response to three years of terrible suicide bombings and other attacks that Israeli citizens have suffered through.

I also believe it was unfortunate that the issue of the fence was brought to the International Court of Justice at all. But the issue was brought to the ICJ, and the ICJ has now made its non-binding ruling. I am disappointed and puzzled that the opinion of the court does not seem to recognize very real Israeli security concerns. Nor does it tell us how Israel or any other state is supposed to defend itself from non-state threats.

But I'm not certain that passing this resolution today will help to advance the cause of peace. And advancing the cause of peace would go a long way toward restoring our credibility in that part of the world where we need it most. To advance the cause of peace, the resolution might have mentioned the thousands of Palestinians who have also died in the violence of the last three years. To advance the cause of peace, the resolution

might have mentioned that both parties have obligations under the Road Map.

Mr. Speaker, I am suggesting merely that balance is valuable, and that it makes sense to seek points of commonality instead of to focus on those that drive us apart. I hope that the Administration can look beyond the ICJ ruling to pursue more vigorously the peace process that has stalled for too long.

HONORING JOHN BAKER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. FARR. Mr. Speaker, history reminds us of people who made a difference, who used their talent to change things. John Baker is one of those rare persons whose life has made a difference.

I first met John Baker as his classmate entering Williamette University in Salem, Oregon. We both joined the Sigma Chi Fraternity together. We studied science, religion, and history together. We played intramural sports and campus politics together.

John was always special. I think he was the first person I met who constructively was questioning authority—asking, "why not?" whenever someone was treated unfairly he spoke up for them. When the Civil Rights movement began in the South, John made sure the injustice being done was brought to the attention of the Northwest. He was always the first to rise to the cause—in many cases began the cause—to fight evil.

John's career brought him to the ministry to use it as a means of educating parishioners to the wrongs in society.

To the farmers, he brought the issues of farm workers. To the warriors, he brought the sorrow of death and destruction of the families and their enemies. To the small, friendly and secure rural towns of California, he brought the hatred and prejudice of the towns in the South. John was always a teacher, a prophet, a motivator for justice. Truly a religious leader.

That was not enough. He moved to education and a larger audience. He became a counselor of students and rose to statewide recognition in his field.

John was always pushing—pushing people to think about options, to change their lives to do better. He didn't just influence the students, he had an impact on his peers as well. He pushed his community to participate in the electoral process. He didn't just preach, he also practiced his compassion.

He was one of the first during the Vietnam War to adopt Vietnamese orphans. He didn't just tell people to vote for change, he ran for public office and got elected to the City Council.

John practices what he preaches—and he preaches what he practices. His special style makes him an ideal counselor fitting ones passions with ones work.

Public institutions will miss him because he makes those institutions do better. Teachers and students will miss him because he is the best of both. His friends will miss him because he makes friendship mean a lifetime of support. I'll miss him because he pushed me to push others. My public service as an elected county supervisor, state legislator, and now congressman, was made possible by John Baker's support and belief that ordinary people can rise to opportunity to do greater good. John personifies President Theodore Roosevelt's wise command, "Do what you can, where you are, with what you've got." John's life and deeds are a model for how the torch should be passed to the next generation.

As John departs his position as Vice President of Student Services from Gavilan College, I wish him all the best in his retirement. He will be deeply missed.

A TRIBUTE TO THE NEWPORT BEACH JUNIOR CHAMBER

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. COX. Mr. Speaker, I rise today to recognize the many contributions of the Newport Beach Junior Chamber on the occasion of the 2004 Metropolitan Network Conference. The Newport Beach Junior Chamber, also known as the Newport Beach Jaycees, is a local chapter of the Junior Chamber International. With the stated mission of contributing "to the advancement of the global community by providing young people the opportunity to develop the leadership skills, social responsibility, entrepreneurship, and fellowship necessary to create positive change," the Junior Chamber International is a global federation of more than 200,000 leaders and entrepreneurs who serve in over 100 nations worldwide.

Here in our country, the U.S. Junior Chamber has been an active force for positive change in communities across America. They have built parks, hospitals, playgrounds, and housing for the elderly, and they have raised millions of dollars for causes such as the March of Dimes and research into Muscular Dystrophy. With their strong passion for volunteerism, the U.S. Junior Chamber is improving the quality of life and expanding opportunities for Americans from the smallest of towns to the largest of cities nationwide.

The Newport Beach Junior Chamber was founded in 1941. In the 63 years since it was first chartered, the Newport Beach Jaycees have grown to include more than 200 men and women between the ages of 18 and 40 who live and work in cities throughout Orange County, and is the largest Junior Chamber chapter in the state of California. The Newport Beach Jaycees serve the community by hosting business skills seminars, providing project management training and networking opportunities for members and non-members alike, and by participating in community service projects, such as Habitat for Humanity and Adopt-A-Family.

This year, the Newport Beach Jaycees hosted the 2004 Metropolitan Network Conference, the U.S. Junior Chamber's annual leadership and networking symposium for chapters with over 100 members or those located in communities with 75,000 or more residents. Thursday, July 15 marked the commencement of the Conference, also known as MetNet 2004, for which more than 120 members and community leaders traveled from across the nation and from around the world to participate in various business seminars, training sessions, and networking events that took place from Thursday through Sunday.

I wish the Newport Beach Jaycees and all participants in MetNet 2004 the best for a successful event this year, and I thank them for their continued service to our nation.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes:

Ms. DELAURO. Mr. Chairman, I am proud to serve on the Agriculture Appropriations Subcommittee, which provides funding that supports many of the most important segments of our economy—from farm to table; and the programs that create our food safety net. Given our current budget limitations, the Committee has done a good job with what little funds they had, but it is simply not enough.

This bill leaves us with a serious shortfall in our effort to protect against bio-terrorism directed toward our food supply. The Committee provided just 40 percent of the total increase requested by both Food and Drug Administration (FDA) and the Food Safety and Inspection Service (FSIS) to improve food security. Especially in light of the new homeland security warnings we have just heard from the Administration, this is a threat we cannot afford to ignore, but our growing budget deficit has left us without the funds to address issue.

I am troubled that this bill reduces funding for the Women Infants and Children (WIC) program by about $150 million. This nutrition program serves our poorest women and children—it touches the lives of every 5 people in the United States—and each dollar invested in the program saves more than three dollars in other government spending on programs such as Medicaid.

Shortfalls in programs like WIC and in bio-security are the result of the fiscal irresponsibility of the Republican Leadership. Choosing to provide trillions of dollars of tax cuts for the wealthiest Americans has left us faced with an increasingly broken food safety net, rising rural poverty, and potential bio-security threats for all.

And so, Mr. Chairman, while I support this bill, I believe we can and should do better—for the sake of the health and security of every citizen in this country—young and old, rich or poor—this Congress has a moral obligation to do better.

RECOGNIZING THE NESHANNOCK HIGH SCHOOL BASEBALL TEAM AS THE 2004 CLASS 'A' PENNSYLVANIA STATE CHAMPS

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize the Neshannock High School baseball team, this years' Class A Pennsylvania State Champions. Head coach, Michael Kirkwood lead the Neshannock Lancers to the State Championship game, where they defeated the Muncy Indians by a score of 8–4. The Lancers ended the season with an impressive 23–1 record.

I am happy to see such spirit, dedication, and teamwork flourishing in the congressional district that I represent. I wish the members of 2004 Neshannock baseball team continued success.

I am proud to have such talented young athletes in the 4th Congressional District of Pennsylvania, and I ask that all of my colleagues in the House of Representatives join with me in recognizing their great achievement.

RECOGNIZING AND COMMENDING MR. SAMUEL JAMES ''SANDY'' KAHN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. HUNTER. Mr. Speaker, I and my colleague, Congressman RANDY CUNNINGHAM, rise today to recognize and commend to the House a man who embodies the spirit of America and has worked tirelessly for his community. Mr. Samuel James (''Sandy'') Kahn, a third generation Californian, has had both a distinguished business career and an unselfish record of community and philanthropic service.

Sandy received his undergraduate, graduate and law school education at the University of San Diego. He is Chairman and Chief Executive Officer of one of our country's largest privately owned real estate development companies that developed in excess of 25% of the developable land in the City of San Diego. Although a successful business owner and executive, Mr. Kahn has always been committed to public service. He became a member of the San Diego Sheriff's Department Reserve program. Sandy graduated first in his academy class and progressed through the ranks from Deputy to Sheriff's Captain retiring honorably in 1995 after 25 years. For his service he received the department's highest award for meritorious service.

He has given unselfishly of his time to his community, State and nation. He was selected by the Adjutant General of the State of California to serve on the Advisory Board for Homeland Security. The San Diego County Board of Supervisors appointed Sandy to its Board of Economic Advisors for two terms. He serves as the Chairman of the Board of Trustees of the Thomas Jefferson School of Law and in October of 2001 he was appointed by the CEO of the San Francisco Federal Reserve bank to the ''Beige Book'' survey committee of leading economic indicators. He is a trustee of the Criminal Justice Legal Foundation which is committed to defending the interests of crime victims and law enforcement through both State and Federal appellate jurisdictions.

Mr. Speaker, Congressman DUKE CUNNINGHAM and I ask that the House commend Mr. Kahn for his accomplishments and his service to our Nation.

HONORING FERMI 2 POWER PLANT FOR EXCELLENCE IN HEALTH AND SAFETY PROGRAMS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. DINGELL. Mr. Speaker, I rise today to recognize the Fermi 2 Nuclear Power Plant located in Monroe County, Michigan. The Michigan Occupational Safety and Health Administration is awarding the Michigan Star to this DTE Energy Company plant for its accomplishments in health and safety.

The Michigan Star is the highest recognition awarded by the Michigan Occupational Safety and Health Administration and its Michigan Voluntary Protection Programs. The honor acknowledges exemplary programs in both the areas of health and safety for all employed in the power plant. This recognition is the most rigorous of the MVPP's awards, which is a true testament to the work done in this nuclear facility.

The Michigan Voluntary Protection Programs provides both employers and employees with very specific and distinct tools used to measure and evaluate the plant's programs. This award demonstrates that all of those working at the Fermi 2 Plant have worked together in achieving excellence beyond basic compliance with health and safety programs.

This power plant employs some 900 workers and provides electricity to an estimated one million residents of Southeastern Michigan. In a work environment that is so sensitive, the employers and employees of the Fermi 2 Plant have committed themselves to health and safety practices that will ensure a more productive plant for them and the community they serve.

Such accomplishments in our nuclear power plants are vital and commendable, setting an example for similar facilities. I ask my colleagues to rise and join me in recognizing DTE Energy, the Fermi 2 Nuclear Power Plant, and all of its employees on the occasion of receiving the Michigan Star.

TOW TRUCK OPERATORS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. MORAN of Virginia. Mr. Speaker, I rise today to introduce federal legislation that will help states and localities rein in rogue towing operations that continue to harass and take advantage of local residents.

In 1994, Congress enacted the Federal Aviation Administration Act which opened a loophole permitting tow truck operators to qualify as interstate carriers exempt from state and local regulation.

A year later in 1995, Congress passed another attempt to streamline the federal government in the form of a law eliminating the Interstate Commerce Commission (ICC). This legislation struck down the regulatory body that provided federal oversight of the tow truck industry, leaving the tow truck industry without proper federal, state or local regulation.

In the years since, a number of conflicting U.S. District court rulings between towing operators and localities have been issued, including a 2000 Supreme Court decision in the City of Columbus v. Ours Garage and Wrecker Service. While the Supreme Court found that both state and local governments have the ability to exercise, free from federal preemption, the ''safety regulatory authority'' provided in law, the Court unfortunately failed to address what specific types of regulation would qualify under this distinction. Subsequent federal court decisions have yielded little additional clarity and have probably confused the issue further.

Without a clear judicial precedent, states and localities have been confronted with a barrage of problems related to ''non-consensual'' or ''trespass tows.'' It has been brought to my attention that in Arlington County, VA alone, over 280 complaints and inquiries with regard to trespass towing have been received in the past 2 years.

Due to a lack of clear guidance from the courts and the large number of cases which have been brought to my attention involving a group of small but very active predatory towers in this region, I am here this morning to announce the introduction of legislation that will close the federal loophole, once and for all, that has prevented states and localities from having the full authority to regulate all aspects of ''non consensual'' towing.

Entitled the ''State and Local Predatory Towing Enforcement Act of 2004,'' this legislation simply amends title 49 of the United States Code to give state and local governments the ability to enact common-sense, pro-consumer ''trespass towing'' protections for their residents.

Something is wrong when, in the absence of any federal regulatory oversight, local and state governments do not have the proper authority to protect their citizens against companies not conducting safe business practices.

Whether it be overcharging someone an arm and a leg for parking illegally in an area with no signs properly designating the space, to a lack of ATM machines at tow lots requiring cash only transactions to get your car out of impoundment, tow companies should be held accountable by state and local governments for non-consensual towing practices that do not take the consumer into account.

A solution to bring an end to this out of control problem is needed. The ''State and Local Predatory Towing Enforcement Act'' is that solution. It will correct a lack of regulatory oversight for an industry whose image is being tarnished by a few bad apples, and in doing so, will return power back to the people.

HONORING THE 15TH ANNIVERSARY OF CAL STATE SAN MARCOS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate California State University San Marcos for its 15th Anniversary which will be celebrated on September 1, 2004. It is an honor to recognize the accomplishments and contributions that this university has made over the years for the City of San Marcos, and the San Diego region, and for the priceless opportunities it has provided for over 13,000 graduates.

Over the past 15 years Cal State San Marcos has grown from a small campus with classes held in rented space next to a furniture store to an accredited four-year institution that is the leader for higher education in the northern San Diego region. The creation of Cal State San Marcos resulted from more than 20 years of work by business and civic leaders who understood how important a university campus could be to the region. A leader among them was Assemblyman and later State Senator William A. Craven, who obtained initial state funding for the campus.

In 1990, President Bill Stacey, twelve founding faculty and key administrative support staff were hired and the campus consisted of 448 upper division students. As of today I am proud to say there are 7,777 student enrolled at Cal State San Marcos. I have closely observed the rapid growth of this institution and couldn't be more proud of its accomplishments. I have witnessed numerous campus facilities rise from the hillside where it was established, including their newest addition, the Kellogg Library.

I have worked closely with past presidents, including Dr. Alexander Gonzalez, who served the institution from July 1998 to July 2003, and is currently the president of California State University Sacramento, the sixth largest campus of the twenty-three California State Universities. His successor, Dr. Karen Haynes, has come to lead Cal State San Marcos from the Victoria, Texas, campus of the University of Houston, where she was president since 1995. With the exceptional vision and value of leaders like these two, a city that embraces collegiate excellence, and a community that prides itself on positive growth, it is only befitting that a successful institution of higher education emerge.

Mr. Speaker, it is my honor to recognize California State University San Marcos for 15 years of collegiate excellence and the continuing role this institution plays in enriching the lives of students. This campus is fused with boundless optimism as it prepares to meet the higher education needs of a growing region. Happy Birthday Cal State San Marcos.

HONORING WILLIAMSTOWN MIDDLE SCHOOL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to honor and congratulate the students of Williamstown Middle School who have received the Principal's Award over the past two academic years. The Principal's Award is given to students who have earned straight A's for at least one academic quarter, clearly an accomplishment worthy of notice.

As these young constituents have already realized, the importance of education should never be underestimated. These students have clearly shown their commitment to education and academic achievement, and are well on their way to becoming our nation's future leaders. I wish to congratulate these individuals for their firm dedication to learning, and urge them to continue along this path.

During the 2002–2003 school year the Principal's Award was received by the following sixth graders: Sequia Adams Ferebee, Jennifer Annarelli, Brittany Arnold, David Barbalace, Kevin Bargeron, Victoria Becker, Jordan Bonder, Gillian Bradley, Krista Butler, Ashley D'Ambrosio, Nicholas Davis, Francesca Dougherty, Tiffany Fanelli, Sarah Fauvell, Kayla Gennarelli, Daniella Genovese, Nicole Goldsmith, Chelsea Grahamslaw, Courtney Grim, John Lafferty, Daniel Lang, Matthew Leonardis, Dena Mahoney, James Maldonado, John McCormick, Kevin McDonough, Kimberly Nothstein, Staven Ray, Victoria Rocco, Jody Salvatore, Timothy Schipske, Jaclyn Stewart, Nicholas Stola, Katie Trotter, Chris Whipple, Ashley Wilkinson, Gabrielle Wurdarski. In the seventh grade the following students received the award: Erika Abel, Kristen Antonelli, Rachel Brown, Krisitin Capasso, Grace Ann Charles, Arielle Dibling, Christina Fuscellano, Amber Hassan, Meeghan James, Jocelyn Jengehino, Amber Kane, Brian Kelly, Amanda Kimer, Brittany Kubat, Brian Lallier, Mandy Lei, Denay Morrison, Christine Oagaro, David Ofosu-Appiah, Daniel Palieri, Brielle Sneed, Michelle Talnagi, Frances Ulmer, Megan Wadsworth, Mark Washko, Tara Weeast, Collin Whipple. Eighth grade recipients included: Justin Abraham, Adam Brinkman, Heather Butler, Hollie Butler, Jamie Dougherty, Shady El Damaty, Eric Flinn, Angela Forjohn, Douglas Fuscia, Amanda Gregory, Lisa Guarrera, Josh Haynes, Anne Inacay, Robert Knecht, Sandra Lamplugh, Christopher Lewandowski, Anthony Lopez, Nicholas Marella, Anthony McCullough, Michael Mueller, Joseph Obraczewski, Frederick Powell, Niccolo Reggente, Kacey Richards, Sarah Sottile, Anthony Stola, Gerard Tigue, Michael Torres, Heather Vischoric, Amanda Williams, Arielle Williams, Laura Williams.

During the 2003–2004 school year the following students of the sixth grade received the award: Emilie Albert, Douglas Blankenship, Amanda Branda, Stephanie Bradley, Jessica Bullman, Jamie Cattell, Mia DiFilippo, Amber Endres, Mariel Enriques, Caitlin Graham, Jospeh Gratton, Brandon Harner, Amy Harrington, Juliet Jengehino, Ashley Jones, Sarah Kee, Sean Kryston, Shannon Listman, Rachel Maiorano, Jessica Martinez, Robert Mele, Carly Moffa, Briana Molino, Nicholas Randazzo, Gabrielle Richardson, Jade Richardson, Christopher Rotella, Corrie Sellers, Veronica Shevlin, Jacob Sprengle, Caitlin Stewart, James Stewart, Jennifer Stief, Andrew Sudler, Amanda Tran, Alexander Vickers, Keyanah West, Alyssa Worstall. Seventh grade recipients included: Brittany Arnold, David Barbalace, Jordan Bonder, Gillian Bradley, Michelle DeCraene, Francesca Dougherty, Tiffany Fanelli, Sarah Favell, Danielle Genovese, Robert Giarnone, Jr., Courtney Grim, Jason Irlieh, Charlotte Kirkby, Kelli Kleinsmith, John Lefferty, Daniel Lang, Dena Mahonery, Kevin McDonough, Kimberly Nothstein, Sheeaa Rastogi, Steven Ray, Tanya Roberson, Victoria Rocoo, Jody Salvatore, Nicholas Stola, Katire Trotter, Crystal Uzdevenes. Recipents in the eighth grade were: Keleofa Bernard, Kristin Capasso, Grace Ann Charles, Jamie Curran, Christina Fuscellaro, Antonio Inacay, Brian Kelly, Michael Kessler, Amanda Kimex, Melissa Kortman, Julian Magner, Daniel Palmieri, Julianne Smith, Sharon Sudarsanan, Magan Wadsworth, Mark Washko, Tara Weeast, Collin Whipple.

Mr. Speaker, I ask that my colleagues in the House of Representatives join me in recognizing the Principal's Award recipients of Williamstown Middle School. Their accomplishments are truly deserving of national commendation.

CELEBRATING THE 70TH ANNIVERSARY OF THE ARMENIAN WEEKLY NEWSPAPER

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. MARKEY. Mr. Speaker, I rise to pay tribute to a treasured institution in the Armenian-American community and in my Congressional District, the "Armenian Weekly Newspaper" which is celebrating its 70th Anniversary of publication this year.

Since 1934, the English-language Armenian Weekly has been published by the Hairenik Association of Watertown, Massachusetts, located in my district. The Association also publishes the Armenian Weekly's parent publication, "The Hairenik," which is the longest running Armenian-language newspaper in the world.

Mr. Speaker, this past April we gathered to commemorate the Armenian Genocide, one of the darkest chapters of World War I, and what is sometimes called the "Forgotten Genocide." The Armenian Weekly plays an invaluable role in helping all of us to remember that tragic period, but more importantly, to celebrate the lives of the survivors and their wonderful and enduring culture.

In September of 1919, President Woodrow Wilson spoke of his vision of a future Armenia. He said, "Armenia is to be redeemed . . . So that at last this great people, struggling through night after night of terror, knowing not when they may come out into a time when they can enjoy their rights as free people that they never dreamed they would be able to exercise." Since the rebirth of the Armenian national following the collapse of the former Soviet Union, the Armenian Weekly has run numerous stories on issues and events affecting the politics and economy of the Republic of Armenia, and the efforts of the Armenian-American community to support its struggle to survive and prosper.

Mr. Speaker, two of our most cherished freedoms in the United States are freedom of speech and freedom of the press. For seventy years now, Armenian-Americans have been

celebrating those freedoms through the Armenian Weekly Newspaper. In addition to its extensive coverage of news events of interest to the Armenian-American community, over the years, the paper has printed numerous short stories, essays and poems. For example, the stories that initially brought noted Armenian-American writer and playwright William Saroyan to national attention were first published in the Armenian Weekly.

I congratulate Editor Jason Sohigian and everyone associated with this remarkable publication and I wish the Armenian Weekly Newspaper many more years of service and success.

RECOGNIZING MAJOR GENERAL MICHAEL P. WIEDEMER, U.S. AIR FORCE, DIRECTOR OF THE DEFENSE COMMISSARY AGENCY AT FORT LEE, VIRGINIA, FOR HIS SERVICE AND DEDICATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. FORBES. Mr. Speaker, I rise today in recognition of Major General Michael P. Wiedemer, Director of the Defense Commissary Agency, for his loyal service to the United States and Virginia's Fourth District.

Major General Wiedemer's dedication and loyalty to the advancement of our district and the nation as a whole is to be commended. He has played an instrumental role in overseeing the growth and preservation of the military's worldwide commissary system since he assumed command in August 2002.

Since first being commissioned in the U.S. Air Force over 30 years ago, Major General Wiedemer's devotion to duty has reflected the highest standards of the military profession. After four years of service, he served as Chief of Data Automation as part of the 347th Tactical Fighter Wing on the Moody Air Force Base in Georgia. He has served on numerous airbases throughout the United States. His military education is extensive and includes Squadron Officer School, the Air Command and Staff College, Defense Systems Management College, and the Industrial College of the Armed Forces. Major General Wiedemer also holds a Bachelor of Science degree and a Masters degree in Industrial Management.

Major General Wiedemer's decorations include the Distinguished Service Medal, the Defense Superior Medal, Legion of Merit with Oak Leaf Cluster, Meritorious Service Medal with Three Oak Leaf Clusters, an Air Force Commendation Medal, and the Defense Superior Service Medal.

Major General Wiedemer has shown tremendous commitment and devotion to his country. Today we recognize him for his unwavering patriotism and dedication to both his profession and the American people.

Mr. Speaker, please join me in honoring Major General Michael P. Wiedemer.

CONGRATULATING MR. JEROME W. WATSON ON HIS RETIREMENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Mr. Jerome W. Watson on his retirement from United Steelworkers of America Local Union 1066. Jerome has spent nearly 35 years dedicating his life to the interests of Local Union 1066 as well as his community in Northwest Indiana. His career at Local 1066 has allowed him the opportunity to touch the lives of numerous people.

Jerome Watson has accomplished many visionary goals throughout his career. Before joining Local 1066, Jerome admirably served in the United States Army during the Vietnam War until his honorable discharge in 1969. He began his career at Local 1066 as a Grievance Committeeman in 1976. After being hired by United States Steel as a Motor Inspector Expanded, Jerome faithfully served Local 1066 on the Classification Committee, By-Law Committee, Institute for Career Development Local Joint Committee, Legislative Committee, and as Editor/Chair of the Banner Newspaper Committee. He was Grievance Chairman of Local 1066 from 1985–1991 and again in 1996–2003, and he served as the President from 2003–2004.

Not only has Jerome Watson had many positive accomplishments throughout his career at Local 1066, he has also actively contributed to his community through participation in various programs aimed at improving opportunities for the people of Northwest Indiana. Jerome participated in the successful negotiations that resulted in the Ivy Tech/United States Steel craft articulation agreement, which allowed graduated apprentices and trainees to obtain Associates Degrees through credit allowed for previous relevant training and additional Ivy Tech core classes. Along with his many other accomplishments, Jerome has received numerous awards and certificates, including the Q1 award for Union Involvement from Ford Motor Company, the Labor award from the A. Phillip Randolph Institute. He was honored with the awards of merit for Local Union 1066 Banner Newspaper for best local union coverage, best regular column, and best U.S.X. 1986 ''lockout coverage.'' Jerome received certificates of approval from the U.S. Department of Labor, Bureau of Apprenticeship and Training, and the Ivy Tech State College program of Electrical and Mechanical Degree Program.

Jerome has demonstrated his loyalty by his outstanding service to Local 1066 and his community through his hard work and self-sacrifice. Although Jerome has served on numerous Committees and has dedicated his time to Local 1066, he has never neglected to provide support and love to his family. Jerome and his wife Linda have one son, Jerome Jr., and a daughter, Tina.

Mr. Speaker, Jerome Watson has given his time and efforts selflessly to the people of Northwest Indiana throughout his years of service. He has taught every member of Local 1066 the true meaning of service to all members of the Northwest Indiana community. I respectfully ask that you and my other distinguished colleagues join me in congratulating Mr. Jerome Watson for his outstanding contributions to Indiana's First Congressional District. I am proud to commend him for his lifetime of service and dedication.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. SULLIVAN. Mr. Chairman, I would like to comment for the record regarding yesterday's passage of the Maloney Amendment to H.R. 4766, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005.

The Maloney amendment, which was adopted yesterday by the House by voice vote, stated that no funds may be used to keep a contraception drug as prescription-only if it has been determined to be safe and effective without a doctor's supervision. Let the record state that there is not an oral contraceptive that has been determined to be safe and effective without a doctor's supervision. Current law already requires FDA to make products available over the-counter only when they are found to be safe and effective.

On May 7, 2004, the FDA rejected an over-the-counter application from Barr Pharmaceuticals for the morning after pill because and I quote: ". . . we have concluded that you have not provided adequate data to support a conclusion that Plan B can be used safely by young adolescent women for emergency contraception without the professional supervision of a practitioner licensed by law to administer the drug.'' The petitioners for over-the-counter status could not prove that the drug was safe and effective without a doctor's supervision. It is important to note that the Maloney amendment has no effect on current law and merely restates current FDA law and policy regarding prescription drugs and over-the-counter drugs.

I am concerned that my colleagues on the Democratic side of the aisle are attempting to use this amendment to chastise the FDA for its refusal to allow morning-after birth control pills to be sold without a doctor's prescription. I understand that the FDA is being lobbied heavily by the business community and social liberal groups for acceptance of Plan B and other over-the-counter pills that would seek to terminate a pregnancy. I'm encouraged that the FDA is willing to place the concerns of public health above other considerations and I am hopeful that the FDA will continue to resist pressure from these outside interests.

CONGRATULATING VALMONT ON THE 50TH ANNIVERSARY OF CENTER PIVOT IRRIGATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. BEREUTER. Mr. Speaker, this Member congratulates Valmont Industries as it celebrates the 50th anniversary of center pivot irrigation.

The introduction of center pivot irrigation in 1954 proved to be a crucial development in agricultural production across the U.S. and around the world. Although these irrigation systems are now a common sight on farms throughout the globe, it is important to remember the vision and determination that led to this innovation half a century ago.

The wide use of center pivot irrigation systems has resulted in increased agricultural yields and greater water conservation. The growing emphasis on water quality and quantity issues have resulted in even greater demand for center pivot irrigation systems, which can now be found throughout the U.S. as well as Africa, Europe, the Middle East, Latin America, China, Australia and elsewhere. Valmont can certainly take great pride in the role it has played in facilitating crop production in a more environmentally friendly manner.

Although now a worldwide operation, Valmont's Nebraska roots remain firmly in place. Valmont Industries, which is headquartered in Omaha, Nebraska, and has its primary manufacturing facility in Valley, Nebraska, now operates 34 facilities located in 14 countries. The company's name is a combination of the two Nebraska communities on either side of the first Valmont plant—Valley and Fremont. Valmont has more 5,200 employees worldwide, with about 1,500 located in Nebraska. This Member is pleased to note that Valmont operates two plants in his congressional district—one in West Point and another in Waverly.

The success of Valmont has truly been a company-wide team effort. However, this Member would like to specifically commend and congratulate Mogens Bay, Valmont's Chairman and CEO; Terry McClain, Senior Vice President and CFO; Bob Meaney, Senior Vice President; and Tom Spears, President of the Irrigation Division. Certainly, this Member would also like to extend his thanks and congratulations to Bob Daugherty, Valmont's founder.

COMMUNITY CHURCH 50TH ANNIVERSARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. BURGESS. Mr. Speaker, I rise today to congratulate The 121 Community Church on its outreach mission and dedication to the community. Five years ago, friends Ross Sawyers and Michael Moss founded a church in a living room. Today, 121 Community Church has volunteers all over the world including Australia, Guatemala, Mexico and Russia. Church membership has grown from 50 members to 400. On Sunday mornings, anywhere from 600 to 750 people attend the three Sunday services.

In celebration of their fifth anniversary, the members of 121 Community Church wanted to do something truly unique. They decided to model a service project after the popular cable TV show, Trading Spaces. The project, called "Aiding Spaces," provides free renovations to five families who cannot afford proper renovations. The families will be selected from five different areas of the Dallas-Fort Worth area. The renovations will be filmed by video crews and be created into a mini reality television series that will be aired at the churches 50th Anniversary celebration in September.

Church membership includes a number of general contractors, electricians and plumbers will lend their services. Their donated work is estimated at nearly $150,000.

I congratulate the efforts of 121 Community Church and their generous celebration. I am certain they continue their wonderful community outreach projects in the future. Through their church, members are able to make a substantial difference in each other's lives. The church should take pride in its hard work and commitment to service.

PERSONAL EXPLANATION

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. DAVIS of Tennessee. I rise to offer a personal explanation. On Thursday, July 15, I was unavoidably absent for Rollcall No. 384, to table the appeal of the Ruling of the Chair.

Had I been present, I would have voted "no".

TRIBUTE TO MISCHELLE TOWNSEND

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside County, CA, are exceptional. We have been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give of their time and talent and make their communities a better place to live and work. Mischelle Townsend is one of these individuals.

Mischelle Townsend has lived and worked in the Inland Empire most of her life. Today she retires from public service, where she will be greatly missed.

Mischelle Townsend came to Riverside County after five years working with the aerospace industry, North American Rockwell Corporation, including direct support of the Apollo Project. She then entered the public sector, where her time and talent has been vital to the growth of the Inland Empire. She has a Bachelor of Arts from the University of Redlands and a Masters in Public Administration from California State University, San Bernardino.

Twenty-two years Riverside County has been privileged to have Mischelle Townsend, as the Executive Officer of the Local Agency Formation Commission (LAFCO). LAFCO is a state regulatory commission responsible for jurisdictional changes such as the incorporation of new cities, annexations and formation of new special districts. Under Mischelle's tenure at this agency, three cities where established in seven years: Moreno Valley, La Quinta and Cathedral City.

Mischelle Townsend later served six years as Assistant Chief Administrator Officer, where her responsibilities included: preparation of Riverside County's annual budget, development of policy recommendations from 33 county departments and agencies, administration of an $18 million Special District Augmentation Fund, preparation of the annual Capital Improvements Program, and chairmanship of various task forces and policy advisory committees.

She then moved onto Director of Riverside County's General Services Agency and eventually moved into her current position as Registrar of Voters on July 31, 1997. As Registrar of Voters, Mischelle has been widely recognized as an innovator in modern election services.

Outside of the office, Mischelle has been equally giving of her talents. Her community involvement includes, but is not limited to: President of the Executive Council for the American Society for Public Administration (ASPA/Inland Empire); Vice President/Volunteer Personnel for the Inland Empire Chapter of the Boy Scouts of America; past member of the Board of Directors for Alternatives to Domestic Violence; Soroptomist International of Riverside; and, active member of Crossroads Christian Church.

Mr. Speaker, Mischelle Townsend's tireless passion for her profession and community has contributed immensely to the betterment of the Inland Empire, California. She has been the heart and soul of many innovative projects and events and I am proud to call her a fellow community member, American, and friend. I know that the community is equally grateful for her service and salute her as she retires from professional service.

CONGRATULATING SISTER MARY SIMON ON RECEIVING JUDITH STANLEY COLEMAN AWARD FROM THE VISITING NURSES ASSOCIATION OF CENTRAL JERSEY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. HOLT. Mr. Speaker, I rise today to congratulate Sister Mary Simon for receiving the Judith Stanley Coleman Award from the Visiting Nurses Association of Central Jersey. The award is given annually to a community leader who exemplifies a positive attitude, significant service in health care, vigilance and passionate advocacy for community health issues, and strong networking in the community. Sister Simon is a tremendous person whose heart is full of compassion for her fellow humans and she fully deserves of this prestigious award.

Sister Mary Simon has taught in various grammar schools throughout the diocese of Trenton over the past 19 years. In 1975, upon

completion of her Master's in Education, she was appointed director of senior services in Keansburg. It was in this post that she determined that transportation, education, and health were the most pressing needs of local seniors. Sister Simon obtained a van for senior transportation and created a GED program for seniors to complete their high school diplomas. However, it was in health that Sister Simon found her true calling. She was able to get local nurses to conduct free blood pressure screening and health education classes for the local seniors. Sister says, soon she arranged with the Visiting Nurses Association of Central Jersey to identify local residents who needed care and assisted the nurses to meet the patient's needs.

Six years later Sister Simon was appointed as the Executive Director of the Monmouth County Office of Aging. There she helped establish many innovative programs which still exist today, including a collaboration with the Visiting Nurses Association of Central Jersey that bring nursing and physical therapy to low income and minority seniors.

In 1998, Sister Simon was appointed Coordinator of New Jersey Adult Protective Services. Working on behalf of seniors statewide, Sister Simon was responsible for overseeing the safety of the most at-risk seniors in the state—living in abusive or potentially abusive situations.

After a long career spent improving the health of New Jersey seniors Sister Simon was ready to retire but soon she had a new assignment assisting seniors in central Jersey. Since 2001, she has been working on behalf of Bishop John Smith and the Trenton diocese again as Coordinator of their Ministry to the Aging. Sister Simon is now working on behalf of the 363,967 seniors in Monmouth, Ocean, Mercer and Burlington counties, many of whom I represent in Congress.

Mr. Speaker, I again want to take this time to congratulate Sister Simon on behalf of the thousands of lives she has touched in her long tenure in New Jersey. Sister Mary Simon certainly deserves the Judith Stanley Coleman Award from the Visiting Nurses Association of Central Jersey. I thank her for all her hard work and wish her all the best in the future.

DETENTION OF AMERICAN CITIZENS AND FOREIGNERS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Ms. SCHAKOWSKY. Mr. Speaker, I commend to the attention of my colleagues the text of an article written by former Congressman Abner Mikva, who also has an extremely distinguished legal career history, which appeared in the July 16 edition of the Washington Post. I strongly agree with the concerns Mr. Mikva expresses in this article. I, too, believe the Bush Administration has gone dangerously too far in its detention of American citizens and foreigners. I share the hope that this President will return to the traditions that have made our democracy strong.

[From the Washington Post, July 16, 2004]

DANGEROUS EXECUTIVE POWER

(By Abner Mikva)

In 1971, along with the late Rep. Spark Matsunaga and others in the House of Representatives, I sponsored the Non-Detention Act, which states: ''No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.''

This simple provision of law has served as a bulwark against the United States' ever again establishing internment camps for citizens—as it did during World War II—without the acquiescence of Congress. It also stilled the concern occasioned by a McCarthy-era statute that authorized some camps (which were never opened) to hold those engaging in riot or insurrection. The purpose of the Non-Detention Act was clear: to prevent the executive from detaining U.S. citizens without explicit statutory authority.

Recently the Supreme Court considered the Non-Detention Act in the case of Yaser Esam Hamdi, a U.S. citizen taken prisoner in Afghanistan while allegedly fighting for the Taliban. Justice Sandra Day O'Connor wrote that ''a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens.''

But did an act passed by Congress shortly after Sept. 11, 2001, provide the President with the statutory authorization to detain U.S. citizens that was required under the Non-Detention Act?

Justice David Souter stated that the post-Sept. 11 law—the Authorization for Use of Military Force—is ''fairly read to authorize the use of armies and weapons, whether against other armies or individual terrorists.'' But this act never uses the word ''detention,'' and, Souter wrote, there is ''no reason to think Congress might have perceived any need to augment Executive power to deal with dangerous citizens within the United States, given the well-stocked statutory arsenal of defined criminal offenses covering the gamut of actions that a citizen sympathetic to terrorists might commit.''

Although Congress gave the president the power to use military measures to fight terrorism, it did not strip U.S. citizens accused of terrorist activities of the protections of citizenship. U.S. citizens accused of involvement in terrorist activities should be charged with a specific crime or released—not held indefinitely.

The lesson of history is that if Congress is going to authorize the detention of American citizens for indefinite periods, it needs to do so directly and intentionally, so that it can be held accountable. Why? Because executive detention is a dangerous power that otherwise can too easily be abused, as the Japanese American detention camps showed in World War II.

Our more recent history shows that many are being detained based on suspicion of involvement in a terrorist conspiracy. Some were released after a period of detention, without any charges being filed. Others, such as Hamdi or a Chicago suspect named Jose Padilla, accused of plotting to detonate a ''dirty bomb,'' are still being held. Today, after the Hamdi decision, such persons have limited right to access to counsel and some ability to challenge in court the factual determination of whether they can be deemed ''enemy combatants.'' But they lack the basic right to know the charges against them or to receive a host of assurances of due process available even to a U.S. citizen charged with treason.

The principle at the heart of the Non-Detention Act was affirmed by Justice Antonin Scalia, who wrote (with Justice John Paul Stevens's support): ''The very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive.'' As O'Connor observed, ''It is during our most challenging and uncertain moments that our Nation's commitment to due process is most severely tested; and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad.''

Thirty-three years ago Congress expressed the same vision with the plain words of the Non-Detention Act. The Supreme Court has left it to the lower courts to decide on a case-by-case basis whether the Authorization for Use of Military Force or future congressional enactments satisfy the requirements of the Non-Detention Act and give the executive branch the right to detain American citizens. I hope the courts will set the bar high and prohibit the detention of U.S. citizens by the executive unless Congress specifically authorizes such detention. And I hope Congress will take care in the future to avoid the kind of ambiguity the Supreme Court found to exist in the military force act. Finally, I hope this president will return to the traditions that have made our democracy strong and realize that if he believes he needs additional powers to fight terrorism, he should make that case to Congress and the people.

PRINCIPAL MILTON WALLACE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. BURGESS. Mr. Speaker, I rise today to recognize Principal Milton Wallace. Since 1990, Mr. Wallace has served as the principal of Denton High School. After serving for over a decade, this August, Mr. Wallace will leave Denton High School to become principal of Longview High School where he can be closer to his aging parents.

For the three years leading up to being named principal, Milton Wallace served as the assistant principal at Denton High School. During this time he was named Assistant Principal of the Year for Region XI by the Texas Association of Secondary Schools Principals. As principal, he has been a finalist for Texas Principal of the Year twice.

During his tenure, Principal Wallace significantly expanded the Advanced Placement Program. Denton High School students' SAT scores improved, and in 2002, the Texas Education Agency raised Denton High School's rating to ''recognized'' status.

Milton Wallace is well loved by his students and very active in his school's community. He attends nearly every athletic, fine arts and academic event. In the fall, he travels with the football team and in the spring he travels to UIL events so he can support his school at every venue.

Principal Wallace certainly put the ''pal'' in principal. I would like to commend Principal Wallace on the accomplishments he has made as principal of Denton High School. As principal during my son Mike's high school years, I know firsthand that he provided his students with an enjoyable, yet rigorous academic environment and will be missed greatly. We are proud of his achievements and wish him luck in the future.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Ms. ROYBAL-ALLARD. Mr. Speaker, due to circumstances affecting the health of a family member, I was not present for rollcall votes 385 through 389 on Thursday, July 15. Had I been present, I would have voted ''no'' on rollcall vote 385, ''yea'' on rollcall vote 386, ''no'' on rollcall vote 387, ''yea'' on rollcall vote 388, and ''yea'' on rollcall vote 389.

WELCOME TO BECKLEY, MR. PRESIDENT

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. RAHALL. Mr. Speaker, again I wish to discuss the Transportation bill. This time, I want to discuss this much-needed bill in light of President Bush's recent visit to my hometown of Beckley, West Virginia last Friday, July 16, 2004.

This week, Congress will again have to extend the authorization for the previous Transportation bill because we still do not yet have a reauthorization. The previous authorization originally expired almost a year ago. Now, we will be extending that previous authorization for the fifth time—that's right, the fifth time—because Congress still hasn't done its work and completed a new bill.

The reason Congress still hasn't done the Transportation bill is that the White House clearly does not want us to finalize this bill in an election year, and the Republican Leadership in the House and the Senate just follow the Administration's orders. As I have said repeatedly, we should complete the bill, and if the White House wants to veto it, it can go ahead; there are clearly enough Republican and Democrat votes to override a veto and get the Transportation bill finished. But by doing nothing, the House and Senate Republican Leadership are siding with the White House, and preventing Congress from carrying out its Constitutional role as a coequal branch of government.

As I said last week, here on the House floor, States like my home state of West Virginia have been waiting for far too long now to see just what, if anything, they could expect to receive from the Federal Government. This money will help finance important highway and transit projects such as the Beckley Intermodal Gateway, provide good-paying jobs that are sorely needed in this uncertain job market, and sustain our economic growth at this critical point in time.

Mr. Speaker, I have an editorial from a distinguished newspaper in my hometown, the Register Herald, which I would like to submit for the RECORD to accompany my remarks. This editorial from Friday, July 16, 2004, graciously welcomes the president to Beckley. Importantly, it also goes on to note how badly Southern West Virginia needs the highway funding that President Bush is blocking. The editorial reads as follows:

MR. PRESIDENT—WELCOME TO BECKLEY

Today, for the first time in history, a sitting United States president will be in Beckley.

President George W. Bush is scheduled to make a campaign appearance around 4 p.m. today at the Raleigh County Armory Civic Center.

The city, Raleigh County and all of southern West Virginia are proud to have been chosen for a visit. We're happy to see him in person and are most interested to listen to his thoughts on the issues that face us as a Nation.

However, we want to ask Mr. Bush one thing in return. Soon to come before him will be a highway appropriations bill which he's threatened to veto if it carries a price deemed too expensive. Included in this bill is more than $2 billion to help finance a number of projects that are crucial to the economic development of Berkley, Raleigh County and southern West Virginia. If the economy is to continue the turnaround that Mr. Bush says is gathering steam, we need this money to keep it running.

We trust Mr. Bush enjoys his visit here. We wish he could stay longer and enjoy the beautiful mountains we call home.

No matter which party you're supporting in the upcoming presidential election, partisan politics should be put aside when the president comes to town.

TRIBUTE TO MR. GEORGE PUTNAM

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor the distinguished career and legacy of Mr. George Putnam.

When asked what the most important elements in a newsman's character should be, Mr. Putnam replied, ''an insatiable curiosity, objectivity, perseverance but, most of all, integrity.'' These are some of the sterling qualities that have guided his illustrious 70 year career as a broadcaster, reporter and commentator. In 1995, Mr. Putnam was awarded the prestigious Los Angeles Area Governors Award from the Academy of Television Arts & Sciences. He has been the recipient of four Emmys, six California Associated Press Television & Radio Association awards, and eight annual Radio & Television News Club awards. Legendary radio commentator Walter Winchell called Gorge Putnam's voice ''the greatest in radio and television.''

From his first broadcast in 1934 at WDGY in Minnesota to his current show, Talkback, on KSPA–AM, George Putnam has earned the respect of his listeners and his peers. It is with great pleasure that I wish him a Happy 90th Birthday, and acknowledge his lifelong contributions to the journalism industry.

TRIBUTE TO DR. DIETHER HAENICKE

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. UPTON. Mr. Speaker, I rise to pay tribute to Dr. Diether Haenicke who today received the 2004 Red Rose Citation for outstanding community service from the Rotary Club of Kalamazoo, Michigan. A dedicated and selfless individual, Diether has tirelessly served and greatly impacted the quality of life of countless individuals throughout the state of Michigan.

During his distinguished service as president of Western Michigan University from 1985 to 1998, Deither inspired and impassioned students and colleagues alike. For many years I have looked upon Diether not only as a voice of knowledge and insight, but also as a friend. Despite his retirement, he continues to be an active voice in the community.

Diether spent a career devoted to extensive charity and loyalty to local individuals and the community as a whole. Whether one looks at his service and leadership at the Kalamazoo Institute of Arts, as commissioner of the Education Commission of the States, or on the Board of Trustees for Bronson Methodist Hospital, Diether has a long history of benefiting the communities of Southwest Michigan.

Since 1945, the Rotary Club of Kalamazoo has annually presented the Red Rose Citation to outstanding members of the community, and I can think of no one more fitting to receive this great honor than Diether. I extend my very best wishes to Diether and his family.

INTRODUCTION OF THE CHILD SAFE ACT OF 2004

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. HERGER. Mr. Speaker, today I am introducing the Child Safety, Adoption, and Family Enhancement Act (Child SAFE) of 2004. This legislation would reform the Nation's child protection programs to ensure that children are safe and families are strengthened.

Like the Aid to Families with Dependent Children (AFDC) program before the historic 1996 welfare reforms, the Nation's child protection programs are broken. More than 500,000 children are in foster care today. Foster care should be a temporary, short-term placement for children until they can be reunited with their parents or placed with a safe, adoptive family. However, on average, children remain in foster care for almost three years. Unfortunately, too many of these children also will experience further abuse and physical and emotional scars that will haunt them for decades.

Every State's child protection program failed recent Federal reviews. Since November 2003, the Ways and Means Human Resources Subcommittee I chair has heard from more than 40 witnesses who have testified that the current child protection programs are ill-equipped to prevent abuse and keep children safe. In May 2004, after a year of study, the nonpartisan Pew Commission on Children in Foster Care proposed major changes to current financing rules for child protection programs. Many of the Pew Commission's recommendations are included in the Child SAFE Act. It is time to respond to the growing body of evidence demanding change and better accountability from our Nation's child protection programs.

The Child SAFE Act would focus on outcomes, rather than process, to better protect children by (1) providing more resources, (2) promoting better outcomes, (3) increasing accountability for results, and (4) increasing State flexibility. The legislation would increase overall child protection program funding over the next 10 years by $2 billion. Federal funding for every child protection activity—foster care, adoption, family services, and caseworker oversight—would rise over the next 10 years.

Current child protection programs provide limited funding for services to assist families and keep them safely together. At the same time, the system provides open ended funding if kids are removed from their families, leading many to conclude that the system encourages an over-reliance on foster care. The result is that countless children are abused and too many families broken up.

The Child SAFE Act would provide Federal foster care aid for every child regardless of income, addressing a longstanding concern among families, advocates and program officials. It also would guarantee rising foster care funding to States regardless of the number of children in care. That means that States that promote more up-front services to either keep kids out of foster care or move them more quickly through foster care will have even more dollars to invest in additional services. This will remove any financial incentive for a State to needlessly remove a child from their family or let that child languish in foster care for years.

The Child SAFE Act also would promote adoption of children from the public child welfare system. Federal adoption assistance will be available for these children regardless of income. Since 1995, the number of children adopted from the public child welfare system has more than doubled. However, more than 129,000 children in foster care await adoptive families. We must encourage States to do more to find safe, loving homes for these children.

The legislation would increase Federal aid for family services and caseworkers. Federal aid would be (1) merged, (2) guaranteed, and (3) increased by a total of $2 billion over 10 years. States would have more funds, more flexibility, and greater incentives to serve families and prevent children's removal to foster care.

The Child SAFE Act also provides increased funding to Indian tribes for child protection programs. It expands funding and services for children placed with relatives. The legislation requires an assessment of children entering foster care—many of whom have deep physical and emotional scars—to determine what services they might need. States that excel in protecting children would receive a share of $400 million in new performance funds. And the legislation is fully offset by provisions previously passed in the House welfare reform bill (H.R. 4).

I thank my colleagues, Mrs. JOHNSON, Mr. DELAY, Mr. LEWIS, Mr. CAMP, and Mr. CANTOR for joining me in introducing this important legislation. This legislation will improve our Nation's child protection programs so that children are safe and in loving families. I invite all Members to support it.

IN HONOR OF JOHN A. COLEMAN

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mrs. TAUSCHER. Mr. Speaker, it is with great pride and pleasure that I rise today to recognize the achievements and activities of John A. Coleman. Mr. Coleman currently is serving as the President of the California Association of Sanitation Agencies otherwise known as CASA. CASA is a statewide association of wastewater treatment agencies that is responsible for ensuring the protection and improvement of California's water quality for more than 22 million Californians and their related businesses and our state's natural resources. He was elected CASA President after serving as a member of this association since 1990. It is also noteworthy that he assumed this leadership role after he was elected to the Board of Directors of the East Bay Municipal Utility District that provides water quality and water supply services to many of my constituents of the 10th Congressional District.

Mr. Coleman was the first CASA President to serve a two-year term of office, having been unanimously elected by the General Council of the California Association of Sanitation Agencies on August 9, 2002 and re-elected August 15, 2003. He will conclude his term as the 46th President on August 7, 2004.

Mr. Coleman's performance on behalf of CASA has been one of strong leadership. He has provided important guidance on complex legislative and regulatory issues affecting the management of local public wastewater agencies as these agencies strive to comply with the myriad of federal requirements. On many an occasion I have had the opportunity to review a number of these matters with Mr. Coleman in his capacity as President of CASA and as a member of the East Bay Municipal Utility District Board of Directors.

In each of these roles, Mr. Coleman displayed the highest level of integrity establishing a threshold of performance that served CASA well. He used his position at CASA both as President and a Member of the Executive Board to encourage all CASA members to maintain the highest level of professional performance in the course of conducting the public's business.

Of special note, during Mr. Coleman's tenure as CASA President, he launched a state wide program to promote the beneficial use of biosolids to improve the quality of our lands and minimize the inappropriate disposal of a useful byproduct of water quality programs. This program has generated a better understanding on the part of the public on how we can be better stewards of our local communities and their natural resources.

Most recently, Mr. Coleman oversaw the first CASA Federal Legislative Outreach Seminar, bringing to Washington 40 public officials to meet with their congressional delegations and U.S Environmental Protection Agency officials. This effort typified Mr. Coleman's commitment to working to enhance the CASA members' understanding of the policymaking process and to promote increased public participation in the legislative and regulatory processes. Through this activity, he has elevated and solidified CASA's leading role as one of the most effective, respected, and influential California public association dedicated to wastewater and water quality improvements.

As Mr. Coleman prepares to complete his term as CASA President, I want to take note of these accomplishments and to commend him for his tireless commitment to improve the water quality of California's lakes, rivers, streams and coastal waters. His commitment and leadership at CASA means that valuable recreational, economic and social activities that today's Californians enjoy will be available for California's future generations. I congratulate him on his many achievements.

HONORING THE ARMY RESERVE 367TH MOBILE PUBLIC AFFAIRS DETACHMENT UNIT FOR ITS SERVICE TO OUR COUNTRY DURING OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. TIBERI. Mr. Speaker, I rise today to honor the Army Reserve 367th Mobile Public Affairs Detachment Unit for their participation in Operation Enduring Freedom and Operation Iraqi Freedom. I commemorate the service of the 367th members from the 12th Congressional District, which I am proud to represent, and all who served in the unit. For fourteen months members of the unit worked to provide news and information to media sources from around the world. Additionally, due to the work of the 367th, soldiers from my district were able to send messages to loved ones by way of "video post cards home" broadcast on local television. This service provided my constituents and many other Americans the opportunity to watch our troops in action. Today, we thank its members for the sacrifices they made to serve our country.

Mr. Speaker, I would like to share one example of the 367th's exemplary service to our Nation. The unit was in Tikrit, Iraq when it was informed of the capture of Saddam Hussein. Its members immediately realized the support that would be needed to accommodate the over 600 journalists who traveled to Iraq to cover the event. The 367th took action and coordinated an effort to provide transportation, lodging, food and even internet access. Because of the 367th's hard work, journalists from around the world were able to provide coverage of the historic event.

On March 3, 2004 the 367th returned home after a job well done. Once again, I thank the members of the Army Reserve 367th Mobile Public Affairs Detachment Unit for their service to our country.

NATIONAL BLACK DATA PROCESSING ASSOCIATES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. BURGESS. Mr. Speaker, I rise today to recognize the National Black Data Processing Associates (NBDPA). In honor of their upcoming 26th National Conference, I would like to

commend NBDPA for their commitment to delivering Information Technology (IT) excellence to their members, partners and communities.

BDPA was founded in 1975 in Philadelphia, Pennsylvania. Today, it has grown to include over 45 chapters across the United States. The mission of BDPA is to build and strengthen its stakeholder proficiency and effective application of IT, to affect a just level of member participation at all levels of the IT industry's employment and business opportunities, and to become a powerful voice in the IT industry that represents the interests of their members and communities.

The 3,000 members of BDPA include IT professionals, entrepreneurs, consultants, executives, educators and students. This wide base of members represents associates from across our nation as well as growing membership in Canada, England, France and Ghana.

BDPA is involved in a variety of programs to attain their vision, mission and objectives. These programs include student internship and mentoring programs, an education and technology foundation, a career center, as well as interest groups that promote the perspectives of the IT industry.

As BDPA celebrates its 26th National Annual Conference this year, I would like to commend this organization for their role in supporting the Information Technology industry and its employees. As technology continues to advance, their role will only grow. We are proud of your achievements, and we wish you the best in the future.

GOVERNOR ROBERT SMYLIE

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. OTTER. Mr. Speaker, I rise today to recognize the extraordinary life and peerless achievements of Robert Smylie, the only governor in Idaho history to serve three consecutive full terms. He died Saturday at the age of 89.

Please join me in extending the sympathies of the House of Representatives to Governor Smylie's wife Lucille and their entire family.

Bob Smylie was an Iowa native educated at my alma mater, the College of Idaho in Caldwell, and then at the George Washington University law school here in the nation's capital, where he attended classes while working as a member of the Capitol Police Force.

For 8 years as Idaho's attorney general and 12 years as governor, Bob Smylie proved time and again that he was a man of talent, vision and courage. He saw the modern challenges facing state government and understood intuitively that they required bold actions. As is the case with many people of intellect and audacity, his genius was not fully appreciated in his lifetime.

Governor Smylie was a pillar of fiscal responsibility. Yet he was far ahead of his time in recognizing that demands for government services would increase geometrically within his lifetime, that education and transportation are investments no state can afford to shortchange, and that the public's business is worthy of our best efforts and brightest minds.

Most of all, Governor Smylie was a tough and committed public servant who accepted nothing less from his colleagues and contemporaries. His example is one of uncompromising devotion to the good of Idaho, America, and our people.

Mr. Speaker, we have lost an American original, a man whose influence and example will live on for years to come. He set the stage for the growth and progress that mark Idaho today. My state mourns his passing, but we all are better for having had Robert Smylie in our lives.

TRIBUTE TO WILLIAM J. PASTUSZEK, DISTINGUISHED BUSINESS LEADER WITH A LEGACY OF CIVIC AND HUMANITARIAN EFFORTS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. WELDON of Pennsylvania. Mr. Speaker, on July 14th my good friend Bill Pastuszek passed away and Pennsylvania lost one of its most distinguished business and community leaders.

Born in Chester, Pennsylvania, he graduated from Juniata College with a B.A. and attended classes at Elizabethtown College, Pennsylvania Military College, and University of Pennsylvania Law School. After graduation from Pennsylvania Military Prep School and service in the Army during World War II, he held a teaching certificate in secondary education and briefly taught at Chester High School and Smedley Junior High School.

Mr. Pastuszek's leadership qualities were in evidence early in his professional life. At the age of 26, Mr. Pastuszek became one of the youngest members of the Board of Directors of Chester School District, where he served as director, vice president and president from 1954 to 1963. A prominent leader in communities throughout Delaware County, Pennsylvania and in the Ukrainian American community in the United States, he established his real estate office in Chester in 1947 and later relocated to Swarthmore in 1963.

During his 57 years in the Delaware County, Pennsylvania real estate industry, Mr. Pastuszek became an institution in the county. He developed more than 1,000 commercial, industrial, self-storage garages, apartments and residential units in Maryland, New Jersey, and Pennsylvania. In 1985, the Delaware County Council presented Mr. Pastuszek with the Distinguished Business Achievement Award for his contributions to the overall economic vitality of Delaware County. In 1991, he was awarded the Distinguished Community Achievement Award by the Lower Chichester Township Board of Commissioners. Mr. Pastuszek's subsequent contributions to improve housing were recognized by the municipalities of Marcus Hook, Chester, Trainer, Swarthmore, Morton and Lower Chichester.

Mr. Pastuszek's work over the years and tireless dedication to the character and charm of the properties under his care improved the quality of life in our community. Life is a series of crossroads and how appropriate it was that the Lower Chichester Township Board of Commissioners resolved in 2000 to change the name of Ormond Street to Pastuszek Boulevard, while the Township of Chester renamed West 10th Street as Pastuszek Court. Bill Pastuszek was a developer not just of property but of people and of communities. I can't think of anyone more deserving of such recognition.

Mr. Speaker, Bill Pastuszek was someone who made a difference and dreamed the American Dream, and he truly represented what this country is all about. I wish Bill's wife of 56 years, Theodozia Kiziuk Pastuszek and family, my heartfelt condolences and may they find comfort in knowing that the many people he impacted deeply value his dedication and generosity and the example of his life and work.

HONORING HARRY WIGGINS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise to honor my dear friend and former colleague, State Senator Harry Wiggins. Harry is the quintessential gentleman and a distinguished statesman. He dedicated his life to the betterment of our community and state.

Kansas City is home for Harry. A devoted son to his mother and father, young Harry attended St. Elizabeth's Grade School and Lillis High School. He continues to support these local institutions that fostered his academic growth. He received his law degree from Saint Louis University and served his country in the Army from 1957 to 1959.

Harry was inspired to a life of public service, as I was, by Robert Kennedy. He fulfilled Bobby Kennedy's prophesy that "few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation." In 1961 Harry was appointed by Attorney General Robert Kennedy to serve as Assistant U.S. Attorney for the Western District of Missouri.

In 1970, Harry was elected Western Judge of Jackson County, joining Presiding Judge George W. Lehr and Eastern Judge Joe Bolger in bringing growth and prosperity to Jackson County, and following in the footsteps of Harry S Truman who had earlier served as Eastern Judge. The dynamic combination of Lehr, Bolger, and Wiggins catapulted Kansas City into a major sports city with the creation of the Truman Sports Complex. Judge Wiggins traveled to New York's financial bond market to ensure funding for the innovative complex.

Known for his tenacity and persistence as a crusader, Harry was elected to the Missouri State Senate for the Tenth District in 1974 and served with distinction for 28 years. From 1980 to 1984 he served as Majority Floor Leader. I fondly remember the eighteen years in which I worked with Senator Wiggins on numerous bills for our community and state when I joined my friend in Jefferson City as a State Representative in 1976. For 12 years we partnered on landmark fiscal policy as we each chaired the Ways and Means Committees of our respective chambers.

Harry's civic and charitable awards include: the 2001 Charles Evans Whittaker Award for outstanding lawyer of Kansas City; 2001 Outstanding Advocacy for Children Award from

the Associated PTA's of Missouri; and the 2002 Tiger Roar Award from University of Missouri Alumni Association. In 2000, the Mr. Baseball in Kansas City Award was presented to Senator Harry Wiggins by the Kansas City Royals for furthering the cause of professional baseball in Kansas City. From his initial role in securing funding to build the stadium as a Jackson County Judge, to obtaining a 25 year lease that insured the Royals remain in Kansas City as a Senator, the Royals knew they could count on Harry. The Senator proudly wore his Royals hat, enjoyed spring training with the team, and was truly Mr. K.C. Baseball.

When you look into Harry's blue eyes you see compassion, respect and commitment. He served until term limits forced his retirement from the Senate, and in 2002 joined the prestigious law firm of Blackwell, Sanders, Peper and Martin.

Mr. Speaker, Harry Wiggins is a man who has selflessly served, and who has left his mark on the lives of Kansas Citians and all Missourians. Thank you, Harry, for making our community and state a better place. Mr. Speaker, please join me in saluting this unique public servant.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 20, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 21

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Vice Admiral Timothy J. Keating, USN, for appointment to the grade of admiral and to be Commander, United States Northern Command/Commander, North American Aerospace Defense Command; Lieutenant General Bantz J. Craddock, USA, for appointment to the grade of general and to be Commander, United States Southern Command; Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense for International Security Policy, and Valerie Lynn Baldwin, of Kansas, to be an Assistant Secretary of the Army.

SR–222

Foreign Relations

To hold hearings to examine combating multilateral development bank corruption, focusing on the U.S. Treasury's role and internal efforts.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine regulation NMS and developments in market structure.

SD–538

Finance

To hold hearings to examine bridging the tax gap.

SD–215

Governmental Affairs

Business meeting to consider pending calendar business.

SD–342

Indian Affairs

Business meeting to consider pending calendar business; to be followed by a hearing to examine S. 519, to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans.

SR–485

Judiciary

To hold an oversight hearing to examine the Radiation Exposure Compensation Program.

SD–226

11 a.m.

Commission on Security and Cooperation in Europe

To receive a briefing on the current state of religious freedom in the Caucasus due to recent events in Azerbaijan, Armenia and Georgia.

340 CHOB

2 p.m.

Indian Affairs

To hold an oversight hearing to examine the proposed reauthorization of the Indian Health Care Improvement Act.

SR–485

Armed Services

Personnel Subcommittee

Health, Education, Labor, and Pensions

Children and Families Subcommittee

With the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, to hold joint hearings to examine how states have responded to military families' unique challenges during military deployments and what the Federal Government can do to support states in this important work.

SD–430

2:30 p.m.

Banking, Housing, and Urban Affairs

International Trade and Finance Subcommittee

To hold hearings to examine Islamic banking.

SD–538

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 738, 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, S. 1614, to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System, S. 2221, to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, S. 2253, to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief, on public land through a Healthy Forest Youth Conservation Corps, S. 2334, to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, S. 2408, to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana, and S. 2622, to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico.

SD–366

JULY 22

9 a.m.

Governmental Affairs

Investigations Subcommittee

To resume hearings to examine the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether the pharmaceuticals from foreign sources are counterfeit, expired, unsafe, or illegitimate, focusing on the extent to which U.S. consumers can purchase dangerous and often addictive controlled substances from Internet pharmacy websites and the procedures utilized by the Bureau of Customs and Border Protection, the Drug Enforcement Administration, the United States Postal Service, and the Food and Drug Administration, as well as the private sector to address these issues.

SD–342

9:30 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Foreign Relations

To hold hearings to examine the current situation in Iraq post-transition.

SD–419

Judiciary

Business meeting to consider pending calendar business.

SD–226

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine activities and funding issues of the Appalachian Council and Working for America Institute.

SD–192

10 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine regulation NMS and developments in market structure.

SD–538

Finance

To hold hearings to examine the role of higher education financing in strengthening U.S. competitiveness in a global economy.

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine preparations for possible future terrorist attacks.

SD–430

Joint Economic Committee

To hold hearings to examine the demographics of health care, focusing on evidence regarding declining rates of chronic disability and assess the best opportunities for further health promotion.

SD–628

2 p.m.

Judiciary

To hold hearings to examine S. 2560, to amend chapter 5 of title 17, United

States Code, relating to inducement of copyright infringement.

SD–226

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold an oversight hearing to examine the implementation of the National Parks Air Tour Management Act of 2000 (Public Law 106–181).

SD–366

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine space exploration of Saturn.

SR–253

Intelligence

To hold hearings to examine intelligence reform.

SH–216

3:30 p.m.

Governmental Affairs

To hold hearings to examine the nomination of Allen Weinstein, of Maryland, to be Archivist of the United States.

SD–342

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

CANCELLATIONS

JULY 21

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

POSTPONEMENTS

9:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider proposed legislation authorizing funds for programs of the Vocational Education Act, S. 2158, to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation, S. 2283, to extend Federal funding for operation of State high risk health insurance pools, S. 2493, to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, H.R. 3908, to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio, S. Res. 389, expressing the sense of the Senate with respect to prostate cancer information, S. Con. Res. 119, recognizing that prevention of suicide is a compelling national priority, and certain pending nominations.

SD–430

10 a.m.

Judiciary

To hold hearings to examine the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit.

SD–226

JULY 22

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine media ownership.

SR–253

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8405–S8430

Measures Introduced: Six bills were introduced as follows: S. 2683–2688. **Page S8423**

Measures Passed:

Santiago E. Campos U.S. Courthouse: Senate passed 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''. **Page S8427**

James V. Hansen Federal Building: Senate passed S. 2398, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V. Hansen Federal Building. **Page S8427**

Winston E. Arnow U.S. Courthouse: Senate passed H.R. 1572, to designate the historic Federal District Court Building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building'', clearing the measure for the President. **Page S8427**

Sergeant First Class Paul Ray Smith Post Office Building: Committee on Governmental Affairs was discharged from further consideration of H.R. 4380, to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building'', and the bill was then passed, clearing the measure for the President. **Page S8427**

Salt River Pima-Maricopa Indian Reservation Contract: Committee on Indian Affairs was discharged from further consideration of S. 2277, to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation, and the bill was then passed. **Page S8427**

Nomination: Senate resumed consideration of the nomination of William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit. **Pages S8406–12**

A unanimous-consent agreement was reached providing for further consideration of the nomination at approximately 11 a.m., on Tuesday, July 20, 2004, and that the time until 12:30 p.m., be equally divided between the Chairman and Ranking Member of the Committee on the Judiciary. **Pages S8427–28**

Nominations Received: Senate received the following nominations:

Michael D. Gallagher, of Washington, to be Assistant Secretary of Commerce for Communications and Information.

Theodore Williams Kassinger, of Maryland, to be Deputy Secretary of Commerce.

Floyd Hall, of New Jersey, to be a Member of the Reform Board (Amtrak) for a term of five years.

Jack Edwin McGregor, of Connecticut, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Brigadier General Don T. Riley, United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642).

B. Lynn Pascoe, of Virginia, to be Ambassador to the Republic of Indonesia.

Daniel R. Levinson, of Maryland, to be Inspector General, Department of Health and Human Services.

Routine lists in the Foreign Service, Public Health Service. **Pages S8428–30**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Albert Casey, of Texas, to be a Governor of the United States Postal Service for a term expiring December 8, 2009, which was sent to the Senate on January 21, 2004. **Page S8430**

Messages From the House: **Page S8421**

Measures Referred: **Page S8421**

Measures Placed on Calendar: **Page S8421**

Executive Communications: **Pages S8421–23**

Additional Cosponsors: **Pages S8423–24**

Statements on Introduced Bills/Resolutions: **Pages S8424–26**

Additional Statements: **Pages S8419–21**

Authority for Committees to Meet: Page S8426

Privilege of the Floor: Page S8427

Adjournment: Senate convened at 1 p.m., and adjourned at 6:03 p.m., until 10 a.m., on Tuesday, July 20, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8428.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Governmental Affairs: Committee concluded a hearing to examine the nominations of Neil McPhie, of Virginia, to be Chairman, and Barbara J. Sapin, of Maryland, to be a Member, both of the Merit Systems Protection Board, after the nominees testified and answered questions in their own behalf.

MEDICARE DRUG BENEFIT

Special Committee on Aging: Committee concluded a hearing to examine certain aspects of the new Medicare law aimed at assisting seniors of modest and low incomes, including principally the full drug benefit scheduled for 2006, and the ongoing prescription drug card transitional assistance, after receiving testimony from Mark McClellan, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Gail R. Wilensky, Project HOPE, Bethesda, Maryland, former Administrator, Health Care Financing Administration, Department of Health and Human Services; and Thomas Byron Thames, AARP, Jane L. Delgado, National Alliance for Hispanic Health, and Patricia B. Nemore, Center for Medicare Advocacy, Inc., all of Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 11 public bills, H.R. 4851–4861; 1 private bill, H.R. 4862; and 3 resolutions, H. Res. 723, 726–727, were introduced. Pages H5982–83

Additional Cosponsors: Pages H5983–84

Reports Filed: Reports were filed today as follows:

H.R. 4850, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005 (H. Rept. 108–610);

H.R. 4492, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, amended (H. Rept. 108–611);

H.R. 4625, to reduce temporarily the royalty required to be paid for sodium produced on Federal lands (H. Rept. 108–612);

H.R. 4170, to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior, amended (H. Rept. 108–613);

H.R. 3313, to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act, amended (H. Rept. 108–614);

H. Res. 724, providing for consideration of H.R. 4850, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005 (H. Rept. 108–615); and

H. Res. 725, providing for consideration of H.R. 3574, to require the mandatory expensing of stock options granted to executive officers (H. Rept. 108–616). Page H5982

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Nunes to act as Speaker Pro Tempore for today. Page H5911

Recess: The House recessed at 12:56 p.m. and reconvened at 2 p.m. Page H5920

Suspensions: The House agreed to suspend the rules and pass the following measures:

Vietnam Human Rights Act of 2003: Debated on Wednesday, July 14: H.R. 1587, amended, to promote freedom and democracy in Vietnam, by a ⅔ yea-and-nay vote of 323 yeas to 45 nays, Roll No. 391; Pages H5947–48

Agreed to amend the title so as to read: a bill to promote freedom and democracy in Vietnam. Page H5948

Concerning the importance of the distribution of food in schools to hungry or malnourished children around the world: Debated on Wednesday, July 14:

S. Con. Res. 114, concerning the importance of the distribution of food in schools to hungry or malnourished children around the world, by a ⅔ yea-and-nay vote of 367 yeas to 4 nays, Roll No. 392; **Pages H5948–49**

Northern Uganda Crisis Response Act: Debated on Wednesday, July 14: S. 2264, to require a report on the conflict in Uganda, by a ⅔ yea-and-nay vote of 371 yeas to 1 nay, Roll No. 393—clearing the measure for the President; **Page H5949**

Amending the Act of 11/2/66 with respect to lands within the Salt River Pima-Maricopa Indian Reservation: H.R. 4115, to amend the Act of 11/2/66, to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation; **Pages H5921–22**

Amending the Omnibus Parks and Public Lands Management Act of 1996: H.R. 4492, amended, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas; **Pages H5922–28**

Conveying certain Federal lands in Riverside County, California: H.R. 3874, amended, to convey for public purposes certain Federal lands in Riverside County, California, that have been identified for disposal; **Pages H5928–29**

Amending the Reclamation Wastewater and Groundwater Study and Facilities Act with regard to Orange County, California's regional water reclamation project: H.R. 1156, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, CA, Regional Water Reclamation Project; **Pages H5929–30**

Newlands Project Headquarters and Maintenance Yard Facility Transfer Act: H.R. 2831, amended, to authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District; **Page H5930**

Gateway Communities Cooperation Act: H.R. 1014, amended, to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies; **Pages H5931–32**

Kilauea Point National Wildlife Refuge Expansion Act of 2003: H.R. 2619, amended, to provide for the expansion of Kilauea Point National Wildlife Refuge; **Pages H5932–33**

Inland Empire Regional Water Recycling Initiative: H.R. 2991, amended, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga County Water District recycling project; **Pages H5933–35**

Authorizing the exchange of certain lands in Everglades National Park: H.R. 3785, amended, to authorize the exchange of certain lands in Everglades National Park; **Pages H5935–36**

Lewis and Clark National Historical Park Designation Act of 2004: H.R. 3819, amended, to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon; **Pages H5936–39**

Amending the Reclamation Wastewater and Groundwater Study and Facilities Act with regard to the Inland Empire regional water recycling project: H.R. 142, amended, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; **Pages H5939–40**

Agreed to amend the title so as to read: to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project. **Page H5940**

Allowing the continued use of certain lands within Sequoia National Park by an existing hydroelectric project: H.R. 3932, amended, to amend Public Law 99–338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project; **Pages H5940–41**

Agreed to amend the title so as to read: to amend Public Law 99–338 to authorize the continued use of certain lands within the Sequoia National Park by

portions of an existing hydroelectric project, and for other purposes. **Page H5941**

Providing for the conveyance to the Government of Mexico of a decommissioned NOAA ship: H.R. 4158, to provide for the conveyance to the Government of Mexico of a decommissioned National Oceanic and Atmospheric Administration ship; **Pages H5941–42**

Department of the Interior Volunteer Recruitment Act of 2004: H.R. 4170, amended, to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; **Pages H5942–43**

Soda Ash Royalty Reduction Act of 2004: H.R. 4625, to reduce temporarily the royalty required to be paid for sodium produced on Federal lands; and **Pages H5943–44**

Honoring Sandra Feldman on the occasion of her retirement from the presidency of the American Federation of Teachers: H. Res. 714, honoring Sandra Feldman on the occasion of her retirement from the presidency of the American Federation of Teachers for her tireless efforts to improve the quality of teaching and learning. **Pages H5944–47**

Recess: The House recessed at 3:40 p.m. and reconvened at 6:30 p.m. **Page H5947**

Discharge Petition: Representative Bishop moved to discharge the Committee on Rules from the consideration of H. Res. 708, providing for consideration of H.R. 3004, to improve the reliability of the Nation's electric transmission system (Discharge Petition No. 10).

Tax Relief, Simplification, and Equity Act of 2003—Motion to Instruct Conferees: Representative Stenholm announced his intention to offer a motion to instruct conferees on H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit. **Page H5950**

Senate Message: Message received from the Senate today appears on page H5920.

Senate Referral: S. 2479 was referred to the Committee on Government Reform and S. 2261 was held at the desk. **Page H5920**

Amendments: Amendments ordered printed pursuant to the rule appear on page H5984.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H5947–48, H5948, and H5948–49. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:58 p.m.

Committee Meetings

DISTRICT OF COLUMBIA APPROPRIATIONS FISCAL YEAR 2005

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of general debate on H.R. 4850, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, 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 Representative Cunningham.

STOCK OPTION ACCOUNTING REFORM ACT

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 3574, Stock Option Accounting Reform Act, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment, and shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against

the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Royce, Frank of Massachusetts, Kanjorski, Maloney, and Eshoo.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Rules: Testimony was heard from Representatives Knollenberg and Farr, but action was deferred on H.R. 4837, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2005

Select Committee on Homeland Security: Met on the Department of Homeland Security Authorization Act for Fiscal Year 2005.

COMMITTEE MEETINGS FOR TUESDAY, JULY 20, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to receive a closed briefing regarding the activities of the Iraq Survey Group in Iraq, 9:30 a.m., S–407, Capitol.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider the nominations of Juan Carlos Zarate, of California, to be an Assistant Secretary of the Treasury, Stuart Levey, of Maryland, to be Under Secretary of the Treasury for Enforcement, and Carin M. Barth, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development; to be followed by an oversight hearing to examine the Semi-Annual Monetary Policy Report of the Federal Reserve, 2:30 p.m., SH–216.

Committee on Energy and Natural Resources: to hold hearings to examine S. 2590, 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, 10 a.m., SD–366.

Committee on Finance: business meeting to consider S. 2677, to implement the United States-Morocco Free Trade Agreement, H.R. 982, to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa, and the nominations of J. Russell George, of Virginia, to be Inspector General for Tax Administration, Department of the Treasury, Patrick P. O'Carroll, Jr., of Maryland, to be Inspector General, Social Security Administration, and Paul Jones, of Colorado, and Charles L. Kolbe, of Iowa, each to be a Member of the Internal Revenue Service Oversight Board, both of the Department of the Treasury, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine detours and disengagements regarding the road map to peace, 9:30 a.m., SD–419.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine governmentwide workforce flexibilities available to federal agencies, focusing on those enacted in the Homeland Security Act, specifically their implementation, use by agencies, and training and education related to using the new flexibilities, 9 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Substance Abuse and Mental Health Services, to hold hearings to examine performance and outcome measurement in substance abuse and mental health programs, 10 a.m., SD–430.

Committee on Indian Affairs: to hold hearings to examine S. 2605, to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, 10 a.m., SR–485.

Committee on the Judiciary: business meeting to consider pending calendar business, 9:30 a.m., SD–226.

Committee on Veterans' Affairs: business meeting to markup S. 1153, to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, S. 2483, to increase, effective as of December 1, 2004, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, S. 2484, to amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists, to authorize alternate work schedules and executive pay for nurses, S. 2485, to amend title 38, United States Code, to improve and enhance the authorities of the Secretary of Veterans Affairs relating to the management and disposal of real property and facilities, and S. 2486, to amend title 38, United States Code, to improve and enhance education, housing, employment, medical, and other benefits for veterans and to improve and extend certain authorities relating to the administration or benefits for veterans, 2:30 p.m., SR–418.

Select Committee on Intelligence: to hold hearings to examine intelligence reform, 10:30 a.m., SD–106.

Full Committee, to hold hearings to examine intelligence reform, 2:30 p.m., SH–216.

House

Committee on Agriculture, hearing to review the Forest Land Enhancement Program. 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on VA, HUD and Independent Agencies, to mark up the VA, HUD and Independent Agencies appropriations for fiscal year 2005, 10 a.m., H–140 Capitol.

Committee on Armed Services, Subcommittee on Readiness, hearing on Depot Maintenance—Capacity and Resources for Future Work, 1:30 p.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on Special Operations Command Personnel Issues, 10 a.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing entitled ''Are College Textbooks Priced Fairly?'' 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled ''Pipeline Safety,'' 11 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Credit Union Regulatory Improvements,'' 2 p.m., 2128 Rayburn.

Subcommittee on Housing and Community Opportunity, hearing on a GAO report entitled ''Multifamily Housing: More Accessible HUD Data Could Help Efforts to Preserve Housing for Low-Income Tenants,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Civil Service and Agency Organization, oversight hearing entitled ''Time to Bite the Bullet: Fixing Federal Law Enforcement Pay and Benefits,'' 10 a.m., 2203 Rayburn.

Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs and the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, joint hearing entitled ''What is the Administration's Record in Relieving Burden on Small Business?—Part II,'' 2 p.m., 2154 Rayburn.

Subcommittee on Government Efficiency and Financial Management, hearing entitled ''Are Financial Management Problems at the Department of Defense Impacting Army Reserve Pay?'' 2 p.m., 2247 Rayburn.

Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled ''Public Safety Interoperability: Look Who's Talking Now,'' 10 a.m., 2154 Rayburn.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, hearing entitled '' The Science of Voting Machine Technology: Accuracy, Reliability, and Security,'' 10 a.m., 2247 Rayburn.

Committee on the Judiciary, hearing on the following bills: H.R. 1787, Good Samaritan Volunteer Firefighter Assistance Act of 2003; H.R. 3369, Nonprofit Athletic Organization Protection Act of 2003; and H.R. 1084, Volunteer Pilot Organization Protection Act, 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, hearing on H.R. 1755, Child Custody Protection Act, 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 3176, Ojito Wilderness Act; and H.R. 4593, Lincoln County Conservation, Recreation, and Development Act of 2004, 10 a.m., 1334 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up the GSA's Fiscal Year 2005 Capital Investment and Leasing Program, and other pending business, 10 a.m., 2253 Rayburn.

Subcommittee on Water Resources and Environment, oversight hearing on Ensuring Value from EPA Grants, 2 p.m., 2167 Rayburn.

Committee on Ways and Means, to mark up H.R. 4842, United States-Morocco Free Trade Agreement Implementation Act, 9 a.m., 1100 Longworth.

Subcommittee on Social Security, hearing on H.R. 4391, Public Servant Retirement Protection Act, following full Committee markup, B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, Briefing to Review the International Committee of the Red Cross Documents on Detainee Interrogation, 12 noon, H–405 Capitol.

Subcommittee on Terrorism and Homeland Security, executive, hearing on the Role of Biometrics in Counterterrorism and Homeland Security Efforts, 9 a.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine the prospects for advancing democracy in Albania, 10 a.m., 334 CHOB.

Next Meeting of the **SENATE**

10 a.m., Tuesday, July 20

Senate Chamber

Program for Tuesday: After the transaction of morning business for statements only (not to extend beyond 60 minutes), Senate will continue consideration of the nomination of William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit, with a vote on the motion to invoke cloture to occur at approximately 2:15 p.m.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Tuesday, July 20

House Chamber

Program for Tuesday: Consideration of Suspensions:

(1) H.R. 4259—Department of Homeland Security Financial Accountability Act;

(2) H.R. 3478—National Archives and Records Administration Efficiency Act of 2003;

(3) H.R. 4608—Bob Michel Department of Veterans Affairs Outpatient Clinic Designation Act;

(4) H.R. 3936—To amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area;

(5) H.R. 4175—Veterans' Compensation Cost-of-Living Adjustment Act of 2004;

(6) S.J. Res. 38—Providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution;

(7) S. 2362—To authorize construction of a Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona; and

(8) H.R. 4816—To permit the Librarian of Congress to hire Library of Congress Police employees.

Consideration of H.R. 4850, District of Columbia Appropriations Act for FY05 (subject to a rule).

Consideration of H.R. 3574, Stock Option Accounting Reform Act (subject to a rule).

Extensions of Remarks, as inserted in this issue.

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