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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 9, 2004.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend David O. Jones, Headmaster, Heritage Covenant Schools, Franklin, Tennessee, offered the following prayer:

Lord God Almighty, we rejoice in You, that Your word is truth, that You are faithful in all Your works, that You love righteousness and justice.

By Your word the heavens and the Earth were created. You formed man out of the dust and set him, both male and female, to carry Your image. You have fashioned our hearts individually, and You look upon the inhabitants of the Earth and You have blessed us.

But, Lord, in our rebellion we insist on trusting in our own purposes and works. Father, forgive us. We do not realize the gravity of our sin or the destruction wrought by our pride.

As we are confronted with the anniversary of the horrors of the 11th of September, 2001, give us an assurance of Your grace and mercy. Allow us the ability to know the presence of Your Holy Spirit. And for every victim of terrorism, both civilian and military, and their families, grant healing and peace.

With the Psalmist we pray, Lord, be our strength, our defense, our refuge in the day of trouble.

In the name of our Lord and Saviour Jesus Christ, grant us the ability to think and act in truth, with justice and mercy. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BEAUPREZ 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.

WELCOMING THE REVEREND DAVID O. JONES

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

Mrs. BLACKBURN. Madam Speaker, today I want to thank the Reverend David O. Jones of Franklin, Tennessee, for joining us to deliver the opening prayer for this day of session in the U.S. House of Representatives.

As we near the third anniversary of the September 11 attacks on America, it is more important than ever that we continue to seek the guidance of our creator.

Reverend Jones has a long and distinguished history of dedication to his faith and to his community. He is a pioneer in the home-school movement who has made a real difference in the lives of thousands of Tennessee children and their families, and has worked to ensure that we protect the sanctity of life as an example to each and every one of us.

We begin each day of legislative session with a prayer, and I am thankful that on this day Reverend Jones could join us as we begin our work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to ten 1-minute speeches on each side.

SALUTING THE LAMAR LITTLE LEAGUE ALL-STARS

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

Mr. DELAY. Madam Speaker, I rise today to congratulate the Lamar National League All-Stars of Richmond, Texas. I congratulate them on their magnificent performance in the Little League World Series this year.

I want to thank Jim Michalek, the team's manager, not only for leading the Lamar All-Stars to Williamsport for the second straight year, but for doing it the right way, by teaching his players the fundamentals of baseball and of teamwork and sportsmanship. If he keeps this up, I would not be surprised to hear the Astros want him in their dugout next year.

Mr. Michalek and his coaches, Tommy Abraham and Bobby Murski, gave more than their time and energy to this team. They gave themselves to it, and the character the boys displayed during their tournament run showed the Houston community and our Nation once again that there is no substitute in a boy's life for the strong influence of good men.

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I want to thank them for their dedication and example.

As for the players, Joey Scheurich, Dustin Moehlig, Chance Murski, Stephen Michalek, Tyler Ford, Steven Crawford, Cody Abraham, Ray Cervenka, Randal Grichuk, Christian DeLeon, Matt Daniels and Daniel Homann, well, I am certainly glad these young men are from my district. They did Richmond and Fort Bend County proud this year, and I am honored to represent them and their families in Washington.

It is often said that sports teach kids important lessons about life. Well, Madam Speaker, I think the Lamar All-Stars taught us a thing or two this year. Throughout their season, they modeled the virtues of hard work, persistence, courage and determination. Their amazing performance this summer is a testament to their talent, certainly, but, most of all, a testament to their character.

I offer every player, coach, parent and friend who followed the Lamar All-Stars this year my congratulations for their success, and, more importantly, my thanks for their example.

RISE IN MEDICARE PREMIUMS CATASTROPHIC EVENT FOR SENIORS

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

Mr. BERRY. Madam Speaker, I remember in 1995 when the leadership on the other side of the aisle stood before this House and talked about how they wanted to see Medicare and Social Security wither on the vine. It is a matter of public record. It is not speculation; it is not putting words in someone's mouth. Now they have been in power long enough to begin to accomplish that goal.

Part B Medicare premiums have gone up 17 percent, from $66.60 to $78.20. We have raised $10 a year the deductible for part B services, and the story goes on and on. This is a catastrophic event for senior citizens, particularly in rural America, where they get charged four times as much for their prescription medicine as anyone else in the world.

This administration has been working on this issue for 4 years. It gets worse and worse and worse. It is time to make a change.

EXPRESSING OUTRAGE AT INCREASE IN MEDICARE PREMIUMS

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

Mrs. CAPPS. Madam Speaker, I also rise, like the previous speaker, to express my outrage at the recent announcement that Medicare premiums will go up by 17 percent in 2005. This will eat up half of a senior's Social Security cost-of-living adjustment. At the same time, Medicare itself is shoveling an additional $46 billion to managed-care companies so that they can push seniors into HMOs.

This is just another example of how the Bush administration puts the interests of the drug and insurance companies over our seniors' interests. They passed a bill, written by the drug companies, that prevented Medicare from negotiating lower drug prices for seniors and blocking reimportation from Canada. The bill pushes seniors out of traditional Medicare and puts them at the tender mercies of the HMOs.

To sum up this President's Medicare policy: seniors pay higher premiums and higher drug costs so Medicare can give more money to HMOs and the drug companies.

REMEMBERING SEPTEMBER 11

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

Mr. PITTS. Madam Speaker, on September 11, 2001, some 3,000 innocent men, women and children were killed in an act of war, including 30 from my home State of Pennsylvania. This weekend we will honor the memory and redevote ourselves to defeating the evil that killed them.

We should never forget why they died, for no other reason but that they were Americans, because the agents of evil believe that they can bully us and change our policies by murdering innocent people. And they continue to believe this. We saw it in Russia last week; we saw it in Spain this summer.

Madam Speaker, it is our duty to use every element of national power to defeat them and the conditions under which they thrive. Three years after 9/11 we have made progress. I am proud of the way our country has responded. I am proud of our troops. I am proud of our Commander in Chief, who has led us in the war on terror with a steady hand. Most of all, I am proud of the American people, who have joined together to renew our commitment to what makes America great.

Let us keep praying that the world will be rid of terrorism.

EXTEND THE ASSAULT WEAPONS BAN

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

Mr. ROTHMAN. Madam Speaker, I rise today to call on the House Republican leadership to allow us to vote on H.R. 2038 and H.R. 3831, which would allow us to decide whether we should let the assault weapons ban stay in effect or disappear from America.

This Monday, September 13, the assault weapons ban will expire, unless the House Republican leadership allows us to vote on whether to keep it in effect or let it expire.

Madam Speaker, the second amendment to the United States Constitution allows individuals to own firearms. The question is, where do we draw the line? Should people be allowed to have shoulder-fired rocket launchers that down airplanes? Of course not. Well, you do not need a 20-round-a-minute assault weapon to take down a deer.

Madam Speaker, I ask the House Republican leadership to allow this Congress to allow us to vote on whether we should extend the assault weapons ban or should we just, because they will not let us vote, have it expire. The assault weapons ban works. Since it went into effect, these crimes have gone down 66 percent.

GUARANTEEING A BRIGHTER FUTURE BY PREVAILING IN THE WAR ON TERROR

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

Mr. BEAUPREZ. Madam Speaker, on September 11, 2001, America rallied around the Stars and Stripes as we have never before seen. From downtown Manhattan to the streets of my hometown in Colorado, Americans shared their pain and support by raising the flag. And in our flag we found our strength and resolve.

Today, America is safer than ever before, in large part because we did not yield to those terrorists who lacked humanity and virtue.

Our selfless soldiers continue to fight and prevail in a war on terror all over the world. These young men and women engage in battle, so that their children and grandchildren will not have to.

As terrorist organizations are dismantled, we guarantee our young ones a brighter future. With every dictator we put away, we help ensure that our sons and daughters and their families will never have to carry a loved one out of rubble.

Madam Speaker, our Nation has always been an extraordinary Nation, but today we rise up once again for those phenomenal firefighters, police officers, doctors and, yes, today's soldiers, who by their actions say we will not give in.

God bless them, and God bless America.

REMEMBERING 9/11

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

Mr. HOLT. Madam Speaker, I rise today to join my colleagues in remembering the victims of September 11, 2001. There are still no words that any of us can speak that will truly ease the pain and the profound sense of loss that families of victims feel, so many in my own district.

I continue to marvel at the courage and determination of the surviving

families, a courage and determination that made the 9/11 Commission possible, overcoming opposition here and across town.

We have an obligation to keep faith with those who perished and with the families they left behind. The best way we can do that is to take the 9/11 Commission recommendations seriously and act on them with dispatch.

□ 1015

For a new generation of Americans, the phrase ''Remember Pearl Harbor'' has been replaced by ''Remember 9/11.''

Madam Speaker, let us honor those that we lost and the loved ones they left behind by acting expeditiously and in a bipartisan fashion to bring the 9/11 Commission recommendations to reality.

INTRODUCING H.R. 5038, THE AMERICAN HEROES ACT

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

Mr. KIRK. Madam Speaker, we will soon double the size of this Capitol, adding a new Visitors Center. As the first thing visitors see, this space must reflect the values of our Nation and the way it inspires young Americans to public service.

Today I am leading a bipartisan group of Members to introduce the American Heroes Act, H.R. 5038. The act authorizes a statue honoring the people of United Flight 93 who fought the first battle in the war on terror over the skies of Pennsylvania. But for their sacrifice, the Capitol might have been destroyed.

We also authorize each State to add one new hero after essay contests in America's high schools. In this way, the new entrance to our temple of democracy will have new heroes adding to the pantheon in the Capitol.

As we approach the third anniversary of September 11, let us honor the heroes of Flight 93 who gave their lives to protect Washington, and let us also make sure that when this Capitol expands, it is filled with men and women who inspire us, especially young Americans, to public service.

MISSING CLASSMATES

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

Mr. LAMPSON. Madam Speaker, as children across the country begin a new school year, some do so with missing classmates. The problem with child abduction goes on.

Seven months ago Monday, Carlie Brucia's remains were found after a stranger took her at a gas station. Now the seventh-graders at McIntosh Middle School in Florida are missing their classmate.

Three weeks ago, 7-year-old Patricia Miles was found suffocated after going on a bike ride in Arkansas. Children at Turrell Elementary School are also missing a classmate today.

Missing children from every walk of life, in many circumstances: stranger abduction, parental abduction, international abduction, all need our attention. Next Friday I will host a child safety forum for southeast Texans, and I call on members of the caucus and on all of my colleagues to hold similar events across the country. We must empower Carlie and Patricia's classmates and all children to know and use safety rules.

ASSAULT WEAPONS BAN SHOULD NOT BE ALLOWED TO EXPIRE

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

Mr. CASTLE. Madam Speaker, I rise this morning to express urgency and remind the House that the existing ban on semiautomatic assault weapons will expire in only a few days, this coming Monday, September 13.

Reports continue to show that 70 percent of Americans believe that the ban should be maintained. In fact, the law enforcement community, the health care community, and the administration all agree that this ban should be allowed to continue to protect our communities from our increased vulnerability associated with allowing semiautomatic weapons back on our streets.

Some say that we do not have the votes to extend this ban, but Americans deserve a full debate and a House vote before we allow the expiration date to pass.

There is no reason not to go forward at this point; we have only 5 days left.

Do people need an assault weapon to protect their home? No. Do people need an assault weapon to hunt? No. Do people need an assault weapon to target shoot? No. But criminals use assault weapons to kill.

The ban should not be allowed to expire. I implore leadership to let us vote on continuing the ban.

RISING HEALTH CARE COSTS

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

Mr. GREEN of Texas. Madam Speaker, I rise today to address the rising health care costs facing our seniors.

This last week the administration announced that American seniors will face the largest premium increase in Medicare's history. Instead of roughly $67, now it is going to go up to $78 a month for their Medicare Part B premiums.

The difference amounts to a huge increase, far exceeding inflation or any potential cost-of-living adjustment that our seniors receive under Social Security. This adds to the Government Accounting Office just last week asking for part of the salary back from the person who withheld information from this Congress when we passed the Medicare reform bill last year.

We should not force our seniors to bear the brunt of the increased cost of Medicare. The administration's actions will force them to come up with an extra $132 a year just to cover the increased premium. For the average senior receiving Social Security, this represents 10 percent of their monthly budget. Unfortunately, if precedent is any indicator, seniors will continue to see double-digit Medicare premium increases under a second Bush administration.

It is downright shameful to saddle our seniors with the cost of the administration's failed health policies. America's seniors deserve better.

MISCONCEPTIONS ABOUT IRAQ

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

Mr. GARRETT of New Jersey. Madam Speaker, the war in Iraq is one that we all understand is not easily won. The enemy does not play by our rules of engagement. They have no conscience, they have no decency, they have no moral compass.

Yet the same anger, arrogance, and ignorance that fuels these terrorists who have lashed out at citizens across the globe is now, according to JOHN KERRY, a sign of the Iraqi people's ''frustration'' with the Bush administration.

Yes, there are pockets of resistance within Iraq, but KERRY'S assertion that the Iraqis are acting out in political dissension with the Bush administration's military strategy is ludicrous.

Madam Speaker, Iraqis are not lashing out through political activism, they are shooting American soldiers. They are killing the very same people who have come to help them. Mr. KERRY should be more focused on reality and less on political rhetoric. Our soldiers have risked it all to liberate Iraq and the Iraqi people.

SO-CALLED ECONOMIC RECOVERY

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

Ms. DELAURO. Madam Speaker, I rise today to discuss our so-called ''economic recovery.''

Last week I visited a woman in my district named Carol Jones. Nine months ago Carol had a job at an investment firm, a steady income, a health care plan, and a pension. But she had something more. She had security.

Then, like so many others struggling to get by, Carol was laid off, went on for months on end without a job, supporting herself on unemployment benefits and, when those ran out, her savings, which are now all but depleted.

The good news for Carol is that after 9 months of unemployment, she will at last be going back to work at her new job at Target. But Carol will be earning significantly less than she made at her last job, and because the job is part-time, Carol will have no benefits for the next 6 months, and this is what the Bush administration calls ''turning the corner on the economy.''

Madam Speaker, 8 million people out of work, and 82 million people facing monthly premiums for health insurance that have increased by nearly 14 percent this year alone. The Carol Joneses of the world deserve better than this, much better. They deserve a real plan to jump-start the economy, a plan that lowers health care costs, that creates good-paying jobs, and gets workers back their dignity. That is what the American people want, and that is what this majority should be working on.

9/11 COMMISSION RECOMMENDATIONS

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

Mr. PENCE. Madam Speaker, 3 years ago this Saturday, at precisely this hour, I found myself standing in the sunlight of a September morning in this city near the elm tree on the Capitol grounds. Like so many of my colleagues, I experienced September 11 in Washington, D.C., and not just the smoke-filled skies and pandemonium that followed those moments, but I experienced the lack of deliberation that followed those times.

It is in that spirit that I rise, as I did the day the 9/11 Commission report was produced, to say that this Congress should proceed with deliberation, but as one of my Democrat colleagues said, with dispatch, in considering and enacting many, if not all, of the recommendations of the 9/11 Commission.

The people of this country believe that they have sent us here, men and women in Congress, to consider the changes that are necessary to advance the security and liberty of the American people; not to write a blank check to independent commissions, but to deliberate, because, God forbid, should a day strike America like that day in September again, or like the days that have struck the people of Russia or of Spain in recent days, there will be a lack of deliberation, and the opportunity to thoughtfully consider these proposals will have gone by.

BUSH ECONOMIC POLICIES ARE BAD FOR AVERAGE AMERICANS

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

Mr. McDERMOTT. Madam Speaker, the Republicans have performed a hat trick. They have control of the House, the White House, and the Senate, and now they are trying to pull a rabbit out of a hat.

They need money, piles and piles of it.

The President's tax giveaway to the very rich soaked average Americans and drained the U.S. Treasury. The President's Iraq war is bleeding the U.S. economy and ballooning the Federal deficit.

It will only get worse.

Administration surrogates now openly talk about remaining in Iraq for decades. The Pentagon's annual budget is already close to the entire Federal deficit. To feed the President's war, every domestic program, from Medicare to veterans' health, to low-income housing, is on the table. Make no mistake. Domestic programs are going to be squeezed hard, just like the middle class. This is the lemon that we have in the White House.

It is the Republican way. Why be fair when you can govern by fear?

Think about it. The 2nd of November, it is coming.

EXPRESSING SENSE OF THE HOUSE ON ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES ON SEPTEMBER 11, 2001

Mr. HYDE. Madam Speaker, pursuant to the previous order of the House, I call up the resolution (H. Res. 757) expressing the sense of the House of Representatives on the anniversary of the terrorist attacks launched against the United States on September 11, 2001, and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mrs. BIGGERT). The Clerk will report the title of the resolution.

The Clerk read the title of the resolution.

The text of House Resolution 757 is as follows:

H. RES. 757

Whereas on September 11, 2001, while Americans were attending to their daily routines, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C., and a fourth was prevented from also being used as a weapon against America by brave passengers who placed their country above their own lives;

Whereas three years later the country continues to, and shall forever, mourn the tragic loss of life at the hands of terrorist attackers;

Whereas by targeting symbols of American strength and success, these attacks clearly were intended to assail the principles, values, and freedoms of the United States and the American people, intimidate the Nation, and weaken the national resolve;

Whereas three years after September 11, 2001, the United States is fighting a Global War on Terrorism to protect America and her friends and allies;

Whereas since the United States was attacked, it has led an international military coalition in the destruction of two terrorist regimes in Afghanistan and Iraq while using diplomacy and sanctions in cooperation with Great Britain and the international community to lead a third terrorist regime in Libya away from its weapons of mass destruction;

Whereas the United States is reorganizing itself in order to more effectively wage the Global War on Terrorism by transforming the Department of Defense, sharpening the Federal Bureau of Investigation's counterterrorism focus, strengthening the authority of the Director of Central Intelligence to coordinate national intelligence activities, and creating a Department of Homeland Security;

Whereas of the senior al-Qaida leaders, operational managers, and key facilitators that the United States Government has been tracking, nearly two-thirds of such individuals have been taken into custody or killed;

Whereas just as significant, with the help of its allies, the United States has disrupted individuals and organizations that facilitate terrorism—movers of money, people, messages, and supplies—who have acted as the glue binding the global al-Qaida network together;

Whereas Pakistan has taken into custody more than 500 members of al-Qaida and the Taliban regime, including Khalid Sheik Mohammed and Ramzi bin al Shibh, conspirators in the September 11, 2001, attacks, and Kahallad Ba'Attash, an individual involved in the planning of the attack on the USS COLE in 2000;

Whereas Jordan continues its strong counterterrorism efforts, arresting two individuals with links to al-Qaida who admitted responsibility for the October 2002 murder in Amman, Jordan, of Lawrence Foley, a United States Agency for International Development Foreign Service Officer;

Whereas in June 2002, Morocco took into custody al-Qaida operatives plotting to attack United States Navy ships and ships of other member nations of the North Atlantic Treaty Organization in the Strait of Gibraltar;

Whereas the United States and its allies in Southeast Asia have made significant advances against the regional terrorist organization Jemaah Islamiyah, which was responsible for the attack in Bali, Indonesia, in October 2003 that killed more than 200 people;

Whereas Singapore, Indonesia, the Philippines, Thailand, and other countries in Southeast Asia have taken into custody leaders and operatives of local al-Qaida-affiliated terrorist organizations and members of al-Qaida traveling through such countries;

Whereas the United Kingdom, France, Germany, Italy, Spain, and other countries have disrupted cells of the al-Qaida terrorist organization and are vigorously pursuing other leads relating to terrorist activity;

Whereas following the attacks of September 11, 2001, the United States Government initiated innovative programs, such as the Customs-Trade Partnership Against Terrorism program and the Container Security Initiative, to extend our borders overseas and to secure and screen cargo before it is placed on ships destined for United States ports of entry;

Whereas the Department of Homeland Security implemented the US-VISIT border security screening system in December 2003 at all air and sea ports of entry, requiring that nonimmigrant visa holders entering the United States be fingerprinted and screened through various criminal and terrorist databases before entry into the United States, and this system will be expanded to land ports of entry in accordance with congressional deadlines;

Whereas since September 11, 2001, the Coast Guard has conducted more than 124,000 port security patrols, 13,000 air patrols, boarded more than 92,000 vessels, interdicted over 14,000 individuals attempting to enter

the United States illegally, and created and maintained more than 90 Maritime Security Zones;

Whereas following the attacks of September 11, 2001, the Terrorist Threat Integration Center was established, which now fuses, for the first time in United States history, terrorist-related information, foreign and domestic, available to the United States Government for systematic analysis and dissemination to prevent or disrupt terrorist attacks on the United States;

Whereas following the attacks of September 11, 2001, the Terrorist Screening Center, a multi-agency partnership, was established to integrate the dozens of separate terrorist databases that existed before September 11th into a single terrorist watch list for use by Federal, State, and local law enforcement, intelligence, and border security personnel;

Whereas following the attacks of September 11, 2001, the United States Government has ensured the hardening of cockpit doors on airplanes and greatly expanded the use of armed Federal air marshals to prevent and deter future hijackings that could turn commercial planes into weapons of mass destruction;

Whereas having recognized the need to prevent terrorist organizations from using their resources, the Federal Bureau of Investigation has worked closely with the Department of the Treasury to target 62 terrorist organizations and freeze $125,000,000 in assets of such organizations worldwide used to fund terrorist activities;

Whereas to date United States Armed Forces and Coalition forces have killed or captured 43 of the 55 most wanted criminals of the Saddam Hussein regime in Iraq, including Saddam Hussein himself;

Whereas the al-Zarqawi terror network used Baghdad as a base of operations to coordinate the movement of people, money, and supplies; and

Whereas thousands of families have lost loved ones in the defense of freedom and liberty against the tyranny of terror: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends again its deepest sympathies to the thousands of innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(2) honors the heroic actions and the sacrifices of United States military and civilian personnel and their families who have sacrificed much, including their lives and health, in defense of their country in the Global War on Terrorism;

(3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;

(4) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks;

(5) discourages, in the strongest possible terms, any effort to confuse the Global War on Terrorism with a war on any people or any faith;

(6) reaffirms its commitment to the Global War on Terrorism and to providing the United States Armed Forces with the resources and support to wage it effectively and safely;

(7) vows that it will continue to take whatever actions necessary to identify, intercept, and disrupt terrorists and their activities; and

(8) reaffirms that the American people will never forget the sacrifices made on September 11, 2001, and will never bow to terrorist demands.

Mr. HYDE. Madam Speaker, on this important resolution, I ask unanimous consent that the text of the resolution be read by the Clerk.

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

There was no objection.

The Clerk read the text of the resolution.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, September 8, 2004, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Today we gather in the House of Representatives to consider a resolution commemorating the anniversary of the terrorist acts launched against the United States on September 11, 2001. September 11 was a brilliant, sunlit, late summer morning in New York and Washington. Suddenly, death came raining down from the skies. Three thousand died because of the wicked acts of evil men who callously used innocent American citizens as their weapons.

The war against terrorism, which is the war for civilization itself, has come home to America.

□ 1030

Now, 3 years after the fact, all thoughts are drawn to that day. Time may not be an invincible healer, but it does soften and mercifully distance us from many of our sharpest pains and fears; and by transforming private remembrance into a more quiet and interior experience, it gives the public forms of remembrance greater depth and meaning, elevating these above mere ritual. I am certain that all Americans alive that infamous day will give reverance to this anniversary for as long as they shall live.

We remember today those fellow citizens and the innocents of all Nations who died September 11. We mourn with their families and extend to them once again our profound sympathy.

We remember with awe and gratitude the passengers of the fourth plane, the plane intended for the White House or the Capitol, who sacrificed their own lives to prevent the terrorists from achieving their evil goal.

We remember with profound respect the police, the firefighters and other emergency workers who charged into burning buildings, often at the cost of their own lives, in acts of selflessness and bravery before which we can only bow our heads.

We honor today the men and women of our Armed Forces who have taken the war against terrorism to the fever swamps where terrorism is bred, and who in doing so have given a new birth of freedom to long-oppressed peoples.

We remember in sorrow and prayer those brave men and women who have made the ultimate sacrifice in the service of our country. Their names will not be forgotten. The just cause for which they paid the final price will not fail.

Freedom and decency will, with God's grace, prevail over wickedness and wanton killing.

Today, a day for remembrance is a day for prayer. In silence, let us commend to the merciful hands of God those innocents whose lives were stolen from them 3 years ago Saturday and those men and women of our Armed Forces and those of our allies who go into harm's way and risk their lives for freedom's sake.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, let me first pay tribute to my distinguished friend and colleague from Illinois for the leadership he has provided to our committee and to this House on international matters in the last 3 years.

Madam Speaker, I also want to identify myself with the tribute of the gentleman from Illinois (Chairman HYDE) to members of our Armed Forces, first responders and their families. So much has been said about September 11 and the subsequent battle against global terrorism that the legislation before us allotted an hour of discussion can only be viewed as a symbolic gesture.

But once the solemn commemorations are done, the only meaningful memorial that we in Congress can create is to seriously continue our commitment to carry on the global war against terrorism.

We need to understand that this is indeed a global war, and our hearts go out to the mothers and fathers of the children in southern Russia who just a few days ago were senselessly slaughtered in another act of global terrorism.

We have commitments to keep, Madam Speaker. We need to put into effect the recommendations made by the bipartisan commission investigating the 9/11 attacks. We must find innovative ways to carry out this global struggle against terrorism so that it becomes not a war in the conventional sense but a united worldwide effort to eliminate the conditions that give rise to terrorism, a global effort to sustain peace in all its many aspects.

Where will this effort take us next? We may differ about specific tactics, but I think all Americans agree on at least one broad goal: the United States must do all it can to prevent state sponsors of terrorism from acquiring weapons of mass destruction, particularly nuclear weapons.

Fortunately, Madam Speaker, we have already established at least one model for how to reach that goal peacefully. I refer, of course, to the new situation in Libya, a case study of the effectiveness of multilateral sanctions and diplomacy, sustained over decades by both Republican and Democratic administrations.

Under U.S. and British leadership, the international community, acting through the United Nations, enforced wide-ranging sanctions against Libya that created pressure on its leadership. Eventually, Libyan leader Muammar Qaddafi recognized reality and relented. This year he has taken the unprecedented steps to relinquish his country's nuclear weapons materials and programs, yielding valuable information about the extent of trade in these dangerous substances and among those who seek to harm the United States.

Qaddafi has rejected weapons of mass destruction once and for all, and he will reap the benefits in improved political, economic, educational, and cultural ties with the United States and the West. None of us would have guessed this development just a year ago.

We must waste no time, Madam Speaker, in applying similar measures to Iran, which has shown it will stop at nothing in order to become a nuclear power. The United States has long had sanctions in place on Iran; but now that Iran's nuclear intentions are clear and transparent, we must lead a campaign for full-scale international sanctions on Iran's fanatic regime.

Experts predict that Iran will have a nuclear bomb within 2 years; and with its development of long-range missiles, Iran will threaten our friends and allies across the globe. In order to avoid that nightmarish scenario, the international community must act decisively and quickly, starting with the meeting next week of the board of the International Atomic Energy Agency.

Madam Speaker, I call on that board to refer the issue of Iran's violations of its agreements to the United Nations Security Council for the purpose of imposing multilateral sanctions on Iran until it ends its nuclear program once and for all. With its vast reserves of oil and gas, Iran has no need for what it falsely insists are peaceful uses of nuclear energy.

Madam Speaker, in 1996, this body passed the Iran-Libya Sanctions Act, known as ILSA; and it renewed that act 3 years ago in 2001. Our actions mark a deeper truth. At the time, Iran and Libya were both energy-rich states, sponsors of terrorism, viciously anti-Western and both committed to the development of weapons of mass destruction. Now their paths have diverged dramatically.

Three weeks ago, I made my second trip to Libya and had my second meeting with leader Qaddafi. He told me of an encounter he had sometime ago with an Arab leader who wanted Libya to supply him with nuclear weapons. Qaddafi said he told that Arab leader that if he gave him such weapons, he could not use them, because the retaliation would be so awesome; and when he said this, he said, I also realized that devoting billions of our resources to developing weapons of mass destruction is pointless, and I am giving you all my weapons of mass destruction.

With this story, Colonel Qaddafi laid out the rationale for his decision last December to give up Libya's programs of weapons of mass destruction. As a consequence, U.S. commercial sanctions no longer apply to Libya. The Iran-Libya Sanctions Act is now the Iran Sanctions Act.

Iran has not yet adopted Libya's wise course. Its single-minded pursuit of nuclear weapons calls for an equally determined response from the international community. The IAEA meeting next week will be a test of both international will and the skill of our leadership.

In the post-9/11 age, letting fundamentalist extremists acquire nuclear arms makes no sense whatsoever. We should be no more relaxed about a nuclear armed Iran than we would about a nuclear armed Hezbollah or al Qaeda.

Mr. Speaker, as Aristotle observed, we make war that we may live in peace. But the effort that so many have called the war on terrorism must involve warfare only as the very last resort.

The case of Libya demonstrates that skillful, multilateral diplomacy can avoid the horror of war and can point us in a direction which is peaceful and constructive for the United States and for the rest of the world.

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

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

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

Mr. Speaker, most Americans can tell you precisely where they were and what they were doing 3 years ago when the grim news broke that the terrorists had crashed commercial jet liners into both towers of the World Trade Center, the Pentagon, and in a field in Pennsylvania. Sadly, approximately 3,000 innocent people were savagely murdered, including 697 from my own State of New Jersey, with 60 families in my congressional district feeling the pain directly.

The extraordinary courage of the victims like Todd Beamer and Captain Chip Burlingame and so many others who sacrificed their lives in an attempt to thwart the terrorists' plots and plans, as well as the first responders who bravely ran into burning buildings, deserve the highest honor and respect a Nation can bestow. Sadly, some 374 first responders died going into skyscrapers as they were engulfed in flames. They died trying to save those who were victimized by the 9/11 attackers.

Last week, President Bush very eloquently summed up America's heart and spirit when reflecting on 9/11. President Bush said, ''I have seen the character of a great Nation, decent and idealistic and strong.'' President Bush went on to say, ''The world saw that spirit 3 miles from here,'' he was speaking at the Garden, ''when the people of this city faced peril together and lifted a flag over the ruins and defied the enemy with their courage. My fellow Americans, for as long as our country stands, people will look to the resurrection of New York City and they will say here buildings fell and here a Nation rose.''

9/11, Mr. Speaker, was America's wake-up call that transnational terrorism, especially from the likes of al Qaeda, is willing and able and determined to murder us in a massive way. Much, however, has been done by the President and by the Congress to mitigate that threat in the 3 years since 9/11.

We now know that the President, working with our coalition partners, has captured and destroyed many of the al Qaeda operatives, and the Taliban has been crushed, and we have now entered into a close collaboration with partners like Pakistan and the United Kingdom.

□ 1405

Much has been done to assist the victims' families, but no assistance, as we all know, can ever remotely replace their staggering loss. Still, when all is said and done, the victims' compensation fund, while not perfect, will have provided close to $7 billion to the surviving families. We also know that the Federal government has provided about $26.7 billion thus far, which has been awarded to enhance the abilities of State and local governments and first responders to prevent, prepare for, and respond to acts of terrorism and other emergencies.

Much has been done to reform our defenses, including the creation of the Department of Homeland Security, no small feat, particularly in this town, to do such a massive reorganization. And the Terrorist Threat Integration Center now has the left hand talking with the right hand so that intelligence is properly shared. We are all on the same page.

For its part, the 9/11 Commission, a commission created by the families of 9/11, declared that ''we are safer,'' but they also pointed out that we are ''not safe''. Over the course of the August district work period, some 26 hearings were held to respond to and to try to figure out what a new comprehensive

reform bill should look like, and I want to thank the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, for the two outstanding full committee hearings he put together. We are now poised to act on those recommendations, and in some cases, we may opt to exceed the 9/11 blueprint.

Finally, let us all remember, if this is an extremely difficult week for us, the sense of collective violation pales compared to the pain of the families who lost their loved ones, their wives and husbands, their children, their brothers, their sisters. For them, this is the toughest week and September 11th—the saddest day. This is a day of remembrance, a week of remembrance, and our prayers and our hearts go out to the victims' families and friends, because they have lost so much and have stood up so bravely in the years since.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to my dear friend and distinguished colleague, the gentlewoman from New York (Mrs. MALONEY), and it is so appropriate that our next speaker be a Representative from New York.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time and for his leadership on this and so many other issues. I rise in strong support of this resolution.

As we remember the third anniversary of the terrorist attacks of September 11, we must not forget the heroes and heroines who selflessly gave of themselves responding to Ground Zero, but who now need our help.

Yesterday the Subcommittee on National Security of the Committee on Government Reform held a hearing on the persistent health effects of 9/11. We heard about the 380 firefighters who have had to end their careers due to illnesses and injuries, as well as the persistent respiratory problems among many other responders.

Mr. Speaker, there is a new medical condition as a result of 9/11 known as the World Trade Center cough. We learned from the GAO that 3 years after 9/11 basic questions still have not been answered. We know that thousands are sick, but we do not know the exact number. There are at least six different monitoring or health tracking programs, but there is no coordination among them, and not a single Federal program provides health care to those who responded and who need it now. There is a clear need for leadership, but we learned that not a single person in the Federal Government is in charge.

Quite simply, the heroes of 9/11 deserve better. This was an act of war. Our heroes and responders should be treated like veterans. At the very least, they should be provided with adequate health care as a result of their injuries. This is the reason why I have introduced H.R. 4059, the Remember 9/11 Health Act. This legislation provides for treatment, coordination, research, and long-term monitoring.

As we remember 9/11, let us not forget that there are heroes out there that still need our help. Our first responders were there for us. We need to be there for them with the very least in providing adequate health benefits to those who need it.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), along with ranking member, the gentleman from California (Mr. LANTOS), for introducing this bipartisan resolution as we approach the third anniversary of September 11.

Every American remembers where they were that fateful morning of September 11, 2001. That day, we realized that the world had fundamentally changed. We were introduced to a faceless enemy that wants to destroy our very way of life.

Today we have the solemn privilege of honoring and remembering not only those innocent Americans who lost their lives in these horrific acts, but also those whose loved ones were so violently taken from them.

Since that tragic day, America has responded with determination. Al Qaeda is on the run. Two-thirds of its known leaders have been killed or captured, and a brutal dictator with terrorist ties and a proven appetite for weapons of mass destruction sits in an Iraqi jail. We have worked in cooperation with our allies to take the fight to the terrorists. We have worked aggressively to make our homeland more secure. But we must do more.

On this third observance of the September 11 terrorist attacks, let us keep in mind that the freedom that we as Americans have come to enjoy is a precious thing that can never be taken for granted. The world is a dangerous place, with dark forces that are actively seeking to deny us our cherished liberty.

We take heart in the noble and courageous example that has been set by the men and women of our Armed Forces fighting terrorists and the dictators that harbor them around the globe so we do not have to fight them on our streets and in our cities.

As we go about our daily lives, let us never forget those innocent Americans who were killed that September morning and those who sacrificed their lives in the hopes of saving others.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the chairman for introducing this resolution. I stand in strong support of it.

On Friday, September 6, 2002, we had a special session of Congress in Federal Hall in New York City, and the poet laureate of the United States, Billy Collins, read this moving poem, entitled ''The Names.''

Yesterday, I lay awake in the palm of the night. A soft rain stole in, unhelped by any breeze, and when I saw the silver glaze on the windows, I started with A, with Ackerman, as it happened, Then Baxter and Calabro, Davis and Eberling, names falling into place as droplets fell through the dark. Names printed on the ceiling of the night. Names slipping around a watery bend. Twenty-six willows on the banks of a stream. In the morning, I walked out barefoot among thousands of flowers heavy with dew like the eyes of tears, and each had a name, Fiori inscribed on a yellow petal, then Gonzalez and Han, Ishikawa and Jenkins. Names written in the air and stitched into the cloth of the day. A name under a photograph taped to a mailbox. Monogram on a torn shirt, I see you spelled out on storefront windows and on the bright unfurled awnings of this city. I say the syllables as I turn a corner, Kelly and Lee, Medina, Nardella, and O'Connor. When I peer into the woods, I see a thick tangle where letters are hidden as in a puzzle concocted for children. Parker and Quigley in the twigs of an ash, Rizzo, Schubert, Torres, and Upton, secrets in the boughs of an ancient maple. Names written in the pale sky. Names rising in the updraft amid buildings. Names silent in stone or cried out behind a door. Names blown over the earth and out to sea. In the evening, weakening light, the last swallows. A boy on a lake lifts his oars. A woman by a window puts a match to a candle, and the names are outlined on the rose clouds, Vanacore and Wallace, let X stand, if it can, for the ones unfound. Then Young and Ziminsky, the final jolt of Z. Names etched on the head of a pin. One name spanning a bridge, another undergoing a tunnel. A blue name needled into the skin. Names of citizens, workers, mothers and fathers, the bright-eyed daughter, the quick son. Alphabet of names in a green field. Names in the small tracks of birds. Names lifted from a hat or balanced on the tip of the tongue. Names wheeled into the dim warehouse of memory. So many names, there is barely room on the walls of the heart.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to my good friend and distinguished colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish to thank both my distinguished colleagues, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), for giving us the opportunity to be able to rise today and to salute those ever brave, ever courageous and ever prayerful. It is wonderful that we live in a Nation that even in tragedy we can still pray and still commemorate and

celebrate, albeit the tragedy of 9/11, the strength and the valor of 9/11 as well.

My deepest sympathy to those who lost loved ones and had loved ones maimed and are still tending to their pain and their loss. Might I pay a special tribute to the families of the 9/11 victims. I salute you for your persistence in directing this Nation to the truth in the final results of the 9/11 Commission report. I ask and beg this Congress to act immediately upon those recommendations. But if it had not been for those valiant families, in their pain, who decided not do go away but to stand strong, we would not be the country we are today.

Might I add my appreciation, of course, for the young men and women on the front lines and say that when it was time to defend this Nation's honor, I stood and supported the war on terror. But let my vote not stand today, as I vote unanimously or enthusiastically for this resolution, that I connect any idea of the war on terror to the war in Iraq. And although I stood against it, I stand solidly with those men and women, National Guardsmen, reservists, and other enlisted men and women in the United States military, who are now fighting for us.

Why do we come to the floor to honor and to recognize this day and acknowledge those who lost their lives? Because I do stand with this Nation in our resolve to fight terror, and we will stand united to do so. In fact, I would ask that we unite singularly on the war on terror as we promote the civil liberties and civil rights of this Nation, and, yes, as we work collaboratively with our allies.

I also rise to thank our friends, Pakistan, who has risen to support us and stand alongside of us; our own longstanding friend, the Democratic State of India, who has continued to fight with us in the war on terror; our friends in Africa and the Mideast and South and Central America, who stand with us against the war on terror.

So I would say that it is time for America, in its honoring of its dead, to respect them for their loss, the tragic loss, to salute those families who remain in pain, and to salute those families who have lost their loved ones in Iraq and Afghanistan. They will be forever in our prayers, and we will be indebted to them, for they gave the ultimate sacrifice. And that means today, as we stand united voting on this resolution, we are standing to pay tribute to them for being ever brave, ever courageous and ever prayerful.

We also acknowledge that we come to this resolution with differing opinions. Although we may not have supported a war in Iraq, we support all of those who stood for our freedom.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from New York (Mr. FOSSELLA).

□ 1100

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

Mr. Speaker, I rise in strong support and commend both the chairman and the ranking member for bringing this resolution to the floor. I think all Americans, indeed all free-loving people, come together again on the third anniversary of that dreadful day, forever to be known as 9/11, or September 11, to pay tribute to the victims who died, so many heroically, and all of them innocently, on that fateful day.

I cannot help but think that on September 11 people around the world will take a moment to remember what that day was all about, and I cannot help but think about what was happening 3 years ago today. Three years ago today, a bunch of individuals who were barbaric in nature put together the plan, the final touches that would lead ultimately to the death of almost 3,000 innocent people and how they scurried about the country, here, the United States of America, once thought to be not possible. In fact when they built the World Trade Center, no one ever contemplated an attack on our own soil; but that is what happened.

These barbarians, after reaping the fruits of what America had to offer, decided to take those planes and use those planes as missiles and kill innocent people just going about their lives, too many of whom I had the privilege to represent in Staten Island and Brooklyn. Chances are they were getting up to send their kids to school, got on the bus, took the Staten Island ferry, and walked up to the Trade Center, never to return. As we join today, there are still many families who have not recovered from that day, and perhaps some never will; but our hearts and prayers hope that they find the strength to move on.

We can never erase the lives of the likes of guys like Marty Egan who was not working in Manhattan that day but jumped on a fire engine and ran into the Trade Center to try to help. His wife, Diane, and kids live in Great Hills in Staten Island, and they try to go on; but I know it will never be the same.

There were people like Stephen Siller, a fireman who was supposed to meet his brothers to play golf, said there is an emergency, I have to go into Manhattan, and ran through the Brooklyn Battery Tunnel to help his fellow firefighters and try to save innocent people. Stephen never saw his brothers again, not to mention the hundreds, if not thousands, of others who went about their lives as they should have that day. All this while those barbarians contrived and plotted, as terrorist barbarians do, to take the life of innocent people. Let us not forget what these terrorist barbarians are apt to do. Just last week look at what happened in Russia where the ultimate acts of barbary took place and innocent children were blown up. That is what we are up against.

As we honor those who lost their lives on September 11 and give thanks to the families who have suffered every day since, let us not forget what we are up against. Let us not forget that freedom is under attack still. Let us not forget there are individuals around this globe who still want to see the destruction of the United States of America.

I commend the 9/11 report to every American to read so they can get some insight into what these individuals, these terrorists have coming, that is, they do not want to see us be free. They would rather take innocent life after innocent life after innocent life until they get their way.

I hope and pray that Republicans and Democrats long ago understood that we need to unite in a vigilant and a constant and a steadfast way to root out those evil ones wherever they may be. They may be here, they may be in the caves in Afghanistan, they may be in spots around the globe; and we do not even know the names of the towns or cities or villages they are in. If we can stay together and leave the ridiculous rhetoric aside and join with our young men and women who wear our Nation's uniform to support our Commander in Chief when he makes that claim that we are under attack, if we can somehow put our partisan differences aside and unite and stay fast for our great country, and if anything, to remember those victims who perished on September 11, 2001.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I want to once again thank our distinguished chairman, the gentleman from Illinois (Mr. HYDE), for his leadership not only on this debate today but over the last several years as we have all come together to fight this war against international terrorism. I also want to thank the very distinguished gentleman from California (Mr. LANTOS). Having served on the Committee on International Relations for the last 10 years, I have had an opportunity to observe firsthand the gentleman from California (Mr. LANTOS). Although we do not agree on everything, hearing him speak in the committee is like attending a seminar because of the insight and knowledge he has.

Even though this institution sometimes people would say reeks with partisanship, that particular committee under the leadership of the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) is an example of true bipartisanship and doing what is right for the country. I thank these gentlemen for their hard work on the Committee on International Relations.

We are here as Members of Congress to honor those who lost their lives on that terrible day and the families that have had to suffer through this terrible tragedy. There were so many heroes in New York and also here in Washington, D.C. because the Pentagon as well was struck and many lives were taken there, but also in that field in Pennsylvania where the fourth plane went down and those passengers on that

plane had the opportunity to talk with their loved ones because they had cell phones.

Prior to this incident, whenever there had been a hijacking in this country, and thank God we have not had one for many years in this country, but when there was one, most people assumed they would want to have prisoners released in some other community or something of that nature. No one really anticipated that planes would be flown into buildings, but they talked to their loved ones and they found out what was happening and what happened with the first three planes, so they were determined that would not happen again. Because they were willing to give up their lives in trying to take back that plane, this building that we are in today, the United States Capitol Building, or the building down the street, the White House, stands, whereas they might well have been destroyed and many lives been taken had they not been willing to sacrifice their lives.

But I have always felt those passengers, those innocent passengers on those other three planes would have done the same thing had they been aware of what was happening, but no one could have known. We want to continue to acknowledge the heroes that went into those twin towers on that fateful morning and tried to save other people's lives. There are so many Americans that showed what this country is all about; and we know that we are, after all, the target of these terrorist groups because of what we stand for.

We are that city on the hill that Ronald Reagan referred to, and we must always remember that we must be in this battle against international terrorism for the long term because they ultimately attack us for what we stand for, and that is freedom. Not only freedom for Americans in this country, but freedom for people all around the world who do not at this time live in freedom; but when we prevail in this war against international terrorism, there are many people around the globe that will have the same freedoms that we have in this country.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for giving me the opportunity to speak on this resolution.

I know that most, if not all, Members who have spoken on the resolution have spoken in a positive way; but I feel it is necessary to point out some aspects of the whereas clauses in this resolution that do not stand up to scrutiny and in fact are false.

The resolution says that the war in Iraq is a responsible and necessary response to the attack on our country of September 11. I think that this resolution in saying that, which is blatantly false, does a disservice to our country, and does a disservice particularly to all of the victims of the attack of September 11. The war in Iraq had nothing to do with the attack of September 11. We know that from our own study of this issue.

Anyone in this body who has read the Senate Intelligence Committee report, 511 pages, knows very well that that report debunks the notion that the war in Iraq is a necessary response to the attack of September 11. The Senate Intelligence Committee report makes it clear that Iraq had nothing to do with the attack of September 11; and that in addition, Iraq had no weapons of mass destruction. There was no connection between Iraq and al Qaeda, no connection between Osama bin Laden and Saddam Hussein. The Senate Intelligence Committee report says so precisely and clearly.

Furthermore, the independent commission known as the 9/11 Commission which studied this issue also very closely and very carefully in a bipartisan way came to precisely the same conclusion, that there was no connection between the attack of September 11 and the war in Iraq, and that the President has taken us to war in Iraq without any foundation whatsoever.

So this resolution in its whereas clauses presents information as if they were facts, but they are clearly not facts. They are wrong; they are misstatements of the facts.

The resolution goes on to say, for example, that the international military coalition is very active here and engaged in this activity, but the fact of the matter is that this international coalition is falling apart. Six nations have already withdrawn. Honduras, the Dominican Republic, Spain, the Philippines, Norway and Nicaragua have already left a coalition that in the first place was not very large. Poland, the Netherlands, and New Zealand are planning to withdraw.

So the statement in this resolution, particularly in the whereas clauses, and I wish I had more time because there is a whole host of things that need to be addressed here, the whereas clauses stipulate things which are blatantly untrue. This resolution is unfortunate.

Mr. Speaker, this resolution would have been much better if the people who put it on the floor here had not decided to bring us a political document. We ought to be commemorating the event of September 11, 2001. We ought to be thinking of it in a solemn, honest, and sincere way. We ought to have uppermost in our minds the people who were killed in that attack, more than 3,000 of them; but we ought to do it in a way that does honor to their sacrifice, not in a way that dissembles, not in a way that presents information that is not factual, not in a way that is dishonest in our presentation.

□ 1115

Unfortunately, that is what this resolution does in its whereas clauses. The resolved clauses I think is fine, but in the whereas clauses it stipulates things that are false and untrue.

Why do we have a political document like this on the floor? Why do we have a document that is not clear, not honest, not sincere, not in keeping with the sacrifice made by those people? That is what we ought to have, but unfortunately we do not have.

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

I will only briefly comment on the remarks made by the last speaker. He can tell the newly free inhabitants of Afghanistan, of Iraq and of Libya that this has not been a worthwhile effort. There is a direct connection between the war in Iraq and the bombing of September 11. Our response to that bombing of September 11 was Iraq based on the best information available.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I would like to thank Chairman HYDE and Ranking Member LANTOS for submitting this resolution and bringing it forward. I would like to thank both of them for their leadership on foreign policy issues, particularly as it relates to our response to September 11, 2001. While some here would choose to politicize what I think is an appropriate and somber resolution expressing sorrow for the loss of September 11 and expressing appreciation for all those who responded, our police and firefighters and other first responders, our brave men and women in our Armed Forces and our leadership in the White House, in the Congress and in the administrative branch of our country to address one of the most serious threats we have ever had, I for one commend the vast majority of Members of this body who will not attempt to try to politicize what I think is a very finely drawn resolution both in the whereas clauses and in the resolved clauses.

I have just returned from New York City from a great convention. I have been to New York several times since September 11. Each time I see that great city rising further and further from the devastation that so many of its citizens suffered and the city itself suffered on September 11, 2001. I was so proud to see the police officers and the firefighters and other first responders taking such great pride in their city as they made all of us who were visitors feel so secure during that important convention. And so I think this resolution is so appropriate for that reason alone, to say thank you to those in New York who rose to the occasion on September 11, 2001 and have been rising ever since.

I also know that my own State of Virginia suffered grievous loss with the attack on the Pentagon. Each week as I drive home to my congressional district, I drive by the Pentagon and I think of that attack. I think of the brave men and women who were killed that day and the many, many more

who have so bravely risen to the occasion of leading our country in response, in Afghanistan; yes, in Iraq and elsewhere around the world to make Americans more secure and safer than they were on that fateful day 3 years ago.

This loss was tragic, but America has shown a resolve and a resilience and a courage that is remarkable for any nation on Earth, but it is the hallmark of this country that we have done time and time again for generations, standing up for freedom, standing up for hope for the future.

I thank the leadership, and I thank the gentleman from Illinois and the gentleman from California for their leadership on this resolution which I urge my colleagues to adopt.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to my good neighbor and distinguished colleague, the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me thank the gentleman for yielding me this time and for his leadership on the Committee on International Relations in working on so many issues in a bipartisan fashion. I just want to also say thank you to our chairman, the gentleman from Illinois, and rise today to respectfully disagree with this resolution in terms of the content of it and talk a little bit about for a minute the intent.

First, I think we should during this period remember the victims and the families and all of those who died during the horrific attack of 9/11. We express our sorrow for these families, for New York, for Virginia, for those on Flight 93. My former chief of staff, his cousin was on Flight 93. These individuals were heroes, and they saved many lives. So today we must remember them, and we must talk also and remember the fact that we need to fully fund our first responders and those who came to the rescue of so many. We need to provide the funding for homeland security, and we need to move forward to address a real war on terror.

I might remind this body that the 9/11 Commission, bipartisan Commission, the 9/11 Commission, reported that there was no connection between 9/11 and Iraq. This resolution really puts all that together and forces a vote for Members of Congress who believe in the 9/11 Commission that there was no connection. This resolution says that there was a connection between 9/11 and Iraq. There was no connection, as the 9/11 Commission mentioned, between al Qaeda, Osama bin Laden and Saddam Hussein.

Again, why are we putting forth a resolution that convolutes the issue? We know that the war on terror has been botched. We know that in Iraq over 1,000 of our young men and women have died, and we know that al Qaeda is still strong, and we know that America is not any safer.

And so, Mr. Speaker, I think today we need to be honest with the American people, and we need to remember those who gave their lives, who were so viciously killed, in a resolution that does just that. This resolution does not do that. This resolution promotes a policy of connecting the war on terror with the war against Iraq, a perspective and a distortion of fact that the 9/11 Commission indicated was not real, and I think we do a real disservice to the people of our country and to the world community by not being truthful during this very somber moment.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, on 9/11, thousands of American citizens were slaughtered before our eyes. It was the worst case of an attack on Americans, people say, since Pearl Harbor. No, this was far worse than Pearl Harbor because all of these Americans who were slaughtered, and it was a slaughter, all of them were noncombatants. This was not only the worst case of an attack on the United States of America, it was the worst terrorist attack, I believe, in history, at least in modern history. It is something we can never forget. If we do, we will do so at our peril.

I believe perhaps some of the things that brought on this attack were the fact that we had forgotten some of the lessons of the past. I think it has been admirable since 9/11 that we have had the bipartisan commitment to standing strong in the face of this what I consider to be a barbaric challenge to civilization.

We call this the war on terror. I do not call it the war on terror. I call it the war on those people who made war on us that began on 9/11, and that war is a war on those people who believe in radical Islam, not Muslims in general, but those people who believe in radical Islam, and I will define that radical Islam as being a belief that people have a right because of their faith in God to murder innocent people and commit acts of violence on people of other faiths.

Today we need to stand united with all those people in the world, including those moderate Muslims throughout the world who disassociate themselves from this type of brutality and this type of philosophy that leads to the 9/11s and the slaughter of innocent people. Today more than ever as this resolution does, it proclaims that we will stand together as Americans, and we will stand together with all people of the world who believe in these decent values that I talk about today.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to another distinguished colleague from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend and distinguished colleague for yielding time to me, and I rise in strong support of the resolution. Being a New Yorker, no one feels the pain of September 11 more than we do. I happen to have been in New York on that fateful day, and my life will never be the same, and I know the life of so many millions of Americans will never be the same.

I think this is a time for Congress to come together and to commemorate the struggle, to talk about September 11, to talk about what it means in all of our lives and to really bring the country together. September 11 was an incident that will forever remain in our lives. For me, it showed that the war on terrorism is a war that needs the participation of all Americans. It does not matter whether you are a Democrat or a Republican or an Independent, or black or white or brown, or from the North or the South or the East or the West. We are all Americans, and this is quite appropriate for Congress to come together.

There may be people who may disagree on a sentence or two here and there in this resolution, but basically I believe that we all ought to stick together and talk about September 11 and expressing the sense of the House of Representatives on the anniversary of the terrorist attacks.

I just want to say as a New Yorker, every time I look at Manhattan, it even chokes me up to begin to talk about it and look at the skyline of New York and see that the Twin Towers are no longer there. It leaves a hole in my heart, and that, of course, only pales by the fact that 3,000 people lost their lives, and countless others were injured. We can see based on what is happening in Russia and every other place, in Israel and every other place in the world, that terrorism is everybody's fight. It is our fight as Americans. It is the fight of all decent people. We have to stand together.

I rise in strong support of this resolution and ask my colleagues to vote for it so that we as a Congress can be united in the fight against terror.

Mr. LANTOS. Mr. Speaker, before yielding back my time, let me just say that while in this election season there is a cacophony of voices which might give the impression of deep divisions, in fact the American people are united in their determination not only to wage a war on terrorism, but to win that war on global terrorism wherever it appears.

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

Mr. HYDE. Mr. Speaker, I yield myself 2 minutes.

I just want to respond to a couple of the previous speakers who have injected the honesty of this resolution into question. You can disagree with somebody's point of view, as we often do, but questioning their honesty or their work product as dishonest I do not think has a place in this House. When it comes to the war in Iraq, you can say that by mentioning it in the resolution, and all it says is, whereas, since the U.S. was attacked, it led an international military coalition in the destruction of two terrorist regimes in Afghanistan and Iraq. I do not know what is dishonest about that, but you

can think it is if you wish. The fact is the war in Iraq was a response to the 9/11 assault, kamikaze, suicide bombers that killed over 3,000 people.

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There had been a surfeit of U.N. resolutions, I think 14 or 15. It was the considered opinion of every single government in the West that had an intelligence service that Saddam Hussein had weapons of mass destruction. He had them before, he had the programs, and he used them. Therefore, having been assaulted, having been blind-sided by the aircraft, al Qaeda ran into the World Trade Center, we were not going to sit there and let it happen again. And based on the best intelligence, we responded to the sucker punch, blindsiding atrocities in the World Trade Center by moving into Iraq after getting another resolution demanding that he open up to inspection his weapons programs.

One can call that dishonest if they want. I call it leadership. And I am sorry that issue got into this resolution because we are commemorating heroines and heroes in one of the great tragedies in all of history, namely what happened September 11.

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

Mr. DELAY. Mr. Speaker, I thank the chairman for yielding me this time. I appreciate his comments and his leadership in bringing this resolution to the floor, and I appreciate the bipartisan way he has done it, and appreciate the support of the gentleman from California (Mr. LANTOS).

And I really want to associate myself with the gentleman from California's (Mr. LANTOS) final remarks that no matter what we hear on this floor, Americans are united in this war and are united in how we approach the national security of this Nation. But I also want to say especially to those soldiers on the ground in harm's way, those young men and women that are fighting all over the world, most particularly in Iraq and Afghanistan, and to the families of those that have sacrificed their loved ones that the remarks made by those opposed to this resolution reflect a very small, tiny, tiny minority in this country. We are united in this country in support of those troops, and, most importantly, they need to understand that what they are doing is right, what they are dying for is right, and we greatly appreciate their sacrifice.

Mr. Speaker, by the way, the vote on this resolution will prove me right, that they are a very tiny minority.

Mr. Speaker, 3 years on, it is hard to believe so much time has passed, for September 11, 2001, still resonates in our hearts and minds as if it were yesterday. Yet at the same time, the panging memories of that day call out to us across the ages: 8:47 a.m. when the first plane hit; 10:05 a.m. when the South Tower collapsed; the look on the President's face when he heard the news; the image of firefighters carrying the lifeless body of their chaplain; Mayor Giuliani, mask in hand, covered in ashy debris; the blood and the rubble; the attack on the Pentagon; the rumors, the panic, the fear, the desperate search for survivors; the defiant raising of the flag at Ground Zero; Flight 93, Todd Beamer, ''Let's roll.''

''Roll'' we have, Mr. Speaker, from that day to this on land, on sea, and in the air. Our enemies have been named and their sponsors warned, and America has risen. The cause of human freedom has stood anew athwart the forces of oppression and cruelty and violence.

History and Providence have called out again for the free people of Earth to stand against evil, and the citizens of this Republic have kept their charge.

On September, 11, 2001, America stared evil in the face, and though our eyes filled with tears, we did not blink. We did not fear ''though the Earth be shaken and mountains quake to the depths of the seas, though its waters rage and foam and mountains totter at its surging.'' We did not fear because we knew, even as the fires smoldered beneath the rubble, that we would stand, that we would fight, and that we would be heard.

We mourned that day the deaths of 3,000 of our countrymen at the hands of terror, and we mourn today more than 1,000 more whose lives have been taken by the same. We honor their courage, and we honor their sacrifice, and we give thanks and praise to our Creator that such men and women lived.

Three years on the recovery continues. The Pentagon has been repaired. The fields of Pennsylvania have been cleared, and Ground Zero has begun its resurrection. Unforgotten names have been read and reread, flags flown, and wounds reopened and healed once again. Memorials great and small have been planned and dedicated.

But, Mr. Speaker, monuments to freedom are never made of marble, but of action. Heroes like the 9/11 Lost, the firefighters and passengers, the cops and rescue workers, the moms and dads, are truly honored not by words, but by deeds.

The resolution before us today, Mr. Speaker, enumerates those deeds and the progress of the global struggle they have served. Three years on and the world has changed. Terrorist networks across the globe have been disrupted, and two-thirds of al Qaeda's leaders, managers, and facilitators have been arrested or killed. Terrorist regimes have been ended in Afghanistan and Iraq, ended by the finest coalition of states and soldiers ever assembled. The threat of that coalition led another terrorist regime in Libya to end its pursuit of weapons of mass destruction. Terrorists the world over are on the run, unable to organize, plan, or reconstitute their pre-9/11 training and operations. The war against terrorism, which was waged since at least the first World Trade Center bombing in 1993 and probably long before, was joined on September 11, 2001, and in the 3 years since, the tide of that conflict has turned.

The United States has committed itself to the proposition that the security of our Nation and the ultimate survival of civilization depend on the aggressive prosecution of this war everywhere at all times until this war is won. There will be no negotiated settlement in this conflict, no signatures on a piece of parchment. Drums will continue to beat, and blood, much as we may not wish it, will continue to be shed. But, Mr. Speaker, struggle is the only honorable course before us.

The murderers of 9/11 are the enemies of all that is good and true in this world. And even through our tears this week, we still see clearly the justice and necessity of our cause. The ideology of our enemies, a violent corruption of their religion, and the cult of death that they worship have no place in civilized society, whether of the East or West, and it is now the policy of our Nation and our allies to repel this evil so that generations hence may be free from days like those that we live now.

It is said that 9/11 was ''our Pearl Harbor.'' It was also said that ''Pearl Harbor'' was ''our parents' Alamo'' and that the Alamo was ''Texas's Valley Forge.'' We fight today, Mr. Speaker, so that our children and our grandchildren decades from now need not come to the well of this House and remember a horrible day of their own as ''our 9/11.''

Three years on, Mr. Speaker, and we fight everywhere and anywhere we must. For the soldiers in Baghdad, their faces marred with sand and sweat and blood, they are fighting the same evil and upholding the same virtues as the Special Forces in Tora Bora and the guards at Guantanamo, fighting the same evil and upholding the same virtues as the men aboard Flight 93 and the firefighters in the South Tower and the rescue workers at the Pentagon. It is one and the same conflict. It is one and the same conflict, in which one and the same courage will purchase for this Nation one and the same victory.

Support this resolution before us, my colleagues, and reaffirm our commitment to remember those that we lost and those that they left behind, those who protected us and those who died trying, those who remember and those that we cannot forget, who it was that started this war and who it will be that wins it, so that every September 11 from now until the end of the age, free men of the world can look to this Nation, the last, best hope on Earth, and know that when evil struck and the earth trembled beneath us, here America rose, here freedom stood.

Mr. HASTERT. Mr. Speaker, almost 3 years ago, President Bush came to this Chamber and promised the American people that he would lead America in a war against the terrorists who attacked us on September 11th.

We did not choose this war. But now that we are in it, we have no choice but to win it.

Later today, we will pay our respects to those who lost their lives in those deadly attacks in New York, Virginia and Pennsylvania.

And as we pay our respects to those who died on that fateful day, we will also pay tribute to those who have died defending freedom in Iraq and Afghanistan.

This war is not over, but we are winning. And our soldiers have not died in vain. The Taliban has been crushed. Saddam Hussein is in jail. And Osama Bin Laden is on the run.

Last week, the brutal murder of innocent children in Russia served as a grim reminder about the nature of this enemy.

The terrorists will not play by the rules of basic decency. And we have no choice but to stop them before they strike again.

My deepest condolences go out to the Russian people. The American people understand your grief and feel your deep sense of loss.

And as we remember our own losses in this global war in terror, we share your resolve to bring the terrorists to justice.

Mr. MENENDEZ. Mr. Speaker, I rise in support of this resolution, though I wish it did not contain several of the so-called ''findings''.

On Saturday, we face the third anniversary of the 9/11 attacks. In my district alone, we lost 122 people on that tragic day. I can't tell you how many memorial services I attended for people in my own district, nor describe in words the sympathy and sorrow I felt for family members who lost loved ones from all over the country.

So, I will support this resolution as an expression of my deepest sympathies to families and friends of the thousands of victims of that fateful day.

I will support it as an expression of our Nation's gratitude and pride in our men and women in uniform who have performed with brilliance and valor in the war on terror and Operation Iraqi Freedom. To date, 1,005 Americans have made the ultimate sacrifice in support of our country in Iraq, while many others have done so around the world in the fight against terror.

This should be a time to bring together, to consult, to be unanimous. Instead, my colleagues on the other side of the aisle have chosen to use this resolution to speak about the handling of the war in Iraq. The resolution glosses over the intelligence failures and serious misstatements and flip-flops by the Bush Administration concerning the reason for going to war in Iraq.

One of the findings in the resolution states ''. . . it has led an international military coalition in the destruction of two terrorist regimes in Afghanistan and Iraq . . .'' Mr. Speaker, it appears the Republicans are trying to provide cover for one of the Bush Administration's main justifications for the war in Iraq. How many times has Vice President CHENEY and other top administration officials asserted that there were extensive ties between Hussein's government and Osama bin Laden's terrorist network? In fact, earlier this year, the Vice President said evidence of a link was ''overwhelming.''

However, the September 11 Commission found in its report that there is no ''collaborative relationship'' between Iraq and al Qaeda.

The resolution also lists some changes that have been made since the horrible attacks against our Nation on 9/11. While these initial steps have been taken, the September 11 Commission Report has provided 41 specific recommendations that radically reshape our Nation's intelligence community. The Commission made it perfectly clear these changes must occur immediately to protect our Nation and our citizens now and in the future from any further attack.

It is shameful that the Republicans are using a crucial resolution that could express our collective sentiment as we did after September 11, and instead seek partisan gain out of what should be a national embrace.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, 3 years ago, cowardly terrorists attacked America. Today, in the building that symbolizes America's freedom, we remember those who died on that fateful day. The memory of their loss will forever guide our mission to protect America from terror.

Terrorism continues to plague our world, but it can not and it will not deter us from our mission to spread liberty and defend freedom.

I commend President Bush for his unwavering commitment to the security of the United States. The sacrifices that our brave men and women in uniform have made in pursuit of the security of our Nation will never be forgotten. And it is because of their dedication that two formerly oppressed nations are free and that our homeland is more secure.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to mark the third anniversary of the September 11, 2001 terrorist attacks and to remember those who lose their lives that day, especially the residents of Connecticut and of my district.

We should take time on each anniversary of September 11, 2001 to honor the dead, their families and those who continue to serve as the nation's first lines of defense against acts of terrorism and disasters. We will not forget the selfless firefighters, police officers and emergency medical workers who confronted chaos and terror that day and lost their lives as they gave everything to save others. We owe a debt of gratitude that can never be fully repaid to the first responders and members of our military who continue to work each day protecting our communities and our nation. No matter how many years pass, our memories and our grief will not fade, nor will our determination to defeat terror throughout the world and attack its root causes. We must focus the incredible resources of this nation on capturing Osama bin Laden and destroying his al Qaeda network that are responsible for the events of that day. We would also be well served by implementing the recommendation made by the September 11th Commission to help prevent future attacks.

The nation will remain defiant in the face of terror and threats and must never waiver from the things that make us great: our freedom, our liberty and our democracy. To curtail the freedoms of Americans in the name of fighting our enemies would be a disservice to the memory of September 11 and every American who has given their life or put themselves in harm's way to defend this Nation and its people.

The profound outrage and indescribable sadness all Americans felt that day is now part of the soul of the Nation. Nothing can change what happened in New York, Pennsylvania or at the Pentagon, but we owe it to those who died to be the good citizens and to build a stronger Nation in their memory.

Mr. BACA. Mr. Speaker, this Saturday marks 3 years since the terrorist attacks of September 11, 2004.

Three years ago terrorists launched an attack on the United States in the most cowardly manner. They attempted to break American resolve and to stifle our Nation's spirit. They did not succeed. The terrorist attacks sparked a renewed patriotism in Americans. Three years later we resolve never to let another attack like September 11th happen again.

The anniversary of 9/11 is a solemn reminder that we must do all that we can as members of Congress to prevent another terrorist attack on American soil, or anywhere else in the world. We must act immediately to implement the recommendations of the 9/11 commission. We must focus our efforts on disbanding Al Qaeda and other terrorist groups. We must always remember the lives lost on September 11, 2001, and in honor of those lives do everything in our power to prevent terrorists from striking America again.

Ms. LEE. Mr. Speaker, I rise to honor the victims and remember the families of those who were killed in the horrible tragedy that occurred 3 years ago this coming Saturday, September 11th. We will always mourn the tragic loss of life and never forget the sacrifices made that day. Likewise, we will always support our troops and their well being.

Unfortunately, the resolution before us today goes far beyond paying tribute to the victims of 9/11. The resolution falsely reaffirms a connection between the attacks of 9/11 and the war in Iraq. These connections simply never existed and repeating this falsehood again and again will never make it true. The President's own 9/11 bipartisan commission has reported that there was no connection between Iraq and the 9/11 attacks. This resolution does a disservice to the American people.

The administration's preemptive, virtually unilateral war in Iraq has made us and indeed the world a less secure place. I cannot ignore the fact that over 1,000 American lives have been lost. Nor, can I disregard the significance of the 7,000 members of our Armed Forces that have been wounded including the untold thousands of Iraqi lives and the lives of other international non-combatants.

For these reasons, I am unable to support this resolution.

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay respect to the memory of those who lost their lives 3 years ago this September 11th.

Our country has still not recovered from this terrible tragedy, and people in the World Trade Center Buildings and the Pentagon, those aboard United Flight 93 in Pennsylvania, and the brave men and women who lost their lives in the line of duty that day will forever be remembered for their bravery and sacrifice.

It was 3 years ago that these terrible attacks occurred and awakened this Nation to the hatred these terrorists have for the principles of freedom and for our great country.

Three years and two wars later, however, there is still much to be done to protect the people of this Nation and ensure something like the 9/11 attacks never takes place again.

It is still too easy for terrorists to cross our borders; our homeland security professional lack vital information they need to protect us; and our Nation's first responders still lack the training and equipment they need to prepare for, or respond to, a terrorist attack.

My hometown and the district I represent in Houston, is one of the most at-risk areas in the Nation.

Of all the possible targets in our area, including Houston's large metropolitan population, NASA's Johnson Space Center, and the Texas Medical Center, the Port of Houston and Houston's petrochemical complex remain one of the most susceptible due primarily to lack of Federal funding for our protection.

Based on Coast Guard estimates, port owners and operators are still short by over $400 million to implement port security plan upgrades, such as surveillance cameras.

The U.S. is home to more than 66,000 chemical production and storage facilities spread out amount our cities, towns, and rural areas.

According to the EPA, 7,000 of these facilities pose a risk to 10,000 or more people, however, the Department of Homeland Security has visited fewer than 100 facilities.

These facilities and surrounding communities deserve Federal support if we must increase their protection for national security.

These are necessary and vital steps we must take to protect our homeland, yet so many of these have gone unfunded while we have spent over $200 billion in Iraq despite no clear connection between the former Iraqi government and the terrorists that target America.

Three years after we were forced into this war on terror, we must assess what we have done and what we must do to protect our Nation.

We must go after the terrorists where they live and train, with all countries that share our values and our desire to root out terrorism.

Mr. Speaker, on a day when we are remembering those that lost their lives in the 9/11 attacks, we must make every effort to protect the people of this country so that we never have to mourn another attack on U.S. soil.

Ms. SOLIS. Mr. Speaker, I rise today to mourn the victims of the attacks on American on September 11, 2001, and to celebrate the way Americans worked together to rise up from the ashes of the wreckage. In the 3 years since our soil was attacked, the service of America's Armed Forces, the scores of volunteers and first responders who have helped the victims and their families, and the many ordinary people who help out in times of tragedy and grief proved through their actions the true greatness of America.

There is a new reality in our world. America continues to strengthen its ability to defend itself against all types of enemies. But while we strengthen our defenses we must not forget that which makes America great and allows her to flourish—our civil liberties.

The United States must be both a leader and a partner in the world in order to stop senseless acts of violence. Diplomatic words and peaceful actions show an alternative to the use of force; I hope that both can ultimately lead to a world free from terror.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today on behalf of the people of the 4th Congressional District to remember the thousands of American lives lost on September 11, 2001.

Although 3 years has passed, I continue to remember all the people in the towers, at the Pentagon, and on United Flight 93. I would especially like to recognize the people from Long Island who were killed. Also in my thoughts are the families who live everyday with the terrible loss of their loved ones.

I commend all of the firefighters, police, and health care workers who were helping on the front lines. I would also like to thank the thousands of Long Islanders who mobilized to do what they could to help. Finally, as a representative from New York, my constituents and I appreciate the generosity extended to us by the rest of the country during a time of such terrible grief.

While September 11 was a shocking day for all Americans, the Nation united in an extraordinary fashion to take action against the tragedy inflicted upon us. Today we must unite once more to implement the suggestions made by the 9/11 Commission Report, which I fully endorse. I believe that the 9/11 Commission should be extended so that it can fully support and monitor the bipartisan enacting of its recommendations until most have been made into law. I will continue to work to ensure that the commission's report is implemented quickly and with proper congressional oversight. We owe it to the thousands of victims' families to respond quickly and effectively to this terrible disaster.

We now know we were not as safe as we could have been on September 11. We need to find Osama bin Laden and finish the job we began in Afghanistan. We need to make sweeping changes to the Department of Homeland Security and ensure funding is increased for law enforcement agencies to handle new security threats. We must realize that state and local budgets are already stretched too thin and allocate federal funding to tighten security.

In keeping with the tremendous spirit of the Nation during the weeks following 9/11, I encourage everyone to do something this September 11 that shows the world what it means to be an American. You can donate blood, write a letter to someone in the military, or volunteer at a women's shelter. Make the anniversary about more than just remembering those we lost.

Mr. WEXLER. Mr. Speaker, while I strongly believe Congress should pay tribute to the victims of 9/11 and honor our brave troops and first-responders for their valiant service to America, this resolution unequivocally exploits the victims of 9/11 for narrow political purposes and perpetuates erroneous claims connecting 9/11 to the war in Iraq.

The bi-partisan 9/11 Commission declared—in no uncertain terms—that there was no connection between 9/11, al Qaeda and Iraq. For those who support this resolution, I must ask—is Congress disputing the findings of the 9/11 Commission? Does Congress believe al Qaeda operated in Iraq prior to the U.S. invasion? And is Congress pleased with the insufficient coalition assembled by President Bush that has led America to carry an overwhelming economic and military burden in Iraq? The facts show that these claims are distortions at best, blatant lies and manipulations at worst, and the American people deserve the truth.

The truth is that America took its eye off the ball in Afghanistan, allowing terrorists such as Osama bin Laden to reconstitute their forces and operate freely. By transferring our military resources from Afghanistan to Iraq—when Iraq posed no imminent threat and had no weapons of mass destruction—this Administration failed the American people and weakened our efforts in the war against terror.

The truth is that al Qaeda was not operating in Iraq prior to the U.S. invasion, and they have created an increasingly dangerous network in this war-torn country since. Despite the Bush Administration's claims of successfully combating terror in Iraq, the reality on the ground stands in stark contradiction. We have withdrawn our forces from four cities in Iraq in which terror has flourished. And despite White House claims, officials in the U.S. military have announced that it cannot eliminate these sanctuaries of terror. As we mark the loss of over 1,000 innocent lives in Iraq, Congress should not be celebrating our alleged success in Iraq; we should instead examine our failures.

This resolution is transparent, empty political propaganda at its worst, and is unconscionable that the drafters of this resolution would egregiously politicize the memory of 9/11.

Mr. CRENSHAW. Mr. Speaker, on this third year since the tragic terrorist attacks of September 11, 2001, I think it is appropriate for Americans to reflect on what we have learned since that fateful day, what we have done to make our homeland safer, and what we as a nation should do to secure our safety in the future.

Our Nation, and indeed the world, has learned that terrorism is a global epidemic that crosses all political lines and moral boundaries. Most recently, the terror attacks in Beslan, Russia prove that no country and no person is immune from the cowardice and tragedy of terrorism.

In these 3 years we have learned that U.S. leadership is necessary and working to stifle terrorists bent on killing, disrupting, and destroying our way of life. Afghanistan was the home base of Osama bin Laden's al Qaeda terrorist network, but now the terror camps are closed, democracy is rising, and the American people are safer. Pakistan was a safe transit point for terrorists on missions of murder. Now their government is working with the United States to find terrorists in remote regions of Pakistan. Saudi Arabia is tracking down terrorists operating there. Libya has given up its nuclear-processing equipment.

Before America took action, Saddam Hussein's Iraq was a threat—he was a threat to us; he was a threat to the free world; he was a threat to the Middle East; and he was a threat to his own people. He is no longer a threat, and the American people are safer. We removed a declared enemy of America who had the capability of producing weapons of mass destruction. Saddam Hussein had that capability, and he could have passed that capability to terrorists bent on acquiring them. After September 11, that is a risk we cannot afford to take. America must confront threats before they fully materialize—before it's too late.

These international actions have made our domestic borders more secure.

The United States has also used the 3 years since 9/11 to better equip our Nation's first responders. Police, firefighters, emergency medical technicians, and local government officials now have the tools, knowledge, and training to prevent or react to a terrorist attack. Congress created the Homeland Security Department to coordinate efforts to secure our borders, our air, and our seaports. The department monitors for potential threats coming from nontraditional sources aimed at our cities and our national infrastructure.

These three years of accomplishments include something especially important to my

hometown of Jacksonville. As one of the busiest seaports on the east coast, port security is critical to securing the homeland from foreign-bred tools of terror. Recognizing that cargo containers could bring dangerous items of an explosive, biological, or even nuclear danger, the Container Security Initiative is an initiative to protect the global trading system and the trade lanes between international ports and the United States. Under this program, a team of Customs and Border Protection officers is deployed to work with host nation counterparts to target all containers that pose a potential threat to our Nation.

It is clear a lot of progress has been made in the global war against terrorism. It is equally clear we have more to do.

In addition to building on the lessons of 9/11, improving our homeland security, and eradicating terrorist organizations, I believe America's charge going forward is to continue to lead by example. Our Nation must welcome with open arms our allies who join this fight. Our Nation must continue to export democracy to any burgeoning nation willing to embrace its principles. We ought to let our policies and principles of life, liberty, and the pursuit of happiness shine brightly over the grim allure of the hollow creeds of terrorists.

Looking forward, threats to this country in terms of terrorism are not going to come from rival global powers. They are going to come from the smaller emerging countries, smaller failing countries. Those are countries where they lack education, they lack the rule of law, they lack personal freedom; and those are countries where terrorism can flourish, where terrorism can fester, where terrorists can find sanctuary. If we want to deal with those kinds of threats, it seems to me we can prevent that from happening by encouraging policies like the rule of law, human rights, and civil liberties. We can encourage countries through targeted and goal-based foreign aid that will prevent terrorists from taking root in unstable countries.

This September 11, I know many Americans will pay tribute to those lost 3 years ago. I add my voice to that tribute and say that I am proud of America, I am proud of Americans, I am proud of our troops here and abroad, and I am proud of our Commander in Chief. This day let us pray for those still hurting from the tragic losses of September 11, 2001, and let us as a nation continue working toward those goals that will prevent this tragedy from ever visiting us again.

Mr. MEEKS of New York. Mr. Speaker, this weekend we pause to remember the third anniversary of the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon. We pause to recollect the full meaning of the lives lost—nearly 3,000 Americans and foreign nationals. Our compatriots were not just casualty figures. They were mothers and fathers, sisters and brothers, sons and daughters. They were best friends and good neighborhoods. They were lovers and loved ones. They were employers and employees. Their best contributions were still ahead of them.

We pause to recall the first responders who rescued thousands from the twin towers. We recall with amazement their bravery as they went into the towering infernos. And we recall that had it not been for heroic action of passengers abroad Flight 93, al Qaeda's terrorists might have crashed that airliner into the White House or the Capitol Building instead of a field in rural Pennsylvania.

On this third anniversary of 9/11, we also pause to reaffirm our determination to triumph over fear. We reaffirm our determination to foster tolerance in our land and in the world, to build respect for all faiths, and to promote the collaborative action of people and governments across the globe, to mobilize for mutual development rather the civilizational destruction advocated by Osama bin Laden, al Qaeda, and other adherents of radical Islamist fundamentalism.

On this day and this occasion, our thoughts turn to the survivors of 9/11 and the families of the victims of the 9/11 attacks. It is impossible to calculate their enduring pain. Yet, we are inspired by how these families have turned their tragedy into effective action. Their dedication to the memory of loves ones lost led to the creation of the 9/11 commission, which in turn led to a set of recommendations for intelligence and homeland security reform that if implemented could better protect our nation, make us for secure, and positioned to share peace and prosperity with the world.

As a country, we must be as determined as the 9/11 families. We must be as determined now as we were on 9/11 to bring to justice the perpetrators of this colossal assault on human decency. But, mindful of all that has transpired since then—on the one hand a just but unfinished war in Afghanistan, on the other hand a disastrous diversion and unparalleled miscalculation in Iraq—we must proceed in meeting the al Qaeda challenge with wise leadership, with patience and persistence, with global allies, with sound plans, with focused effort.

Most of all, we must proceed together as Americans. We must reclaim the unity of purpose that gripped all of us on 9/11. I remember well utter destruction that took place on that beautiful September morning. But, I remember even better how every New Yorker, every American—Democrats, Republicans, Independents, Blacks, Whites, Hispanics, Asians, and Arabs, Jews, gentiles, and Muslims, rich and poor—came together as one.

We must reclaim that spirit and that purpose. We must overcome those among us who have distracted us by using our suffering as a nation for narrow and selfish political gain or have diverted resources, personnel, time, and energy from the struggle against Osama bin Laden and al Qaeda. We must regain the momentum and solidarity befitting a great people and a great nation focused on accomplishing great deeds of remembrance for the victims of 9/11.

Mr. STUPAK. Mr. Speaker, H. Res. 757, is a resolution to mark the anniversary of the terrorist attacks of September 11. Although I voted in support of this resolution, I do have some reservations about the statements it contains.

Specifically, the resolution and the Bush administration's assertion that Iraq is the ''central front'' in the war on terror—while previously wrong—has become a self-fulfilling prophecy.

What have the administration's tactics amounted to? We now see terrorists in Baghdad—where none were before. We now see Iraq is a symbol for terrorist recruitment—where no symbol existed before.

Congress and the American people trusted the President when he said we needed to go to war in Iraq. It is clear that trust was misplaced.

As a result, what we have to show from trusting President Bush and his administration is 1,000 American lives lost, close to 7,000 of our men and women wounded. We have a military stretched so thin it is practically to its breaking point. We are spending billions of taxpayer dollars each month that we could be using to fix critical gaping homeland security vulnerabilities here at home or for counterterrorism operations in Afghanistan and elsewhere. And this Administration has destroyed our international credibility—even with many of our closest allies.

We know the President's justifications for going to war in Iraq have proven to be false—even experts within the administration have stated that Saddam Hussein did not possess weapons of mass destruction. The independent, bipartisan 9/11 Commission unequivocally found that Iraq had no ties to the 9/11 attacks and there was no collaborative relationship between Hussein's regime and al Qaeda.

The American people deserve the truth. The truth is not that we entered into war in Iraq because Saddam Hussein possessed weapons of mass destruction or on the basis of terrorism. The truth is that this administration used September 11 as an excuse to enter into a war in Iraq to oust Saddam Hussein—and has, in the process, created a rallying cry and call to arms for terrorists around the world as a result.

Mr. WOLF. Mr. Speaker, I rise today to support H. Res. 757, marking the third anniversary of the terrorist attacks against the United States.

Three years after this attack, our Nation continues to honor and remember all of those who died that day, and the families and loved ones who they left behind. On that September day, the lives of innocent Americans were lost. But on that day, and nearly everyday since then, our Nation has gained something extraordinary out of that loss: a new and deeper appreciation of the countless acts of courage, sacrifice, and patriotism that resulted from September 11.

These acts began right after the terrorists struck our Nation. First responders in New York City, and at the Pentagon and in Pennsylvania risked their lives to try and aid those who were injured. They worked for days to help those who needed medical attention, as police officers and firefighters did their work to extinguish the flames and provide a sense of order. In the years after September 11, first responders and other members of our law enforcement community—including the Capitol Police—have had a great burden placed on them as America remains on alert for terrorist acts. These acts of sacrifice on September 11 in helping to keep our Nation safe in the wake of that day's attacks have earned the admiration and thanks of all of our citizens.

Thirty people from my district died on September 11. We grieve for their loss, and we grieve still because, as Queen Elizabeth explained after September 11, ''grief is the price we pay for love.'' Out of this grief, though, our neighborhoods, the communities of my district, and communities throughout the Nation have drawn closer together, united in a sense of remembrance for those who left us on September 11, and determined that those who seek to harm us in our own land will not triumph.

It is these communities who have sent their sons and daughters to give their lives in Afghanistan and Iraq, and wherever in the world terrorists uneasily rest their heads. My district knows first hand the cost of this sacrifice. Johnny Micheal Spann—a CIA officer and the first American killed in Afghanistan—was from my district. And while we grieve for this loss, we take inspiration from the sacrifices made by Mr. Spann, and the many other acts of sacrifice made by those like him who are serving our country in and out of uniform, overseas and at home.

This resolution marks a dark day in our Nation's history. Out of this darkness came a thousand points of light in the many personal acts of heroism and bravery that our fellow countrymen and women have engaged in since September 11. As we continue to remember the terrorist attacks on September 11, we also are inspired by those who sacrifice day after day to keep us safe, some in ways that are well known, other in ways that we will never know about.

Our Nation continues to make progress in the war against those who harmed us and seek to harm us again. And while we do, a grateful country remembers its dead, and celebrates the lives of those who toil to keep us free.

Ms. McCARTHY of Missouri. Mr. Speaker, our thoughts and prayers are with the families and friends of the nearly 3,000 heroic Americans who perished on September 11, 2001. We can honor their memory by ensuring every effort is taken to prevent such atrocities from occurring again on our soil.

Since September 11, 2001, we have learned much, and Congress has much to do to defend our democratic way of life and protect our homeland. We have committed our military might to combat terrorism in our world: More than 1,000 of our troops have now given their lives in Iraq for this cause.

In the days immediately following the 9/11 attacks, Congress put partisan politics aside and came together to find answers and implement change. In an event reminiscent of the first Congress, the House and Senate convened in New York's Federal Hall for a Special Session of Congress one year after the terrorist attacks, sending a strong message to the world that as Americans we stand together in our fight against terrorism. That bipartisan spirit carried on through the extraordinary work of the bipartisan 9/11 Commission. The commissioners submitted to the American people a comprehensive assessment of what went wrong leading up to September 11, and what we can do to prevent future terrorist attacks on our homeland. Now that the 9/11 Commission has done its work, we in Congress must do ours. I support the Commission's recommendations, and am a cosponsor of the bipartisan ''9/11 Commission Report Implementation Act,'' H.R. 5040.

I have listened and learned from meetings with first responders in Missouri's Fifth District, and have worked on the Homeland Security Committee in Congress to secure the resources they need to do their jobs. Our everyday heroes, our police, fire, ambulance and medical personnel must have the training, supplies, materials and equipment necessary to protect our communities. They are the main line of defense against terrorism at home. Because of their commitment we are more secure and better prepared than we were 3 years ago.

I urge my colleagues to maintain our bipartisan spirit and embrace the recommendations of the 9/11 Commission. The 9/11 Commission Report is an excellent roadmap for implementing these changes—we must act and pass H.R. 5040. In the words of President Kennedy, ''There are risks and costs to a program of action. But they are far less than the long range risks and costs of inaction.''

Mr. PAUL. Mr. Speaker, I am forced to rise in opposition to this legislation, I do so despite my desire to commemorate the horrific attacks on September 11, 2001 and again express my sympathy to the families of the victims. But don't be fooled by the label. This legislation is no mere commemoration of the events of September 11, 2001. Rather, it is page after page of Congressional self-congratulation. It is page after page of praise for policies that have made us no safer from terrorist attack, but that have certainly made us much less free at home. Does it not strike anyone else as a bit unseemly for Congress to be congratulating itself on this solemn occasion?

This legislation is an endorsement of the policy of restricting freedoms at home that I have consistently opposed, including praise for the creation of the bloated and impotent Department of Homeland Security, the liberty-killing PATRIOT Act, and many other futile measures. It praises the notoriously ineffective air marshal program while avoiding altogether one of the most important lessons of the September 11, 2001 tragedy; The entire disaster could have been avoided with just one gun in the hands of each of the pilots. Four guns could have prevented September 11, 2001, but we are no closer to arming pilots than we were on September 10, 2001. Shortly after the attacks, I introduced a bill to allow pilots to be armed. Eventually, a version of that bill was passed, but pilots are still not armed. I also introduced several other bills to deal with the attacks of 9/11, protect us against future attacks, and do so without sacrificing our liberty.

What this legislation does not do is address some of the real causes of the hatred that lead others to wish to harm us. Why should we bother to understand the motivations of madmen and murderers? It is not to sympathize with them or their cause. It is to ensure our self-preservation. Those who oppose us and who have attacked us have made it very clear: They oppose our foreign policy of interventionism and meddling, and they oppose our one-sided approach to the Middle East. Therefore, mitigating the anger against us could be as simple as returning to the foreign policy recommended by our forefathers. We should not be stationing hundreds of thousands of our troops in more than 100 foreign countries, guarding their borders while our own remain open to terrorist infiltration. We should not be meddling in the internal affairs of foreign countries, nor should we be involving ourselves in foreign conflicts that have nothing to do with the United States. We should not be sending hundreds of billions of taxpayer dollars overseas to ''build nations'' and ''export democracy'' at the barrel of a gun.

Many of my colleagues like to repeat the mantra that ''freedom is under attack'' in the United States. Well, they are right. Freedom is under attack in the United States, but not only from foreign terrorists. Freedom is under attack from a government that rushes to pass legislation like the PATRIOT Act, that guts civil liberties in the United States. Freedom is under attack from those who are rushing to create a national biometric identification card and internal check-points, which will force innocent Americans to prove to government authorities that they are not terrorists. Freedom is under attack from a government that is spending itself into bankruptcy at an unprecedented pace. Freedom is under attack from a foreign policy that generates millions of enemies across the globe.

This legislation praises the number of Coast Guard boardings as one example of success, but we should not take a false sense of security from boardings. Rather, we should claim victories only if we have stopped another planned attack. Both shippers and recreational users of the gulf ports I represent have expressed concern about our new Federal policies and practices.

If we fail to heed the real lessons of September 11, 2001, we may well be condemned to see such tragedies repeated again in our land. It unfortunately seems that this is exactly what we are doing.

Mr. CASTLE. Mr. Speaker, as we approach the 3-year anniversary of the brutal terrorist attacks on our Nation, it is important that we remember those who lost their lives and the loved ones they left behind to face a world that is forever changed.

The senseless acts of violence that awoke us 3 years ago, have gripped our thoughts and have given us a new appreciation for the freedoms we cherish. This weekend, as we mourn the loss of those who perished in the attacks, we should also celebrate their lives and look back on how each symbolized, in their own unique way, the unrelenting American spirit which binds us all to that clear September day.

Like the rest of our Nation, my home State of Delaware experienced a great deal of tragedy on September 11, 2001. Bobby Fangman, Matthew Flocco, Jon Grabowski, Robert Jordan, John Murray, Davis ''Deeg'' Sezna Jr., and Rich Stewart, all fellow Delawareans, were taken during the attacks on the World Trade Center and the Pentagon. In addition, Val Silver Ellis, Peter Frank, Michael San Phillip, Lincoln Quappe, Kevin Smith, Bill Tieste, Rodney Wotton and many others left loved ones behind in our State.

As a Nation, we have experienced the unthinkable and emerged again with determination and purpose. Yet, as we reflect on the past 3 years, there remains an enormous amount left to be done. Now is the time for us to come together in the heroic spirit of the citizens, firefighters, police officers, and emergency personnel who stood tall in the face of destruction. Congress must keep the memories of all the September 11th victims in mind as we do everything in our power to prevent something like this from ever happening again.

As we struggle to make progress in this momentous task, it is imperative that we remain focused and work together to reform our intelligence community and shore up the security of our homeland to protect all Americans. We have the power in Congress to implement change, but we must ensure that change is both meaningful and effective. One of the most important lessons that the victims of this tragedy can teach us is that every life is precious and that every action we take to improve our security could save lives in places like Delaware and across America.

Mr. Speaker, it is our duty to honor those who were lost by making sure their loved ones

remain safe from fear and intimidation. We must keep their memories with us as we fight to protect our freedoms.

Mr. EVERETT. Mr. Speaker, 3 years have passed since terrorists declared war on the United States by launching 4 horrific attacks on our homeland, murdering nearly 3,000 persons. Our Nation, under the leadership of a determined President and a united Congress, quickly summoned the courage to not only bring the terrorists to justice, but to make it tougher for them to attack us again.

The collective national loss we felt on September 11, 2001 is no less painful today. How can any American alive and old enough to grasp the tragedy as it unfolded 3 years ago ever forget the rapid fall of the World Trade Center towers, the smoke billowing out of the Pentagon, or the 4 civilian jetliners that were deliberately brought to their destruction?

In that solemn hour, our President rightly resolved to take the fight to the terrorists and not to stop until justice prevailed. Here we are, 3 years later and still very much in the war on terror. What is remarkable to me is not that America is still waging the battle to keep our communities safe from future terrorist attack, but that some politicians actually question our motives and even appear willing to lower our guard if given the chance. Such shortsightedness on their part is not only naive, but downright dangerous.

9/11 was not only an attack on America, but upon the free people of the world. In the months that followed, President Bush declared that terrorists and the countries that sponsored them would be considered our enemies and we would take military action against them if necessary. After the brutal Taliban regime of Afghanistan refused to turn over their Al Qaeda guests and close their training camps, the United States forced them from power and made Afghanistan an ally against terrorism.

Iraq's Saddam Hussein did not believe the United States was serious about holding his government accountable for its weapons deception and support of terrorism. He was wrong. He was also swept from power and his nation's capability to aid terrorism has been halted. Pakistan and Libya are also cooperating with the United States in ending the risk of weapons of mass destruction falling into terrorist hands.

Today, American troops remain in Afghanistan and Iraq where there is still work to be done before the new governments of these nations can assume total control of their own security. We are also on guard here at home, tightening security to reduce the likelihood that terrorists can again attack innocent civilians. For sure, terrorists have tried to conduct more attacks since 9/11, only to be stopped by measures already in place. More can and will be done to improve our homeland security.

The terrible events of 9/11 changed our world. Despite some politicians' refusal to accept it, these acts of terrorism were a declaration of war against our society by those who fear nothing but brute force. If we want our children to enjoy a safer life, we must be committed to stand up to terrorists and stop them before they can attack us. If we do otherwise, we will surely invite future 9/11s.

Mr. KIND. Mr. Speaker, I rise today in support of House Resolution 757, ''expressing the sense of the House of Representatives on the anniversary of the terrorist attacks launched against the United States on September 11, 2001.''

The terrorist attacks on New York and Washington on September 11th were monstrous and cowardly acts that will be forever etched in our national memory. In remembrance of that tragic day, I wish to express my condolences, and the condolences of a mournful Nation, to all those who suffered losses. Today, America again honors the courage and bravery of those who willingly risked their lives to save others, and recognizes those dedicated men and women in service now, defending worldwide peace and security.

In the 3 years since the terrible acts of September 11th, the United States has taken various steps toward preventing another attack on our country. Immediately following September 11th, our country began fighting a global war on terrorism to protect America and our friends and allies. In addition, Congress has created a Department of Homeland Security and reorganized several intelligence departments. All of these steps were taken to make America safer.

As a member of Congress, one of my top priorities is protecting the citizens I represent, and if there is any issue that should lead to crossing party lines, it is protecting our Nation.

Recently, the bipartisan September 11th Commission finalized its report with 41 recommendations that they feel would not only make America safer, but would make the world safer. I am proud to be an original cosponsor of the bipartisan 9/11 Commission Report Implementation Act. This bill would enact into law the 9/11 Commission's 41 recommendations.

On this solemn day, I again stand up to recognize our brave men and women that tragically lost their lives on that fateful day in September of 2001. I wish to show my deepest appreciation to our military men and women fighting terrorism around the world. The opportunity is upon us to make serious and thoughtful change and to ensure that another tragedy does not befall our Nation.

Ms. LOFGREN. Mr. Speaker, today I extend my ''deepest sympathies to the thousands of innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones.''

There is no doubt that I honor ''the heroic actions and the sacrifice of United States military and civilian personnel and their families who have sacrificed much, including their lives and health, in defense of their country in the Global War on Terrorism.''

''I [honor] the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health.''

I express ''thanks and gratitude to the foreign leaders and citizens of all Nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks.''

There is no question that I ''[discourage], in the strongest possible terms, any effort to confuse the Global War on Terrorism with a war on any people or any faith.''

Today I reaffirm our ''commitment to the Global War on Terrorism and to providing the United States Armed Forces with the resources and support to wage it effectively and safely.''

As we all have done in this Congress over the last 3 years, I also ''vow that we will continue to take whatever actions necessary to identify, intercept, and disrupt terrorists and their activities.''

And, today I also ''reaffirm that the American people will never forget the sacrifices made on September 11, 2001, and will never bow to terrorists.''

Yes, I strongly agree with these provisions of the 9/11 resolution passed by this House today. However, I do not agree with other provisions that distort the facts and, in some cases, are simply false. Therefore, I cannot vote for this resolution.

The Bush Administration has not ''[strengthened] the authority of the Director of Central Intelligence to coordinate national intelligence activities.'' In fact, Congress is currently embroiled in that debate prompted by the 9/11 Commission Report, not by the Bush Administration.

Yes, the Administration has finally ''initiated . . . the Container Security Initiative, to extend our borders overseas and to secure and screen cargo before it is placed on ships destined for United States ports of entry.'' However, initiation of a program is a far cry from fully administering the program and contributing to our homeland security. The Container Security Initiative is, so far, a failure.

The resolution gives us the false impression that the US–VISIT border security screening system is fully operational and ensuring our homeland security. Yet, the Administration has not even connected US–VISIT port of entry systems to a central database that can handle immediate screenings upon entry.

Yes, as the 9/11 resolution states, ''a multiagency partnership, was established to integrate the dozens of separate terrorist databases'' after 9/11. However, 3 years later, we still have multiple watch lists. The FBI's Terrorist Screening Center (TSC)—designed to be the central repository for terrorist-related watch list information—is still not complete and linked electronically to all law enforcement agencies. The DHS's Homeland Security Information Network (HSIN) competes with at least 2 other Federal networks that are designed to share homeland security information between Federal, State and local officials. State and local officials still lack basic Federal security clearances needed to do their jobs. What has the Administration been doing for 3 years?

9/11 is truly a day of solace, a day to remember the victims of 9/11, a day to give thanks to those who have sacrificed so much to keep this country safe, and a day to reaffirm our commitment to the war on terror. This is also a time to honor those we lost on that terrible day and those we have lost in the fight against terrorism since.

The real way to honor those we lost would have been to do a competent job of preventing terrorism from succeeding again. But saying we have taken action is not the same thing as actually taking action. The representations about our successes in this resolution are mostly false. We should not lie to the American people about this.

The last thing this day should represent is praise for what really are failures of the Bush Administration to secure our homeland.

Mr. STARK. Mr. Speaker, I rise to honor the memory of the victims of September 11th and their families. We remember these Americans today and commend the bravery and courage of all those who came to their aid that day—many of whom selflessly gave their lives. We

will never forget their sacrifice and heroism. As a Nation, we are unified in our commitment to each other.

We ought to stand together now just as we stood together on September 11, 2001, and the days after in solemn remembrance. That is why I am disappointed to see Republicans politicizing this horrific day with this partisan resolution, which I cannot in good conscience support.

I fully support our troops. I am committed to defending our Nation against terrorism. I will not, however, endorse the Administration's foreign policy, which I strongly oppose. The effort to use the attacks of September 11th to legitimize the war against Iraq or the future, indiscriminate use of military force at any cost is wrong.

We must see September 11th as a reminder of what our Nation stands for—as was eloquently demonstrated by so many Americans on that horrible day. We must rededicate our Nation to compassionately fulfilling our ideals while recognizing our responsibility to lead the world by example, rather than by force.

It is from this dark day that America must resolve to pursue peace, cooperation and understanding throughout the world. We must be committed to upholding democracy and human rights while working to improve the material conditions of people around the globe. Working for a safer, more humane world is our best defense against terrorists and our best hope for a more secure America.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong and solemn support of this resolution, which marks the anniversary of the most deadly terrorist attack in history. September 11, 2001 is a day none of us will ever forget.

We continue to mourn, along with the loved ones of the departed, the loss of nearly 3,000 innocent lives. We celebrate the spirit of selflessness that led so many brave firefighters, police officers and other emergency personnel to risk—and in some cases, lose—their lives trying to save others. And we remain in awe of the passengers of Flight 193, who took the defense of our homeland into their own hands and sacrificed their own lives in the process.

The tragic events of that day have spurred this Nation to a new sense of purpose, a recognition of the need to fight terrorism head-on and to lead an international coalition to spread the powerful ideals of freedom and democracy to corners of the world that have for too long struggled in the shadows of totalitarianism.

We have turned the darkness of terrorism into the light of opportunity—our greatest challenge has become our greatest strength. I urge passage of H. Res. 757.

Mr. SMITH of Michigan. Mr. Speaker, I submit for the RECORD my friend Grandmaster Jhoon Rhee's Open Letter of September 10, 2004 to the Honorable George W. Bush, President of the United States.

President George H.W. Bush named Jhoon Rhee the 721st ''Point of Light'' for his voluntary work to help others and served as a member of the White House Commission on Asian Americans and Pacific Islanders until June 2004.

His letter is as follows:

Dear President Bush:

On the tragic event of September 11, 2001, I wish to thank you for your efforts to defend our Nation and our freedom. All Americans should join in prayer for you as you certainly have one of the most challenging jobs in the world.

God bless the Forces of Might for Right, the soldiers, sailors, airmen, Marines, and National Guard who serve in harm's way, far away from their loved ones, to safeguard and defend us. God bless the policemen, firemen, border patrol officers, emergency first responders, and all those who work here at home to safeguard and protect our Nation.

The martial arts community joins you in thanking all of those who serve and protect us as a Nation and a people. The terrorists assaulted our country on 9/11, but they didn't destroy our spirit.

Mr. President, your seal of office shows an eagle grasping both the arrows of war and the olive branch of peace. We in the martial arts have always taught these twin precepts. We believe, and practice, that it is best to be prepared and capable to defend yourself, while seeking the path of peace and love.

In remembrance of the terrible tragedies surrounding the date of 9/11, the martial arts community is taking action on the philosophies of peace and respect. Our plan is to both help heal our old wounds and turn around the ongoing battle to maintain the positive spirit of America. Beginning today, as every day is a new beginning, American martial artists have declared 9/11 to be ''Acts of Kindness Day,'' and will go forth doing Acts of Kindness on 9/11—and year-round—to demonstrate to the world the American spiritual tradition. This year's goal among America's martial artists is to perform one million acts of kindness between September 11 and October 11, 2004.

More on our ''Acts of Kindness'' initiative, launched by martial arts teachers Tom Callos, Fariborz Azhakh, Ken Carlson and myself, can be found at www.911aok.com.

We would like to ask you sir, as President of the United States, to declare 9/11 to be an annual Acts of Kindness Day, urging all Americans to perform unselfish acts to help others, to answer hatred and terror with kindness and love. That is the American spiritual tradition we are proud of and, we think, the ultimate way to offer tribute to the men, women, and children who perished that day. We ask you to help us carry this message from the martial arts community to all Americans and to the world. Thank you. God bless you.

Mr. MATHESON. Mr. Speaker, events on September 11, 2001, changed America forever. Nearly 3,000 Americans lost their lives, including 366 police and fire fighters who rushed into the burning Twin Towers.

In the aftermath of those terrible hours and days, we emerged from our shock and grief with the knowledge that life in our country would never be the same. The heroes of 9–11—the passengers aboard United Flight 93, first-responders, doctors, nurses, search and rescue teams—inspired us and gave us hope. Images of bravery soon replaced those of brutality.

The terrorist threat is ongoing. The risk that we will be attacked again here at home is real. Our men and women in uniform are putting their lives on the line in the most dangerous parts of the world. More than 1,000 have paid the ultimate price. We honor their sacrifice and their commitment to duty.

We have made progress in the fight against this insidious enemy. But we still have much to do. We must employ technology to protect our ports, our energy infrastructure, and our food supply. We must reform our intelligence-gathering program. We must continue to improve our ability to respond to an emergency. We must do it all without trampling on the civil liberties of our citizens, because we treasure our free and open society that terrorists seek to destroy.

We pause today in solemn remembrance of that defining day and in honor of this great Nation.

Mr. DOGGETT. Mr. Speaker, there is no doubt that I and all of my colleagues in the House of Representatives share a profound sorrow and outrage about the tragedy of September 11th and extend our deepest sympathies to the families of the victims and our greatest gratitude for the heroism of the first-responders who risked their lives to save the lives of others. We all honor the sacrifice of those serving in uniform and the sacrifice of their families. I regret, though, that we do not have the opportunity today to a vote on a resolution that would express such worthy sentiments without advancing a partisan agenda.

I join in supporting this resolution although I have serious reservations about certain provisions. I am particularly disappointed to see that the misguided invasion of Iraq is linked to the attacks of September 11th. The Administration's mismanagement of the Iraq war continues to divert attention and resources away from our efforts to capture Osama bin Laden, who launched the terrorist attacks of September 11th. It is particularly ironic that this language is offered the very week we mark the tragic loss of over 1,000 brave men and women in Iraq.

I would also like to note my strong reservations about the reference to the US–VISIT program in this resolution. Although the Department of Homeland Security has described US–VISIT as ''an important new element in the global war against terrorism,'' a Senate Judiciary report concluded that ''implementing an automated entry/exit control system [such as US–VISIT] has absolutely nothing to do with . . . halting the entry of terrorists into the United States. An automated entry/exit control system will at best provide information only on those who have overstayed their visas.''

US–VISIT is hurting businesses and families in McAllen, Pharr, and La Jolla and other communities along the U.S.-Mexico border by disrupting international trade. Under current DHS policies, Canadian visitors may stay up to 6 months and travel anywhere in the United States without obtaining any visa or enduring any immigration paperwork. In contrast, visitors from Mexico must go through an extensive process to obtain a B1/B2 laser visa (also known as a Border Crossing Card), which only allows a 30-day stay within a restricted zone close to the Mexican border. These restrictions make little national security sense given that the only known entries of terrorist across our land border have been from Canada, not Mexico.

Unfortunately, given the disparity in treatment of visitors from our 2 closest neighbors, Mexico and Canada, US–VISIT is more about stopping migration from Mexico than it is about national security.

I am also concerned that the resolution does not express the importance of balancing the protection of our country from future terrorist attacks with the need to protect the civil liberties of our citizens. We must not sacrifice our democracy in a misguided attempt to save it.

Those who lost loved ones on September 11th, those who came to their aid, and those who serve our country in uniform deserve our

recognition and support in a resolution unencumbered by a partisan agenda.

Mr. LINDER. Mr. Speaker, I rise in strong support of H. Res. 757. Three years have passed since a beautiful September day was shattered by terrorists who despised the thought of a Nation that allows its people the freedom to live and worship as they choose. I agree with President George W. Bush that ''the terrorists are offended not merely by our policies—they are offended by our existence as free Nations.''

I looked back on some of the things we said in the days following the attacks of September 11, 2001. We said that these were acts of war. We said that we would get serious and win this war. And we said to those who commit these kinds of acts that we will find you and destroy you. And we vowed to remember what happened—always.

America quickly got serious about fighting terrorism. While the enemies of freedom brought war to our shores 3 years ago, the American people and the American military are making progress in meeting this challenge. This war is being fought on multiple fronts: diplomatic, financial, investigative, homeland security, humanitarian, and militarily. We must continue to fight the war on terrorism because the terrorists will continue with their efforts. Their aim is to change the way of life of countries that love freedom, and their goals include the destruction of the civilized world and an end to American efforts to encourage democracy abroad.

And while we continue to make great strides in the war on terror, we must never forget what happened. It's been 3 years, but the tragedy, the courage, and the determination we saw that day must serve as a reminder of our calling from that day forward. On Saturday morning, please take a moment to remember those who lost their lives that day, and remember those who continue to mourn loved ones who did not return home on September 11, 2001.

May God continue to bless the United States of America.

Mr. FRELINGHUYSEN. Mr. Speaker, on this day, 3 years ago, our Nation utterly changed as tragedy struck in the streets of Lower Manhattan, the fields of Pennsylvania, and here in our Nation's capital.

On this day, we also saw good rise in the face of evil and heroes rise in the face of danger.

In Lower Manhattan, many of our brave first responders knew the risks they were taking, but were determined to do their job. Police officers and EMS officials calmly escorted workers out of burning buildings as firefighters raced up stairwells of these same buildings to rescue those trapped high above.

When the day was over, and as we learned more about the tragic attacks, and loss of nearly 3,000 Americans, including 700 New Jerseyans, we witnessed neighbors and friends consoling one another and watched as Americans from all walks of life stood united—side-by-side, waving the stars and stripes, and lighting candles to honor those missing or lost.

As America rebounded and recovered, our Nation—displaying the resiliency of its people—responded to these acts of terrorism with the might of our military.

The war we continue to fight today began September 11, 2001. It began without provocation and without warning. It was not a war of our choosing but rather was made our priority. And we are fighting this war in Afaghanistan and Iraq today so that what happened on September 11 does not happen in America again.

So many of our heroes currently fighting terrorism across the globe put their lives on hold after 9/11 to join the National Guard, serve our country, and defend our freedom.

We see the character and resolve of America in these brave young men and women. And especially in this post 9/11 era, we are grateful for their service and sacrifice.

May God Bless those who continue to fight for and defend our freedom, and may God continue to bless America.

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

Pursuant to the order of the House of Wednesday, September 9, 2004, the resolution is considered read for amendment, and the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 757 will be followed by a moment of silence and, without objection, 5-minute votes on the motion to instruct on H.R. 1308 and the motion to suspend the rules and pass Senate 2634, as amended.

There was no objection.

The vote was taken by electronic device, and there were—yeas 406, nays 16, not voting 12, as follows:

[Roll No. 431]

YEAS—406

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

NAYS—16

Conyers
Frank (MA)
Hastings (FL)
Hinchey
Honda
Jackson (IL)
Kucinich
Lee
Lofgren
Markey
McDermott
Paul
Schakowsky
Stark
Waters
Woolsey

NOT VOTING—12

Ballenger
Cannon
Goss
Greenwood
Mollohan
Nethercutt
Ryan (OH)
Schrock
Tauzin
Toomey
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1208

Mr. MARKEY and Mr. CONYERS changed their vote from ''yea'' to ''nay.''

Messrs. JEFFERSON, NEAL of Massachusetts, GEORGE MILLER of California, and MORAN of Virginia, and Ms. CORRINE BROWN of Florida changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE COMMEMORATING THE 9/11 ATTACKS

The SPEAKER. The Chair would ask the House to stand in tribute to the victims of the September 11, 2001, terrorist attacks that rocked this Nation. We would like to observe a moment of silence in their memory.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore (Mr. SHIMKUS). The unfinished business is the question on the motion to instruct conferees on H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Indiana (Mr. HILL) 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 203, nays 216, not voting 14, as follows:

[Roll No. 432]

YEAS—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NAYS—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—14

Ballenger
Cannon
Goss
Greenwood
Majette
Mollohan
Nethercutt
Ryan (OH)
Schrock
Slaughter
Tauzin
Toomey
Wexler
Young (AK)

□ 1220

Mr. TAYLOR of North Carolina and Mr. RADANOVICH changed their vote from ''yea'' to ''nay.''

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GARRETT LEE SMITH MEMORIAL ACT

The SPEAKER pro tempore (Mr. SHIMKUS). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2634, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2634, as amended, 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 352, nays 64, not voting 17, as follows:

[Roll No. 433]

YEAS—352

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine

Brown-Waite, Ginny
Burgess
Burns
Butterfield
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—64

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Bonilla
Bonner
Burton (IN)
Cantor
Carter
Coble
Collins
Cox
Crane
Cubin
Culberson
Deal (GA)
Doolittle
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Gutknecht
Hefley
Hensarling
Herger
Hostettler
Hyde
Istook
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Miller (FL)
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Ose
Otter
Paul
Pence
Peterson (PA)
Pombo
Radanovich
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Sherwood
Smith (MI)
Sullivan
Tancredo
Thornberry
Weldon (FL)

NOT VOTING—17

Ballenger
Burr
Cannon
Cummings
Goss
Greenwood
Majette
Meek (FL)
Mollohan
Nethercutt
Payne
Ryan (OH)
Schrock
Tauzin
Toomey
Wexler
Young (AK)

□ 1232

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: ''A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes.''.

A motion to reconsider was laid on the table.

□ 1230

GENERAL LEAVE

Mr. REGULA. 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, and that I may include tabular material on the same, during the further consideration of H.R. 5006, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 754 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

□ 1232

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. TERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 8, 2004, the amendment offered by the gentleman from California (Mr. GEORGE MILLER) had been disposed of and the bill was open for amendment from page 104 line 1 through page 105 line 16.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. OBEY

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act may be used by the Department of Labor to implement or administer any change to regulations regarding overtime compensation (contained in part 541 of title 29, Code of Federal Regulations) in effect on July 14, 2004, except those changes in the Department of Labor's final regulation published in the Federal Register on April 23, 2004 at section 541.600 of such title 29.

Mr. BOEHNER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The point of order is reserved, and the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, we now have 8 million people out of work. There are 3 million people that have been out of work so long that they have lost their unemployment benefits, and the majority party in this Congress has steadfastly refused to allow us to do something about that by providing extended unemployment benefits for those workers.

At the same time, for people who are working and people who are not, we have a resurrection of inflation. Inflation is running at twice the rate this year that it ran last year. That means it cost families more to pay for gas, more to pay for health care, more to pay for college costs, and it will continue to rise.

Working families need every dollar in their take-home pay that they can possibly get, and yet the administration

has chosen this time to institute new regulations which for the first time in 50 years scaled back workers' entitlement to overtime pay for overtime worked.

Mr. Chairman, this amendment attempts to do two things. It is a very simple amendment. It simply precludes the agency from using any funds in this bill to implement those limiting regulations. We make one exception. We allow the expansion of overtime rights made available under the new rule for workers making between $8,000 and $23,660 to stand as is. But we effectively block enforcement of the other portions of the rule.

It just seems to me that the Labor Department, the White House, and the Congress should not be complicit in the effort of employers to chisel on workers' overtime pay. If this amendment does not pass, more than 900,000 employees without a college or graduate degree will be exempt from overtime pay because of definitions of professional employees. Thirty thousand nursery school and Head Start teachers will lose their right to overtime pay. Nearly 90,000 computer employees, funeral directors and licensed embalmers will become exempt and lose their right to pay under the Labor Department rule, and there are many other workers as well who will lose their overtime rights.

Mr. Chairman, this is a very simple amendment. Everyone understands it. This House has already voted on a motion to instruct to adopt precisely the same language we are offering today, and the Senate has already adopted the same proposal in the form of the Harkin amendment.

Despite that fact, the Republican leadership arbitrarily stripped that language out from the conference report last year. This time around we mean business. We mean to see this through. We will not be dissuaded by blackmail threats on the part of the White House that they will veto the bill if this provision which we are offering today is included.

It is very simple. If you are on the side of a worker's right to get overtime pay for overtime worked, you vote for this amendment. If you are not on their side, then you vote against this amendment, or you vote for some other mugwump fig leaf that will serve not to cover workers, but simply to cover the fannies of Members who will be voting this afternoon.

POINT OF ORDER

Mr. BOEHNER. Mr. Chairman, I make a point of order against the amendment. The gentleman's amendment violates House rule XXI, clause 2 and legislates on an appropriation bill.

Mr. Chairman, I have a question for the author of the amendment. The gentleman's amendment restricts the Secretary of Labor from implementing certain overtime protections in current regulations. As of August 23, Mr. Chairman, the old regulations are no longer on the books.

So my question for the gentleman from Wisconsin is: Would your amendment, as a matter of law, require the Secretary of Labor to return to the regulations as in effect on July 14, 2004?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Ohio cannot engage in a colloquy, but the Chair may hear argument and rejoinder from each Member individually. The gentleman from Ohio may not yield directly for an answer, as in a colloquy.

PARLIAMENTARY INQUIRY

Mr. BOEHNER. Mr. Chairman, parliamentary inquiry. Are you suggesting to me that I cannot ask the author of the amendment to explain the intent of his amendment?

The CHAIRMAN pro tempore. The Chair will hear from the gentleman from Wisconsin separately. When the gentleman from Ohio has concluded his debate, the Chair will hear from the gentleman from Wisconsin separately.

Mr. BOEHNER. Mr. Chairman, the gentleman's amendment, as a matter of law, would restrict the Secretary from proceeding on the new regulations and, in effect, require the Secretary to enforce the old regulations that had not been updated for 50 years. In fact, this is legislating on an appropriation bill, and I insist on my point of order.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin desire to be heard on this point of order?

Mr. OBEY. Mr. Chairman, I do.

Mr. Chairman, this amendment does what it says. This amendment is a straightforward limitation which prohibits the Department of Labor from using funds in the act to implement any change to overtime regulations that were in effect on July 14, 2004, with one exception. It imposes no additional duties on the Secretary of Labor, nor does it change existing law since the language merely says that funds may not be used to change overtime regulations in place on July 14, 2004.

Moreover, the amendment allows, but does not require, the Department to implement or administer section 541.6 of the overtime regulation published in the Federal Register on April 23, 2004.

The Department has a duty to know its own regulations; and, therefore, the amendment imposes no new duties. The limitation applies only to the appropriation under consideration in this bill and is operable only for the fiscal year for which the appropriations apply. I, therefore, ask the Chair not to sustain the point of order.

The CHAIRMAN pro tempore. Does the gentleman from Ohio wish to be heard further?

Mr. BOEHNER. I do, Mr. Chairman.

Based on the gentleman's explanation of his amendment, Mr. Chairman, prohibiting the Secretary from enforcing the new regulations, we have, in effect, if the gentleman's amendment were to pass, no regulations protecting the overtime rights of American workers. No regulations. That is the law that is being created here.

I am trying to understand from the gentleman his true intent in his amendment and if, in fact, he is not trying to have the Secretary enforce the old regulations.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin desire to be heard again?

Mr. OBEY. Mr. Chairman, I stand on my statement and ask that the Chair not sustain the point of order.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on this point of order? If not, the Chair is prepared to rule.

The gentleman from Ohio (Mr. BOEHNER) makes a point of order that the amendment offered by the gentleman from Wisconsin (Mr. OBEY) is subject to a point of order under clause 2 of rule XXI. The gentleman from Ohio argues that the amendment legislates on an appropriation bill by requiring the Department of Labor to make certain changes in overtime regulation. However, the text of the amendment seeks only to defund the implementation of changes to certain overtime regulations in effect on a particular day with certain exceptions. The amendment neither addresses what the regulatory situation might be after its adoption, nor directs the Department to act in any particular fashion.

Under the precedent carried at chapter 28, section 64.29 of Deschler's Precedents, it is in order in a general appropriation bill to deny the use of funds therein for agency proceedings relating to changes in regulations. In the opinion of the Chair, that is analogous to what this amendment does. The Chair overrules the point of order.

Does any other Member desire to be heard on the amendment?

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

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

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment by my friend, the gentleman from Wisconsin (Mr. OBEY). Seventy-six years ago, the Congress passed and the President signed a law which says that if you work more than 40 hours a week, that you get time and a half for that additional time. With some carefully reasoned and well-thought-out exceptions since then, it has been the law for every American worker under every circumstance.

We have before us today the question of whether we should continue that very important principle. We should, and Members on both sides should vote in favor of the Obey amendment.

□ 1245

As the gentleman from Wisconsin (Mr. OBEY) said a few minutes ago, there are officially 8 million Americans out of work as we meet this afternoon. Three million of those Americans have

been out of work so long they have exhausted their unemployment benefits. The price of health care has increased by 50 percent in the last 3½ years. This administration will be the first administration since that of Herbert Hoover that has lost more jobs than it has created.

Mr. Chairman, 2.45 million workers in manufacturing plants around the country have seen their jobs go overseas or south of the border, probably lost forever. The price of heating your home, driving your car, and educating your children rises, and the squeeze on the middle class intensifies.

So what issue does this Congress and this administration confront? The issue we confront is taking income away from 6 million people. These are not 6 million people who are at the high end of the American labor force.

In the debate on these regulations, we have heard this is about highly skilled, highly compensated people. Not the case. The Congressional Research Service, a nonpartisan objective arm of this institution, did an analysis of the people who will be affected by these overtime regulations. Nearly 70 percent of the workers who will be affected by these regulations make less than $1,000 a week. Nearly 70 percent of the people affected by these rules are making less than $50,000 a year. This is the middle class we are talking about. It is the working middle class. It is nursery school teachers, short-order cooks, people who work in the shoe department of a retail store. Their biggest problem, with all due respect, is not that they are getting too much income; it is that they are not getting enough, and they are not getting enough to pay the bills that their family needs to pay.

These overtime rules will adversely affect 6 million American workers. If there are going to be changes to the overtime rules, they should be debated here. They should be voted on by the people's representatives, not by the appointed people who work in the Department of Labor.

The Obey amendment will suspend these rules. It will protect the overtime rights of more than 6 million American workers. It will leave in place the existing overtime rules as it affects those workers, and it is the right thing to do.

Mr. Chairman, with all due respect to the authors of this overtime policy change, overtime is not a gift from America's employers; overtime is the right of America's workers. In order to protect that right and to do what is right, I would urge my friends, both Republican and Democrat, to vote ''yes'' on the Obey amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with its proposed overtime rules, the administration continues its assault on working Americans. Do not be fooled when some of my colleagues on the other side of the aisle say this will give overtime to more workers; they are using fuzzy math. This will give an inflation adjustment to low-income workers which is much needed and much deserved.

But a July 2004 study by the Economic Policy Institute shows that new regulations will cut the pay and lengthen the hours for at least 6 million workers making as little as $23,000 a year. Basically, what the regulations do is permit employers to reclassify people making between $23,000 and $100,000 so they are exempt from overtime pay.

One of the reasons for enacting the Fair Labor Standards Act back in 1938 was to give incentive to employers to create more jobs. This ensures that employers will not overwork their employees by making them do the work of two or more people.

Since 2001, we all know that millions of jobs have been lost, including 285,000 in New York. These final regulations will enable employers to cut overtime for employees who presently do get overtime. This means longer hours for the same pay. It also means that employers will have no incentive to hire new people even though we have an unemployed workforce of over 600,000 in New York alone.

It boggles the mind that this is what the administration focuses on since it has the worst job-creation record since the time of the Great Depression. And after the final regulations were announced in April 2004, we held only one single hearing in the Committee on Education and the Workforce.

In May 2004, I voted for amendments on the House floor which would have stalled the Department of Labor's regulations, but unfortunately none of the amendments passed. If Congress had acted, we could have prevented the new regulations from going into effect.

The new regs would have included up to half a million of our Nation's heroic first responders such as police, firefighters, EMTs, and nurses who are directly engaged in homeland security efforts. Losing overtime is not much of an incentive to people in these fields, and we desperately need to keep them safe and healthy.

Another bad effect the regulations will have is to cause confusion in the legal system. Right now, although the system is not perfect, there are plenty of laws on the books developed over many years that guide overtime cases. The new regs will simply result in new fighting about how to implement these rules and will waste time.

I oppose taking overtime pay away from millions of workers and urge my colleagues to support the Obey amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Obey amendment, joined by the gentleman from California (Mr. GEORGE MILLER) and my colleagues. I want to remind my friends in the House of the obligation and responsibility that they have dealing with the crucial responsibilities of serving the American people. Let me just simply remind Members of people who make this country, and it is working men and women. Those working men and women deserve our respect and as well our duty to ensure that their workplace and their compensation meets the work that they do every single day.

I had the pleasure just a month ago to take my son to his first year of college, spending time not as a Member of Congress but as a parent listening and discussing with other parents both the excitement and joy of taking a young person to college, but also the struggle of bringing a young person to college. Many of those Americans who I stood alongside as a beaming parent work two and three jobs, and overtime was very much a part not of the excess of their income but of the necessity of their income.

I wonder if my colleagues think about what overtime really is. It is helping families all over America make ends meet. Do they realize that the very same people that protect us here in the United States Congress, our U.S. Capitol Police, the people who protect the visitors who come and protect those who come to this place to exercise their rights as Americans, they receive overtime.

With the administrative rules that are being passed by the Department of Labor, we will eliminate the overtime of the very people who protect us, first responders, firefighters and police officers, nurses, people who simply want an opportunity.

This amendment prohibits the Department of Labor from implementing new rules on overtime pay. Of course they have tried to hang out a carrot for us and suggest that they are protecting the low-income workers.

Mr. Chairman, I stand here because I do not want to have divisive politics. I do not want to divide workers and to suggest who is low income and who needs overtime and who does not. This is the middle-class squeeze. Losing 3 million jobs, not yet reaching the place where we have replenished those jobs, Americans required to work two and three jobs, overtime is a necessity; it is not a luxury.

I cannot imagine my Republican friends going home to their elections and to suggest we would stand today against American workers. Overtime is survival for those who every day have to make ends meet. I am looking at Americans who are now trying to refinance homes, not only to send children to school for the first time, but to buy cars, cars to take them to work to be sure that they are able to get the basic necessities.

Just a few hours ago, I stood with my colleagues about the amending of the Tax Code to allow sales tax to be deducted for States that do not have income tax. Why, because in States like Texas and Tennessee, sales tax has become onerous and burdensome for

hard-working Americans who have no outlet and basically are paying very high sales tax because there is no income tax, and yet are not able to deduct it.

We should be finding ways to put income back into Americans' pockets the right way, not with 1 percent tax cuts that give to the wealthiest of Americans, but allowing overtime pay, allowing middle-class Americans not to be squeezed in a very ugly way.

I hope that this amendment is passed enthusiastically. In fact, I would be delighted if it was a bipartisan vote. These regulations are ill-considered and misdirected. They hurt the working person in America, they disrespect work, and they do not acknowledge the fact that all people want in America is an opportunity to pursue their happiness and an enhanced, positive way of life. I ask my colleagues to support this amendment unanimously.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope all of my colleagues heard the short debate over the intent of this regulation. The fact of the matter is if the Obey amendment passes, no American worker who makes over $23,600 will be entitled to overtime pay. This will be no enforcement of the regulations that the gentleman seeks to try to protect.

Under the Obey amendment, the Secretary of Labor is prohibited from protecting workers' overtime as required by her current regulations, and she will be forced to start the regulatory process over in order to develop new regulations to ensure those protections.

Under the Obey amendment, by the gentleman's own admission, the Department would have no test to administer the rules except for the salary level at $23,600. This means the Department would be prevented from looking at workers' duties to determine whether they were eligible for overtime pay. His amendment would prevent the Department from enforcing the rule with respect to any worker, even blue collar workers, who earn less than $23,600 a year. That means firefighters, teachers and nurses who make over $23,600 would have no ability to have the Department protect their overtime pay. And the enforcement for anyone earning more than $23,600 would have to be done in private lawsuits and be the biggest gift to trial lawyers that the House has considered in some time.

So the fact is that in an attempt to legislate on an appropriation bill, the gentleman's amendment would in fact eliminate the Department's ability to enforce any rules or regulations on overtime pay for anyone who makes over $23,600 per year. I do not think that the House wants to be on record in support of that.

Now, on the bigger issue under consideration here, we need to understand that for some 56 years we have had the wage-and-hour law and for the last 50 years there have been no changes to the job classifications. So American workers have no idea under the old regulations whether they were entitled to overtime pay or not, employers had a very difficult time determining whether workers were entitled to overtime pay or not, and the most serious part of the old regulations was that the Department of Labor could not determine who was entitled to overtime pay and who was not.

In 1977, the Carter administration recognized this problem and attempted to bring clarity to the wage-and-hour laws with regard to overtime pay. What happened, Congress stepped in their way. So since 1977 the picture has only gotten muddier. With job classifications and job titles changing, especially with what has happened over the last 20 years, it is time for the Department to do their work, and the Department did their work. They put out a regulation, an initial draft of a regulation, they took comments from the public, and they got 82,000 comments.

They came back some 18 months later and made serious revisions to their draft policy and put it into effect on August 23 of this year.

□ 1300

It not only guarantees those who make under $23,600 a year they have a right to overtime pay regardless of their job classification; 1.3 million workers will be covered under that part of the section. The gentleman does not touch that. But it also guarantees overtime rights for teachers, first responders, fire, police, and many other job classifications to bring real clarity to the law so both employers and employees know what their rights are under the law today.

But, unfortunately, that is not what this amendment is really about today. The gentleman's amendment, if you read it and if you look at it, would eliminate all the overtime enforcement protections from the Department of Labor for anyone who makes over $23,600 a year. I do not think the House wants to go on record in supporting the elimination of those protections from the Department of Labor, so I would ask my colleagues, as they consider this vote today, consider that these overtime protections that are in the law are there to help American workers. If you are on the side of American workers, and especially those who are entitled to overtime pay, we ought to vote against the Obey amendment and protect those rights and the enforcement of those rights by the Department of Labor.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentlewoman for yielding. I never fully appreciated until this moment the immense talent of the gentleman from Ohio, but listening to what he said, I must take my hat off to him because he certainly qualifies for the Nobel Prize for fiction. That is an amazing accomplishment in this House, given the competition for that award.

I simply want to say that if you take a look at the Congressional Research Service analysis of this amendment, they make quite clear, quote, '' A review of applicable principles of administrative procedure and pertinent judicial precedents indicates that the Department of Labor would have the authority to immediately reimplement overtime compensation regulations in effect prior to August 23, 2004, upon passage of the proposed Obey-Miller rider.''

That means that they can on their own volition reinstitute those rules within 1 day. To suggest that they would not do so suggests that they are patently irresponsible.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Obey-Miller overtime amendment, and I support it because it blocks the administration from gutting the income of working men and women, some earning as little as $23,000 a year.

My Republican colleagues continue to proclaim, and we have heard it already this morning, that they are friends to working America. However, they and this administration are, I believe, the working Americans' greatest enemy. They say one thing. They do another. They are changing overtime policies to cheat millions of workers out of overtime pay. What they ought to be doing is investing in our Nation's infrastructure, creating jobs that pay a livable wage, strengthening job opportunities here at home, stopping the incentives for outsourcing the high-paid jobs in the United States of America. But, no, they continue their attacks on American workers.

That is why we are considering a bill today that has failed to address the $265 million backlog of the Job Corps. Their facility renovations are essential to placing disadvantaged young adults into jobs.

That is why the bill before us today cuts the employment service program which is the foundation for the Nation's one-stop employment and training service delivery system.

That is why there is no increase for adult training programs or the title V community service employment program to aid low-income older workers.

One hundred million dollars is being cut for the H–1B technical skills training program, which specifically was designed to reduce the Nation's reliance on foreign workers.

Millions of dollars have been cut for activities to promote international labor standards, enhanced worker rights and combat exploitive child labor.

This President, the administration that is asking us to cut unemployment and overtime coverage for American workers, this President has lost 2.7 million manufacturing jobs since he took office. It is one thing to go to

Pennsylvania and Ohio and talk about job training, but President Bush's budget, this initiative we are talking about today and this bill in particular does not support his talk.

Americans need quality jobs. They need effective job training in order for us to remain competitive in the global economy. The Bush-Cheney antiworker pattern continues with policies such as the Family Flexibility Act, which would further strip worker overtime rights. Let us not kid ourselves. This policy proposal is not about flextime for workers. It is about more flexibility for employers.

Bush also signed legislation overturning workplace safety rules to prevent ergonomic standards. The President has advocated budget cuts for job safety agencies such as OSHA and NIOSH. President Bush even went further, suspending 23 important job safety regulations. The list goes on and on. These are the people that are asking us to vote today to cut overtime pay for most of the neediest workers in this country.

Mr. Chairman, it is clear this administration values corporate profit over workers' safety. It is time that we support our workers. Vote ''yes'' for the Obey-Miller substitute.

Mr. BISHOP of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this past weekend we joined with our families at barbecues and picnics to celebrate Labor Day, a day where we honor the contributions of the American workforce. There was a dark cloud over this Labor Day, however, because the administration decided to celebrate workers' accomplishments by rewarding hard-working Americans with one of the largest middle-class pay cuts in history. The decision to undermine overtime pay and enact what could turn out to be the largest middle-class pay cut in history is just the latest in a relentless effort under way in Washington to disregard the economic security of millions of middle-class families.

The regulations that went into effect on August 23 suggest that there are those in Washington who believe that overtime pay is nothing more than a luxury for American workers. The truth is plain and simple. Overtime pay is not a luxury for millions of families. It is a necessity. The changes to overtime pay could seriously reduce the paychecks of over 6 million workers making between $23,600 and $100,000 annually.

For many people, overtime is the difference that pays the rent and buys the groceries. I stand in this Chamber today as a product of overtime. My father worked 80 to 90 hours a week, week in and week out, month in and month out, year in and year out, because he had five children that he wanted to send off to have an opportunity that he never had, the opportunity to go to private college. He and my mother accomplished that, and they accomplished that because of overtime. There are countless families who rely on this kind of additional compensation to meet the needs of their own families.

Some people may say that we should be comforted by the fact that these regulations will not impact workers protected by a collective bargaining agreement. I say that this reasoning is anything but comforting, and workers covered by a union contract will ultimately suffer a reduction in pay. Union contracts will need to be renegotiated, and the regulation changes will make it increasingly more difficult to negotiate fair contracts in the future as workers will now be forced to bargain for overtime protections that were once guaranteed by law.

Previously the law was clear: Those eligible for overtime got time and a half for every hour you worked over 40 hours in a single week. Now that rule has changed, and it will lower the bar for everyone. The amendment we offer today will preserve the protections for the new low-income workers who become eligible for overtime under the new rule. Our amendment will rescind the rule that takes away overtime from 6 million workers so that workers who were eligible before August 23 will once again be eligible.

Let us stop this assault on the economic well-being of middle-class families. I urge my colleagues to vote yes on the Obey-Miller amendment.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. NORWOOD. Mr. Chairman, I have got a great statement, but I do not have a lot of time, so I will submit it for the RECORD and just make a few observations.

First and foremost, I would ask my colleagues in the nicest possible way, we really should reject this amendment, and we should do so, frankly, in a bipartisan way. There are a number of things that are going on here, but primarily over the last few years, particularly with a lot of work by our committee, the Committee on Education and the Workforce, and the Secretary of Labor, we have tried very hard to see if we could not bring the wage and hour laws into the 21st century and especially the overtime rules which are not clear, are not simple. Generally they are rules that fatten the wallets, frankly, of our trial lawyers because so many problems have to be solved by judges and courts. That is not what labor law really ought to be about, and we worked hard on this language that is in the gentleman from Ohio's bill, which is good language, and we need to leave it alone.

I just would make four quick points about it. Not nearly enough is said in this body by people who would oppose any changes in the labor laws that 1.3 million new people will be eligible for overtime. That may not be important to anybody in here, but I guarantee you that is pretty important to the 1.3 million people out there who indeed will for the first time ever have this opportunity like so many other people in the workforce.

The second point I would make on this is that people you say that would through this language lose their overtime frankly do not get overtime now, and the reason they do not, they are eligible, but they do not get it because their employers frankly do not let them work overtime because of the time-and-a-half rule. The bottom line here, Mr. Chairman, for those people is not, frankly, whether they can get overtime or not, it is how much money they can earn. And so many more of them who, yes, maybe they cannot get overtime now, but they can make more money. The bottom line is greater for them because so many of them are working on commissions, so many of them are in a position that if they need more and want to work 48 hours, they can make a lot more in these particular kinds of jobs by being allowed to work 48 hours rather than 40.

Thirdly, our outdated laws are confusing. There is no question to anybody, and there are a lot of lawyers in here who absolutely understand that better than I do, but as many cases that have to go to court, clearly they are outdated, they are dying of old age, they are not ready for the 21st century, and we simply need to do more than we are doing now, but at least this is a step in the right direction.

Lastly, I would say that over the years, Mr. Chairman, the loudest people who have been against making any of these changes, interestingly enough to me, I have observed, are people that this really does not affect directly. The labor bosses in this Nation represent 10 percent of the workforce, but there are a lot of people in America, in fact 90 percent of working Americans, that are not in labor unions, do not wish to be in labor unions, and wish to have this law changed. Yet the labor unions, that is who is opposing this, that and the trial lawyers, and the labor unions simply will not explain, I guess, to the American people this really does not so much affect their members, it affects everybody else that is working out there. And I am pretty concerned about that. Labor law should not be written by those people who represent 10 percent of the workforce, and that is what they try to do.

I do not even know for sure if they would be against these changes. Since so many new people get overtime, so many more people will actually make more money. I think it is probably all about, well, you can't possibly have a labor law that we didn't write, and since we didn't write this one, nobody else can have a good idea, let's be against it. That is probably in as simple a form as I can put it what is going on here.

I encourage my colleagues to vote down this amendment, which I feel

pretty comfortable that they will. We need to move forward and allow the workforce of this country to be able to benefit from the changes that we are going to make. I know we are in an election year, and I know we have got to do all that, but at the end of the day, this needs to go forward, and you can use your election year politics and let us get this bill out of here and pass it.

Mr. Chairman, I cannot recall how many times I have been forced to rise in opposition to this amendment, or other amendment like it that will prevent the Secretary of Labor from implementing and administrating commonsense regulations that will provide additional overtime protection to millions of this country's lower income workers. After all this time, I have just simply lost count.

But one thing is for certain, Mr. Chairman, I rise today with the same emphatic opposition to this politically motivated, short-sighted and dangerous amendment as the day it first appeared before the House a little less than 1 year ago this day.

Mr. Chairman, the final overtime regulation that this shameful amendment seeks to overturn will guarantee overtime security for 6.7 million working Americans, including 1.3 million new workers. For the first time, any worker making less than $23,660 per year is entitled to overtime.

The final rule also strengthens overtime protections for police officers, fire fighters, paramedics, EMTs, first responders, and licensed practical nurses. And importantly, the final rule makes if perfectly clear that no blue-collar or union worker will lose his overtime protection.

These, Mr. Chairman, are the facts.

But sadly, I fear that by pursuing this gimmicky legislative roadblock to an important reform, my colleagues on the other side of the aisle are not really interested in the facts. Instead, as November rapidly approaches and the campaign season looms, I once again smell the foul odor of trial lawyer cronies and big labor bosses who seek another dime in the pocket and another union member on the rolls.

Mr. Chairman, we all know that there are simply no legitimate arguments that substantially support the goals of this amendment. In fact, when you peel through the onion of trumped up charges and ''sky-is-falling'' rhetoric, all you are left with are unsubstantiated talking points written by big labor bosses and their trial lawyer buddies that do not benefit workers.

Mr. Chairman, I support these regulations, as I have for the past 2 years, and believe that Secretary Elaine Chao should be commended for responding to the needs of the 21st century worker. After all, how can a largely unaltered regulatory act written in post-Depression America possibly represent the best interests of a rapidly evolving and technologically advanced workforce?

Mr. Chairman, I want to tell you, my fellow colleagues and the American people that it simply cannot.

I said it last year and I will say it once again: This amendment will only worsen the confusion of current wage and hour laws by attempting to ''freeze'' in place the old complicated and outdated system.

Worse still, Mr. Chairman, it will reverse the progress we have already made. Since August 23 alone, when the regulations finally went into effect, American businesses have begun to implement the final rules directed by the Secretary by expanding overtime security to thousands of new workers. Now is not the time to slow this progress down. Instead, Mr. Chairman, it is time to move on and allow the administration's final rule to be fully implemented for the benefit of the American worker.

I urge all of my colleagues, no matter what side of the aisle you sit on, to say ''yes'' to the American worker and ''no'' to the big labor bosses and trial lawyers. I urge you to vote against the Obey amendment.

□ 1315

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the American public would find it highly unbelievable that if, in fact, the rules proposed by the administration did all the things that are purported, that the advocates for working people and the advocates for families would oppose it. In fact, it is a rule that does not do the things that are professed here; and that is why advocates for families, for working people oppose them in such a loud and clear way.

The first rule ought to be do no harm when we are talking about amending rules. And the amendment that the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. GEORGE MILLER) have here sticks to that creed. The administration's rules, on the other hand, are so ambiguous that the Department of Labor and potentially aggrieved workers will at best be involved in litigation from now to the end of time. At worst they are going to be interpreted to prevent possibly 6 million people from becoming eligible for overtime that are currently eligible under the existing rules.

The administration has had every opportunity to work into a rule that would be agreeable and understandable by everyone. The proper way to do that, of course, would have been to work with both Democrats and Republicans in the House, to go through the committee hearing process, to have a debate and deliberation, and to vote and to clarify those rules. That has not been the effort that has been taken here. Continually, the administration throws out their rules, gets feedback, and then tries to throw them out again, and this time, despite the numerous people that have objected to these rules, saying that the interpretations are inappropriate, are trying to plow this thing through. We can see that not only Democrats are objecting but a number of Republicans are; otherwise we would not have had to postpone last night's session until today so that some arms could be twisted on this measure.

What are Americans to believe of this administration other than it desires to deprive workers of overtime and allow employers to demand and get longer hours without more pay for workers and to work employees more instead of hiring additional workers? This, as our economy is being decimated by economic policies for rich millionaires, that are doing little, if anything, for the middle class and people that aspire to enter the middle class; 1.8 million jobs fewer today than we had in 2000; wages from last August to this August rising only 1.9 percent while the cost of living is up over 3.2 percent.

It is a squeeze. Essentially, wages are flat but tuition bills continue to rise, and our colleagues on the Republican side and the administration will not increase Pell grants, will not increase work study funds, are cutting Perkins loans funds so families are getting no help there. Health care premiums are rising. Employers are insisting that more and more employees pay a higher percentage of the premiums, more copays, and more deductibles. Gas prices are up. Food and milk and other prices are up.

All of this, while in my State, Mr. Chairman, in Massachusetts 86 percent of the taxpayers in 2006 will get less than $100 from the 2003 Bush tax cuts. So they are not getting any help from the tax cuts, and they are getting the squeeze from rising prices, and wages are stagnant. And now the administration proposes a plan, which, at best, is ambiguous and leaves people in confusion and in a state of litigation and, at worst, deprives almost 6 million people of overtime. The 40-hour rule is so that families can spend some time together and, when they cannot, that at least they get compensated so that they can pay some of the families' obligations and bills.

Some low-income workers will actually become eligible for overtime pay under the new rule, and that is a good thing and that is why the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California's (Mr. GEORGE MILLER) amendment does not affect that. It allows that to go into place. And we want those people to become eligible, and we would do that.

The other factor is that for years it has been pretty easy and pretty clear to determine who was eligible for overtime pay and who was not. If one was eligible, they got paid time and a half for every hour they worked more than 40 hours a week. People should know that workers who stand to lose their overtime pay because of these new rules include foremen, assistant managers, registered nurses, workers who perform relatively small amounts of supervisory or administrative work, salespeople who perform some amount of work outside the office, chefs, nursery school teachers, workers in the financial services industry, insurance claims adjusters, journalists, funeral directors and embalmers, law enforcement officers, athletic trainers, and others from all different parts of the workforce.

I have listened to the gentleman from Ohio. I wish he were still in the room here. And the fact is that what he says about there being no law going

into effect, I think, has been soundly defeated by the comments from the Congressional Research Service and the gentleman from Wisconsin (Mr. OBEY). The fact of the matter is that if they had the facts, they would argue the facts, and they do not. If they had the law, they would argue the law, and they do not. So obfuscation is the rule of the day, and that attempt has now been put to rest. The people that the new rule would help, this amendment allows it to help. The people that it would harm and the confusion there is, is set aside by this amendment. So the only true course and the fair course to take at this point in time is to bring us all back to the House to set a good set of rules that protect the American worker and try to help out in this economy when things are so difficult and people are experiencing a squeeze.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Obey-Miller amendment. For 70 years, overtime pay has meant time and a half in this country. It has allowed the employee some flexibility to make some extra cash to put a roof over their family's heads, to buy groceries, to pay their medical bills. And without overtime, countless Americans, including some police officers, firefighters, nurses, EMTs, would be forced to take a second job to make up for the lost earnings, meaning more time away from their families and higher child care costs.

Absent this amendment, 6 million workers, some earning as little as $23,660, will lose their right to overtime pay. I might just add at this moment this is pretty much in keeping with what this administration is about when they have denied the child tax credit to those families that make from $10,500 to $26,500. So they are in keeping with trying to continually put people who are making these wages in a very difficult economic position. The rule changes that we are talking about here that went into effect in August are designed to give companies the authority to withhold rightfully earned pay by their employees by weakening the 1938 Fair Standards Labor Act, protections that safeguard our workers' rights today and make mandatory overtime a less attractive option for the employer.

This paves the way for mandatory overtime, this at a time when we have more than 8 million Americans out of work, when income is declining, poverty is increasing, and 45 million Americans are without health insurance. This is an administration who says, with 8 million people out of work that they will not extend unemployment benefits. Historically, on a bipartisan basis when we have experienced significant unemployment in the United States, we have extended those benefits. But in talking some to folks at the Department of Labor, they have said that the reason why they will not extend those benefits is because if we do it, these workers will not go out and look for a job. It gives us some idea of what kind of an opinion and view that this administration has for those who work for a living. Would that they would walk in the shoes of working men and women in this great country of ours.

To those who would argue that these rules expand overtime protections, I point them to a report by three of the highest-ranking career Department of Labor officials in the Reagan, Bush, and Clinton administrations, which found that all but one of these changes to the overtime rules take away workers' overtime rights.

Mr. Chairman, this is a matter of values, of our country's longstanding contract with working people that says hard work deserves to be rewarded. That is bedrock, that is what this Nation is built on, and yet this is an administration that will reward wealth but not work. That is what the Bush economy is all about. And these hard workers need to be rewarded especially when that work is above and beyond the call of duty after normal working hours.

That contract must be honored, and I urge my colleagues to support the Obey-Miller amendment.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for over half a century, the rules governing overtime pay eligibility have been pretty clear, and eligible employees are paid time and a half for every hour of work more than 40 hours in a single week. This, in fact, is a landmark in modern economic history.

I ask my colleagues to support the Obey amendment to stop the rollback of these rules, to stop these rules that would hurt American workers and their families. Make no mistake about it, this anti-overtime rule is a major step backward in the fight to reward work. I consider it an attack on the middle class that will lead to greater economic inequality.

Families all across America in all sorts of job categories depend on overtime pay to make ends meet. The families that will lose overtime protection will find that they have to work longer hours for significantly less money. Overtime pay accounts for approximately a quarter of the income, more than $8,000 a year for families who earned overtime in 2000. As the pool of workers who are exempt from overtime is expanded, those workers who are not directly affected by the regulation will lose income as their opportunity to work overtime is diminished. This is consistent with what the majority has been doing in so many other areas, pushing compensatory time instead of pay, refusing to implement a living wage, and failing to extend unemployment benefits. They will say they are being compassionate, that, by their way of thinking, paying the workers less will make it easier for the employers to hire more workers and therefore more people will be paid.

This is bogus economics. This was debunked a century ago when it was shown that Henry Ford, by paying his workers more, he actually raised the economic activity. Claiming that lowering wages will somehow help working families ignores a century of economic understanding. It is a shame that at the same time the majority leadership is proposing to eliminate overtime pay for millions of workers, they are enacting huge tax breaks for the wealthiest 1% of Americans. Both proposals hurt hard-working middle class families.

Let me tell my colleagues, if we take away this overtime pay, these families will again be given the short shrift.

I urge my colleagues to support the Obey amendment.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I found it very interesting that one of my colleagues earlier from the Republican side said this is about election-year politics and that is why we are doing it. Okay. Let us talk about election-year politics. In an election year, the American people get to evaluate what the current administration, the Bush administration, has been doing and ask the fundamental question: Are you better off today than you were 4 years ago? For millions of Americans, the answer is clearly no.

Under the Bush administration's leadership, our country has lost 1.7 million jobs. Wages have not kept pace with inflation. The new jobs that are being created, and there are only a few of those, do not pay as much as the jobs that are being lost to outsourcing, and the number of jobs being created does not even keep pace with the number of people who are entering the workforce.

The Census Bureau reported that the median household income has dropped over $1,500 in real terms since President Bush took office, while the number of persons living in poverty and without health insurance increased for the third straight year to 45 million people. So, yes, this is an election year, and certainly this is a time to talk about the economy in terms of the lives of the American citizens.

This administration, to add insult to injury, now brings before us a proposal which would cut 6 million people from earning overtime. I think that is offensive. They will say that it will add more people. That is fine, and Democrats are happy to support any addition to the people who are eligible to earn overtime, but the question before us today, the question that is at the heart of the Obey-Miller amendment, is whether or not we ought to keep in place language from this administration that would cut 6 million people off the overtime list, keep them from earning critical overtime.

□ 1330

Let us see who we are talking about in this election year. Workers who are likely to see their pay cut by virtue of not being able to earn overtime include

2.3 million team leaders; almost 2 million low-level supervisors; hundreds of thousands of loan officers and other financial service employees; more than 1 million employees who lack college or graduate degrees or who may now be considered artistic professionals; 90,000 computer employees, film directors and embalmers; and more than 30,000 nursery school and Head Start teachers across the country.

In other words, this administration and my Republican colleagues through this measure to cut overtime are basically striking at the heart of the American middle class, and that is simply not right.

We are saying with the Obey-Miller amendment that, yes, we want to add people, and that part of your bill is fine, but, no, we do not want to take people off the overtime rolls; we want them still to be able to earn overtime and still be part of the middle class.

In fact, a quarter of the income earned by people who earned overtime last year was from that very overtime. In other words, it is overtime that is keeping a lot of Americans in the middle class. So when you cut overtime, you are cutting people out of the middle class; you are cutting people out of the American dream. We can and should do better. I urge support for the Obey-Miller amendment to restore overtime eligibility to 6 million hard-working Americans in the American middle class.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to join my colleagues today who have expressed outrage at the fact that these overtime regulations have been changed such that workers in this country who work overtime are not compensated for that time that they are working.

Millions of American workers count on this overtime pay as part of their basic income. They do not simply make it in this country based upon the 40 hour week and the money that they make then. They make ends meet because they are able to add the time and a half that comes from them having to work overtime.

Now, let us take this in this context. I often hear friends tell me, it could not be. No one would do that, not anybody that wants to grow this economy.

Well, I have to say to them, in fact, it is true. The Republican majority is taking away overtime pay from working Americans while they are giving the richest of Americans huge, huge tax breaks; tax breaks on capital gains, on estate taxes and dividend taxes. Well, how could this be? The idea is maybe if we give people with $1 million or more of income a year, we are giving them $100,000 in tax cuts, that will grow our economy.

What I find so interesting is when Republicans talk about tax cuts, they never seem to mention that the sales taxes are going up, they never seem to mention that the property taxes are going up, they never seem to talk about cutting taxes on income for those on unemployment insurance.

Yes, Mr. Chairman, unemployment insurance is taxed, but you never hear about Republicans cutting those taxes, do you?

Mr. Chairman, I have found this a very interesting few years that I have been in the Congress. I have seen proposals to make Medicaid a block grant, so that entitlements are written at the State level, not the national level, so that people's health care will be determined on where they live in this country, not based upon whether they are in need.

I have seen all kinds of proposals on labor law, just as there is in this case, where workers are being punished for joining unions. I have seen where there are bills like the TEAM Act, which essentially decides what the manager is doing when they choose who they are going to negotiate with. That is their idea of TEAM Act: workers will be without a voice.

Then I see other bills, like OSHA reform, another ''sounds good'' reform, except you find out that really it is a voluntary program. No one will even know whether an employer will comply with it or not; and, hence, we have something that takes away from the protection and safety of workers on the job.

And in just this last budget, Mr. Chairman, we saw the President of the United States cut, cut the money for inspection of child labor. Get that. This Republican budget cut the inspection for companies around the world that may be using children in the course of their labor.

So it is interesting, because many people think we have left those days well behind us when there was child labor. Maybe we left those days long behind us where workers did not have a pension. Maybe we left those days behind us where workers could not have a 40-hour workweek and work overtime and be compensated time and a half. Maybe they think all of these things are back in the thirties or forties or maybe fifties.

What I am here to say is my experience being in a Republican-led Congress the last 10 years that I have been in the House of Representatives has led me to believe that the same battles for economic justice that people were fighting for over a generation ago are the same battles that we are having to fight all over again in the 2004.

This is what we are dealing with, my friends; and this, my friends, is the reason why we need to make a choice in this next campaign as to who we want leading our country. This is a perfect example of the fact that elections have consequences. If you vote for Republicans, you are voting to eliminate time and a half for workers who work more than 40 hours a week. If you vote for Republicans, you are voting to eliminate the entitlement for Medicaid. If you vote for Republicans, you are voting to roll back in this country all of the progressive legislation that has been put forth that protects our workers in this country.

Let us support the Obey-Miller substitute.

Mr. MCKEON. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. MCKEON. Mr. Chairman, I rise today in strong opposition to the Obey amendment because it will preclude anyone making over $20,000 a year from overtime.

I rise today in strong support for the Department of Labor's new 541 ''white collar'' overtime regulations. These updated rules, which have not been touched in over 50 years, will allow millions of American workers, who previously did not receive overtime, to obtain the overtime wages they deserve.

Under the former outdated rules, an individual earning as little as $8,060 a year could be classified as a ''white collar'' employee, therefore being exempt from overtime pay.

The final rule guarantees that any worker making less than $23,660 per year is entitled to overtime, which should provide an additional 1.3 million more Americans with overtime pay and strengthen existing protections for another 5.4 million salaried workers.

The final rule explicitly grants overtime protections for police officers, fire fighters, paramedics, EMTs, first responders and licensed practical nurses. These people put their lives on the line every day and should be properly compensated for making our lives and our country a safer and better place.

But the final rule does not stop there. It also clarifies that a veteran's status will not affect overtime pay and removes the reference to ''training in the armed forces'' that had been proposed in the earlier regulations and improperly exempted some veterans.

To close, I would like to extend my appreciation to Secretary Chao and the Department staff for their tireless efforts on behalf of America's workforce to ensure that all workers receive the overtime pay they have rightfully earned.

I urge my colleagues to vote ''no'' on the Obey Amendment.

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

Mr. MCKEON. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, Members should understand that the new rules that went into effect on August 23, in my opinion, will guarantee more overtime for more American workers than the rules that were in effect prior to that. It is because we guarantee anyone making up to $23,660 overtime regardless of what their position is, where it was only $8,060 before that. I think the clarity that comes with these new rules will help better protect the American workers.

I just received a letter from the U.S. Department of Labor, the Solicitor's Office. Let me quote in part:

''The Department of Labor has carefully reviewed this proposed amendment and analyzed its legal and practical effect. The proposed funding amendment will not repeal the new regulation that went into effect on August 23, 2004—employers will continue to determine an employee's eligibility for overtime according to the new tests. Rather, as we explain below, the amendment will essentially serve only to prevent the Department from using its enforcement resources to protect the overtime rights of any employee who earnings $455 or more per week.''

Going on further in the letter they say: ''Although we have not been able to obtain a copy, we understand that the Congressional Research Service provided an opinion in August that the funding rider would 'require' DOL to 'immediately rescind' the final rule. This claim is contrary to settled case law, the APA, and, most importantly, the plain language of the proposed amendment. The proposed amendment only restricts the Department's ability to spend funds to enforce the new, stronger overtime protections, but does not affect the validity of the rule and has no impact on private enforcement of the new regulations under section 16(b) of the Fair Labor Standards Act. Simply put, the amendment would not require the Department to take any action to repeal the new rules, and the Department will not repeal the final rule—because to do so would deprive workers of the new, stronger overtime protections.''

Continuing: ''Because the amendment essentially restricts the use of funds to implement or administer the new regulations, the proposed amendment would prevent the Department from conducting investigations or enforcing any of the provisions of the new regulations except those at 29 C.F.R. 541.600. The proposed funding restrictions will also preclude the Department of Labor from providing any information or assistance to employees or employers as to the new overtime rules. As an example, we will be powerless to bring an enforcement action on behalf of a licensed practical nurse making $460 a week who claims that he or she was not paid for substantial amounts of overtime worked after August 23, 2004.

''Even if the Department were prohibited from enforcing the new regulations, the Department would still have no legal authority to enforce the old rules because the old regulations were superseded as of August 23, and, thus, are no longer in effect.''

The point here is that the last two times this amendment has been on the floor, existing regulations were in place, but when the new rules went in place the old regulations went out of existence, and if the Obey amendment were in fact to pass today, we would essentially strip the Department of Labor's ability to enforce the new regulations and to protect the overtime rights of American men and women. I do not think that is what we want to do.

So I would urge my colleagues to vote ''no'' on the Obey amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have just seen the last desperate attempt by the Department of Labor to hold on to its outrageous regulations to take away overtime from 6 million hard-working Americans; 6 million Americans that use overtime to maintain their status in the middle class; 6 million Americans that use overtime to pay for their children's education, to qualify for their home, to make their car payments; 6 million Americans that hate overtime on Thursday and Friday night and over the weekend, but they love it at the end of the year when it is in their W–2 form.

It makes up a considerable amount of their yearly income. For those who receive overtime, it is as high as 20 to 25 percent of their income throughout the year. This is how they maintain their standard of living, by working overtime.

And what is overtime? It is the premium time you get paid because you were asked to work beyond your 40 hours. You get a premium because you have to go out and rearrange your child care arrangements, you have to change your doctor appointments, you have to limit your ability to see your children and participate in their school events or sporting activities. Because it imposes a burden on the worker and it gives a benefit to the employer, that is why it is premium time.

What does the Department of Labor do, what does the Bush administration do, and what is this Republican Congress trying to do? They are saying to the American worker, you are going to work the hours; you are just not going to get the pay.

This is the largest government-imposed pay cut in the history of this country, the largest government-imposed pay cut in the history of this country, when American workers are threatened by the outsourcing of their jobs, instability in the workplace, a struggling economy, their pensions are under assault, their companies are threatening to go to bankruptcy court to get rid of their health care, to get rid of their pensions, to undermine their wages, to take away their union contract, if they have one. And what is the Bush administration's response to this? To cut their overtime.

What is it that the middle class in America did that so enraged the Bush administration that they have an all-out attack on middle-class families, hard-working families in this country? What is it that the middle class did to anger them that they would undermine their pensions? What is it that the middle class did to anger them that they would try to take away their ability to control their workplace and the hours they work, to take away their overtime pay, to try to get rid of their ability to organize?

□ 1345

It is the middle class that built this country. They built the great institutions of this country. They built the great structures of this country. They built our cities. They built our colleges. They built our universities. It is the middle class that we hold up to the rest of the world and say, if you have a large middle class, you can have a great democracy, if people truly believe that they are getting the chance to participate and to better the future of their children and to better their lot in life.

Now, all of a sudden, along comes the Bush administration, and they think the middle class is the enemy. They have been waging a campaign for 4 years against the middle class Americans and their standard of living. They have dramatically increased the debt that they are going to have to pay back to the government. They have dramatically underfunded the capabilities of Medicare and Social Security that the middle class is going to rely on for health care and for retirement. But I guess maybe the Bush administration, with their trust funds and their money and their oil companies, they do not understand that. They have never shared those burdens of the middle class.

So what we just saw here was the last attempt by the Solicitor in the Department of Labor, who has had to rewrite these regulations several times because they have never been able to get them right, because they have uncovered so many people they said were not uncovered, and they did not cover people they said were covered; but now that same Solicitor comes out and tries to tell us that if the Congress tampers with this, somehow it will undermine the rights of working people to get overtime.

Well, that is a Republican Solicitor working for the Republican Department of Labor, who is working for the Republican Secretary of Labor, who is working for the Republican President. But if you go to CRS, which is nonpartisan, they simply say, we all understand this, we have seen these riders before. This tells you to go back to the regulations and reimplement the regulations that were in effect on July 14, 2004. That is the plain reading of this act, and Congress has done this many times.

So if you vote for this, what you will be doing is saving millions of people their right to overtime for the work that they provide. Millions of people who, if you do not vote for this, working foremen, working supervisors, assistant managers, team leaders, registered nurses, workers who perform a relatively small amount of supervisory amount of administrative work, they are going to take away your overtime if you tell somebody to stand over there or move or there.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, they are going to take away your overtime if you are a chef or a nursery school teacher. No matter how low your pay, they are going to take away your overtime. Workers in the financial services industries, the insurance claims adjusters, journalists; hello, journalists, you are about to lose your overtime.

What is it you guys have against these hard-working Americans that you are going to rip them off this pay that they are entitled to?

Well, let us understand. Let us understand what it is about. Let us understand that these are people who work hard and rely on this, and this Congress, this Congress should not be the handmaiden of this activity. And if this amendment prevails, if the Obey-Miller amendment prevails, these workers will have another chance at holding onto that pay for their work that is so terribly important to them.

I would hope that we would reject all of the scare tactics, we would reject the Solicitor that has not gotten it right yet, and we would reject the Department of Labor.

Remember the Department of Labor when they issued these regulations, they said none of these people are affected? Then Senator JUDD GREGG ran around and created an amendment and entered 50 categories of people that he wanted to exempt from the people that the Department of Labor said were not impacted. That is what the Republicans' response was in the Senate. They immediately exempted 50 professions because they were terrified that the regulations were wrong, and the regulations, in fact, turned out to be wrong. They said they did not cover fire and policemen, and then they had to cut a side deal with firemen and policemen because they were wrong.

So let us not trust the Solicitor of the Department of Labor. Let us go with what CRS says. This is what the Congress has done, and we do this every appropriations season on riders. This is a rider to protect the American wage-earner in this country, and I hope that we will pass it.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, well, we are getting down to a close on this, and I think the fact that most of our speakers have been from the Committee on Education and Workforce illustrates the fact that this is a legislative issue that ought to be debated and dealt with there, but, in reality, it is before us.

But I want to just simply point out a few facts, and I hope that those of our colleagues who are listening will keep this in mind. That is that in the opinion of the Solicitor from the Department of Labor, if we pass this amendment, it will preclude the Department of Labor from enforcing regulations. That means that every employee that wants to get overtime will have to do it on their own. It would be a bonanza for the legal profession, because they would be filing lawsuit after lawsuit to claim their overtime, alleged overtime, rights. So that is fact number 1.

Fact number 2, the allegation is that we would go back to the old regulations, but the truth of the matter is, they are gone. Therefore, the Obey amendment covers those people under $23,600. But anyone over that amount, which is about 34 million workers, would have no coverage. Now, they can say, oh, yes, the old regulations would be put in place, and even if the Secretary of Labor were to attempt to do that, it would be subject to the rulemaking requirements, the rulemaking process, because the law requires that. And it took 2 years to do the new regulations, and, therefore, it would take at least 2 years to put back in place the old regulations.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say, I understand the gentleman is trying to make a point, but the fact is, as the sponsor of the amendment, I will state categorically that legally the administration has the authority to reimpose those regulations within 1 day. And to suggest that they would not and leave the case that the gentleman is talking about is to suggest that they are even more irresponsible than I think they are.

Mr. REGULA. Mr. Chairman, reclaiming my time, I think that is an opinion that would be subject to legal action. But I think, in my judgment, as I understand this, once the new regulations were put in place, the old ones are gone, and, therefore, to put the old ones back in place will require a new round of the rulemaking process. So you have employees over $23,600 who are without coverage for a period of 2 years. They would have to try to enforce whatever might be perceived as overtime.

Would the gentleman from Wisconsin admit that he precludes the Department of Labor from enforcing these regulations, but that does not mean that they will, and they may do nothing, if the Obey amendment passes?

Mr. OBEY. Mr. Chairman, if the gentleman will yield, the CRS memo states that the general rule requiring publication of a final rule not less than 30 days before its effective date may likewise be voided ''as otherwise provided by the agency for good cause found and published with the rule.''

That means that they can reinstitute those rules on their own volition in 1 day.

I thank the gentleman.

Mr. REGULA. That is the CRS's opinion, and we would have to clarify that.

I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I think it is pretty clear in the Solicitor's letter from the Department of Labor that they do not share the opinion of the Congressional Research Service. The fact of the matter is that even if they did, the gentleman's amendment, the Obey amendment, would preclude, would preclude the Department of Labor from advising employees, advising employers, and enforcing the law for anyone who makes over $23,660 per year. It would preclude that action and that help for 1 year, under the gentleman's amendment.

I do not think we want to eliminate these protections and the enforcement of these protections by the Department of Labor.

Mr. REGULA. Mr. Chairman, reclaiming my time, I think the gentleman makes the point very clear.

I would say to my colleagues, when you vote on this, keep in mind that you are putting 34 million workers at risk who may end up with no coverage for as much as 2 years under the requirement of the rulemaking process to put anything back in place for these rules.

I want to make one other point, and that is that it has been raised that we had a motion to instruct. Keep in mind that when the motion to instruct, when many Members voted for it was when the old rules were still in place, and the motion to instruct would have allowed, had it actually been consummated, would have allowed the old rules to be enforced, but they are gone. They are gone. Therefore, there would not be anything out there if we take away the Department's authority, which is being proposed by this amendment.

So I have to reiterate that we are running a great risk that in passing this amendment, if it were to become law, that 34 million workers will be on their own.

Let me make a couple of other points, and that is, under the proposal of the Department of Labor, contracts can cover any matters of overtime rules. They can be put into union contracts, and it would supersede any departmental regulations. So any way we look at it, we are not doing people a favor by voting for this. I think, in fact, we are putting their overtime very much in jeopardy, and I hope my colleagues will consider that as they vote on this issue and on this proposed amendment.

Mr. GREEN of Texas. Mr. Chairman and Members, I'd like to thank my colleague, Mr. OBEY for offering this amendment.

The Department of Labor has implemented new overtime regulations that my colleagues on the other side of the aisle claim will bring 1.3 million new people into overtime eligibility. However, other independent studies such as

the one by The Economic Policy Institute report that at least 6 million will lose their overtime rights under this rule. Also, this analysis projects that only 400,000 low-income workers will now qualify for overtime pay. Not the 1.3 million claimed by the Administration.

Yesterday, leadership refused to debate this amendment because several of their colleagues would have voted for this amendment. This only indicates that both Republicans and Democrats know that passing this amendment is the right thing to do.

My home state of Texas has an unemployment rate higher than the national average and that's true for the City of Houston as well. Many of my constituents rely on what they make in overtime pay to keep the lights on in their homes. I think it's time we start thinking about our most important resource in this country: the American Worker, and vote ''yes'' to this amendment.

Mr. OWENS. Mr. Chairman, I rise in strong support of this amendment to restore overtime pay to millions of hard-working Americans, as proposed by my distinguished colleague from Wisconsin. I ask that my entire statement be printed in the RECORD and request permission to revise and extend my remarks.

Just 3 days ago this Nation celebrated Labor Day, honoring the millions of hard-working Americans we all depend upon to build and repair our homes, fix our cars, install neighborhood street lights, stock supermarket shelves, teach our preschoolers, care for elderly relatives, provide nursing care when we need it, prepare restaurant meals, report the local news, and patrol the streets to keep communities safe. By taking on such jobs, these workers keep America running. Yet these are they very same workers that the Bush Administration has now stripped of any right to overtime pay.

When the Department of Labor's final rule on overtime went into effect on August 23rd, some 6,000,000 American workers lost a right that had been guaranteed for more than 65 years under the Fair Labor Standards Act. That right is simple and straightforward. It guarantees that workers required to work overtime will get paid for those extra hours of work.

This simple right used to ensure that policemen and women, registered nurses, chefs, team leaders on construction sites, assistant managers in fast food restaurants, nursery school teachers, grocery clerks, car mechanics at the local dealership, and countless others were treated fairly. When their employers required them to work overtime, they were paid for that work. That is only fair and fairness used to be the American way.

But the Bush Administration and the Republican leadership in Congress have decided that fairness doesn't apply any more to these American workers. They have come up with a new scheme, which meets Webster's Dictionary definition of servitude. Under Republican management, employers can require these same employees to work as many hours over a standard 40 hour work week as they say, without paying the workers an extra dime.

What makes this Bush and Republican-backed scheme even worse is that it has no expiration date. Under seventeenth and eighteenth century indentured servitude, there was an end in sight. Once you paid off your indentureship, you were free and clear. Under the Bush Administration's final overtime regulations, if you fit the category your employer can continue to require you to work overtime without pay for as far into the future as anyone can see. This kind of exploitation is blatantly un-American.

The amendment of my colleague from Wisconsin would overturn this un-American servitude scheme by rescinding the Bush Administration's harmful changes in overtime eligibility. At the same time, this amendment would require enforcement of the one noncontroversial provision in the final rule. This minor salary adjustment would ensure immediate expansion of overtime coverage.

Again, I strongly support this amendment to restore workers' overtime rights and return us to the 21st century norms of American fairness.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCKEON) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5006, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. REGULA. Mr. Speaker, in the interests of expediting the rest of the afternoon and getting people out at a reasonable time, I ask unanimous consent that during further consideration of H.R. 5006 in the Committee of the Whole, pursuant to House Resolution 754, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments 1 and 2;

Amendment 6, which shall be debatable for 30 minutes;

An amendment by Mr. STARK regarding Centers for Medicare and Medicaid Services, which shall be debatable for 20 minutes;

An amendment by Mr. NEUGEBAUER regarding NIMH gants;

An amendment by Mr. HAYWORTH regarding totalization agreements with Mexico, which shall be debatable for 30 minutes;

An amendment by Mr. GARRETT of New Jersey regarding participation by Federal employees in conferences;

An amendment by Mr. OBERSTAR regarding fatal chronic illness;

An amendment by Mr. RAMSTAD regarding SAMHSA;

An amendment by Mr. BROWN of Ohio regarding Centers for Medicare and Medicaid Services;

An amendment by Mrs. WILSON of New Mexico regarding Head Start;

An amendment by Mr. KING of Iowa regarding section 505 of the Illegal Immigration Reform and Responsibility Act;

An amendment by Mr. JOHN regarding mosquito control;

An amendment by Mr. KILDEE regarding education funding, which shall be debatable for 20 minutes; and

An amendment by Ms. BORDALLO regarding Medicaid funding.

Each such amendment may be offered only by the Member named in this request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

□ 1400

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 754 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

□ 1400

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human

Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORNBERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) had been postponed and the bill was open from page 104, line 1, through page 105, line 16.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments 1 and 3;

Amendment 6, which shall be debatable for 30 minutes;

An amendment by Mr. STARK regarding Centers for Medicare and Medicaid Services, which shall be debatable for 20 minutes;

An amendment by Mr. NEUGEBAUER, regarding NIMH grants;

An amendment by Mr. HAYWORTH regarding totalization agreements with Mexico, which shall be debatable for 30 minutes;

An amendment by Mr. GARRETT of New Jersey regarding participation by Federal employees in conferences;

An amendment by Mr. OBERSTAR regarding fatal chronic illness;

An amendment by Mr. RAMSTAD regarding SAMHSA;.

An amendment by Mr. BROWN of Ohio regarding Centers for Medicare and Medicaid Services;

An amendment by Mrs. WILSON of New Mexico regarding Head Start;

An amendment by Mr. KING of Iowa regarding section 505 of the Illegal Immigration Reform and Responsibility Act;

An amendment by Mr. JOHN regarding mosquito control;

An amendment by Mr. KILDEE regarding education funding, which shall be debatable for 20 minutes; and

An amendment by Ms. BORDALLO regarding Medicaid funding.

Each amendment may be offered only by the Member named in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

AMENDMENT NO. 6 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HAYWORTH:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used by the National Labor Relations Board to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the National Labor Relations Board in San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union, AFL-CIO, CLC and Communication Workers of America, AFL-CIO, CLC, Party in Interest, and State of Connecticut, Intervenor, 341 NLRB No. 138 (May 28, 2004).

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment, and I would ask the gentleman from Ohio if he intends to claim the time in opposition to the amendment. If he does not, then I would like to claim the time.

Mr. REGULA. No, I am not. I am going to support the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) reserves a point of order.

The gentleman from Arizona (Mr. HAYWORTH) is recognized for 15 minutes on his amendment.

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

Mr. Chairman, in May of 2004, the National Labor Relations Board overturned 30 years of its own precedent and ruled that it has jurisdiction over tribal government enterprises located on tribes' own sovereign lands. Where tribal law has governed relations between tribes and their employees, the National Labor Relations Board seeks to replace that law with its regulatory authority in this area. This decision by the NLRB is a frontal assault on tribal sovereign rights.

The National Labor Relations Act expressly exempts States, cities, and local governments from its coverage; and the NLRB has ruled that territorial governments, such as Puerto Rico and Guam, are also exempt from its jurisdiction. But the National Labor Relations Board incorrectly decided that it should exercise its own jurisdiction over tribal governments on their own lands. If this unfair decision stands, the only governments that will be subject to NLRB jurisdiction will be tribal governments.

There is a basic misunderstanding here, Mr. Chairman. The NLRB misunderstands that tribal governments, like State governments, rely upon government-owned enterprises to generate revenue to support governmental purposes, such as reservation law enforcement and fire services, and programs for the health, education and welfare benefit of tribal members. Consistent with the policy behind the NLRA exemptions for governments, private parties such as labor unions should not be able to hold government-owned enterprises hostage where disagreements arise.

Ironically, the NLRB specifically ruled against the San Manuel Band of Mission Indians, a tribe based in Southern California, that has enacted into its tribal law a tribal labor relations ordinance with greater, let me repeat this, with greater labor union rights than the National Labor Relations Act. In fact, the tribe has a collective bargaining agreement with the Communication Workers of America. The heavy-handed, activist NLRB overlaid an incompatible legal regime where a tribal one, agreed to on a government-to-government basis with the State of California, was in place and was, in fact, working. Now, San Manuel and other tribes have conflicting laws and great uncertainty about which law applies.

I strongly support the tribes in their efforts to protect their sovereign rights. Congress should reaffirm these rights and make clear that tribes are exempt from the NLRA, which was the view of the National Labor Relations Board until this misguided decision was promulgated.

There are certainly sound policy reasons for such a fix. Tribes are sovereign governments that exercise jurisdiction over their own territory. Although some Federal laws compel tribes to deal with other sovereigns, such as States, on a government-to-government basis, this NLRB decision would force tribes to deal with private entities, labor unions, for the first time, contrary to long-established Federal Indian policy.

But until Congress can consider a permanent solution to this problem, this amendment, Mr. Chairman, would have the effect of calling a temporary time out to allow this body to more thoroughly consider a more substantive solution, to avoid additional confusion among the tribes and to limit unnecessary conflict between tribes and labor unions.

Mr. Chairman, this amendment enjoys broad-based support from across the width and breadth of Indian Country. The National Congress of American Indians, the oldest and largest intertribal organization in the United States, and the National Indian Gaming Association strongly support this amendment. The San Manuel Band of Mission Indians, along with many other tribes, also have weighed in with strong support for this amendment.

Mr. Chairman, this is a question of sovereignty. We dare not equivocate nor abdicate the role of Congress in dealing with government-to-government relationships and the sovereignty that tribes enjoy. Accordingly, Mr. Chairman, I would urge all to vote in favor of this amendment because it is a vote that supports sovereignty for Indian nations and a vote for the fundamental rights of the first Americans to

maintain their status of sovereignty and their rights as sovereign governments.

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

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. OBEY) seek to control the time in opposition?

Mr. OBEY. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 15 minutes.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. KILDEE), ranking member on the subcommittee with jurisdiction.

Mr. KILDEE. Mr. Chairman, as a Member with a lifelong and established record of being an advocate for protecting the sovereign rights of Indian tribes, I rise in opposition to this amendment.

Since first becoming aware of the unfavorable administrative ruling of the National Labor Relations Board that determined it has jurisdiction to regulate the labor practices of on-reservation tribal enterprises under the National Labor Relations Act, I, along with my Democratic colleagues, the gentlewoman from California (Minority Leader PELOSI), the gentleman from California (Mr. GEORGE MILLER), the gentleman from West Virginia (Mr. RAHALL), and others have been participating in ongoing, sincere discussions between tribal representatives and representatives of labor.

The purpose of these discussions is to work out a permanent legislative solution that honors the principles of tribal sovereignty and Labor's traditional role of collective bargaining.

The amendment offered today by my dear friend, the gentleman from Arizona (Mr. HAYWORTH), undermines the ongoing discussions we have had, because this temporary fix would harm the amicable relationship between the parties involved and would possibly destroy our efforts to seek a permanent legislative solution that is mutually satisfactory to all parties.

I have met with the various parties in my own office. They are in an active discussion trying to seek a permanent solution. I am convinced that this temporary solution will interfere with those negotiations to reach that which the gentleman from Arizona (Mr. HAYWORTH) and I share in common, some solution and some balance to this very important principle embodied in our Constitution of retained sovereignty and collective bargaining.

I am convinced, or I would not be standing here, that we will get a solution satisfactory to both sides on this issue.

Mr. HAYWORTH. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have a great deal of respect for my colleague from Michigan, and it is an honor to cochair with my colleague the Native American Caucus in this body, and listening to his rationale in response, quite candidly, is a bit confusing because on more than one occasion we have stood united on this basic point, that sovereignty is nonnegotiable. Yet the foundation of his argument is that an amicable relationship exists between some in this House and some in organized labor and some in the tribes; and if they only have the time, they can work this out. Mr. Chairman, I find that rationale one that just does not pass muster.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), my friend.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague for the time and let me congratulate him on his amendment. I think his amendment is a reasonable solution to a growing problem and deserves our support.

Simply put, it reverses a jurisdictional land grab by the National Labor Relations Board that would reverse 30 years of policy and precedent which held that jobs on reservations are not subject to the Federal labor board's jurisdiction because tribes are sovereign nations.

Until recently, the NLRB held that the National Labor Relations Act did not extend jurisdiction over tribal activities that were located on Native American lands, consistently holding for years that tribes are units of government and exempt from Federal labor law. If tribal activities occurred off Native American lands, the NLRB had discretionary jurisdiction under the National Labor Relations Act, which it would assert if it was appropriate. Yet, earlier this year, the NLRB took the unusual step of ruling that it had the authority to settle a labor dispute on Native American land.

In this case, the NLRB held that it has discretionary jurisdiction over all tribal activities whether located on or off Native American land, which it would now assert on a case-by-case basis. Now, this is a critical blow to tribal sovereignty, and I believe that the effect of the gentleman's amendment would be to stay this decision by the NLRB. Those conversations that are under way can continue to see if there is some way to come to some agreement on this; but to let this decision stand I think is a mistake, and I think the gentleman's amendment has an awful lot of merit.

□ 1415

The Federal Government has passed numerous laws to enhance tribal self-determination and give Native Americans the ability to govern themselves from intrusive Federal interference. It is simply irrational for Congress to declare that tribes should govern themselves and then take away their ability to do so. Restoring this fundamental right, I think, is the right thing to do.

The amendment before us simply reverses the erroneous NLRB decision and restores tribal sovereignty, and I urge my colleagues to support the amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I wish to thank my colleague from Wisconsin (Mr. OBEY) for yielding me this time.

I find it very interesting that we hear a lot from the other side today about sovereignty, and they are all very excited about it, as if they have just discovered it. It is interesting to hear about sovereignty from the other side, because where were they when we were trying to get sovereignty included in homeland security? Where were they when we were trying to get sovereignty included into all of the other issues, like the environment? Where were they when we tried to get sovereignty into the welfare reform bill, and tribes had to go through States rather than have that money disbursed to them directly, as they should under the trust responsibility?

There have been many votes that have been cast on this floor, and I would venture to say most of these votes, because they are brought up by the majority, I think give the true explanation as to what this debate is all about. We have seen more votes that are antisovereignty votes on this floor in the last several years than the gentleman from Michigan (Mr. KILDEE), who has been here for over 20 years, has ever recalled.

So when some of my friends on the other side call into question the commitment of the gentleman from Michigan (Mr. KILDEE), when it was that gentleman who was the author of the IGRA legislation that provided for sovereignty, I find that suspect. When people talk about, oh, it is sovereignty, and yet where were they when it came to the meetings that took place so that we could get a resolution of this issue?

My colleagues, I do not think this is so much about sovereignty as it is election-year politics. That is what this is about, make no mistake about it. If there was a true interest in getting this issue resolved, this issue could be resolved.

Mr. HAYWORTH. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee.

Mr. REGULA. Mr. Chairman, I just want to rise in support of the amendment. The decision on sovereignty will not be made today, it was made a couple hundred years ago when our forefathers decided they wanted to take these lands, and in the process they granted the Indian tribes sovereignty.

Sovereignty is the issue, and the gentleman's amendment does respect the sovereignty of the tribes that they received in the early years of this Nation.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Virginia.

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

Mr. WOLF. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, I just want to inform the House of something that I think is very important. Over the last year, Mr. Chairman, we have watched the horrors of Darfur unfold before our very eyes. President Bush and Secretary Powell, the Congressional Black Caucus, and Members on both sides have focused on this issue and using every tool possible to save life.

Today the United States took the historic step of calling what is occurring in Darfur, Sudan, genocide. In his testimony this morning before the Senate Foreign Relations Committee, Secretary of State Colin Powell stated: ''We concluded that genocide has been committed in Darfur and that the Government of Sudan and the jinjaweid bear responsibility, and genocide may still be occurring. We believe, in order to confirm the true nature, scope and totality of the crimes our evidence reveals, a full-blown and unfettered investigation needs to occur. Sudan is a contracting party to the Genocide Convention and is obligated under the Convention to prevent and punish acts of genocide. To us, at this time, it appears Sudan has failed to do so.'' And then he went on to say what the position is.

I want to thank President Bush, and I want to thank Secretary Powell, and I want to thank the people in the State Department for calling this genocide and to doing everything they can to stop the genocide that is taking place in Sudan.

Remember Rwanda? Nobody would say anything about Rwanda. This administration has said it is genocide, and I say, God bless President Bush and God bless Secretary Powell.

Mr. Chairman, I submit for the CONGRESSIONAL RECORD the full remarks of Secretary Powell before the Senate Foreign Relations Committee:

THE CRISIS IN DARFUR

(By Secretary Colin L. Powell)

Mr. Chairman, members of the committee, thank you for the opportunity to testify on the situation in Darfur. Let me start by reviewing a little history.

The violence in Darfur has complex roots in traditional conflicts between Arab nomadic herders and African farmers. The violence intensified during 2003 when two groups—the Sudan Liberation Movement and the Justice and Equality Movement—declared open rebellion against the Government of Sudan because they feared being on the outside of the power and wealth-sharing agreements in the north-south negotiations. Khartoum reacted aggressively, intensifying support for Arab militias, the so-called jinjaweid. The Government of Sudan supported the jinjaweid, directly and indirectly, as they carried out a scorched-earth policy towards the rebels and the African civilian population.

Mr. Chairman, the United States exerted strong leadership to focus international attention on this unfolding tragedy. We first took the issue of Sudan to the United Nations (UN) Security Council last fall. President Bush was the first head of state to condemn publicly the Government of Sudan and to urge the international community to intensify efforts to end the violence. In April of this year, the United States brokered a ceasefire between the Government of Sudan and the rebels, and then took the lead to get the African Union (AU) to monitor that ceasefire.

As some of you are aware, I traveled to the Sudan in midsummer and made a point of visiting Darfur. It was about the same time that Congressman Wolf and Senator Brownback were here, as well as Secretary General Kofi Annan. In fact, the Secretary General and I were able to meet and exchange notes. We made sure that our message to the Sudanese government was consistent.

Senator Brownback can back me up when I say that all of us saw the suffering that the people of Darfur are having to endure. And Senator Corzine was just in Darfur and can vouch for the fact that atrocities are still occurring. All of us met with people who had been driven from their homes—indeed many having seen their homes and all their worldly possessions destroyed or confiscated before their eyes—by the terrible violence that is occurring in Darfur.

During my visit, humanitarian workers from my own Agency—USAID—and from other Non-Governmental Organizations (NGOs), told me how they are struggling to bring food, shelter, and medicines to those so desperately in need—a population of well over one million.

In my midsummer meetings with the Government of Sudan, we presented them with the stark facts of what we knew about what is happening in Darfur from the destruction of villages, to the raping and the killing, to the obstacles that impeded relief efforts. Secretary General Annan and I obtained from the Government of Sudan what they said would be firm commitments to take steps, and to take steps immediately, that would remove these obstacles, help bring the violence to an end, and do it in a way that we could monitor their performance.

There have been some positive developments since my visit, and since the visit of Senator Brownback, Congressman Wolf, and the Secretary General.

The Sudanese have met some our benchmarks such as engaging in political talks with the rebels and supporting the deployment of observers and troops from the AU to monitor the ceasefire between Khartoum and the rebels. Some improvements in humanitarian access have also occurred through the government continues to throw obstacles in the way of the fullest provision of assistance.

The AU Ceasefire Commission has also been set up and is working to monitor more effectively what is actually happening in Darfur. The general who is in charge of that mission, a Nigerian general by the name of Okonkwo, is somebody that we know well. He is the same Nigerian general who went into Liberia last year and helped stabilize the situation there.

The AU's mission will help to restore sufficient security so that these dislocated, starving, hounded people can at least avail themselves of the humanitarian assistance that is available. But what is really needed is enough security so that they can go home. And what is really needed is for the jinjaweid militias to cease and desist their murderous raids against these people—and for the Government in Khartoum to stop being complicit in such raids. Khartoum has made no meaningful progress in substantially improving the overall security environment by disarming the jinjaweid militias or arresting its leaders.

So we are continuing to press that Government and we continue to monitor them. We continue to make sure that we are not just left with promises instead of actual action and performance on the ground. Because it is absolutely clear that as we approach the end of the rainy season, the situation on the ground must change, and it must change quickly. There are too many tens upon tens of thousands of human beings who are at risk. Some of them have already been consigned to death because of the circumstances they are living in now. They will not make it through the end of the year. Poor security, inadequate capacity, and heavy rains (which will not diminish until late September) continue to hamper the relief effort.

The UN estimates there are 1,227,000 Internally Displaced Persons (IDPs) in Darfur. In July, almost 950,000 IDPs received some form of food assistance. About 200,000 Sudanese refugees are being assisted by UNHCR and partner organizations in Chad. The World Food Program (WFP) expects two million IDPs will need food aid by October.

U.S. Government provision of aid to the Darfur crisis in Sudan and Chad totaled $211.3 million as of September 2, 2004. This includes $112.9 million in food assistance, $50.2 million in non-food assistance, and $36.4 million for refugees in Chad, $5 million for refugee programs in Darfur, and $6.8 million for the African Union mission.

The. U.S. also strongly supports the work of the AU monitoring mission in Darfur. In fact, 23 initiated the Mission through base camp set-up and logistics support by a private contractor. The Mission is staffed with 125 AU monitors now deployed in the field and has completed approximately 20 investigations of cease-fire violations. The AU monitoring staff is supported by a protection force of 305, made up of a Rwandan contingent of 155 (they arrived on August 15) and a Nigerian contingent of 150 (they arrived on August 30). Recognizing the security problems in Darfur, the UN and the U.S. have begun calling for an expanded AU mission in Darfur through the provision of additional observers and protection forces. Khartoum appears to have signaled a willingness to consider an expanded mission.

I am pleased to announce, Mr. Chairman, that the State Department has identified $20.5 million in FY04 funds for initial support of this expanded mission. We look forward to consulting with the Congress on meeting additional needs.

As you know, as we watched through the month of July, we felt more pressure was required. So we went to the UN and asked for a resolution. We got it on July 30.

Resulution 1556 demands that the Government of Sudan take action to disarm the jinjaweid militia and bring jinjaweid leaders to justice. It warns Khartoum that the Security Council will take further actions and measures—UN-speak for sanctions—if Sudan fails to comply. It urges the warring parties to conclude a political agreement without delay and it commits all states to target sanctions against the jinjaweid militias and those who aid and abet them as well as others who may share responsibility for this tragic situation. Too many lives have already been lost. We cannot lose any more time. We in the international community must intensify our efforts to help those imperiled by violence, starvation and disease in Darfur.

But the Government of Sudan bears the greatest responsibility to face up to this catastrophe, rein in those who are committing these atrocities, and save the lives of its own citizens. At the same time, however, the rebels have not fully respected the ceasefire. We are disturbed at reports of rebel kidnappings of relief workers. We have emphasized to the rebels that they must allow unrestricted access of humanitarian relief workers and supplies and cooperate fully, including with the AU monitoring mission.

We are pleased that the Government of Sudan and the rebels are currently engaged in talks in Abuja, hosted by the AU. These talks are aimed at bringing about a political settlement in Darfur. The two sides have agreed on a protocol to facilitate delivery of much-needed humanitarian assistance to rebel-held areas, and are now engaged in discussions of a protocol on security issues. We are urging both sides to intensify negotiations in order to reach a political settlement.

At midsummer, I told President Bashir, Vice President Taha, Foreign Minister Ismail, the Minister of Interior and others, that the United States wants to see a united, prosperous, democratic Sudan. I told them that to that end we are fully prepared to work with them. I reminded them that we had reached an historic agreement on June 5—an agreement between the Government of Sudan and the Sudan People's Liberation Movement (SPLM). That agreement covered all the outstanding issues in the north-south process.

Since then, the parties have been engaged in final negotiations on remaining details. However, the parties are stuck on the specifics of a formal ceasefire agreement and have not yet begun the final round of implementation modalities. Special Envoy Sumbeiywo met recently with the parties, but could not resolve the remaining ceasefire-related issues. Khartoum appears unwilling to resume talks at the most senior level, claiming it must focus on Darfur. That would be fine if its focus were the right focus. But it is not. The SPLM is more forward leaning, but still focused on negotiating details. We believe that a comprehensive agreement would bolster efforts to resolve the crisis in Darfur by providing a legal basis for a political solution (decentralization) and by opening up the political process in Khartoum.

President Bashir has repeatedly pledged to work for peace, and he pledged that again when we met in midsummer. But President Bush, this Congress, Secretary General Annan and the international community want more than promises. We want to see dramatic improvements on the ground right now. Indeed, we wanted to see them yesterday.

In the meantime, we are doing all that we can. We are working with the international community to make sure that all of those nations who have made pledges of financial assistance meet those pledges. In fact, the estimated needs have grown and the donor community needs to dig deeper. America has been in the forefront of providing assistance to the suffering people of Darfur and will remain in the forefront. But it is time for the entire international community to increase their assistance. The U.S. has pledged $299 million in humanitarian aid through FY05, and $11.8 million to the AU mission, and we are well on the way to exceeding these pledges.

SYG Annan's August 30 report called for an expanded AU mission in Darfur to monitor commitments of the parties more effectively, thereby enhancing security and facilitating the delivery of humanitarian assistance. The report also highlighted Khartoum's failure to rein in and disarm the jinjaweid militia, and noted that the Sudanese military continued to take part in attacks on civilians, including aerial bombardment and helicopter strikes.

We have begun consultation in New York on a new resolution that calls for Khartoum to cooperate fully with an expanded AU force and for cessation of Sudanese military flights over the Darfur region. It also provides for international overflights to monitor the situation in Darfur and requires the Security Council to review the record of Khartoum's compliance to determine if sanctions, including on the Sudanese petroleum sector, should be imposed. The resolution also urges the Government of Sudan and the SPLM to conclude negotiations on a comprehensive peace accord.

And finally there is the matter of whether or not what is happening in Darfur is genocide.

Since the U.S. became aware of atrocities occurring in Sudan, we have been reviewing the Genocide Convention and the obligations it places on the Government of Sudan.

In July, we launched a limited investigation by sending a team to refugee camps in Chad. They worked closely with the American Bar Association and the Coalition for International Justice and were able to interview 1,136 of the 2.2 million people the UN estimates have been affected by this horrible violence. Those interviews indicated:

A consistent and widespread pattern of atrocities (killings, rapes, burning of villages) committed by jinjaweid and government forces against non-Arab villagers;

Three-fourths (74%) of those interviewed reported that the Sudanese military forces were involved in the attacks;

Villages often experienced multiple attacks over a prolonged period before they were destroyed by burning, shelling or bombing, making it impossible for villagers to return.

When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the jinjaweid bear responsibility—and genocide may still be occurring. Mr. Chairman, we are making copies of the evidence our team compiled available to this committee today.

We believe in order to confirm the true nature, scope and totality of the crimes our evidence reveals, a full-blown and unfettered investigation needs to occur. Sudan is a contracting party to the Genocide Convention and is obliged under the Convention to prevent and to punish acts of genocide. To us, at this time, it appears that Sudan has failed to do so.

Article VIII of the Genocide Convention provides that Contracting Parties ''may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III.''

Today, the U.S. is calling on the UN to initiate a full investigation. To this end, the U.S. will propose that the next UN Security Council Resolution on Sudan request a UN investigation into all violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability.

Mr. Chairman, as I said the evidence leads us to the conclusion that genocide has occurred and may still be occurring in Darfur. We believe the evidence corroborates the specific intent of the perpetrators to destroy ''a group in whole or in part''. This intent may be inferred from their deliberate conduct. We believe other elements of the convention have been met as well.

Under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which both the United States and Sudan are parties, genocide occurs when the following three criteria are met:

Specified acts are committed: (a) killing; (b) causing serious bodily or mental harm; (c) deliberately inflicting conditions of life calculated to bring about physical destruction of a group in whole or in part; (d) imposing measures to prevent births; or (e) forcibly transferring children to another group;

These acts are committed against members of a national, ethnic, racial or religious group; and

They are committed ''with intent to destroy, in whole or in part, [the group] as such''.

The totality of the evidence from the interviews we conducted in July and August, and from the other sources available to us, shows that:

The jinjaweid and Sudanese military forces have committed large-scale acts of violence, including murders, rape and physical assaults on non-Arab individuals;

The jinjaweid and Sudanese military forces destroyed villages, foodstuffs, and other means of survival;

The Sudan Government and its military forces obstructed food, water, medicine, and other humanitarian aid from reaching affected populations, thereby leading to further deaths and suffering; and

Despite having been put on notice multiple times, Khartoum has failed to stop the violence.

Mr. Chairman, some seem to have been waiting for this determination of genocide to take action. In fact, however, no new action is dictated by this determination. We have been doing everything we can to get the Sudanese government to act responsibly. So let us not be preoccupied with this designation of genocide. These people are in desperate need and we must help them. Call it a civil war. Call it ethnic cleansing. Call it genocide. Call it ''none of the above.'' The reality is the same: there are people in Darfur who desperately need our help.

I expect that the government in Khartoum will reject our conclusion of genocide anyway. Moreover, at this point genocide is our judgment and not the judgment of the International Community. Before the Government of Sudan is taken to the bar of international justice, let me point out that there is a simply way for Khartoum to avoid such wholesale condemnation. That way is to take action.

The government in Khartoum should end the attacks, ensure its people—all of its people—are secure, hold to account those who are responsible for past atrocities, and ensure that current negotiations are successfully concluded. That is the only way to peace and prosperity for this war-ravaged land.

Specifically, Mr. Chairman, the most practical contribution we can make to the security of Darfur in the short-term is to increase the number of African Union monitors. That will require the cooperation of the Government of Sudan.

In the intermediate and long term, the security of Darfur can be best advanced by a political settlement at Abuja and by the successful conclusion of the peace negotiations between the SPLM and the Government of Sudan.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the Hayworth amendment. I think it is unfortunate, as the gentleman from Michigan (Mr. KILDEE) pointed out, that this amendment is offered here. This amendment will not stop the impact of the NLRB ruling, it will simply stop the enforcement of that act, so those who want to seek to organize under the act will go forward,

and we will find out about penalties for noncompliance or the results of the actions much later, some years from now, if this amendment passes.

But I think it is also important to note the gentleman sort of belittled the efforts of the gentleman from Michigan (Mr. KILDEE), myself, the leaders of the tribes, the leaders of the AFL–CIO sitting down together to work this out. And yet he cites that the California arrangement was basically the subject of negotiations where, in fact, the tribes, the labor unions, and Governor Schwarzenegger came up with an arrangement that some say is stronger than the current National Labor Relations Act.

The point is these are good-faith negotiations. We have had several meetings. Many people were surprised that either of those organizations would walk into the same room to sit down and discuss this, but they recognized the problem here. The problem, unlike State governments, is that you have tens of thousands of workers and potentially many tens of thousands of workers working in Indian gaming facilities, who, if they are not properly treated, if they are mistreated, not saying they will be, they are not enrolled members of the tribe, and they really have no recourse. They have no recourse to that activity. They cannot vote against the mayor, they cannot recall the city council, they cannot organize their fellow citizens because they are not members of that tribe.

As my colleague knows, in many of these instances, the size of the tribe may be a couple hundred people. Obviously, they cannot run a casino because the workforce there is several thousand of those individuals. So I do not think it is a matter of national policy. And the Indians have recognized this in our discussions, that you would leave people without some recourse to an ability to organize. That is why they have recognized, at least in these discussions, that we should go forward and try to see whether or not we can develop a system that honors sovereignty and is a parallel system to provide for the protection and the recognition of these workers.

That is, in effect, what we are doing now. And I did not quite understand the previous exchange, because the suggestion is somehow that this is make-work. I hope not, because I, obviously, and many of the people in that room are very prominent people and very busy people. I hope we are not wasting our time.

Now, what has happened since this amendment appeared, those meetings have all been canceled. So I think it has been destructive to that process.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

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

Mr. HAYWORTH. Mr. Chairman, I thank my friend for yielding, and this would make the point. In terms of the negotiations in California, were they not, in fact, conducted on a government-to-government basis?

The CHAIRMAN pro tempore (Mr. THORNBERRY). Time of the gentleman from California (Mr. GEORGE MILLER) has expired.

Mr. HAYWORTH. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I am sorry, but I will have to ask him to repeat the question.

Mr. HAYWORTH. Mr. Chairman, if the gentleman will yield to me for that purpose.

The gentleman talked about the California situation and the negotiations that went on in the gentleman's home State. I would just simply ask: Were not those negotiations conducted with sovereign tribal entities negotiating with the State of California on a government-to-government basis?

Mr. GEORGE MILLER of California. Reclaiming my time, which the gentleman yielded to me, Mr. Chairman, I would respond that, actually the chairman of the San Manuel Tribe will say no; that that was not the case. But I would tend to agree with the gentleman. Exactly.

That is what we are trying to do here as representatives of the Federal Government, recognizing the doctrine of sovereignty and protecting that with the tribes.

Mr. HAYWORTH. Which is exactly my point.

Mr. Chairman, I yield myself 1 minute, and I would simply make the point in response that what we are dealing with here today, contrary to the comments of my friend from Rhode Island, sovereignty was not created in the wake of IGRA. Indeed, a part of the Indian Gaming Regulatory Act was a government-to-government negotiation between sovereign tribes and the respective States.

Now, with reference to what has gone on and what has been described as productive negotiations, yes, indeed, tribes met with several union officials in attempts to negotiate. Our understanding is essentially the negotiations went nowhere. And, Mr. Chairman, the tribes are in no position to negotiate because of this NLRB ruling. This amendment is an immediate solution for now, and it will fix this problem, offering a time out, until a final solution can be crafted.

Sovereignty is not conditional. We cannot accept it in some instances, but then, when it somehow is politically inconvenient, ignore it in others. That is why this amendment should be passed, and I ask my colleagues to join me in this.

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

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. OBEY) continue to reserve his point of order on this amendment?

Mr. OBEY. Mr. Chairman, I withdraw my reservation.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend, the gentleman from Wisconsin, for yielding me this time.

For the first time, under the San Manuel decision, workers at Indian casinos, Indians and non-Indians alike, enjoy the full protection of the NLRA's right to organize and right to engage in collective bargaining. The right to organize and collectively bargain, those rights are internationally recognized ILO human rights.

Many tribes have established tribal labor ordinances pursuant to State gaming compacts. Basic labor rights, including the right to free association, the right to collective bargaining, and labor rights that are reflected in both the NLRA and many tribal labor ordinances, are the rights that we insist on in international trading with our international trading partners, including underdeveloped nations.

We insist that labor rights be enforced in international trade agreements. We include provisions in trade agreements to protect those rights. We debate those rights on the House floor. We insist upon that, yet this amendment denies those rights to workers in the United States.

This amendment leaves workers with no enforceable right to organize or to engage in collective bargaining. So we are saying to other countries, do it there, but in our own country we are not preserving and protecting those labor rights, the rights to organize and the rights to bargain collectively.

Rather than pass this amendment, Mr. Chairman, we should be working with both tribal and labor representatives to discuss solutions to the potential conflict between workers' rights and tribal sovereignty. The Hayworth amendment pits workers' rights against tribal rights. Ultimately, it damages both.

I urge my colleagues to oppose the amendment.

Mr. HAYWORTH. Mr. Chairman, I yield myself 1 minute.

It is interesting to listen to my friend, the gentleman from Ohio (Mr. BROWN), try to characterize this amendment, when I think more accurately we would characterize this as a choice. And this is the choice to make in this Chamber, and, Mr. Chairman, especially for those who say time and again they are friends of sovereignty.

Are we, in fact, going to respect the provisions in Article I, section 8 of our Constitution that grants sovereign rights and sovereign immunity to Indian tribes in that document of limited and specified powers, or are we going to make a change for political convenience, for political alliances?

And I understand it may be very uncomfortable for some in this Chamber, but are we basically going to say, Mr. Chairman, that the rights of union negotiations supersede the rights of sovereignty?

Make no mistake, Mr. Chairman, in this Chamber, at this time, this decision will be made. And I would offer for

all to note that we should never suborn sovereignty for political convenience. We dare not make that mistake. Support this amendment.

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

□ 1430

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in opposition to the Hayworth amendment. Tribal nations have established commercial gaming enterprises because of the economic prospects and to improve the living conditions of their tribal members. Before gaming, many of these tribes had little or no economic development and next to nothing on their lands to provide a foundation of commerce.

If you had come to Las Vegas when my family came to Las Vegas over 4 decades ago, you would have found similar circumstances. A remote place in the Nevada desert with virtually no economic activity. My community looked to gaming, and now Las Vegas has one of the most vibrant economies in the United States. The key to Las Vegas' success is a strong relationship between labor and management. As a result, our casino workers have good-paying jobs, good benefits, good working conditions. Workers at tribal gaming facilities deserve the same.

The National Labor Relations Board ruled it has jurisdiction at casinos operated by American Indian tribes. This decision ensures that the rights of all workers in this country, including those working on tribal lands, are protected. Las Vegas is a shining example of why such an atmosphere of respect between employees and employers strengthens the entire community.

I urge my colleagues to vote against this amendment which is one-sided and jeopardizes ongoing discussions between those parties impacted by the ruling. Rather than resolving the situation, this amendment may only cause deterioration in efforts to come to mutually beneficial solutions. The NLRB has ruled and this Congress should not overturn that ruling.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, there is a little bit of having it both ways. The gentleman from Arizona says he respects the California compacting process; yet in the 106th and 107th Congress, we debated this amendment when he wanted to prohibit the State of California or any entity negotiating a compact with the Indians from even discussing labor rights. I am a little bit confused here about what it is.

The gentleman does not like the negotiations that were going on because he likes what California is doing, but now we see in fact this amendment is not just about what happened with the National Labor Relations Act, because he has been trying to prevent the tribes or States from engaging in any discussion on terms and conditions of employees. This was long before.

The gentleman does not come here with some pure heart. The gentleman is subsuming what those compacts could be about; and this Congress, recognizing sovereignty, passed legislation to allow for that compacting to take place. That is what the law is, that those arrangements take place between the governors and the tribes.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, while I respect my colleague from Arizona, I do not think this is the right time or right vehicle to consider this issue. As we have seen time and time again, the Native American Caucus has been unified on amendments and bills that benefit Indian Country. Today that is not the situation.

Mr. Chairman, as Members know, I have been a long supporter of both tribal sovereignty and workers rights, as have many in this body. But the amendment we are considering now could have far-reaching implications on these issues and should not be acted upon in a hasty fashion.

Several States, such as California and New York, have previously worked out agreements with Native American tribes on this very issue. Currently, similar negotiations are underway to find a more permanent solution for all of Indian Country.

Even if the Hayworth amendment is passed today and becomes law, it is not a permanent fix. We will be back here again next year debating the same issue. We should be looking for a permanent solution, and we should allow all parties to continue to work out an agreement and not move this amendment today.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining, the gentleman from Arizona (Mr. HAYWORTH) has 1 minute remaining, and the gentleman from Wisconsin (Mr. OBEY) has the right to close.

Mr. HAYWORTH. Mr. Chairman, I yield myself the balance of my time.

It is very simple at the end of day. I listened with interest to the gentleman from California (Mr. GEORGE MILLER), who would not let me answer a question. It had nothing to do with my advocacy of any policy, simply the notion that negotiations take place on a government-to-government basis.

Now, much has been made of the National Labor Relations Act and the National Labor Relations Board; but many in this Chamber, friends who unfortunately line up on the other side of this issue today, often cite the document that trumps all of these organizations, the United States Constitution, article 1, section 8, that Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

Sovereignty is not situational. The Constitution of the United States trumps the National Labor Relations Act. It trumps any treaty, and tribes, as sovereign governments, should have the freedom to determine if this should go forward. Support this amendment.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, a few years ago I endured efforts to recall me because I steadfastly supported the principle of tribal sovereignty, and I do not regret that. I think I took the right position. But I am opposed to this amendment because of something that happened in Wisconsin several years ago. One of the tribes in my district contracted out for the operation of a casino to a private operator. That private operator had some very strange rules. One of the rules when women were hired was very blunt: Put out or get out. It was an outrageous way to deal with female employees, but we had no way to reach into that situation and protect those women workers because the State compacts did not provide protection under such circumstances.

I do not ever want that to happen again to any woman working anywhere in my State or any other State in the Union. That is why I believe that the correct vote on this amendment is to vote against this amendment because the last time I looked, the United States Constitution guarantees equal protection under the law to every citizen; and I am not about to suggest that in cases of casinos, for instance, on or off reservation, that the people who work for those casinos are not going to be entitled to the protection which they need in order to experience decent working conditions.

I think a Congress that cannot protect women in those circumstances is a Congress that is impotent, and I do not believe Congress ought to be impotent in those situations, so I urge a ''no'' vote on the amendment.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

AMENDMENT OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KILDEE:

At the end of the bill (before the short title) insert the following new section:

SEC. _____. None of the funds appropriated under this Act may be used by the Secretary of Education to administer or pay any special allowance under section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) pursuant to the provisions of section 682.302(e)(2) of the regulations of the Department of Education (34 CFR 682.302(e)(2)).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Mississippi (Mr. WICKER) each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is simple. At a time when students and families are struggling with skyrocketing tuition, we are squandering an opportunity to generate more student aid. This fiscal year alone, nearly $1 billion in special student loan subsidies will be paid by the Federal Government to lenders rather than used for financial aid for students. This subsidy results from an obscure provision in the Higher Education Act and its regulations which provide lenders a 9.5 percent rate of return on certain student loans.

This rate of return is excessive when we consider that lenders are guaranteed approximately a 3.5 percent rate on other student loans. The 9.5 percent guarantee was established in the high interest rate year of 1980. Congress intended for it to be phased out of existence beginning in 1993; but through a regulatory loophole, the guarantee has continued. Both the New York Times and the L.A. Times have reported on this loophole. The Government Accountability Office will soon issue a report which calls for the Department of Education to correct its regulations on this matter.

This special subsidy has caused a loss of financial opportunity for students. Students are bearing the brunt of rising college costs and shrinking grant aid. Today we have an opportunity to correct this problem. Despite this issue being addressed in the last Presidential budget, no action has taken place. Since this subsidy has not been eliminated, it has now tripled in the past 3 years.

It has been publicly announced in our hearings in the Committee on Education and the Workforce and in the press that we will not authorize the Higher Education Act this year. This essentially prevents Congress from addressing this issue in the normal fashion. This amendment is the only recourse left to us today. The amendment ends the special subsidy for new loans which are funded with proceeds from bonds which have been refunded or transferred.

Today, Mr. Chairman, we have an opportunity to curtail the biggest use of this provision to date. I urge Members join me in supporting this amendment.

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

Mr. WICKER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I rise in support of the Kildee amendment.

In February of this year, President Bush called on Congress to end the 9.5 percent floor interest rate subsidy paid to some lenders in the student loan program. The 9.5 percent floor was supposed to be phased out beginning in 1993, but through a bureaucratic move by the Clinton administration Department of Education, the practice has continued.

We followed the President's lead earlier this year when we introduced the College Access and Opportunity Act and called for the elimination of these 9.5 percent loans, which in my view and the administration's view and the view of the gentleman from Michigan (Mr. KILDEE) are being abused by some lenders in order to get an extra subsidy on the student loans that they process.

I would welcome the gentleman from Michigan (Mr. KILDEE) to the efforts we have put forward throughout this year to eliminate the 9.5 percent floor, and urge my colleagues to support the gentleman's amendment.

Mr. KILDEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN), a cosponsor of the amendment.

Mr. VAN HOLLEN. Mr. Chairman, I thank the gentleman from Michigan (Mr. KILDEE) for his leadership on this issue. I am very pleased to hear that this amendment is going to be accepted, because I think it is a bipartisan amendment. Its goal is to save the taxpayer money, money that could be better spent both towards reducing the deficit and investing in education programs like Pell grants and other programs which will help provide greater student loans to many needy students out there.

As Members have heard, this 9.5 percent loan scheme has been in place for some time, but only recently have we seen many people taking advantage of it and really abusing it. According to GAO's preliminary findings, it will cost the taxpayer $1 billion this year. If we do not close it now, it will cost the taxpayer even more down the road. These are dollars that could be invested in other forms of support in the area of education.

□ 1445

I do want to note that the budget submitted by the Bush administration this year, the fiscal year 2005 budget, assumed that we as a Congress would address this issue. So I very much hope that as this appropriation bill goes to the Senate, that we stick with this provision and this position, because if we do not and this is removed from the bill, it will end up costing the taxpayers billions of dollars going forward.

I am very pleased to hear that this has been accepted, but I do want to underline the importance of addressing this right now, because as a result of our action to close these loopholes, those that have been taking advantage of it may be encouraged to try and take even greater advantage of it until it is actually shut down. So if we do not shut it down in the next few months, we are going to see a further run on the taxpayer and further loss of valuable resources that we could spend and invest in other very important education initiatives.

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

Mr. WICKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

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

Mr. KILDEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. KILDEE) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple and straightforward. It would essentially prevent the implementation of section 1011 of the prescription drug bill passed by Congress earlier this year. That section, as the Members may recall, is a controversial provision of the law that provides $1 billion to cover the health care costs of illegal aliens in the country.

Let me quickly add that what this amendment does not do, because oftentimes we submit an amendment of this nature and there are all kinds of claims made about what dire things would happen if it were to pass. This amendment restricts health care to no one. It has nothing to do with provision of

health care. Health care will still, of course, be provided to people because of EMTALA, because of the requirement of the Federal Government.

Right now we spend upwards of $61 billion a year, Federal dollars, going to hospitals for Medicaid reimbursement. That, by the way, does not cover Medicare payments, but just in Medicaid alone, $61.2 billion. The provisions of EMTALA said that if you accept Federal dollars, you must provide service to people on any basis if they need it. They cannot be refused medical attention for emergency care.

This does not change that in any way, shape or form. The services will still be provided. But recently promulgated rules designed to implement the section fall short of establishing any meaningful accountability measures for the money, and, more importantly, they do not require information-sharing with homeland security officials to ensure that illegal aliens are deported after their condition stabilizes. As a result, the same illegal aliens could conceivably receive medical care at taxpayers' expense over and over and over again.

It is also important to note that many of the States incurring the heaviest costs for treating illegal aliens have helped create their own problems. In many cases they have taken steps to make themselves magnets for illegal immigrants, whose health care costs they are now burdened with, by permitting them to obtain driver's licenses, enroll in higher education at instate rates, obtain public services through the use of consular ID cards. All of these things, of course, attract more people to come who are, in fact, in the country illegally, and then their health care costs become a burden to the taxpayer.

The sad irony is that many of the Americans who are being asked to cough up the $1 billion to fund health care for these illegal aliens do not have health insurance themselves. This giveaway is bad for taxpayers, sends the wrong message to illegal aliens and Americans alike, and comes at far too high a price. It was wrong when we passed it. It is wrong today.

Mr. Chairman, we have more pressing needs in this country than providing a patients' bill of rights for illegal aliens. I hope Members will support my amendment and save American taxpayers $1 billion.

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

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would forbid the use of CMS funds to administer the undocumented alien program funded in last year's Medicare Modernization bill. I am reluctant to get into this debate because it is the jurisdiction of the Committee on Energy and Commerce, and last year's Medicare bill included funding for this new program intended to provide relief to hospitals in jurisdictions with large numbers of undocumented aliens.

I think the goal here might be to prevent these undocumented aliens from having health care, but the truth of the matter is the hospitals are going to pay the price. They are not going to turn anybody away that comes to the door that needs medical treatment. And if they cannot get reimbursed from CMS, they are going to have to eat it. The hospitals have to do a lot of this as it is with charity patients and so on, and I do not think it is fair to use an amendment like this to put an additional burden on hospitals. While it may seem to preclude undocumented aliens from getting health care, the truth is they are going to get it, and instead of being reimbursed, the hospitals are going to have to eat it and, in effect, pass it on to the rest of their clients.

This was defeated as a proposal to overturn the program by 331–88 last May on H.R. 3722. I understand the feelings of the gentleman from Colorado, but the truth of the matter is I do not think it is a burden we want to shove off on hospitals, and they already have enough outlays for charity patients, for charity work, and let us not add one more set of problems to them.

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

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

I agree with the gentleman when he says that this will not prevent anyone from obtaining services, and it is not my intent to prevent anyone from obtaining services. That is really not the purpose of this. Hospitals, yes, they will provide the services. They must under EMTALA. It is absolutely accurate to say that the burden falls somewhere, taxpayers, somewhere along the line, he is right.

To me it is just peculiar, to say the least, that we actually take part of the law and identify a program for $1 billion for services for people who have broken the law. That is the peculiar aspect of this. If we had to add $1 billion to the $34.6 billion that we give hospitals in order to care for the poor, if that is the place to do it, that is the place to do it. It is this odd identifying in law a provision for services for people who have broken the law, other than incarceration services.

It is also odd, I would say, that there are really only two groups of people in this country that can obtain free medical health care, health services, at any time they want, and that is people who are incarcerated and people who are here illegally. What a strange situation.

I just believe that the $1 billion should be reallocated. There are better uses, or at least better placement of it, than in this bill. That is my only purpose.

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

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding this time, and I come to rise in opposition to the amendment offered by the gentleman from Colorado.

Once again, what we are looking at here is something that tries to deal with the symptoms of illegal immigration. It does not actually deal with the problem that we have of illegal immigration. But in this case we are really not talking about going after illegal immigrants at all. We are going after hospitals. We are going after health care providers. We are going after the people that are providing the health care, that are providing emergency services for these people, and we are saying we are going to punish those particular people.

This is an antihospital amendment. There is no other way to describe it. It is just an antihospital amendment. If this amendment passes, we are punishing the overburdened and undercompensated hospitals, which I happen to have a lot of them in my district because we have a lot of the illegal immigration in Arizona. And so the costs in Arizona are tremendous. This is targeted directly against the hospitals in places like Arizona and along the border there.

If the Federal Government mandates that hospitals treat those that are brought to their doors, and they do, then the problem is you need to reform that law, EMTALA as it is called. If you want to deal with the problem, reform that. Otherwise the Federal Government needs to be responsible for the mandate that it has created by saying that hospitals must serve anybody who shows up in their emergency room, must serve them. That is the way it probably should be, in my opinion. I do not think we want hospitals saying, we are going to turn you away, and we are going to deal with this other person. But if you want to reform it, that is where you need to reform it.

We have hospitals in my district that are going bankrupt. They cannot offer medical services because they are not being reimbursed. One of our two major hospitals in Tucson has closed their trauma one center largely because the other hospital is overburdened with trauma one care right now, and it is largely because of this problem, and this, of course, would put an even greater burden on them and hurt them even more. They are disappearing through no fault of their own. They are complying with the law. They are dealing with the care for people that need this care.

This is the wrong approach. I urge rejection of this amendment.

Mr. TANCREDO. Mr. Chairman, I yield myself the balance of my time.

I would just conclude by saying that I certainly agree with the last gentleman and his reference to the fact that this does not solve any illegal immigration problem. It is not designed to do that. That is not the purpose. It is designed to correct what I believe to

be a terrible flaw in the law. We should never, ever put in law that we are, in fact, taking taxpayer money and providing services for people who have broken the law. That is a bad precedent. If you want to add the money, put it into the already $61 billion that we give hospitals for the purpose of treating folks who are in need. That is all I am saying. It has got nothing to do with immigration.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to Congressman THOMAS G. TANCREDO's amendment to the Labor-HHS-Education Appropriations bill, H.R. 5006. This amendment would prohibit the use of funds to pay the salaries and expenses of personnel to carry out the section of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, that deals with federal reimbursement for emergency health services furnished to undocumented aliens.

The effect of this amendment would be to require physicians and other health care providers to become part-time border patrol agents. According to the American Medical Association (AMA), withholding necessary care on the basis of a person's immigration status would violate the Hippocratic Oath. The AMA also has expressed concern over the fact that discouraging undocumented individuals from seeking medical care for problems that might cause harm to others, such as communicable diseases, could have very negative effects on existing public health efforts.

I share the concerns of the AMA. The fear of deportation inevitably would prevent some undocumented immigrants from seeking care for communicable diseases until they are extremely ill, at which point they might have already exposed many people to their diseases.

Today's health care delivery system is very fast-paced, and, in an emergency situation, the urgency of providing life-saving care takes precedence over anything else. Requiring hospitals to collect immigration data would divert time and attention from caring for patients. Hospitals do not have the expertise or the resources to interrogate and investigate patients in the pressured environment of an emergency room.

It also would divert funds that could be used to provide health care services for some of America's estimated 44 million uninsured patients. A substantial portion of these funds would have to be used to establish and implement an expensive new immigration enforcement program for our already underfunded, overburdened community hospitals.

This legislation would weaken federal Emergency Medical Treatment and Active Labor Act (EMTALA) obligations by redefining the circumstances under which hospitals are required to treat patients who are undocumented immigrants. Such a policy would create a dangerous situation for all patients because physicians would be required to impose differing standards of care based on whether they determine a patient to be in the country legally or not. By necessity, emergency department professionals must be afforded the latitude necessary to provide treatment based solely on which treatment is medically appropriate for the patient and without regard to immigration status.

It is in the best interests of all patients, documented and undocumented alike, that medical staff be permitted to focus their attention on caring for patients and providing necessary medical treatment rather than on assisting the federal government in enforcing the immigration laws of this country. I urge you therefore to vote against this amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STARK:

Page 105, after line 16, insert the following new section:

SEC. 519. The amount otherwise provided by this Act for ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—Office of the Secretary—General Departmental Management'' is hereby reduced by $84,500.

The CHAIRMAN pro tempore. Pursuant to the order of the House of earlier today, the gentleman from California (Mr. STARK) and the gentleman from Ohio (Mr. REGULA) each will control 10 minutes.

Mr. REGULA. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio reserves a point of order on the amendment.

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

Mr. STARK. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this is probably the lowest-priced amendment to be offered to this bill, but what it does basically is takes away $84,500 from the Secretary of HHS's management budget. The purpose of the amendment is to establish firmly the rights of Congress in regard to getting information from the administration.

Very quickly, during the course of drafting and debating the Medicare bill that dealt with prescription drugs, the head of CMS Mr. Scully threatened improperly the actuary for CMS and caused this actuary to withhold information from the House of Representatives which would have indicated that the drug bill would not cost $400 billion, but more like $530 or $540 billion. That is a $140 billion difference. It may very well have affected the way many of us might have voted on that bill. It was substantial information. This information was not classified, and it comes under a bill that started back in 1912 when then Senator LaFollette indicated that we should have this information in the normal course of our proceedings available to us. According to GAO, who has recently suggested that the point of this legislation be enacted, never in the history of that legislation since 1912 has anybody violated this law until now. And it was GAO who said that the recourse for violating the law, for preventing a member of the administration from giving us information relative to our business, should be that the salary of the Administrator of CMS was improperly paid during the time from the point he gagged his subordinate until the end of his term when he resigned in December.

□ 1500

So quite simply said once again, it is uncontrovertable that the law was broken by Mr. Scully, that the remedy is that he should not have the salary that he was paid during the period in which the information was withheld from us, and it indeed runs to the prerogative of this House to receive the information that is necessary for us to do our business in the normal course of legislating. And the Secretary can get the $84,500 back if he wants to go after Mr. Scully for it, and it is highly symbolic, but I think it is imperative that we establish our rights to receive information, either side of the aisle, or from any administration in the future.

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

Mr. REGULA. Mr. Chairman, I continue to reserve a point of order, and I yield myself such time as I may consume.

Mr. Chairman, I am not sure I understand the objective of this amendment, reducing the Office of the Secretary by $84,500 in general departmental management. Here we are talking about a Department with a $60 billion, $60 billion, budget, and to manage that Department efficiently and effectively, we gave a reasonable amount in the bill. And I think it would be a great mistake because the programs that are part of Health and Human Services are very important to people, and if we start debilitating the ability of the Office of the Secretary to manage these agencies well and these programs well, we are not hurting the head of the agency, we are hurting the people who would be benefiting from the programs.

And for this reason I think it is a big mistake, because already, in constructing a bill and because of the constraints, we had a limited amount of additional funding under the Budget Act, and it would be a serious mistake to constrain them even more. And to penalize the Department for a mistake by Tom Scully, and he is no longer there, is not right. It is penalizing the people, tens of thousands of people, that benefit tremendously from the Health and Human Services programs, and to in any way erode the ability to manage these programs on behalf of people I think is a big mistake. And I would, therefore, be strongly in opposition to this proposal.

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

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from California (Mr. STARK) for yielding me this time.

I rise in support of the Stark amendment. This whole Tom Scully issue is a sorry page in a sordid chapter in congressional history. Think about this whole process of the Medicare bill passing this Congress if this new law that seniors, most seniors I know, think was foisted on them, this bill written by the drug industry and the insurance industry.

The vote to pass Medicare was taken in the middle of the night. The debate started at midnight. The vote was taken at 3 o'clock. The roll call, unprecedented in congressional history, was kept open for 2 hours and 55 minutes until Republican leadership could twist arms all over this House floor back in the cloakroom; waking up the President in the middle of the night; trying to change Republican votes; trying to literally bribe at least one Republican Member of Congress, who talked about it on radio the next day; the millions of dollars in campaign contributions that were used to pass this Medicare bill. Tens of millions of dollars went to President Bush's reelection from the drug industry and the insurance. Tens of millions of dollars went into Republican leadership campaign coffers from the drug industry and insurance industry. And then to top off this sordid chapter in congressional history, Mr. Scully, the gentleman, a good public servant, but the gentleman that was negotiating on behalf of seniors, on behalf of taxpayers, was negotiating this bill, and he was lining himself up for a job soon after the bill was signed by President Bush, a job representing and lobbying for drug companies and for insurance companies. What is wrong with this?

This amendment needs to be passed to at least undo part of this very sordid chapter in congressional history.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I would feel a lot better about this issue if the Republican leadership in the Congress decided to do something when they first heard that Tom Scully, who was the Administrator of the agency, Center for Medicare and Medicaid Services, threatened to fire the actuary if he gave Congress the accurate information about how much the Medicare bill would cost. We were told in the Congress that it was going to cost $400 billion. It turned out it was $600 billion. And the actuary knew about it, and Mr. Scully said to him if he told the Congress, he was going to fire him.

I hear no sense of outrage from the Republican leadership of the Congress, of the House. I hear no sense of outrage from Republican Members who voted for this bill because they thought it would only be $400 billion and would have voted against it if they had known the true facts.

The Government Accountability Office has issued its findings to the investigation in this matter, and they said what Mr. Scully did was improper, and he should not be paid. So under the amendment offered by the gentleman from California (Mr. STARK), we would take out $84,500 from the appropriations bill in order to make the point of protest as to what happened. That is not a lot of money given the scope of this appropriations bill, but I would feel more comfortable in deferring to the chairman of the subcommittee if he and other leaders on the Republican side of the aisle had at least expressed some outrage on behalf of this institution that we were treated the way we were.

So I support the Stark amendment at least to do something about this issue.

Mr. REGULA. Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

I have one more speaker, but I did want to repeat that, as far as this gentleman is concerned, the issue here, I know the dollars are not significant, but I rather suspect that the laws that were violated were written by the Republican Party when it was in the minority, and I do not think it is an issue that is partisan. I really believe this is an issue that does not deal with anything other than the very most basic facts which we need to carry out our duties here. And, yes, the $84,500 is symbolic, but it is the only recourse that we have under the law. The law was clearly broken. It seems to me that we should demand that it be taken and leave it to the Secretary to collect the $84,500 in any manner that he sees fit.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I think this amendment is very important and should be supported.

There has to be some consequence of the Medicare Administrator giving the wrong information to Congress about such an important bill and knowing full well that he was giving that wrong information to Congress. I mean, keep in mind that Mr. Scully was told by Mr. Foster what the actual cost would be, and knowing full well that information, and knowing that if that accurate information had been given to this body, we would never have passed the bill, but he still refused to give it and actually sought to even penalize Mr. Foster, or threatened him, if the accurate information was given to us.

The Department has said that they are not going to ask Mr. Scully for the money back for his salary. Mr. Scully has said that he has no intention of returning it to the government. So there is simply no penalty for giving inaccurate, false information to this body that they know to be false. That is a terrible thing, no consequences. How can we operate as a body when the actuary's information is not given to us, and there is no consequence for that even though the GAO says it is wrong?

Mr. DINGELL. Mr. Chairman, the Stark Amendment takes direct aim at part of the Bush Administration's pattern of cover ups, clandestine policy making, and concealment of critical information from the Congress. I urge all my colleagues to support it.

We had DICK CHENEY's secret energy task force. We've seen military records concealed. We had no-bid contracts for Halliburton. We've seen government reports doctored—like the one on minority health disparities. And we've seen more games played with numbers during this Administration than you'd get from an Enron accountant. Tax cuts—they're free! (Yet we've got the largest deficits on record.) Employment—it's up! (Yet, we still have 1.2 million fewer jobs now than when the recession started and more workers than ever looking for work.) The uninsured—we're covering them! (Yet, 5.2 million Americans have been added to the ranks of the uninsured under President Bush's watch.)

The recent HHS Inspector General and the GAO reports on the unsavory activities of Mr. Tom Scully, the Administrator of the Centers for Medicare and Medicaid Services (CMS), during the Medicare debate give us one more example of the Administration's deception of Congress and the American people.

The Administration, through former CMS Administrator Scully, covered up important cost information, particularly the fact that the bill would cost more than 500 billion dollars, that Congress should have seen prior to voting on the Medicare bill. Mr. Scully threatened the Chief Actuary with adverse consequences if he provided requested estimates to Congress, and had his underling threaten the Chief Actuary as well. All the while making sure that the White House had the real information.

Just this week, GAO issued a legal opinion stating that Mr. Scully's actions violated federal law, and is recommending that the money from the Medicare Administrator's salary which he received during these improper activities—$84,500—be returned to the Treasury. This amendment does that.

Accountability has been lacking throughout the four years of this Bush Presidency. We need to bring accountability back to the government. And we should start right here with this Amendment offered by my colleague Representative STARK.

Mr. STARK. Mr. Chairman, I would, as a matter of prerogative of the House, encourage us all to support this modest amendment, and I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY).

The question is on the amendment offered by the gentleman from California (Mr. STARK).

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

Mr. STARK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. STARK) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to create or implement any new universal mental health screening program.

The CHAIRMAN pro tempore. Pursuant to the order of the House earlier today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself 3½ minutes.

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

Mr. PAUL. Mr. Chairman, my amendment says that no funds in this bill will be permitted to be used to institute system of universal mental health screening. The New Freedoms Commission on Mental Health, a commission established in 2002, has recommended universal mental health screening for all our children in our public schools as well as adults who work in these schools. As a medical doctor, as a civil libertarian, and a strict constitutionist, I strongly reject this notion, this plan, as dangerous and nonproductive.

This type of screening would surely lead to a lot more treatment of hyperactive kids. We already have an epidemic in our schools today that are overtreated. Too often under these conditions, children are coerced into taking medicine. It has been known that parents who have denied medication for their children have been accused of child abuse. There is already tremendous pressure on parents to allow public school officials to put children on medication like Ritalin.

This amendment would not deny, in the routine course of events, medical treatment for those who are suffering from mental disease. What my concern is for a universal screening test of all children for mental illness.

Diagnosis in psychiatry is mostly subjective. It is very difficult to come up with objective criteria. If we wanted psychiatrists to perform the test to make it more objective, it would be impossible. We are talking about an unbelievable number of psychiatrists that are not available, so nonpsychiatrists would be doing this testing.

One of the worst downsides from a program like this would be for a child to be put on a list as having some type of mental disorder.

□ 1515

An unruly child is going to be the first one to be determined as mentally disturbed. It is happening all the time. Those are the individuals that are hyperactive even in a normal sense and end up on Ritalin.

But can you imagine a list of this sort? They claim it will be private, but can you imagine if there is a list that has identified an individual as a possible candidate for violence? And what if he were to be hired by an important industry? What if the post office was to hire this individual and he was on this list and we did not make this information available to the hiring authorities? That means there would be tremendous pressure to make public officials use this list for reasons that I think would be very, very negative.

The whole notion of testing children to me represents a principle even more intrusive than a mandatory blood test. It would make more sense medically to have a blood test for, say, AIDS, if you thought it was the responsibility of the Federal Government to take this job upon themselves. But, no, if we tried to do this in the area of mental diseases, believe me, the criteria would be way too arbitrary. A diagnosis will be too difficult to determine with a set of objective standards.

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

The CHAIRMAN pro tempore (Mr. THORNBERRY). Does any Member rise in opposition to the amendment?

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am a little baffled by this, because there is nothing in this bill to establish the universal mental health screening. I do not know what the need for the amendment is. I understand what the concern of the gentleman is if this were the case, but we do not have it. There is no requirement, there is no money, there is no action.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, that is correct, there is no money specified for this. But on previous legislation, the authority exists for us to be involved in mental health. The particular bill's mental health services, it is on the books. The legislative authority is there. It could be done by regulation.

I am just saying you are correct, it is not on there, so there should be no objection, is my interpretation. It is just a protection, a statement by the House that we do not like this idea because this is a recommendation from a commission set up by the administration, and I would like to cut it off before it gets very far.

Mr. REGULA. Mr. Chairman, reclaiming my time, I guess you might call this preventive medicine.

Mr. PAUL. I hope the gentleman will join me in this effort for preventive medicine.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is a little inflammatory. You do have a lot of people who for, one reason or another, maybe family members, maybe in their own case, they do have problems. I think, in a way, to pass an amendment of this type is sort of putting our thumb in their eye or sort of saying, hey, we do not want any part of this.

What the commission did in their report is say this is a problem we need to be thinking about, that we need to address. But I think it is premature, and it is unfair in a way to identify a segment of the population and say under no circumstances are you going to get any help.

For this reason, I would have to oppose the amendment.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the amendment was misconstrued by the previous speaker, because it would not deny medical care. What it does is it denies the authority to the administration to have universal screening of all children in public school. It does not deny care to any individual that may qualify.

Already the SAT tests have now been changed to incorporate having the students write a paragraph about personal beliefs and their world view. Can you not see the connection? If one has a strange world view or a strange personal belief, if you have a prejudice or whatever one may be deemed mentally ill.

This is a dangerous idea and a notion that has been used by totalitarian societies throughout the ages. Just think of the extreme of this if this is not nipped in the bud, as happened in the Soviet system. People were not always convicted of crimes; but they were put in psychiatric hospitals to be retrained, to be conditioned to think differently and politically correct.

When we see a monopoly school system, a universal school system, talking about standardizing what they think is sound mental health, believe me, we are treading on dangerous ground.

I would like to restate once again, this amendment does not deny treatment to any individual that is pointed out to have medical needs. This goes along with the principles of reasonable cause. They cannot go in and search our houses, or at least they are not supposed to, without a reasonable cause. We should not go into these kids' minds without reasonable cause and sort out this kind of information.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out that this is the President's new Freedom Commission on Mental Health, and it is titled, ''Achieving the Promise. Transforming Mental Health Care in America.'' But nowhere in this report does it propose universal mental health screening.

So this amendment is totally unnecessary, and I think it is almost a slap in the face to people that have some difficult problems. Therefore, I would be strongly in opposition to it.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. I certainly agree with the gentleman's comments. I have great respect and affection for the gentleman from Texas. I know that he believes what he believes deeply, and I respect that. But I just would have to say that I wish we were at the stage in this country in terms of our recognition of mental illness, I wish we were at the stage in this country where we could provide every child with the opportunity to be screened, so that we can catch ahead of time developing problems and help families who otherwise have nowhere to turn.

I join with the gentleman from Ohio (Mr. REGULA) in opposition to the amendment.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY), a member of our subcommittee.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I think we have before us a choice between science and stigma. Stigma is the biggest barrier to us making sure millions of Americans gain access to what is fundamentally a physical illness. You do not need to take my word for it. You have every Nobel Laureate, the Surgeon Generals of the United States, all saying this is a physiologically, biologically based illness. So the notion that we are going to shut kids out from being screened so that we can intervene and make a difference in their lives, I do not understand.

I would add one more thing: our colleagues have learned the hard way. Three of our colleagues have lost their children in the last couple of years alone as a result of suicide. We voted on one of those bills on suicide prevention on Senator SMITH's son, who died a year ago yesterday as a result of suicide. We know of many others whose tragedies we do not want to go into.

But to think that suicide and mental illness are not scientifically based is to look back and think we are still living in the Stone Age.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for administrative costs for the collection of monthly premiums under part B of the medicare program for months in a year at monthly premium rates that exceed the monthly premium rates for months in the previous year.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

Mr. REGULA. Mr. Chairman, I reserve a point of order against this amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio reserves a point of order.

The gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes on his amendment.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, last week, the Bush administration on Friday afternoon when no one was paying attention, right after he made a speech at the convention assuring seniors that Medicare would be strong and prosper, and right as Labor Day weekend began and no one was paying attention, the President announced a dramatic increase, a historically high increase in Medicare part B premiums paid by seniors and the disabled, a 17 percent increase, the single biggest premium hike in Medicare history.

Most seniors rely on the Social Security cost-of-living adjustments, COLAs, to offset Medicare premium increases. Though the administration has not published it yet, the Social Security COLA will be about 3 percent, making the Medicare increase almost six times what the COLA increase for Social Security will be.

Usually they are announced at the same time. This year, because of the election, presumably, the President thought he could sort of quietly do this right before Labor Day. He did not really want to announce them at the same time, presumably because the premium increase for Medicare was five to six times what the COLA increase would be.

Why are those premiums rising so dramatically? The Bush administration spokesman says it is because seniors are going to receive enhanced benefits. He did not acknowledge that the premium increase will help cover enhanced benefits for HMOs, $12 billion worth.

So we have a $130 increase for seniors' premiums, and we have $12 billion more going into HMO pockets. HMO profits already are soaring; they increased 50 percent last year. Yet the Bush administration is tapping the Medicare trust fund and making seniors pay more out of pocket to finance a $12 billion HMO slush fund. That is just the beginning. The total HMO payment changes in last year's law will cost taxpayers $46 billion.

So even as it is emptying the Medicare trust fund, the Bush administration has the audacity to ask the American seniors to pay more. The change would require each of 40 million senior and disabled Americans to pay $139 more next year for Medicare coverage. My amendment would stop the premium increase.

Unfortunately, my friend, the gentleman from Ohio (Mr. REGULA), is using his discretion to object to the amendment on procedural grounds. I urge my friend, the gentleman from Ohio (Mr. REGULA), to reconsider because we need to look at this bigger picture: how much money are we paying the insurance companies; how much are we telling seniors they have to reach into their pockets.

There is no justification for pouring billions into the pockets of already very profitable HMOs and asking seniors on fixed incomes to absorb a 17 percent increase just to appease a President bent on privatizing Medicare.

Asking seniors to finance the President's privatization agenda is not just unjustifiable; it is, frankly, shameful. If this amendment does not pass, seniors will see their premiums rise sharply while HMOs take billions more in so-called bonus payments.

The chairman can and should permit a vote on this amendment so we can begin to restore the trust of seniors and the fiscal integrity of Medicare.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out that the gentleman that just spoke is a member of the authorizing committee with jurisdiction, and, therefore, this ought to be handled there.

Mr. GREEN of Texas. Mr. Chairman, I rise in support of the amendment offered by Mr. BROWN, my good friend and the ranking member of the Energy and Commerce Health Subcommittee.

Last week the Bush administration announced a 17-percent increase in premiums for Medicare Part B benefits. This is the highest increase in Medicare's long history.

In fact, since the Bush administration came to town, Medicare premiums have increased twice as much as they did during all 8 years of the Clinton administration combined.

On every account, it is wrong for our seniors on fixed incomes to face double digit increases in their Medicare premiums.

But to make matters worse, our seniors are left footing the bill as a result of this administration's failed health care policies.

If this administration wants to increase access to health care, it should ensure that Medicare—as a safety net program—is truly affordable to America's senior citizens.

Instead, this administration is charging our seniors an extra $5.5 billion next year, all the while diverting $12 billion from the Medicare Trust Fund to help HMOs lure Medicare beneficiaries away from traditional Medicare.

Instead of siphoning money from the Medicare Trust Fund to the HMOs' pockets, the administration should focus on the fiscal realities facing the Medicare program.

By stopping the Medicare Part B premium increase, the Brown amendment will force them to do just that.

I urge my colleagues to do right by America's seniors and support this amendment.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it is a violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2005 on July 22, 2004, House Report 108–633. This amendment would provide new budget authority in excess of the suballocation made under section 302(b) and is not permitted under section 302(f) of the act.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Ohio (Mr. BROWN) wish to be heard on the point of order?

Mr. BROWN of Ohio. Mr. Chairman, I have one additional speaker. Is it possible that he can speak before that?

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) has made a point of order on the amendment. The Chair must at this point entertain only argument related to the point of order.

Mr. BROWN of Ohio. Mr. Chairman, I would like to speak respecting the opinion and statement of the gentleman from Ohio (Mr. REGULA) on the point of order.

Mr. Chairman, this is a question of, by and large, moving money from the Medicare trust fund, the money that Congress has decided should go to insurance companies, and, as a result, costing Medicare beneficiaries an additional payment out of their pockets.

It is basically a zero-sum game. Are we in this body going to say insurance companies are going to get the money, or are we going to say we are going to charge beneficiaries for that money? I would appeal based on that.

The CHAIRMAN pro tempore. The Chair is prepared to rule on the point of order.

The Chair is authoratively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Ohio would increase the level of new discretionary budget authority in the bill.

□ 1530

As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. RAMSTAD

Mr. RAMSTAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RAMSTAD:

At the end of the bill (before the short title), insert the following:

SEC. ___. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''EMPLOYMENT AND TRAINING ADMINISTRATION-TRAINING AND EMPLOYMENT SERVICES (INCLUDING RESCISSION)'', by reducing the amount made available for ''EMPLOYMENT STANDARDS ADMINISTRATION-SALARIES AND EXPENSES'', by reducing the amount made available for ''OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION-SALARIES AND EXPENSES'', by reducing the amount made available for ''MINE SAFETY AND HEALTH ADMINISTRATION-SALARIES AND EXPENSES'', by reducing the amount made available for ''BUREAU OF LABOR STATISTICS-SALARIES AND EXPENSES'', by reducing the amount made available for ''DEPARTMENTAL MANAGEMENT-SALARIES AND EXPENSES'', by reducing the amount made available in title I for ''OFFICE OF INSPECTOR GENERAL'', by reducing the amount made available for ''HEALTH RESOURCES AND SERVICES ADMINISTRATION-HEALTH RESOURCES AND SERVICES'', by reducing the amount made available for ''CHILDREN AND FAMILIES SERVICES PROGRAMS'', by reducing the amount made available for ''ADMINISTRATION ON AGING-AGING SERVICES PROGRAMS'', by reducing the amount made available for ''OFFICE OF THE SECRETARY-GENERAL DEPARTMENTAL MANAGEMENT'', and by increasing the amount made available for ''SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION-SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES'', by $18,978,00, $10,802,00, $10,967,000, $7,280,000, $15,022,000, $5,000,000, $4,386,000, $11,042,000, $12,312,000, $1,158,000, $5,234,000, and $100,000,000, respectively.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. RAMSTAD) and a Member opposed each will control 5 minutes on the amendment.

Mr. REGULA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) reserves a point of order.

The gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume.

This amendment would fully fund the President's request for the Access to Recovery grant program, which helps people who need chemical dependency treatment get the help they need from the treatment provider of their choice.

Mr. Chairman, it is time for Congress to get serious about the problem of alcohol and other drug addiction and treat it like the number 1 public health crisis it is. Nearly 1 in 10 Americans today is suffering the ravages of chemical addiction. Twenty-six million Americans are addicted to drugs and/or alcohol, and 156,000 Americans died last year from this fatal disease.

The public costs of untreated addiction are also staggering. A Brandeis University study found that addiction costs the American economy $400 billion a year. That is billion with a B, Mr. Chairman. These criminal justice costs, health care costs, lost productivity in the workplace, and so on are a huge drain on our economy, and there are countless other human costs we cannot even begin to quantify.

At the same time, Mr. Chairman, there is real hope for Americans struggling with the disease, hope through treatment and recovery. We have all the empirical evidence in the world to show that treatment works, and expanding access to treatment, as the President wants us to do, is not only the right thing to do, but it is also the cost-effective thing to do.

The National Institute on Drug Abuse did an exhaustive study and found that every dollar spent on treatment saves $7 in criminal justice costs alone. If savings in health care are factored in, we save $12 for each dollar spent on treatment. A California study found that statewide emergency room admissions dropped by one-third after treatment, and crime declined by two-thirds following treatment.

So the question, Mr. Chairman, is not whether we can afford to provide treatment; the question is whether we can afford not to provide treatment.

Mr. Chairman, I stand here today as a grateful recovering alcoholic of 23 years, 1 month, and 9 days, and I am alive today only because I had access to the treatment that I needed. If fully funded, the Access to Recovery program could extend the same lifeline to 100,000 other Americans who desperately need help, who desperately need treatment.

President Bush proposed the Access to Recovery program last year, and we funded just half of his $200 million request. As a result, 45 States applied for funding; because of the lack of funds, only 14 States and 1 tribal government received any grants. It is clear, Mr. Chairman, the demand far outstrips the supply of these critical funds. The bill before us, once again, contains only one-half the funding that the President requested.

Mr. Chairman, this is a life-or-death issue, and we cannot afford to be half-hearted about it. This amendment would fully fund the President's request by adding $100 million to the Access to Recovery program. It is fully offset with cost-savings for administrative accounts.

Mr. Chairman, President Nixon, when he first declared the war on drugs in the 1970s, directed 60 percent of funding, of Federal funding, to treatment. Today we are down to 18 percent, 18 percent. That is why over half the treatment beds available just 10 years ago are gone. That is why 3.5 million Americans were denied treatment last year alone.

This program, the Access to Recovery program, will not only enable addicted Americans to receive treatment, it will also help increase the number of providers, and the rigorous peer review process at SAMHSA for obtaining the grants and its strong program evaluation requirements will lead us to better performance-based treatment in this country.

I urge my colleagues to support this critical program and provide hope to thousands of Americans who need

treatment for the fatal disease of alcohol and other addiction, alcohol and other drug addiction.

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

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. REGULA. Mr. Chairman, I commend the gentleman for his concern. We have the same concern in the subcommittee. We have put lots of money in the State grants. We have put $100 million in this program. I think it is important that we prove the efficacy of it, give the agency a chance to demonstrate that it will work.

But in the meantime, we are constrained by parliamentary rules, and under the parliamentary requirements, this does require some additional expenditure.

Therefore, Mr. Chairman, I make a point of order against the amendment, because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of Rule XXI. Clause 2 of Rule XXI states in pertinent part: ''An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.''

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of Rule XXI, and I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Minnesota (Mr. RAMSTAD) wish to be heard on the point of order?

Mr. RAMSTAD. I do, Mr. Chairman.

Mr. Chairman, I understand this amendment is subject to a point of order because it seeks to add funding to an account administered by SAMHSA. Unfortunately, the authorization for SAMHSA did expire at the end of last year.

At the very least, Mr. Chairman, this should be a wake-up call for Congress to reauthorize SAMHSA without further delay. SAMHSA is a critical source of treatment funding for the 45 million Americans suffering from mental illness and the 26 million Americans suffering from chemical addiction.

It is unfortunate this amendment will most likely be ruled out of order because Congress has not acted to reauthorize SAMHSA. However, I look forward to working with the gentleman from Ohio (Chairman REGULA) and my other colleagues on the critical mission of expanding access to treatment for people suffering the ravages of chemical addition.

The CHAIRMAN pro tempore. Does the gentleman from Rhode Island (Mr. KENNEDY) wish to be heard on the point of order?

Mr. KENNEDY of Rhode Island. Yes, Mr. Chairman, I would like to be heard on the point of order.

I believe that this is an important point that the gentleman from Minnesota (Mr. RAMSTAD) brought up. I thought it was brought up very poignantly because of the importance of this issue, and I wanted to join him in addressing this issue and to ask my colleagues to acknowledge the real champion on these issues with alcoholism and substance abuse that the gentleman from Minnesota (Mr. RAMSTAD) speaks so eloquently about and is such a leader on.

The CHAIRMAN pro tempore. The Chair is prepared to rule on the point of order.

The proponent of an item of appropriation carries the burden of persuasion on the question of whether it is supported by an authorization in law.

Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law.

The Chair is therefore constrained to sustain the point of order under clause 2(a) of Rule XXI.

The amendment is not in order.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees ''from that agency'' at any single conference occurring outside the United States.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes on the amendment.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Over the last few days, I have heard colleagues from both sides of the aisle address the financial situation that our government finds itself in with regard to the budget deficits and our level of spending. Mr. Chairman, while people may disagree on each side of the aisle on exactly how we got to this point, how we got here, I think most Members will agree that we are, in fact, spending too much money.

That is why I am proposing today a very simple amendment, a commonsense approach, I think, to help limit the amount of money that the government spends of our constituents' hard-earned tax dollars.

My amendment will simply do this: It will limit the number of Federal employees that are sent to international conferences funded under this bill to 50. Recently there has been a trend, unfortunately, by various government agencies to send far in excess of this number of staff to international conferences, costing taxpayers millions upon millions of dollars. Like all of my colleagues, I understand the importance of staff, both on a personal level and on an agency level, but I think we have an obligation to our citizens back at home to do all we can to rein things in.

Let me just take a moment to cite one example. Back in 2002, a U.S. agency sent 236 people to an international AIDS conference in Barcelona, Spain. These employees were sent at a cost of $3.6 million of taxpayers' funds. Someone pointed out after I raised this point earlier how much treatment and how many individuals could have been treated with that $3.6 million had we not sent so many people.

Due to my limited time here right now, I am not going to go into other examples of excesses as far as employees and staff being sent to these conferences; I am just going to urge my colleagues on both sides of the aisle to support this amendment, to support the limited number to 50, a number that we have done on voice vote on a previous bill, on the foreign ops bill, a number that was also concurred with by the Secretary of HHS as well as in his own directive to his employees. So I encourage my colleagues on both sides of the aisle to support this amendment.

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

Mr. REGULA. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

I understand my colleague's concern about international travel. I think that Secretary Thompson has done a good job of trying to get guidelines established in the agency. William Steiger, who is the son of one of our former highly respected House colleagues, is a point person in the agency. They are reviewing their travel requirements.

I am not going to object to the amendment, but I think that Secretary Thompson is very much aware of this problem, and I think he will address it certainly in the way in which he administers the Department. He has done a superb job in handling a very difficult agency in HHS. There may be special occasions when it requires more than 50, particularly when many of these meetings are in Canada.

But in any event, we will address this as we go along, and we are not going to object to it today.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NEUGEBAUER

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NEUGEBAUER:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. __. None of the funds made available in this Act for the National Institute of Mental Health may be used to fund grant number MH054142 & MH064527.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas. (Mr. NEUGEBAUER).

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

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

My amendment would prohibit the National Institute of Mental Health from further funding a grant studying the decorations of dorm rooms and college students' Web pages. It also would prohibit NIMH from further funding a grant studying what makes for a meaningful day.

This would not cut out any funding for NIMH; it would simply focus research funding that is provided toward serious mental health issues and not interior decoration.

I have personally read this grant application and found that each participant was allowed to receive $100 for decorating his dorm room and, additionally, three $1,000 prizes were given away in a lottery to the study participants.

The second application states that ''for many students, attending college may be a source of meaning itself, as a stepping stone to future goals or as a means of occupying a meaningful social role.'' Now, I do not think we need to spend $1 million for college students to determine what is a meaningful day in their life.

Each of us meet with constituents on a daily basis with serious mental health issues threatening not only themselves, but their families. Right now, when Americans are facing these unbearable losses, taxpayer dollars should be focused on serious mental health issues like bipolar disorders and Alzheimer's.

Research areas under the NIMH include Alzheimer's, schizophrenia, bipolar disorder, and suicide prevention. Grants to questionable studies like dorm room wall decorations cloud many of the good things that the National Institute of Mental Health does and can do.

According to a recent study published by the Treatment Advocacy Center and Public Citizen, ''Individuals with serious mental illnesses account for 58 percent of our direct costs for all mental illness. However, only 5.8 percent of the NIMH budget funds 'clinically relevant' studies.''

I have no doubt that those receiving those NIH funds will conclude that their research is valid, but when I talk to Americans with mental health issues and mental illnesses, I want to be able to tell them that we are committing NIH funds to studying serious mental health issues.

□ 1545

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me time, and I thank the gentleman for bringing this important amendment forward. Every once in a while you just have to stand back and say, hey, you have gone too far here, and studying dorm room walls to see if the paintings or the decorations on them say something about the health of the student or whatnot is just going too far.

I can look back at college and I can tell my colleagues my dorm room walls were pretty bare. It said one thing about me, that I was broke, and that is what most students are worried about in college, just getting through. To tell them that they are paying taxes and some of their taxes are going to study what they have put on their dorm room walls, as to what that tells about them, is simply absurd.

So I think every once in a while you have to step back and say we will have none of this; you have gone too far, the taxpayers deserve better.

I thank the gentleman for bringing it forward, and I urge support for the amendment.

Mr. NEUGEBAUER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Texas has 1½ minutes remaining.

Does the gentleman from Ohio (Mr. REGULA) seek the time in opposition?

Mr. REGULA. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, I thank the gentleman for yielding me time.

I would like to commend the gentleman from Texas for working with me. I would like to commend the gentleman and thank the gentleman for the advance notice seeking to rescind funding for a competitive grant that has been awarded to a constituent of mine. I would like to, but I cannot because he did not have the common courtesy to advise me of that in advance.

Certainly, the gentleman portrays the amendment in a simplistic way, and I know that is certainly great fodder for an election-year press release, but I would say to the gentleman that the grant itself does have substance.

First about the scientist. Dr. Laura King, who is a constituent of mine at Columbia, Missouri, I would like to put her curriculum vitae into the RECORD, Mr. Chairman, at this point.

LAURA A. KING, PH.D.

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Academic Record & Honors

Ph.D.—1991 University of California, Davis, Psychology, with distinction

M.A.—1990 University of California, Davis, Psychology

M.A.—1989 Michigan State University, Psychology, Phi Kappa Phi

A.B.—1986 Kenyon College, English Literature with High Honors & Distinction; Psychology with Distinction; summa cum laude, ranked 2nd in class; Phi Beta Kappa; Semi-finalist for the Mellon Fellowship in the Humanities, 1986; Awards for Outstanding Junior English Major (1985) and Outstanding Senior Psychology Major (1986)

Research Grants Awarded

NIMH/FIRST Award MH54142 $475,728.00, 1995–2000 ''Goals, Identity, and Meaning in Life''

NIMH 2R01MH054142–06A2 (same grant, different name) ''Goals, Memory, and Self-Regulation'', 2002–2005; $450,000

Templeton Prize in Positive Psychology, $50,000 (including $35,000 unrestricted research grant)

Awards

Chancellor's Award for Outstanding Research and Creative Activity in the area of Social and Behavioral Sciences, 2004, University of Missouri

Named a H.O.P.E. Professor for excellence in teaching, SMU, 2000

Maguire Teaching Fellow (for Teaching Ethics), SMU, 2000

The ''M'' Award presented by SMU for ''sustained excellence,'' 1999

Mortar Board Senior Honor Society Faculty Appreciation Award, 1998

Rotunda Outstanding Faculty Teaching Award, SMU, 1996

Faculty Member of the Month Award, SMU Student Association, April, 1995

Professional Experience

2003–present—Professor, University of Missouri, Columbia

2001–2003—Associate Professor, University of Missouri, Columbia

1997–2001—Associate Professor, Southern Methodist University

1991–1997—Associate Professor, Southern Methodist University

1988–1991—Teaching Assistant and Instructor, University of California, Davis

1988—Graduate Assistant, Murray Lectures Committee, M.S.U.

1986–1988—Teaching Assistant, Michigan State University

1984–1986—Writing Clinic Tutor, English Department, Kenyon College

Professional Affiliations

Society for Personology (Elected for membership, 2004); Association for Research in Personality—elected Member At Large, 2002; American Psychological Association; APA Division 8; American Psychological Society; Midwestern Psychological Association; Society of Experimental Social Psychology; International Society for Self and Identity

Editorial Activities

Associate Editor, Journal of Personality and Social Psychology 1999–2003

Associate Editor, Personality and Social Psychology Bulletin 1998–1999

Guest Co-editor, with Kennon Sheldon American Psychologist: Special Section on Positive Psychology, 2001; Guest Editor, Journal of Personality: Special Section: Personality Development and Personal Growth, 2002; Editorial Board, Journal of Personality, 1996–2003; Journal of Personality and Social Psychology, 1997–1999; Ad hoc Reviewer, Psychological Bulletin, Psychological Review, Personality and Social Psychology Bulletin Journal of Abnormal Psychology, Social Cognition, Journal of Research in Personality, Basic and Applied Social Psychology, Journal of Social and Personal Relationships, Psychological Science

Grant Review Panels

National Institutes of Health Panel RPHG–4, 1999–2003 SPIP, 2003–present; Special emphasis panels, 3/2000, 7/2000

PUBLICATIONS

Articles

Scollon, C.N., & King, L.A. (2004). Is the good life the easy life? Social Indicators Research 68, 127–162.

Twenge, J.M., & King, L.A. (in press). A good life is a personal life: Relationship fulfillment and work fulfillment in judgments of life quality. Journal of Research in Personality.

King, L.A., & Raspin, C. (2004). Lost and found possible selves, well-being and ego development in divorced women. Journal of Personality, 72, 603–631.

Burton, C.M., & King, L.A. (2004). The health benefits of writing about peak experiences. Journal of Research in Personality, 38, 150–163.

King, L.A., & Smith, S.N. (2004). Happy, mature, and gay: Intimacy, power, and difficult times in coming out stories. Journal of Research in Personality, in press.

King, L.A., & Smith, N.G. (2004). Gay and straight possible selves: Goals, identity, subjective well-being, and personality development. Journal of Personality, 72, 967–994.

King, L.A. (2003). The Mysterious and Audacious World of Melanie Klein. Contemporary Psychology, 48.

King, L.A. (2003). Money really doesn't buy happiness. Analyses of Social Issues and Public Policy.

King, L.A. (2003). Some truths behind the trombones? Psychological Inquiry, 128–131. Invited commentary on Lazarus.

Singer, J.A., King, L.A., Green, M.C., & Barr, S.C. (2002). Personal Identity and Civic Responsibility: ''Rising to the Occasion'' Narratives and Generativity in Community Action Student Interns. Journal of Social Issues 58, 535–556.

King, L.A. (2002). Personal growth and personality development: A foreword to the special section. Journal of Personality, 70, 1–4

King, L.A. (2001). The health benefits of writing about life goals. Personality and Social Psychology Bulletin, 27, 798–807.

Sheldon, K., & King, L.A. (2001). Why positive psychology is necessary. (foreword to the special section). American Psychologist, 56, 216–217.

King, L.A. (2001). The hard road to the good life: The happy, mature person. The Journal of Humanistic Psychology, Special Issue on Positive Psychology, 41, 51–72.

King, L.A., & Patterson, C. (2000). Reconstructing life goals after the birth of a child with Down Syndrome: Finding happiness and growing. International Journal of Rehabilitation and Health, 5, 17–30.

King, L.A. (2000). Why happiness is good for you: A commentary on Fredrickson. Prevention and Treatment, 3, Article 4. Available on the World Wide Web: http://journals.apa.org/prevention/volume3/pre0030004c.html.

King, L.A., Scollon, C.K., Ramsey, C.M., & Williams, T. (2000). Stories of life transition: Happy endings, subjective well-being, and ego development in parents of children with Down Syndrome. Journal of Research in Personality, 34, 509–536.

King, L.A., & Miner, K.N. (2000). Writing about the perceived benefits of traumatic life events: Implications for physical health. Personality and Social Psychology Bulletin, 26, 220–230.

Pennebaker, J.W., & King, L.A. (1999). Linguistic Styles: Language use as an individual difference. Journal of Personality and Social Psychology, 77, 1296–1312.

King, L.A. (1998). Ambivalence over emotional expression and reading emotions in situations and faces. Journal of Personality and Social Psychology, 74, 753–762.

King, L.A., & Napa, C. (1998). What makes a life good? Journal of Personality and Social Psychology, 75, 156–165.

King, L.A., Richards, J., & Stemmerich, E.D. (1998). Daily goals, life goals, and worst fears: Means, ends, and subjective well-being. Journal of Personality, 66, 713–744.

King, L.A., & Pennebaker, J.W. (1998). What's so great about feeling good? Psychological Inquiry, 9, 53–56. (Invited commentary on Ryff & Singer).

King, L.A., & Broyles, S. (1997). Wishes, gender, personality, and well-being. Journal of Personality, 65, 50–75.

King, L.A., & Williams, T. (1997). Goal orientation and performance in the martial arts. Journal of Sport Behavior, 20, 397–411.

King, L.A., McKee-Walker, L. & Broyles, S. (1996). Creativity and The Five Factor Model. Journal of Research in Personality, 30, 189–203.

King, L.A. (1996). Who is regulating what and why? The motivational context of self-regulation. Psychological Inquiry, 7, 57–61. (Invited commentary on Baumeister & Heatherton).

King, L.A. (1995). Wishes, motives, goals, and personal memories: Relations and correlates of measures of human motivation. Journal of Personality, 63, 985–1007.

King, L.A. (1993). Emotional expression, conflict over expression, and marital satisfaction. Journal of Social and Personal Relationships, 10, 601–607.

King, L.A., Emmons, R.A., & Woodley, S. (1992). The structure of inhibition. Journal of Research in Personality, 26, 85–102.

King, L.A., & Emmons, R.A. (1991). Psychological, physical and interpersonal correlates of emotional expressiveness, conflict and control. European Journal of Personality, 5, 131–150.

King, L.A., & Emmons, R.A. (1990). Conflict over emotional expression: Psychological and physical correlates. Journal of Personality and Social Psychology, 58, 864–877.

Emmons, R.A., & King, L.A. (1989). Personal striving differentiation and affective reactivity. Journal of Personality and Social Psychology, 56, 478–484.

Emmons, R.A., & King, L.A. (1988). Conflict among personal strivings: Immediate and long-term implications for psychological and physical well-being. Journal of Personality and Social Psychology, 48, 1040–1048.

Chapters

King, L.A., Eells, J.E., & Burton, C.M. (2004). The good life, broadly defined. In A. Linley, & S. Joseph, (Eds.), Positive Psychology In Practice. (pp. 35–52). New Jersey: John Wiley and Sons.

King, L.A. (2003). Measures and meanings: The use of qualitative data in social and personality psychology. In C. Sansone, C. Morf, & A. Panter, Handbook of Methods in Social Psychology, (pp. 173–194). NY: Sage.

King, L.A., & Burton, C.M. (2003). The Hazards of Goal Pursuit. In E. Chang & L. Sanna (Eds). Virtue, Vice and Personality: The Complexity of Behavior. (pp. 53–70). Washington, D.C.: APA.

King, L.A. (2002). Gain Without Pain: Expressive Writing and Self Regulation. In S.J. Lepore & J. Smythe (Eds.), The Writing Cure, Washington, D.C.: American Psychological Association.

King, L.A. (1998). Personal goals and personal agency: Linking everyday goals to future images of the self. In M. Kofta, G. Weary, and G. Sedek (Eds.), Personal Control in Action: Cognitive and Motivational Mechanisms (pp. 109–128). New York City, NY: Plenum.

King, L.A., & Emmons, R.A. (2000). The assessment of motivation. In A.E. Kazdin (Ed.), Encyclopedia of Psychology, Vol. 5. (pp. 320–324). New York: American Psychological Association and Oxford University Press.

King, L.A., & Napa, C. (1999). Ambivalence. In D. Levinson, J. Ponzetti, & P. F. Jorgensen (Eds.), The Encyclopedia of Human Emotions, New York, NY: MacMillan Reference.

King, L.A., & Pennebaker, J.W. (1997). Thinking about goals, glue, and the meaning of life. In R.S. Wyer, Jr. (Ed.), Advances in Social Cognition (pp. 97–105). Hillsdale, NJ: Lawrence Erlbaum Associates.

Emmons, R.A., King, L.A., & Sheldon, K. (1992). Goal Conflict and the Self-Regulation of Action. In D. M. Wegner and J. W. Pennebaker (Eds). Handbook of Mental Control (pp. 528–551). Englewood Cliffs, NJ: Prentice Hall.

Emmons, R.A., & King, L.A. (1992). Thematic analysis, experience sampling, and personal goals. In C.P. Smith (Ed.), Thematic content analysis for motivation and personality research (pp. 73–86). New York: Cambridge University Press.

Emmons, R.A., & King, L.A. (1989). On the personalization of motivation. In T.K. Srull & R.S. Wyer, Jr. (Eds), Advances in social cognition (V. 2., pp. 111–122). Hillsdale, NJ: Erlbaum.

Manuscrips Under Review

King, L.A. Happy endings.

King, L.A., Hicks, J.A., Baker, A.K., & Krull, J. Positive affect and the experience of meaning

King, L.A. & Eells, J.E. Older but wiser, and happier and nicer: Folk concepts of maturity.

Lyubomirsky, S., King, L.A., & Diener, E. The benefits of positive emotion.

King, L.A., Baker, A.K., & Burton, C.M. The relocation of joy: Rediscovering happiness after a life transition.

Manuscripts In Preparation

King, L.A., Hicks, J., & Burton, C. Self disclosure vs. self construction: Reconsidering the healing power of writing

King, L.A., & Williams, T. Enacting a life dream: Implications for daily experience, and psychological and physical well-being.

King, L.A., & Kennedy, T.D. What they did for love; Generativity, subjective well-being and the career narratives of professional dancers.

King, L.A., & Marquis, J. Making a contribution: Changing life goals, generativity, and subjective well-being in infertile individuals.

King, L.A. The consequences and correlates of the pursuit of happiness.

Williams, T., King, L.A., & Eels, J. Are important goals difficult? Person X Appraisal Interactions in Personal Goals.

Drigotas, S.M., & King, L.A. Intuition, emotional intelligence, and social functioning.

PRESENTATIONS

Invited Colloquia and Talks

King, L.A. (2004, May). Who I am and who I was: Stories of the discovery and construction of meaning in life transitions. Presented

in Symposium entitled ''Second Changes in Life: Transformative Stories of Self and Society. Dan McAdams, Chair. Foley Center for the Study of Lives, Northwestern University.

King, L.A. (2004, April). Happiness and the Meaningful Life. Keynote Speaker Address. Michigan Undergraduate Research Conference. Kalamazoo College.

King, L.A. (2004, April). Stories of Life Transition: Implications for Happiness and Personality Development. Kenyon College, Gambier, OH.

King, L.A. (2004, April). Writing for Our Lives: Implications for psychological and physical health. Kenyon College, Gambier, OH.

King, L.A. (2003, May). A Meaningful Life: The positive psychology approach to the Life Story. Psi Chi Distinguished Speaker Presentation. Midwestern Psychological Association Convention. Chicago, IL.

King, L.A. (2002, October). In favor of happy endings. Presented at the International Positive Psychology Summit, Washington, D.C.

King, L.A. (August, 2002). All that ends well really is well. Invited address, presented at a Presidential Symposium. American Psychological Association, Chicago, IL. Martin Seligman, Chair.

King, L.A. (2002, February). The relative weight of work and family in judgments of life quality. University of Maryland, College Park, MD.

King, L.A. (2001, December). The Articulated Self: Writing, revising and reinventing the life story. University of Pennsylvania, Philadelphia, PA.

Twenge, J., & King, L.A. (2001, October). A good life is a good personal life. University of Illinois, Urbana-Champaign.

King, L.A. (2001, February). Goals, stories, and the meaning of life. University of Missouri, Columbia, MO.

King, L.A. (2001, February). Healthy Pleasures. Two talks, plus discussion presented as part of SMU's Godbey Lecture Series, Looking on the Bright Side of Life, with Mike McCullough.

King, L.A. (2000, April). Trivial Pursuits and Magnificent Obsessions: The Role of Life Goals in Happiness, Health, and Maturity. University of North Carolina, Chapel Hill, NC.

King, L.A. (2000, Spring). The Psychology of the Good Life. Godbey Lecture Series, Southern Methodist University. A series of four lectures, plus discussion, presented in Dallas, TX.

King, L.A. (2000, February). Are only bad things good for us? University of Texas at Austin.

King, L.A. (2000, February). Lost and found possible selves: The role of what might have been in subjective well-being and personality development. Presented at the First Annual Personality Preconference, The Society for Personality and Social Psychology Conference. Nashville, TN.

King, L.A. (1999, October) Reconstructing the future: Personal growth, subjective well-being, and physical health in response to life changing events. Iowa Psychological Association Convention, Pella, IA.

King, L.A. (1999, November). Lost and Found Possible Selves: Implications for Well-being and Maturity. Feminist Reading Group, Southern Methodist University. Dallas, TX.

King, L.A. (1999, April). What the stories we tell say about us: Subjective well-being and personal growth. University of Texas at Dallas.

King, L.A. (1998, February). A psychology of Goya's Los Caprichos. Meadows Museum of Art. Southern Methodist University, Dallas, TX.

King, L.A., & Napa, C. (1997, April). What makes life worth living? Presented at the Midwestern Psychological Association Convention, Chicago, IL.

King, L.A. (1996, October). Emotional disclosure: Basic mechanisms and re-writing the life story, Universidad Autonomous de Mexico (UNAM), Mexico City.

King, L.A. (1996, March). Personal goals and personal development: Becoming the people we want to be. Southern Methodist University, Dallas, TX.

King, L.A. (1996, February). Daily goals and best possible selves: Implications for Subjective well-being. University of Michigan, Ann Arbor, MI.

King, L.A. (1996, April). Personal strivings, possible selves and the meaning of life. Invited paper presented at the Southwestern Psychological Association Convention, San Antonio, TX.

King, L.A. (1995, December). Goals, wishes, and ultimate life dreams: Explorations in personality and motivation. The University of Houston, Houston, TX.

King, L.A. (1994, September). Goal conflict, ambivalence and psychological well-being. Department of Psychiatry, Universitat Ulm and the Psychiatric Hospital at Weissenau, Germany.

King, L.A. (1994, September). Linking current goals to future images of the self: Implications for well-being and goal progress. Presented at an invited conference entitled ''Issues in Personal Agency.'' The University of Warsaw, Poland. M. Kofta, G. Weary, and G. Sedek, Organizers.

King, L.A. (1994, December). Personal strivings and the imagined future self: Implications for subjective well-being. The University of Texas-El Paso, El Paso, TX.

King, L.A. (1993, November). Ambivalence over emotional expression and the interpretation of emotional stimuli, Texas A&M University, Bryan-College Station, TX.

Symposia Organized

King, L.A. Chair (2000, October). Happiness, Optimism, Hope and Maturity: A social psychology of human strengths. Society of Experimental Social Psychology. Contributors: Ed Diener & Carol Nickerson, Sonja Lyubomirsky, C. R. Snyder, and Laura King.

Selected Conference Papers

King, L.A., Baker, A. K., Velasquez, L., & Burton, C. M. (2004). Changes, happiness, and maturity, APA.

King, L.A. & Baker, A. K. (2003). The Relocation of Joy: American Psychological Association Convention.

King, L.A. (2002, April). Writing and revising your way to health and happiness. Presented at the SPAM Meeting, Columbia, MO.

King, L.A. (2002, February). The self looks upon itself transformed: Narrative explorations in self change. Society for Personality and Social Psychology, in a symposium entitled ''Self Perception.'' Savannah, GA.

King, L.A. (1999, January). If it's positive, it must be an illusion. Presented at the First Annual Invited Conference of Positive Psychology, Akumal, Mexico.

King, L.A. (1998, June). Stories of life transitions: Happy endings and subjective well-being. Presented at the Nags Head Conference on Personality and Social Behavior.

King, L.A. (1997, August). Doesn't everybody just want to be happy? Presented in a symposium entitled, ''Looking on the Bright Side'' C. Langston, Chair. 105th Annual Convention of the American Psychological Association. Chicago.

King, L.A. (1997, July). Finding meaning in traumatic events: Implications for physical well-being. Presented in a symposium entitled ''Trauma: Social, Clinical, and Personality Perspectives'' Luc Vandenberg, Chair. 4th annual European Congress of Psychology, Dublin, Ireland.

King, L.A. (1995, June), Linking current goals to future images of the self: The case of Pre-med students. Presented at the Nags Head Conference on Personality and social Behavior, Highland Beach, FL.

King, L.A. (1994, August), Implicit and Self-Attributed Motives: Relations to Private Wishes, Worst Fears, and Awareness. Paper presented in a symposium entitled, ''Implicit and Explicit Motivation.'' W. Fleeson, Chair. 102nd Annual Convention of the American Psychological Association. Los Angeles, CA.

King, L.A. (1994, August). Personal strivings and ultimate life goals: Linking the present with the future. Presented in a symposium entitled, ''Goals Units in Personality: Development and Change of Personal Goals.'' C. Langston, Chair. 102nd Annual Convention of the American Psychological Association. Los Angeles, CA.

King, L.A. (1994, June). Personal goals and personal development: Development as a deliberate process. Presented at the Nags Head Conference on Personality and Social Behavior, Highland Beach, FL.

King, L.A. & Whitmore, J. (1993, April). Ambivalence over Emotional Expression and Interpretation of Emotional Stimuli. Paper presented at the 65th Annual Convention of the Midwestern Psychological Association. Chicago, IL.

King, L.A. (1992, August). Intrapsychic Conflict and Self-destructive Behavior: A Vicious Circle. Presented at Symposium entitled ''Self-Destructive Behavior: Clinical, Social and Personality Perspectives'' R. A. Emmons, Chair. American Psychological Association Convention, Washington, D.C.

King, L.A. (1992, May). Autonomic Correlates of Writing about Emotion. Presented at the Nags Head Conference on Affect and Cognition, Highland Beach, FL.

King, L.A. (1992, May). Goals and Motives to Achieve: Motivational Contributions to Performance. Paper presented at the Midwestern Psychological Association. Chicago, IL.

Selected Recent Poster presentations

King, L.A., Scollon, C. K., & Eells, J. (2001, February). Counting our blessings: Gratitude, mood and well-being. Presented at the Society for Personality and Social Psychology. San Antonio, TX.

King, L.A., Patterson, C., Smith, S.N., & Ruff, K. (2000, August). Reclaiming agency: Motivational themes in the autobiographical memories of divorced women. Presented at the American Psychological Association Convention, Washington, D.C.

King, L.A., Patterson, C., Smith, S.N., & Ruff, K. (2000, August). Mature, happy and gay: Exploring healthy adulthood via coming out stories. Presented at the American Psychological Association Convention, Washington, D.C.

Patterson, C., & King, L.A. (1999, August). the lost and found possible selves of parents of children with Down Syndrome: Implications for psychological well-being. Presented at the American Psychological Association Convention, Washington, D.C.

Meier, J. A., & King, L.A. (1999, May). Emotional writing in infertile women: Psychological distress and conception. Paper presented at the Midwestern Psychological Association Convention, Chicago, IL.

Napa, C. K., & King, L.A. (1999, May). Is the good life the easy life? Presented at the Midwestern Psychological Association Convention, Chicago, IL.

Scollon, T. B., & King, L.A. (1998, August). Psychological responses to life goal change. Presented at the 106th Annual APA Convention. San Francisco, CA.

Napa, C. K., & King, L.A. (1998, May). Admirable Lives. Midwestern Psychological Association Convention. Chicago, IL.

Fisk, L., & King, L.A. (1998, May). Best and lost possible selves: Psychological well-being

in injured athletes. Midwestern Psychological Association Convention. Chicago, IL.

Miner, K., & King, L.A. (1996, August). Writing about traumatic events and recovery: Implications for psychological and physical well-being. Presented at the 104th Annual Convention of the American Psychological Association. Toronto, Canada.

King, L.A. (1995, August). Ambivalence over emotional expression in survivors of sexual trauma. Presented at the 103rd Annual Convention of the American Psychological Association. Los Angeles, CA.

Counseling Experience & Community Service

2002—PRISM Board Member (Columbia, MO Gay-Straight Teen Alliance)

1993–1995—Literacy Volunteers of America (LVA), literacy tutor in Dallas County

1993-present—Certified to train literacy tutors

1993—LVA Dallas Curricular Review Board Member

1989 to 1991—Certified HIV test counselor Davis, CA, Davis Community Clinic

Teaching Interests

Undergraduate courses taught: Personality Psychology; Introductory Psychology; Social Psychology; Personality and Social Development; The Person in Psychology and Literature (in the SMU in Oxford program); The Psychology of Sexual Behavior; Research Design; Graduate courses taught: The Psychology of Character (awarded the Maguire Teaching Fellowship for courses in Ethics); Research Design; Quantitative methods II: Multivariate Statistics; Contemporary Approaches to Social Psychology; Additional interests: Health Psychology, The Psychology of Emotion; Contemporary Issues in Personality; The Storied Self; Graduate Seminar in Personality; Undergraduate Statistics for Psychology; Honors Introduction to Psychology.

In addition, of course, to the many awards, she was most recently awarded the University of Missouri's Chancellor's Award for outstanding research and creativity activity in the area of social and behavioral sciences, not to mention the fact that the scientific field has recognized her because of this important work with the American Psychological Association, Templeton Positive Psychology Prize.

In addition, as the curriculum vitae will indicate, Dr. King has had 30 separate presentations. She is preparing seven manuscripts in preparation, five manuscripts under review, 11 chapters and manuscripts already published, and 34 published articles; but particularly as it relates to the substance of the study, this study has relevance to the prevention of mental disorders, just as the gentleman says that he professes that he supports.

Giving patients tools to alleviate depression could minimize the development of other chronic health conditions that flow from depression. Specifically, I would say that studies have shown prevalence of depression and severe psychological problems among college students is growing. Sixty-one percent have reported feeling hopeless; 45 percent felt so depressed they could barely function; 9 percent felt suicidal.

Perhaps that is not of relevance or significance to my colleague, but I certainly would say to him that the average age of diagnosis for bipolar disorder is 21, and 27 years for unipolar depression, and 5 percent of college students drop out of college due to psychiatric disorders.

So, again, I recognize that the gentleman wants to talk about being fiscally responsible, and certainly Congress has a prerogative to exercise congressional oversight, but I would just say to the gentleman, as it relates specifically to the funding and the study specifically, that that is a legitimately peer-reviewed award by the National Institutes of Health, a grant was competitively sought, that was, in fact, awarded to a very distinguished scientist in this particular field, and I would urge a ''no'' vote on the gentleman's amendment.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, first of all, I would like to thank the gentleman from Ohio (Chairman REGULA) for yielding me time.

Mr. Chairman, I would also like to say very rarely, if ever, have I ever disagreed with my friend from Texas (Mr. NEUGEBAUER) before, but I do oppose this amendment today.

The intent of this amendment is to ensure that the National Institutes of Health is prudent about which grants are funded through their peer-review process. While I agree with this intent, I do not think the amendment accomplishes that goal.

For instance, the University of Texas grant currently under discussion has already been funded and completed in previous fiscal years. Furthermore, any discussions about follow-up funding do not pertain to the Labor-HHS appropriations bill currently under consideration.

This project has received funding for a second study, but it was awarded by the National Science Foundation in the VA–HUD appropriations bill, which has not yet been brought to the House floor for consideration.

Mr. Chairman, I encourage my colleagues to vote against this amendment and instead focus our efforts on reforming the National Institutes of Health grant selection process.

Mr. NEUGEBAUER. Mr. Chairman, can I inquire how much time I have left.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. NEUGEBAUER) has 1½ minutes remaining. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining, and the gentleman from Ohio has the right to close.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I rise in strong support of the Neugebauer amendment as a commonsense statement about what I think the American people would have us do in this majority, and that is, after allowing our distinguished appropriators to do their level best in producing legislation that the gentleman from Ohio (Chairman REGULA) has produced is to come to this floor and in the absence of a Presidential line item veto to try and do that ourselves.

The amendment in particular of the gentleman from Texas (Mr. NEUGEBAUER) in focusing, as it does, on funding that would in one case explore the value and merit of dormitory decorations is precisely that which, I believe if the President had a line item veto, would be struck from legislation again and again.

The gentleman from Texas (Mr. NEUGEBAUER) is new to this institution, but he is demonstrating a courage and a conviction and, more to the point, a common sense that I think is a great value to this institution. I rise with great respect to the members of the committee who have produced this important and meritorious legislation to strongly support the Neugebauer amendment.

Bring common sense back to the spending process. Pass the Neugebauer amendment today.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. NEUGEBAUER) has 30 seconds remaining.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself the remaining time.

Well, first of all, I want to thank the distinguished chairman for his hard work in bringing this bill forward. It is a good bill.

I believe that we do have to bring some common sense to this process, and we have to be good stewards of the American taxpayers' money, and there are some serious mental health issues that need to be addressed in this country. Our charge as Members of this Congress is to prioritize how we spend that money and make sure that we are putting it into areas where there are serious mental health issues at risk.

Certainly, I think that this amendment is very positive and would encourage Members to vote in support of this amendment.

Mr. REGULA. Mr. Chairman, I yield myself the remaining time.

I am not going to oppose this in a vote because the grants are over. They have been completed. The amendment does not have any impact, in essence; but I think the gentleman is trying to make a point that they ought to be cautious about what type of grants they fund.

I would point out that NIH funds almost 40,000 grants annually; and, obviously, when you look at 40,000, you can find a couple that you might have some question about the efficacy of those particular grants, but on the other hand, I would not want to get our committee or this body in the position of trying to monitor or to be in the decision-making process on what grants are funded.

We have very capable people at NIH. It is peer-reviewed by physicians, by people who are very knowledgeable on

the subject; and the objective of many of these grants is ultimately in good faith to, in some way, improve the health conditions. But given the fact that they are over with, I am not going to object to the amendment.

The CHAIRMAN pro tempore. All time for debate has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment by Mr. OBEY of Wisconsin; amendment No. 6 by Mr. HAYWORTH of Arizona; amendment by Mr. KILDEE of Michigan; amendment by Mr. STARK of California; amendment No. 3 by Mr. PAUL of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 193, not voting 18, as follows:

[Roll No. 434]

AYES—223

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—193

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—18

Ballenger
Cannon
Clyburn
Goss
Greenwood
Johnson, Sam
Kanjorski
Lucas (OK)
Majette
Nethercutt
Quinn
Ryan (OH)
Schrock
Shuster
Tauzin
Toomey
Waters
Young (AK)

□ 1621

Mrs. CUBIN changed her vote from ''aye'' to ''no.''

Ms. HARMAN and Mr. MURPHY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. MAJETTE. Mr. Chairman, I was unavoidably detained during the vote on the Obey amendment to the Labor, HHS, Education Appropriations bill for FY 2005. Had I been present for the vote on the Obey amendment to protect overtime I would have voted "yes."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY). Pursuant to clause 6 of rule XVII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 6 OFFERED BY MR. HAYWORTH

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 227, not voting 21, as follows:

[Roll No. 435]

AYES—185

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Flake

Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hobson
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Manzullo
Matheson
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Pickering
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Sessions
Shadegg
Shaw
Sherwood
Simpson
Smith (MI)
Smith (TX)
Souder
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Vitter
Walden (OR)
Wamp
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—227

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frost
Gibbons
Gonzalez
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOT VOTING—21

Ballenger
Cannon
Delahunt
Gephardt
Goss
Greenwood
Istook
Kanjorski
Kleczka
Lucas (OK)
Moran (KS)
Nethercutt
Quinn
Ros-Lehtinen
Ryan (OH)
Schrock
Shuster
Tauzin
Terry
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1630

Ms. DUNN changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KILDEE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. KILDEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 3, not voting 17, as follows:

[Roll No. 436]

AYES—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
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
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder

Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—3

Blunt
Istook
Kingston

NOT VOTING—17

Ballenger
Cannon
Delahunt
Gephardt
Goss
Greenwood
Kanjorski
Lucas (OK)
Moran (KS)
Nethercutt
Quinn
Ryan (OH)
Schrock
Shuster
Tauzin
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1638

Mr. SHIMKUS changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STARK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. STARK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 216, not voting 22, as follows:

[Roll No. 437]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutknecht
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—22

Ballenger
Cannon
Delahunt
Ford
Gephardt
Goss
Greenwood
Gutierrez
John
Kanjorski
Lucas (OK)
Moore
Moran (KS)
Nethercutt
Quinn
Ryan (OH)
Schrock
Shuster
Tanner
Tauzin
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY)(during the vote). Members are reminded that there are 2 minutes remaining to vote.

□ 1646

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. PAUL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 95, noes 315, not voting 23, as follows:

[Roll No. 438]

AYES—95

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Camp
Cantor
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hayes
Hefley
Hensarling
Herger
Hoekstra
Hostettler
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Jones (NC)
Kennedy (MN)
King (IA)
Kingston
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Manzullo
McCotter
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Ose
Otter
Paul
Pence
Petri

Pitts
Pombo
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
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Smith (MI)
Souder
Stearns
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Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Upton
Vitter
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NOES—315

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
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Baird
Baker
Baldwin
Barton (TX)
Bass
Beauprez
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Berry
Bishop (GA)
Bishop (NY)
Blumenauer
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Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burr
Butterfield
Buyer
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Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chandler
Clay
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Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
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Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
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Gonzalez
Gordon
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Green (TX)
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Hooley (OR)
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Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Keller
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Kennedy (RI)
Kildee
Kilpatrick
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King (NY)
Kirk
Kleczka
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Knollenberg
Kolbe
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Larsen (WA)
Larson (CT)
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LaTourette
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Lewis (CA)
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Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
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Maloney
Markey
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Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
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Oberstar
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Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—23

Ballenger
Cannon
Delahunt
Gephardt
Goss
Greenwood
Istook
Kanjorski
Langevin
Lucas (OK)
McInnis
McNulty
Moran (KS)
Nethercutt
Quinn
Rush
Ryan (OH)
Schrock
Shuster
Tanner
Tauzin
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded 2 minutes remain to record their vote.

□ 1654

Mrs. MILLER of Michigan changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. BORDALLO:

At the end of bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to enforce the limitations under section 1108 of the Social Security Act on the amount certified for fiscal year 2005 with respect to title XIX of such Act with respect to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands, but only insofar as such amount provided by this Act does not exceed $9,190,000 for Guam, $9,420,000 for the Virgin Islands, $5,950,000 for American Samoa, and $3,380,000 for the Northern Mariana Islands, and the amount otherwise provided by this Act for ''Centers for Medicare and Medicaid Services—Program Management'' is hereby reduced by $8,000,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. BARTON) each will control 5 minutes.

The Chair recognizes the gentlewoman from Guam (Ms. BORDALLO).

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

I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY) for allowing me the opportunity to offer this amendment. I come before the House today to address the chronic health care disparities in the Insular Areas.

This amendment temporarily brings the Insular Areas into parity with the funding of other States. While States receive between 50 to 75 percent in Federal matching funds for their Medicaid costs, Guam and the Insular Areas' matching funds are arbitrarily reduced to 25 percent at the most. The gap in funding must therefore be borne by the local governments. This financial burden has crippled the health care system in Guam.

Chronic illnesses such as cancer and heart disease are abnormally prevalent in the Insular Areas. Diabetes is a leading cause of death on Guam. Contagious diseases like tuberculosis are a constant threat to the health of our children. Patients needing emergency care in Guam are often medvaced to Hawaii for treatment, largely at their own expense. Guam's only cancer clinic has recently closed. The Guam Memorial Hospital Authority is on the verge of bankruptcy with constant safety concerns.

The gentleman from Indiana (Chairman BURTON), the gentleman from California (Mr. HONDA), the gentleman from American Samoa (Mr. FALEOMAVAEGA), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) have each advocated forcefully that Congress address this issue. And now is the time to do it.

We have had a hearing on the dangerous health care disparities in the Insular Areas. The GAO is currently conducting a study to further document these problems. The amendment before us has been scored by CBO and is fully offset.

Listen to the plea for medical assistance coming from the Insular Areas. America's most disadvantaged citizens truly need our help, and this is the first step in the right direction; and I urge the Members to support it.

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

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition to this amendment. Obviously I am not opposed to providing additional dialysis and health care for the residents of the Virgin Islands and Guam and the Northern Mariana Islands. However, having said that, the way this amendment is structured, if we were to support the amendment, if it were to pass, it would change the Medicaid funding formula, which, as we all know, is a very sensitive issue and is something that in the next Congress I intend to make a major effort to do a fair reform of that formula.

If this amendment were to pass, it is my understanding that the people that are covered by the amendment, 2 million out of the 3 million covered are qualified for Medicaid, and there could be, I am not saying there would be, but could be as much as $28 million in expenditures, additional expenditures. Since I have the committee of jurisdiction and we had not even been approached on this until either yesterday

or today, I would hope that the gentlewoman and the gentleman from Indiana would withdraw the amendment and we could work with them to find a way to get some funding this year in some additional bill that is going to come before the floor.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I had an opportunity to speak with the gentleman from Texas (Chairman BARTON) about this issue; and as I understand it, he is pretty much committed to helping get these funds this year through another source to help the people in this area.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, the gentleman is correct. I am not opposed to the underlying substance of the amendment. My objection is to the procedure, and the way in which it has come forward in order to implement it in its current configuration would cause a major problem down the road in Medicaid-matched rates with other States.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman would continue to yield, the limitations that are placed on American citizens in that part of the world as far as Medicaid is concerned are quite low. Is it my understanding that he is going to try to change that in the next Congress so that there is a more equitable distribution?

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, the gentleman is correct. My father was a diabetic. I respect the fact that the gentleman has been out and had, if not a formal hearing, at least some meetings in the Territories in which this was discussed. I understand the gentlewoman's concern and her requirement that she has to represent her constituents. This is not a policy objection. This is a fact that when we deal with Medicaid, we have got a carefully crafted formula that involves all the States and the Territories and this amendment would upset that formula.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I further yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I know the gentleman from Texas (Chairman BARTON). He is a man of his word. And if he says that he will help us get the funds for the people who are suffering over in that part of the world who are American citizens, I am sure he will do that; and he has also said he will address the distribution formula or the limitations that are placed on the Marianas, Guam, and Saipan and others. In any event, he has made a commitment to do that. I think it would probably be wise to consider withdrawing the amendment because I know he is a man of his word and he will help us get this problem solved. But I will leave it up to them.

□ 1700

Mr. BARTON of Texas. Mr. Chairman, I reserve the balance of my time.

Ms. BORDALLO. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman from Indiana (Mr. BURTON) for his kind words and support.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I rise in favor of the amendment, but it sounds like there is a work afoot to be able to support the desire for the gentlewoman from Guam (Mr. BORDALLO) to work further in the next session. Is that what I am hearing?

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from Texas.

Mr. BARTON of Texas. It would certainly be in the next session. I am not opposed to trying to do something in the next 4 or 5 weeks in this session, if we can find the right vehicle.

Mr. HONDA. Mr. Chairman, reclaiming my time, that would be great. As Chair of the Congressional Asian Pacific Islander Caucus, I support that effort and would work with both the chairman and the gentlewoman from Guam in the furtherance of this amendment. I thank the gentleman for his cooperation.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, I thank the gentleman from Texas (Chairman BARTON), and I appreciate the challenge that diabetes faces in the United States.

I will insert in the RECORD a letter, and I had considered an amendment, but actually it fits really well with this. As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, we have been trying for about 2 years to get from the Department of HHS a listing of the studies on adult stem cell research, embryonic stem cell research, and others.

Finally, yesterday, after a full 23 months, the Department gave us a listing of all the studies that have been done on stem cell research as it relates to diabetes, as it relates to Parkinson's disease and others. I will insert the correspondence that we have had back and forth for the RECORD, as well as the list of studies and their conclusions about the effectiveness of adult stem cell research and the fact that they do not have any successful clinical studies on embryonic stem cell research.

Mr. Chairman, one of the most exciting and controversial areas of clinical research in recent years has involved stem cells.

The Subcommittee on Criminal Justice, Drug Policy and Human Resources, which I chair, has held a series of hearings on stem cell research. We have learned dramatic advances in medicine have been made utilizing stem cells obtained from adult tissues and cord blood.

Yet proponents of human cloning and destructive embryonic stem cell research continue to promise ailing patients and their families and friends and members of Congress that stem cells from these controversial sources will yield even greater medical breakthroughs.

When the subcommittee held its hearings, we located a number of patients successfully treated with stem cells derived from cord blood and adult tissues. Yet we were unable to find a single patient or a single disease that has ever been successfully treated with embryonic stem cells or through cloning human embryos.

In October 2002, nearly 2 years ago, Congressman CHRIS SMITH and I sent a letter to the director of the National Institutes of Health, NIH, requesting that the agency prepare a comprehensive report of all medical therapies for humans that currently exist and ongoing clinical trials which utilize (1) adult stem cells, (2) cord blood stem cells, (3) embryonic stem cells, (4) fetal (germ) cells or (5) stem cells from cloned embryos.

We believe that this information is vitally important for patients, scientists and lawmakers so we can turn our attention away from media hype and focus our attention and resources on real medical breakthroughs that are offering the best hope and promise for real people.

Knowing the high profile stem cell research has had in recent years, we expected that NIH, with a budget of nearly $30 billion, would be quick to respond to Congress to demonstrate that taxpayer-funded research on stem cells—including embryonic stem cells—was indeed living up to the promises.

After repeated inquiries by my staff on the status on this report over a year and a half, on June 17, 2004, Chairman TOM DAVIS and I sent a written ultimatum inquiring about the status of the report.

The following day, the subcommittee received a response signed by Dr. James Battey, Director of the National Institutes on Deafness and Other Communication Disorders (NIDCD) and Director of the Stem Cell Task Force.

The letter we received, however, did not fully answer the questions we had posed and was clearly inadequate.

Subcommittee staff, in fact, identified five NIH-sponsored clinical trials in which human patients are being treated with adult stem cell therapies, which, astonishingly, were not included in the NIH response.

At a meeting on July 2 between subcommittee staff and NIH staff, Dr. Battey agreed that he and his colleagues would assemble a comprehensive report as originally requested.

Since that meeting just 2 months ago, researchers in Germany have successfully utilized adult stem cells to reconstruct a man's jawbone and researchers at the Northwestern University in Chicago successfully cured a woman with severe rheumatoid arthritis by transplanting adult stem cells from her sister.

Still there have been no cures, treatments, clinical trials or published studies reported utilizing stem cells derived from human embryos or clones.

Just yesterday—a full 23 months after sending our initial request to the agency and following another written inquiry—NIH finally delivered a 79-page report on stem cell therapies. The NIH report finds that over 100 health disorders and conditions are currently treatable with non-embryonic stem cells. Yet, not a single condition has been treated with embryonic stem cells.

Based on the available medical data provided by the Nation's premier scientific institute, adult stem cell research clearly continues to live up to its promise by yielding real results while embryonic stem cell and cloning research remains unproven.

These findings underscore the need to continue to prioritize adult stem cell research that has actually yielded the most practical results for patients rather than siphoning resources away to gamble on purely speculative research.

I would like to submit for the RECORD the cover letter from NIH's report, a list of conditions currently being treated with adult stem cells and a letter sent to Health and Human Services Secretary Tommy Thompson in July regarding our request as well as a letter to the Director of the NIH sent last week.

SEPTEMBER 8, 2004.

Hon. MARK SOUDER,

Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN SOUDER: Dr. Elias Zerhouni, Director of the National Institutes of Health (NIH), asked me to provide additional materials to respond to your questions for the NIH and Department of Health and Human Services (DHHS) regarding the current status of medical therapies and clinical research using stem cells.

In your recent letter of July 9, 2004 to HHS Secretary Tommy Thompson, you reiterated four areas for which you are requesting information:

1. A comprehensive listing of all medical therapies which utilize various types of stem cells,

2. A listing of all ongoing clinical trials or experiments involving human subjects using these same categories of stem cells,

3. The findings of any studies that utilized stem cells or tissues from embryos or fetuses to treat human patients from Parkinson's disease and juvenile diabetes, and

4. A listing of alternatives to stem cells from embryos and fetuses that have shown promise in human subjects for treating juvenile diabetes, Alzheimer's, and Parkinson's disease.

To develop responses to these questions, my staff reviewed over 18,000 published biomedical journal articles for the past 10 years (1994–June 2004) using the database PubMed. PubMed was developed at the NIH/National Library of Medicine (NLM) and provides access to citations and abstracts from the biomedical journal literature. In developing the response it was decided to limit the literature search to publications within the past 10 years due to the overwhelming volume of articles on bone marrow treatments prior to 1995. The terms for the search strategy and a glossary of medical terms are included in the accompanying notebook under Tabs 1 and 2. Our review did not include any results published or added to PubMed after June 2004, since NIH had to proceed with the analysis on a fixed set of data. Since June 2004, it is estimated there are over 300 published articles that meet our search criteria. Any specific biomedical journal articles that you may be aware of that were published after June 2004 are listed through PubMed at *http://www.nlm.nih.gov*.

As a result of the analysis, my staff compiled a listing of medical therapies which utilize various types of stem cells as published in the scientific literature over the past 10 years. This listing is provided as Tab 3.

In addition, my staff conducted a search of current clinical trials that involve stem cells as a part of the treatment protocol. The clinical trials database used in this search is available from the NIH/NLM at *http://clinicaltrials.gov*. The database provides regularly updated information about clinical research in human volunteers. The clinical trials database currently contains approximately 11,400 clinical studies sponsored by the NIH, other federal agencies, and some privately funded trials. The listing of ongoing clinical trials is provided under Tab 4. The search terms used were ''stem cell transplantation or stem cells'' and retrieved 563 studies of trial records as of August 24, 2004. For access to the full clinical trial records, search *http://clinicaltrials.gov/*. I would like to underscore that while there have been claims in the popular press and elsewhere of people who have been helped or cured by stem cell therapies, the NIH cannot attest to their veracity as proven therapies until such time as scientific clinical trials have been conducted and the results of those trials have been published in the scientific peer-reviewed literature.

I am also providing information from our analysis on any findings of studies that use stem cells or tissues from human embryos or fetuses to treat Parkinson's disease or juvenile diabetes. There are currently no studies using stem cells or tissues from embryos or fetuses to treat type 1 diabetes. With regards to Parkinson's disease, we found that scientists have tried two approaches utilizing tissues from embryos or fetuses to treat human patients with Parkinson's disease. The first study showed that human embryonic dopamine-neuron tissue transplants survive in patients with severe Parkinson's disease and result in some clinical benefit in younger but not in older patients. In addition, dystonia and dyskinesias recurred in 15 percent of the patients who received transplants, even after reduction or discontinuation of the dose of dopaminergic medications, like levodopa. In a follow-up article looking at the same patients, scientists measured cognitive performance at 1 year after transplantation. Performance was not significantly different between the two patient groups (transplanted and no transplant). The second study showed that, as with embryonic tissue transplanted PD patients, younger PD patients with fetal tissue transplants do show motor improvement. However, the underlying disease process does not slow down after fetal transplantation, and Parkinson symptoms ultimately recur. Moreover, fifty-six percent of transplanted patients developed dyskinesia that persisted after overnight withdrawal of dopaminergic medication. A further discussion of these results is contained in Tab 5.

Under the second question in Tab 5, we describe a potential tissue-based alternative to stem cells from embryos and fetuses that has shown promise for treating juvenile diabetes. In addition, NIH funds significant research in focusing on other possible therapies for each of these diseases, and would be glad to provide further information on these upon request.

Finally, in order to better manage the results of the PubMed journal literature that were used in our analysis, my staff developed a database of the 18,349 records, which can be searched by keywords, author, and other searchable limits. The database URL and passwords will be sent to you under separate cover. An example of the user interface with descriptions of search field capabilities is appended in Tab 1.

I hope you find this information satisfactory in responding to your questions on stem cell treatment.

Sincerely,

JAMES F. BATTEY, Jr.,

M.D., PhD. Director, National Institute on Deafness and Other Communication Disorders, Chair, NIH Stem Cell Task Force.

DISORDERS AND CONDITIONS TREATED WITH NON-EMBRYONIC STEM CELLS

Note: Not all of these treatments are considered ''standard' treatments—many are experimental

Source: Compiled from NIH's database search and the National Marrow Donor Program

Acute Leukemias: Acute Lymphoblastic Leukemia (ALL); Acute Myelogenous Leukemia (AML); Acute Biphenotypic Leukemia; Acute Undifferentiated Leukemia; Philadelphia chromosome positive acute lymphoblastic leukemia.

Chronic Leukemias: Chronic Myelogenous Leukemia; Chronic Lymphocytic Leukemia; Juvenile Chronic Myelogenous Leukemia; Juvenile Myelomonocytic Leukemia.

Myelodysplastic Syndromes: Chronic Myelomonocytic Leukemia; Refractory Anemia.

Stem Cell Disorders: Aplastic Anemia; Fanconi's Anemia; Paroxysmal Nocturnal Hemoglobinuria (PNH); Pure Red Cell Aplasia.

Myeloproliferative Disorders: Acute Myelofibrosis; Agnogenic Myeloid Metaplasia (myelofibrosis); Essential Thrombocythemia; Polcythemia Vera.

Lymphoproliferative Disorders: Non-Hodgkin's Lymphomia; Hodgkin's Disease.

Phagocyte Disorders: Chediak-Higashi Syndrome; Chronic Granulomatous Disease; Neutrophil Actin Deficiency; Reticular Dysgenesis.

Inherited Metabolic Disorders: Adrenoleukodystrophy; Gaucher's Disease; Hunter's Syndrome (MPS–II); Hurler's Syndrome (MPS–IH); Krabbe Disease; Lysosomal Storage Disorders; Maroteaux-Lamy Syndrome (MPS–VI); Metachromactic Leukodystrophy; Morquio Syndrome (MPS–IV); Mucolopidosis II (I-cell Disease); Mucopolysaccharidoses (MPS); Niemann-Pick Disease; Peroxisomal Disorders; Sanfilippo Syndrome (MPS–III); Scheie Syndrome (MPS–IS); Sly Syndrome, Beta-Glucuronidase Deficiency (MPS–VII); Wolman Disease.

Histiocytic Disorders; Familial Erythrophagocytic Lymphohistiocytosis; Hemophagocytosis; Histiocytosis-X; Langerhans cell histiocytosis.

Inherited Erythrocyte Abnormalities: Cooley's Anemia; Diamond Blackfan Anemia; Fanconi's Anemia; Sickle Cell Disease; Thalessemias.

Inherited Immune System Disorders: Ataxia-Telangiectasia; Bare Lymphocyte Syndrome; DiGeorge Syndrome; Kostmann Syndrome; Leukocyte Adhesion Deficiency; Omenn's Sydrome; Severe Combned Immunodeficiency (SCID); SCID with Adenosine Deaminase Deficiency; SCID with Absence of T & B Cells; SCID with Absence of T Cells, Normal B Cell Common Variable Immunodeficiency; Wiskott-Aldrich Syndrome; X-Linked Lymphoproliferative Disorder.

Other Inherited Disorders: Lesch-Nyhan Syndrome; Cartilage-Hair Hypoplasia;

Glanzmann Thrombasthenia; Leukodystrophy; Osteogenesis Imperfecta; Osteopetrosis.

Inherited Platelet Abnormalities: Amegakaryocytosis; Congenital Thrombocytopenia.

Plasma Cell Disorders: Multiple Myeloma; Plasma Cell Leukemia; Waldenstrom's Macroglobulinemia.

Other Malignancies: Brain cancer; Breast cancer; Ewing's Sarcoma/Ewing's family of tumors; Gastrointestinal cancers; Lung cancers; Malignant Thyoma; Meningeal cancer; Musculoskeletal cancers; Neuroblastoma; Renal cell carcinoma; Reproductive cancers (ovary, testes, stem cells cancer); Retinoblastoma; Sarcoma; Skin cancer/melanoma; Urinary cancer.

Autoimmune Disorders: Autoimmune Lymphoproliferative Syndrome (ALPS); Crohn's Disease; Juvenile arthritis; Multiple sclerosis; Rheumatoid arthritis; Systemic lupus erythematosus.

Other Diseases/Conditions: AIDS; Alzheimer's Disease; Amyotrophic lateral sclerosis (ALS, Lou Gehrig's Disease); Chronic myeloproliferative disorders; Coronary (Heart) Disease; Cytomegalovirus Infection; Graft versus Host Disease (GVHD); Nervous system repair; Ocular/Corneal Damage; Parkinson's disease; Skeletal and cartilage repair; Stroke.

JULY 9, 2004.

Hon. TOMMY G. THOMPSON,

Secretary, Department of Health and Human Services, Washington, DC.

DEAR MR. SECRETARY: As Chairman Davis and I indicated in our letter dated June 17, 2004, over the past two years the Subcommittee on Criminal Justice, Drug Policy, and Human Resources and the office of Chairman Chris Smith have been in correspondence with the NIH regarding the current status of medical therapies and clinical research using adult and embryonic stem cells.

How the Department has allowed this matter to drag on for nearly two years defies excuse or explanation.

On October 8, 2002, Chairman Smith and I sent a letter to Dr. Elias Zerhouni, Director of the National Institutes of Health (NIH), requesting ''a detailed report'' providing comprehensive information about the medical applications of adult and embryonic stem cells as well as stem cells from cloned embryos and aborted fetuses.

After almost a year had passed, Subcommittee records indicate that on August 4, 2003, Subcommittee staff inquired into the status of the requested report and were told that the letter had been in the office of the Assistant Secretary for Legislation (ASL) ''for some months'' and would be out ''in a few weeks.''

On October 14, 2003, Subcommittee staff again inquired into the status of the report and were assured that although ''. . . the letter is in final draft and is going through the clearance process now.''

The written inquiries on the status of this report are recorded below. There were also numerous telephone conversations that are unrecorded here. The dates of correspondence from the Subcommittee to HHS regarding our October 8, 2002, letter are as follows:

August 4, 2003; October 14, 2003; October 27, 2003; November 19, 2003; February 10, 2004; March 25, 2004; April 20, 2004; June 17, 2004.

After repeated inquiries about the status of the report by email, I sent a formal, written letter to you, Mr. Secretary, on April 20, 2004.

Remarkably, there was no answer to the April 20 letter.

After waiting several weeks for acknowledgement, on June 17, 2004, Chairman Tom Davis of the House Government Reform Committee and I sent another letter communicating our concern about a number of outstanding correspondence and document requests.

On June 18, 2004, the Subcommittee received a letter signed by Dr. James Battey, Director of the National Institutes on Deafness and Other Communication Disorders (NIDCD) and Director of the Stem Cell Task Force, responding to our request for information regarding stem cell therapies.

However, the letter we received did not respond to the plain meaning of our request on October 8, 2002. Instead of a thorough response, it represented only a sampling of the information we requested. Through subsequent phone and email conversations within hours of receiving the response, Subcommittee staff communicated disappointment regarding the quality and depth of the letter we received and asked that the response be revised and completed by June 30, 2004.

In lieu of sending a revised document, at the close of the day on June 30, an HHS Deputy Assistant Secretary requested a meeting with members of the Subcommittee staff to ''discuss the response on adult stem cells and how [NIH] may be able to better respond to your inquiries here.''

At this meeting on July 2, Subcommittee staff communicated our frustration about the delay in receiving a response from the Department as well as our disappointment regarding the quality of the letter. In order to assist the Department in responding to the Subcommittee's inquiry, I have included a summary of the meeting that took place, along with an outline of our agreement about the nature of a forthcoming, revised report in response to our October 8, 2002 written request.

The original letter, dated October 8, 2002 requested (italics added):

''a *comprehensive* listing of *all* medical therapies'' which utilize various types of stem cells,

''a listing of *all* ongoing clinical trials or experiments involving human subjects using these same categories of stem cells,

''the findings of any studies that utilized stem cells or tissues from embryos or fetuses to treat human patients from Parkinson's disease and juvenile diabetes,'' and

''a listing of alternatives to stem cells from embryos and fetuses that have shown promise in human subjects for treating juvenile diabetes, Alzheimer's, and Parkinson's disease.''

In response to our letter, the NIH stated that there are no treatments or ongoing clinical trials utilizing embryonic stem cells or stem cells from cloned embryos or aborted fetuses. The NIH letter also reported the adverse effects resulting from the two known clinical trials using fetal tissue transplantation to treat Parkinson's disease.

However, instead of a comprehensive listing of all medical therapies and a listing of all ongoing clinical trials in which human patients were being treated with adult stem cell therapies, NIH included a sampling of the work ongoing at some NIH Institutes and a listing of NIH-funded clinical trials.

That is not what was requested.

The Subcommittee identified several obvious omissions in Dr. Battey's letter.

(1) From the NIH website www.clinicaltrials.gov, in the NIH National Library of Medicine Medline database, and in the popular press, Subcommittee staff identified extramurally funded clinical trials and clinical research involving human patients which were not included in the NIH letter, including some that began as early as 1999 and should have been available to Dr. Battey prior to his submission of the letter to the ASL office in November 2002. A selection of extramurally funded clinical trials not included in the NIH letter are listed below:

Sponsor: Baylor College of Medicine; Stem Cell Transplant to Treat Patients with Systemic Sclerosis; Phase I H7157; Study start date: June 1999; Date last reviewed: March 2004.

Sponsor: Texas Heart Institute, Houston, Texas; Transendocardial, Autologous Bone Marrow Cell Transplantation for Severe, Chronic Ischemic Heart Failure, announced in media April 16, 2004; www.genomenewnetwork.org/articles/2004/04/16/stem__cell__trial.php; Circulation. 2003 May 13;107(18):2294–302.

Sponsor: Caritas St. Elizabeth's Medical Center of Boston; Stem Cell Study for Patients with Heart Disease 00165; Study start date: January 2004; Date last reviewed: April 2004.

Sponsor: Bioheart, Inc.; Autologous Cultured Myoblasts (BioWhittaker) Transplanted via Myocardial Injection; Phase I BMI–US–01–001; Study start date: June 2003; Date last reviewed: December 2003.

Sponsor: Bioheart, Inc.; MYOHEART™ (Myogenesis Heart Efficiency and Regeneration Trial); Phase I BMI–US–01–002; Study start date: February 2003; Date last reviewed: December 2003.

In response, Dr. Battey maintained that the intent of NIH was to provide a comprehensive listing of work funded by NIH, but not by universities or pharmaceutical companies, citing the difficulty of enforcing compliance with a law (PL105–115, signed November, 1997) mandating that privately funded trials also be listed on the www.clinicaltrials.gov website.

Nonetheless, Subcommittee staff were also able to identify several intramurally funded clinical trials at www.clinicaltrials.gov, in which human patients are being treated with adult stem cell therapies, which, astonishingly, were not included in the NIH response:

NIAMS (National Institute of Arthritis and Musculoskeletal and Skin Diseases); Autologous Stem Cell Transplant for Systemic Sclerosis; Phase I N01 AR–9–2239; Study start date: July 2002; Date last reviewed: March 2004.

NINDS (National Institute of Neurological Disorders and Stroke); Investigating Endothelial Precursor Cells 03–N–0269; Study start date: August 1, 2003; Date last reviewed: August 1, 2003.

NHLBI (National Heart, Lung, and Blood Institute); The Effect of Exercise on Stem Cell Mobilization and Heart Function in Patients Undergoing Cardiac Rehabilitation 03–H–0086; Study start date: January 28, 2003; Date last reviewed: December 5, 2003.

Stem Cell Mobilization to Treat Chest Pain and Shortness of Breath in Patients with Coronary Artery Disease 02–H–0264; Study start date: August 6, 2002; Date last reviewed: July 17, 2003.

NIDCR (National Institute of Dental and Craniofacial Research); Bone Regeneration Using Stromal Cells 94–D–0188; Study start date: August 3, 1994; Date last reviewed: June 4, 2003.

(2) The Subcommittee also identified several reports of clinical research not yet in clinical trials that were also missing from the report. Some of these studies, reported in peer-reviewed journals and in the public media are listed below:

- Preliminary clinical research using adult skeletal myoblasts to repair injured heart muscle:

Pagani, et al, 2003. Autologous skeletal myoblasts transplanted to ischemia-damaged myocardium in humans. Histological analysis of cell survival and differentiation. J Am Coll Cardiol. Mar 5; 41(5):879–88.

Hagege, et al, 2003. Viability and differentiation of autologus skeletal myoblast grafts

in ischaemic cardiomyopathy. Lancet. Feb 8; 361(1956):491–2.

Menasche, et al, 2003. Autologous skeletal myoblast transplantation for severe postinfarction left ventricular dysfunction. J Am Coll Cardiol. Apr 2; 41(7):1078–83.

● Autologous bone marrow or blood cells transplanted into human heart:

Dr. Cindy Grines at Beaumont Hospital, Royal Oak, Michigan: http://www.cnn.com/2003/HEALTH/conditions/03/06/teen.heart.ap/ http://www.sctline.com/info/english_viewarticle.asp?id=1966.

Assmus et al, 2002. Transplantation of Progenitor Cells and Regeneration Enhancement in Acute Myocardial Infarction (TOPCARE–AMI). Circulation. 2002 Dec 10; 106(24):3009–17.

Dobert et al, 2004. Transplantation of progenitor cells after reperfused acute myocardial infarction: evaluation of perfusion and myocardial viability with FDG–PET and thallium SPECT. Eur J. Nucl Med Mol Imaging. 2004 Apr 3 [Epub ahead of print]

(3) Included in the response from NIH was an enclosure from the National Bone Marrow Donor Program entitled ''Diseases Treatable by Stem Cell Transplantation,'' dated 2002. However, this list contained only blood disorders, autoimmune diseases, and related cancers treatable with hematopoietic stem cells. The letter did not include a more updated, comprehensive listing of additional diseases treated with hematopoietic or other adult stem cell types.

When questioned about these omissions, Dr. Battey conceded that the report was not comprehensive. The wide range of information missing from the NIH response to our October 8, 2002 letter demonstrates the need for NIH to review responses to ensure that Congress receives accurate and thorough information in response to its requests.

Dr. Battey also indicated that he had made a decision when responding to the letter to include only NIH information that would be difficult for Congress to obtain through publicly accessible sources.

However, Subcommittee staff reiterated to HHS staff at the meeting that our request for a comprehensive document remained unchanged and unfulfilled.

In response to Subcommittee documentation of the inadequacy and omissions of the NIH response, Dr. Battey apologized.

Dr. Battey agreed he and his colleagues would assemble a comprehensive report as requested on October 8, 2002. Subcommittee staff agreed to give a time extension to the $27 billion agency.

Dr. Battey and Subcommittee staff agreed that the revised report would:

(1) be comprehensive in scope as originally requested, including both NIH funded research as well as privately funded research in the public domain, including studies abroad,

(2) be in a format that is easily accessible and searchable,

(3) include anecdotal reports of clinical research when these reports appear substantive and likely to lead to future clinical research and/or clinical trials, and

(4) include only minimal analysis necessary for translating the factual components of the report into lay terms.

The Subcommittee staff and the Department also agreed that an iterative response would be provided to Senator Brownback in advance of his July 14, 2004, hearing on adult stem cell research.

Subcommittee staff emphasized that this report will be an invaluable resource as Congress seeks to make policy decisions and educate the public based on accurate and in-depth scientific data rather than the often-misleading information that is readily available from the news media and lobbying groups.

I appreciate your attention to this matter and your assurances that the Department will be more responsive to matters of Congressional oversight. This, as you know, is not a peripheral issue of concern only to a small number of people. I would think, on an issue of this magnitude, that HHS would have wanted to have this report available in response not only to Congress but for the President and others to whom such information might be important.

It is my hope that as members of Congress and their staff continue to face critical and complex science policy issues they will be able to draw on accurate, thorough, timely, and up-to-date information from the Department of Health and Human Services.

Sincerely,

MARK E. SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

AUGUST 31, 2004.

Hon. ELIAS A. ZERHOUNI, M.D.,
Director, National Institutes of Health, Bethesda, MD.

DEAR DR. ZERHOUNI: Chairman Bill Young of the House Appropriations Committee and Chairman Ralph Regula of the Labor, HHS, Education Subcommittee have urged members of the House of Representatives to contact you with questions regarding specific research projects funded by the National Institutes of Health (NIH).

On October 8, 2002, Congressman Chris Smith and I requested ''a detailed report'' providing comprehensive information about the medical applications of adult and embryonic stem cells as well as stem cells from cloned embryos and aborted fetuses.

On June 17, 2004, Chairman Tom Davis and I sent another letter inquiring about the status of the report. The following day, the Subcommittee received a response signed by Dr. James Battey, Director of the National Institutes on Deafness and Other Communication Disorders (NIDCD) and Director of the Stem Cell Task Force.

The letter we received, however, did not fully answer the questions we had posed. At a meeting on July 2 between Subcommittee staff and NIH staff, Dr. Battey agreed that he and his colleagues would assemble a comprehensive report as originally requested. The Subcommittee sent a letter to Secretary of Health and Human Services Tommy Thompson re-iterating this commitment on July 9, 2004.

Since our meeting, researchers in Germany have successfully utilized adult stem cells to reconstruct a man's jawbone. The case, reported in The Lancet, involved a 56-year-old man who lost a substantial portion of his jawbone, also called the mandible, during cancer surgery. After nine years of eating only soft food and soup, the patient is now able to enjoy his first dinner in nearly a decade. Our understanding is that Dr. Pamela Gehron Robey is doing similar research at the National Institute of Dental and Craniofacial Research.

Another study conducted at the Northwestern University in Chicago reported in the journal Arthritis & Rheumatism found that transplanting adult stem cells from a healthy woman to her sister with severe rheumatoid arthritis apparently cured the disease, researchers report.

Still there have been no cure, treatments, clinical trials or published studies reported utilizing stem cells derived from human embryos or clones.

I look forward to a response regarding the status of this stem cell report prior to consideration of the Labor/HHS/Education appropriations for fiscal year 2005 by the House of Representatives.

Sincerely,

MARK E. SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources.

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

Mr. Chairman, first I want to thank the gentleman from Texas (Chairman BARTON), the gentleman from Ohio (Mr. REGULA), the gentleman from Wisconsin (Mr. OBEY) and the ranking member, the gentleman from Michigan (Mr. DINGELL), for their willingness to work with the Delegates to address the disparities contributed to by the Medicaid caps on our territories.

I also want to thank the gentleman from California (Mr. HONDA) for his support and all of the others in Congress who have talked to me about supporting this issue. I think it is very important to me and all of the other Delegates from the Territories that these gentlemen have made a commitment to work with us in the future. I certainly am very willing to sit down and work with them.

Mr. Chairman, this has been an issue with the Territories for the last 20 years. We have been bringing it before Congress, all to no avail. I am sure, with the assistance of all these fine gentleman, we will be able to work out some solutions.

I also want to thank the gentleman from California (Chairman POMBO) for signing off on this amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentlewoman from Guam?

There was no objection.

AMENDMENT OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HAYWORTH:

At the end of the bill, before the short title, insert the following new section:

SEC. _____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement.

CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 15 minutes.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I recognize the broad scope of this bill and how difficult it is to meet the challenges of funding on all the important programs.

Let me take time to commend the chairman of the subcommittee and his expert and able staff.

Mr. Chairman, I rise today to offer an amendment regarding the Social Security totalization agreement signed on June 29 by the Social Security Commissioner and her Mexican counterpart. Totalization agreements are bilateral agreements between the United States and another country to coordinate Social Security programs. Essentially, a totalization agreement eliminates the need to pay Social Security taxes in both countries when U.S. companies send workers to the other country and vice versa and it protects benefit eligibilities for workers who divide their careers between the two countries.

In a general concept, totalization agreements are desirable, but I would ask my colleagues to carefully review what is at stake in this recent decision and agreement involving Mexico.

By every account, Mr. Chairman, unfortunately, the Social Security Administration tried to slip Mexico totalization under the radar without coming to Congress, as the Social Security Administration had promised. This is a problem; and, therefore, it requires a response from this House.

I personally met with Social Security Commissioner Barnhart. I believe she is very capable and, on balance, has done a fine job. But following our discussions, I continue to believe that serious problems remain with this totalization agreement with Mexico.

The principal problem with the agreement is that our Social Security Administration assumes that only 50,000, only 50,000, Mexican workers will apply for Social Security benefits. But with estimates of over 4 million Mexican workers here illegally, I think the number in fact will be significantly higher.

To be clear, Mr. Chairman, this is not an immigration issue. This is a Social Security solvency issue; and if a mere 25 percent above that estimate of 50,000 apply, and I will do the math for you, that would mean 60,000 people actually take up benefits, the GAO has found it will be a financially significant drain on the trust fund.

Now, for purposes of full disclosure, obviously not every Mexican national working here illegally will suddenly qualify for Social Security. We passed and the President signed into law H.R. 743, the Social Security Protection Act, which keeps many illegal workers from assessing benefits. But, Mr. Chairman, a significant new population, perhaps hundreds of thousands, would have access to Social Security under this Mexico totalization agreement.

Specifically, it would be three groups: number one, workers who were illegal at one time, such as those with temporary work visas, who have fallen into illegal worker status by overstaying their visas; number two, the dependents of these once legal workers; and, number three, these Mexican workers who have worked more than six quarters in the United States and less than 40.

The 50,000 estimate that Social Security assumes will take advantage of these benefits are Mexicans working legally in the United States, and it does not account for these three groups I have detailed.

Now, to give an idea of how large a group are unaccounted for here, according to Citizenship and Immigration Services' most recent data in 2002, 166,000 Mexicans changed their status to permanent resident from a variety of other classifications, for example, visitor, temporary worker, no status, et cetera. Again, Mr. Chairman, that is 166,000 in 1 year.

The Social Security Administration assumes only 50,000 are here, when three times that received permanent resident status in 2002 alone; and that 50,000 will only grow at the rate of general population growth when hundreds of thousands more will move in and out of legal status each and every year. To assume that hundreds of thousands of these workers would pass up benefits is unrealistic.

Mr. Chairman, let me make this very clear. If only fully legal workers were to collect benefits under this totalization plan, I would not oppose it. But, Mr. Chairman, I have serious doubts that this would be the case.

The Social Security trust fund will begin spending more than it receives in the year 2018. In 2042, the trust fund will have spent up the surpluses it has built up. It will be totally bankrupt. Opening the floodgates to hundreds of thousands of illegal workers can only hasten the coming funding crisis facing Social Security.

I urge support for this amendment.

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

Mr. SHAW. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. SHAW) is recognized for 15 minutes in opposition to the amendment.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Social Security so-called totalization agreements permit the United States and another country to coordinate their Social Security programs. The Social Security Administration has totalization agreements in force with 20 countries, including Canada, Australia, and most of Western Europe.

Totalization agreements help American workers and American business. These agreements prevent the Americans working overseas for United States companies from having to pay two Social Security systems. As a result, American workers and their companies save approximately $800 million annually in foreign Social Security taxes. Totalization agreements also protect benefits for workers who divide their careers between two countries.

In June, the Commissioner of Social Security and Director General of the Mexican Social Security Institute signed a totalization agreement. Now, what does that mean? This agreement has not been approved. The signing of the agreement is the first step in the approval process. The State Department and the White House must review the agreement in order to determine whether the agreement should be sent to Congress for approval. We have no idea at this time whether it will even be sent to us for approval.

Congress has the final say. Should the President send a proposed totalization agreement with Mexico to Congress for approval, Congress has 60 legislative days during which either the House or the Senate are in session to consider the agreement and to disapprove it, if necessary.

It is imperative that we follow through with the vetting process established in the law, not circumvent it through appropriation legislation. Why? Because there is much concern, confusion, and misinformation about a United States Mexican totalization agreement. We need to hear all the facts. We do not need to rush to judgment. We need regular order.

For example, there are a number of advantages in a totalization agreement with Mexico. First, an agreement would save about 3,000 United States workers and their employers about $140 million in Mexican Social Security taxes over the next 5 years. Second, Mexico is the second largest trading partner, and a totalization agreement with Mexico would be consistent with one of the goals of the North American Free Trade Agreement, to strengthen cooperation and friendship. Lastly, Social Security's official scorekeepers estimate a U.S.-Mexican agreement would have a negligible impact on Social Security long-term financing. The 5-year cost to the U.S. Social Security system has now been estimated at about $525 million. That is over a 5-year period.

Contrary to what many believe, a totalization agreement would not change current law prohibiting payment to persons living illegally in the United States. Also a totalization agreement would not create a substantial enticement for Mexican citizens to work illegally in the United States. That is because the recently enacted Social Security Protection Act of 2004 strengthened the law to prevent those who only worked illegally from receiving benefits.

While there are potential advantages to a totalization agreement with Mexico, there are also concerns, and we concede that. For example, Social Security official scorekeepers have stated there is considerable uncertainty involved in their estimates. It could be higher; it could be lower. In addition, there are concerns about the potential for fraudulent receipt of benefits and the integrity of the Mexican records.

There are also some issues relating to a potential United States-Mexican totalization agreement that raise serious questions about the impact of the

agreement on Social Security financials and drives the need for a full and fair vetting through public hearings held by the committee of jurisdiction, the Committee on Ways and Means Subcommittee on Social Security, which I chair.

□ 1715

Only if we allow the vetting process to continue as designated rather than obstructed will the Congress and the American people be assured whether a totalization agreement with Mexico is in the best interests of our Nation's workers and those who depend upon those benefits.

For this reason I urge my colleagues to oppose this amendment.

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

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

I listened with interest to the comments of my subcommittee Chair, and I think it is worth noting in this debate, if there could be guarantees that a resolution of disapproval would be allowed to come to the floor, and one of my friends, the gentleman from Georgia (Mr. COLLINS) has drafted it, there would be no need for this amendment, and we could withdraw it. We have made that clear. But that guarantee has not been forthcoming. Therefore, the appropriations process is our opportunity for a floor vote.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I chaired the bipartisan Social Security Task Force, and we talked about this so-called totalization, which is pretty much a reciprocal effort between countries to earn and get payments for retirement benefits, for three reasons. One is the oversight of Congress would result in maybe 60 days delay, but not a real opportunity to turn this around. I support the amendment, but because I think we need sort of a cooling off period of at least a year to look at the consequences, a couple of consequences.

One is the solvency of Social Security. So as we look at the potential cost to Social Security, the actuaries are already estimating that Social Security is going to be insolvent by 2018, this provision lowers the date of insolvency because of the cost. Let me just quote what the Social Security Administration estimates. Number 1, it is going to cost approximately $105 million per year over the first 5 years, like the chairman suggested; but, further, the GAO found that a lack of consideration to the estimated millions of current and former unauthorized workers and family members from Mexico who are already residing in the United States who could qualify under various amnesty and guest worker proposals make the cost of such an agreement highly uncertain and could have a measurable impact on the long-range actuarial balance of the trust fund. This is what the GAO said.

So the potential benefits are to 3,000 workers in Mexico, American workers, and what we are looking at is potentially millions of Mexican workers in the United States.

Now, there is a huge difference in the totalization agreements that we have with Europe. The differences, I think, are substantial in two ways. Number 1, in addition to the vastly greater number of new beneficiaries claiming claims to this entitlement from under the Mexican agreement, the other nations, mostly in Europe, that we have these reciprocal agreements with involve a relatively small or few number of people, and there is closer economic parity. So because of the wage differences between Mexico and the United States, it could be very costly to the Social Security system.

I just suggest to my colleagues that as Social Security looks at a $12 trillion unfunded liability, to add these potential large costs to Social Security without thoroughly examining the consequences of what it is going to do to our solvency of our system in the United States, without the kind of changes that we need in Social Security, should be put off for a year.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a valuable member of the Committee on Ways and Means.

Mr. WELLER. Mr. Chairman, I rise in support of the position taken by the chairman of the Subcommittee on Social Security, the gentleman from Florida (Mr. SHAW), in opposition to an amendment offered by my longtime friend and respected seatmate of 10 years, who I disagree with on his amendment, in a respectful way.

Let me ask, I think, three important questions. One, why are we having this vote, which is essentially putting the cart before the horse? Why are we singling out Mexico, our next-door neighbor, number 2 trading partner, and friend? And, three, why is there an effort to essentially vent our frustration over illegal immigration on a potential agreement with our friend, Mexico?

That is why I think it is important for us to be very careful on this amendment, because we have Social Security totalization agreements with 7 out of 10 of our biggest trading partners. Mexico is our second largest trading partner. We have thousands of American workers working in Mexico who right now are in a situation where they are forced to pay two sets of Social Security taxes. A totalization agreement would be of great benefit to American workers working in Mexico, as well as their American employers who may be employing them. In fact, they say they could save up to $140 million in additional taxes that workers and American companies would suffer unless we have a totalization agreement.

Now, the issue of putting the cart before the horse. Under the procedure for a totalization agreement, the totalization agreement, when it is finalized, because it is not yet finalized; it still has to be signed off on by the State Department and the White House before it would be considered a final agreement, and then it would have to come to Congress where we could have an up-or-down vote on whether or not to accept it. That is where Congress comes in with our role. Again, this vote here today is putting the cart before the horse, and Congress does truly have the final say.

Mr. Chairman, I pointed out earlier that Mexico is our second largest trading partner. It is a longtime friend, a fellow democracy, and I do not believe it should be singled out when our other friends, Canada, Australia, most of Western Europe, have concluded totalization agreements that have been in place now for, in many cases, two decades, protecting American workers from double taxation.

I would also, when it comes to the issue of illegal immigration, because we realize that is an issue that is hanging over this vote today, and this should not be a vehicle to vent that frustration, it should not be a vehicle, because this actually helps American citizens.

A totalization agreement would not change current law prohibiting payment of benefits to persons living illegally in the United States. I think it is important to note that. Let me say that one more time. A totalization agreement would not change current law prohibiting payment of benefits to persons living illegally in the United States. Second, a totalization agreement would not create an enticement for Mexican illegal immigrants to come here.

The bottom line is just vote no on this amendment, let us move on, consider it next year when it is brought up to us through regular order.

Mr. HAYWORTH. Mr. Chairman, I would note again for my friend from Illinois this is not an immigration issue, it is a solvency of Social Security issue.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I salute the gentleman from Arizona for having the courage to address this issue.

Totalization with Mexico will harm the Social Security Trust Fund. It will be a major drain on this fund. They talk about 20 countries that we have a totalization agreement with. None of them have 5 million illegal workers in the country like Mexico does.

We are better off to stop this snake here and now, cut off its head. Some say wait, let it get bigger. Let it bite us again. I say no. Cut off its head today by stopping the funding.

If we grant an amnesty, and there are plenty of amnesty bills floating around, those illegals will be legal, and we will have a huge drain on the Social Security fund.

I want to stand with the seniors in this country. I want to protect Social

Security for United States citizens, and I want to preserve it for future generations, not drain it by allowing Mexico and illegals to get in it and suck a big truckload of money out of it.

Stand up for Social Security and vote yes with the gentleman from Arizona (Mr. HAYWORTH).

Mr. SHAW. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. BECERRA), a very valued member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Chairman, I thank the chairman for yielding me time on this measure.

Mr. Chairman, the gentleman from Arizona has offered an amendment that bars funding for an agreement that Congress has yet to consider, much less be approved.

This summer, the United States and Mexico signed a totalization agreement, an agreement that would coordinate retirement coverage for at least 3,000 American workers who divide their careers between America and Mexico. But this agreement is far from final. It must be approved by the State Department, then the White House, and then sent to Congress where the committee of jurisdiction, the Subcommittee on Social Security, which is part of the full Committee on Ways and Means, will carefully review it.

This amendment is premature and tramples upon the deliberative process at the heart of our committee system. So I oppose this amendment on jurisdictional grounds, but I would also like to speak for a minute on some of the other statements that are being made by those who support this amendment.

First, the United States is currently a partner in 20 totalization agreements, with countries ranging from Canada to South Korea. Totalization is not a new concept. In fact, currently we are saving American workers and their employees about $800 million from double taxation that would otherwise occur. An agreement with Mexico will mean that the U.S. has totalization agreements with 8 of our top 10 trading partners.

Secondly, totalization agreements have no impact on immigration law. Today it is illegal for Social Security to pay benefits to undocumented immigrants. Totalization will not change that.

Finally, totalization will not bankrupt the Social Security Trust Funds. In the long term, Social Security estimates that the impact to the trust funds will be negligible. In the short term, costs will approximate $105 million per year for the first 5 years. In comparison, in the last year with Canada, that totalization agreement with Canada cost $197 million.

Whatever your beliefs are on the merits of such an agreement, we need to debate the facts, not the rhetoric. Another reason why is our first consideration of this issue should be before the Committee on Ways and Means, not as an amendment to an appropriations bill.

I urge Members to vote no on the Hayworth amendment.

Mr. HAYWORTH. Mr. Chairman, to further demonstrate that this issue transcends normal partisanship, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), my friend from the other side of the aisle.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time. I rise here in support of the Social Security system and concerns about its looming revenue shortfalls.

We heard from the esteemed chairman that this would only cost $500 million over 5 years. Now, the GAO says that that is not at all an accurate estimate. In fact, they said, the actions the Bush administration ''took to assess the integrity and compatibility of Mexico's Social Security system were limited and neither transparent nor well-documented. The administration provided no information showing it assessed the reliability of Mexican earnings data and the internal controls used to ensure the integrity of information that the Social Security Administration will rely on to pay Social Security benefits.''

In other words, the agreement could be setting the stage for massive fraud.

Mr. Chairman, $500 million is a lot of money around here. We have pitched battles over tens of thousands, hundreds of thousands, a few million, and to just dismiss this and say, well, $500 million. And then the point that, well, the House has to approve it. Well, if this was going to come to the House for an up-or-down vote for certain, and if we had to approve it before it became binding for all time on the people of the United States and our Social Security system, that would be one thing. This is under an upside down, backwards procedure that says, we can only vote if we are allowed to vote on a resolution of disapproval. There is no guarantee that such a resolution will be brought forward and no way to guarantee that.

So the question becomes will we take something the GAO has assessed as being on faulty data, poorly negotiated, with low-ball estimates on the cost, and just hope that we get to vote on it before it becomes binding, before it costs Social Security perhaps $1 billion over 5 years? We do not really know what it will cost. But with the looming shortfalls with Social Security, I do not believe we can take that risk.

We should go back to the drawing board. This should be done in a transparent manner. It should be done with good data. And then it should be brought forward with an assurance that we will get to vote up or down.

□ 1730

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

I would like to remind the previous speaker that when we are talking about a shortfall of $500 million over 5 years in the Social Security, we are saving American workers and American companies $800 million a year.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the gentleman from Michigan (Mr. SMITH) a few moments ago said that the Social Security system would go insolvent in 2018. This is simply wrong. In 2018, the Social Security system will have to begin to pay benefits from the interest accumulated on the trust fund. Sometime in the later 2020s, the Social Security system will have to begin to dip into the principal of the trust fund. That will not be exhausted until at least 2042, according to the trustees, and according to the Congressional Research Service, 2050. There is no Social Security problem until at least 2042 or 2050.

Now, we are told that we have to start paying back the bonds. Social Security lent the money to the General Treasury; that is true, it did. That is how you invest money. You invest in U.S. bonds. That is not a problem with the Social Security system. It may be a problem for the budget, but the fact is the system is solvent. Those are legal due-and-owing obligations, exactly as legally binding as a U.S. savings bonds is to pay to my colleagues or me if we own a savings bond.

In 1983, Chairman Greenspan chaired a commission which recommended increasing Social Security taxes, which we did in 1986, to precisely generate the surplus which we will start dipping into when the baby boomers start retiring, and that is a surplus which we will start dipping into in 2018. To say that produces a crisis is to say that we lied to an entire generation of people when we increased the taxes in order to produce that surplus to dip into later. We will dip into that.

Mr. Greenspan, of course, says it was fine to reduce taxes on the rich; and because we did that, we have a budget deficit. We cannot repay the bonds; and therefore we should reduce benefits starting in 2018. That is simply thievery.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Arizona (Mr. HAYWORTH) has 3 minutes remaining. The gentleman from Florida (Mr. SHAW) has 2½ minutes remaining. The gentleman from Florida has the right to close.

Mr. HAYWORTH. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment, and we need to take some time to take a look at what this totalization agreement is all about, and we need to make sure that the democratic process is brought to play when this becomes law or does not become law.

The fact is the totalization agreement that we are talking about would,

most likely, include illegal immigrants in our Social Security system. Let us make sure what that status is. If we have 5 million people from Mexico who come here and have been working illegally in our system, do we want to pay out Social Security to those illegal immigrants? We need to know the answers to that before we move forward.

Those who are against this amendment would put us in a situation where we might wake up 6 months down the road and this totalization agreement would be law and we would never have had a chance to vote on it. Social Security is too important for the American people, and the idea of making illegal immigrants eligible for Social Security is too important for us to let it just go by and possibly have this come into law without even a vote on the floor.

The American people ought to notice what is going on here today. We have seen health care in California go to hell. We have seen the school and education programs going to hell in California. We have seen our criminal justice going to hell, and now we want to take a risk with Social Security? People in California know that those illegal immigrants who are here, oh, yes, even if they are paying Social Security, they are taking that job away from an American citizen.

Our senior citizens do not believe that Social Security should be provided to illegal immigrants. It will cost the Social Security billions and billions of dollars when this folly is done, and it will bankrupt the system.

We need time to talk about it. We need time to get the calculations right. We know that in the past we have been given all sorts of statistics that have been wrong. Let us not gamble with Social Security. Let us watch out for our own people instead of illegal immigrants.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

I would say to the previous speaker that this in no way provides for Social Security payments to illegal workers.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise in opposition to the amendment of my friend from Arizona.

We have these totalization agreements with about 20 countries: Australia, Austria, Belgium, Canada, Ireland, Netherlands, Norway, Sweden, Switzerland, United Kingdom. But even though this agreement is not yet approved by the Congress, it will, under regular order, be considered by the Congress.

We are to then, under this amendment, outright reject by defunding an agreement with our neighbors to the south and Mexico, our largest trading partner? Why? I think it is incorrect; and I think that's unfortunate, perhaps unintentional, signals are being sent out by this amendment that we must be very wary of; and so it is important to focus on the facts, as the gentleman from Florida (Mr. SHAW) has said.

The law is not changed by this totalization agreement. Social Security benefit accounts will not be paid to undocumented workers. That is the fact. That is the law. I oppose this amendment, with respect to my friend from Arizona.

Mr. HAYWORTH. Mr. Chairman, to close out advocacy on this amendment, I yield the remaining minute to my friend, the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Chairman, I rise today in support of the Hayworth amendment.

As chairman of the Subcommittee on Immigration, Border Security, and Claims, I convened a hearing on this issue of totalization with Mexico on September 11, 2003.

As a result of the troubling testimony received at that hearing, I asked the GAO to conduct a study on the possible effects of such an agreement. I wanted to make sure that any totalization agreement with Mexico does not drain tens or hundreds of billions of dollars out of the Social Security trust fund by paying benefits to aliens who are illegally present and working in the United States while at the same time we are fighting to keep the fund solvent to ensure benefits for American workers.

Unfortunately, we know now that the Social Security Administration did not use an accurate actuarial basis for the proposed totalization agreement with Mexico. They did not account for the estimated millions of illegal aliens residing in this country, nor did they account for reported widespread fraud by these illegal workers using Social Security numbers belonging to others and ''not for employment'' numbers.

The system cannot tolerate the burden of paying out to possibly millions of illegal workers. Protect the Social Security system and vote for the Hayworth amendment.

Mr. SHAW. Mr. Chairman, I yield myself the remaining time.

There has been a lot said, and it is mostly about illegal immigrants, which has not a darn thing to do with the issue that is in front of us this evening.

It would be a mistake for anybody to come down here to the floor and vote for this amendment, thinking that there is some way that without doing this that this is going to support illegal immigration. It does not have anything to do with this.

This is a good deal for American workers. It is a good deal for American companies, and it is a good deal that the Congress oppose this particular legislation. Let the committee have a look at it. The committee is going to vet this thing. There is no question about it.

The gentleman from Michigan who spoke earlier in the debate talked about how, if the Congress changes this and that, that then all of the sudden they are going to open the floodgates. I am sorry, we cannot pass legislation or pass amendments based upon what we think the Congress might do. I am talking about what the law is, and this has a negligible effect upon the trust fund, and the Congress should look at it.

This issue is not before the Congress now. The timing is all wrong. The administration has to send this to the State Department and to the White House for approval, and then we have 60 legislative days in which to kill it, if that is what the Congress wants to; but we should look at it, and we should do it in regular order. We should not be doing it by trying to tie the hands of the government from enforcing something that has not even happened yet. That is just plain malarkey.

Vote ''no'' on this amendment, and let the regular process go forward. It has nothing to do with illegal workers receiving Social Security benefits.

Mr. JOHNSON of Texas. Mr. Chairman, I rise in support of the Hayworth Amendment.

I want to prevent the Social Security totalization agreement with Mexico from moving forward because it is a bad deal for Americans who rely on Social Security now and in the future.

Since rumors first circulated that this agreement might be in the works, I have told the negotiators that it is a bad idea.

Despite having met with me privately on this issue and heard my concerns, Social Security Commissioner Barnhart signed this agreement anyway.

This agreement with Mexico is completely different in scope from our other totalization agreements. Primarily, we have an illegal immigration problem with Mexico that we don't have with the other 19 countries. Coupled with the ill-considered immigration proposal from the Administration, this totalization agreement would wreck havoc on our already troubled Social Security system and is a recipe for disaster.

There is hardly another issue that unites my constituents more than in opposition to this totalization agreement with Mexico. I urge my colleagues to join me in supporting this amendment to prevent the agreement from moving forward.

The CHAIRMAN pro tempore. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. SHAW. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBERSTAR:

At the end of the bill (before the short title), insert the following:

TITLE ADDITIONAL GENERAL PROVISIONS

DEPARTMENT OF HEALTH AND HUMAN SERVICES PROGRAMS FOR PATIENTS WITH FATAL CHRONIC ILLNESSES

(a) ESTABLISHMENT OF PROGRAMS—The Secretary of Health and Human Services shall carry out research, demonstration, and education programs with respect to fatal chronic illness through the Public Health Service.

(b) STUDIES ON END-OF-LIFE CARE—The Secretary shall conduct studies on end-of-life care through all relevant agencies and through the Assistant Secretary for Planning and Evaluation. Such studies shall include an examination of the development of practice parameters applicable to such care as well as research regarding such care. Such studies shall also include an annual report from the Secretary to the appropriate committees for oversight in Congress and to the Special Committee on Aging in the Senate on service delivery and quality of life for persons living through fatal chronic illness and their families and professional caregivers.

(c) HEALTH RESOURCES AND SERVICES ADMINISTRATION—

(1) IN GENERAL—In carrying out subsection (a), the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall carry out research, demonstration, and education programs toward improving the delivery of appropriate health and support services for patients with fatal chronic illnesses.

(2) HEALTH CENTERS—As determined appropriate by the Secretary, paragraph (1) may be carried out through the program under section 330 of the Public Health Service Act (relating to community and migrant health centers and health centers regarding homeless individuals and residents of public housing), including by designating individuals with fatal chronic illnesses as medically underserved populations.

(3) CAREGIVERS—Programs under paragraph (1) shall include activities regarding appropriate support services for caregivers for patients with fatal chronic illnesses, including respite care.

(4) HEALTH PROFESSIONS TRAINING—Programs under paragraph (1) shall include making awards of grants or contracts to pubic and nonprofit private entities for the purpose of training health professionals, including students attending health processions schools, in the care of patients with fatal chronic illnesses. Such training shall include training in the provision of appropriate palliative care and appropriate referral to hospices, and training provided as continuing education.

(5) INITIATIVE—Programs under paragraph (1) shall include an initiative to coordinate innovation, evaluation, and service delivery relating to fatal chronic illnesses.

(d) AGENCY FOR HEALTHCARE RESEARCH AND QUALITY—

(1) IN GENERAL—In carrying out section 912(c) of the Pubic Health Service Act, the Secretary, acting through the Director of the Agency for Healthcare Research and Quality, shall, with respect to patients with fatal chronic illnesses—

(A) identify the causes of preventable health care errors and patient injury in health care delivery, including errors of inadequate mobilization of services to the home, inadequate continuity of caregivers, inadequate symptom prevention, management, and relief, or inadequate advance care planning;

(B) develop, demonstrate, and evaluate strategies for reliable performance of the care system, including reducing errors and improving patient safety and health outcomes; and

(C) disseminate such effective strategies throughout the health care industry.

(2) GRANTS—in carrying out paragraph (1)(A), the Secretary shall make grants for the purpose of developing reliable and current data and insight as to the merits and efficiencies of various strategies for providing health care, including palliative and hospice care, and social services for patients with fatal chronic illnesses.

(e) CENTERS FOR DISEASE CONTROL AND PREVENTION—The Director of the Centers for Disease Control and Prevention shall expand activities with respect to epidemiology and public health in fatal chronic illness. Such activities may include contracting with the Institute of Medicine or another national interest non-profit organization to provide a review of the status of care for the end of life, which review shall be included by the Secretary in the annual reports to Congress under subsection (h).

(f) NATIONAL INSTITUTES OF HEALTH—

(1) EXPANSION OF ACTIVITIES—The Director of the National Institutes of Health (in this subsection referred to as the Director) shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on fatal chronic illness. Such activities shall include programs, requests for proposals, study section membership, advisory council membership, and training programs to support rapid and substantial improvements in understanding—

(A) mechanisms of disability and suffering in fatal chronic illness and the relief and management of that disability and suffering through to end of life; and

(B) human resource, service delivery arrangements, technology, and financing that would be most useful in ensuring comfort and dignity for individuals with fatal chronic illness, and in relieving the burden for family and professional caregivers.

(2) ADMINISTRATION—the Director shall carry out this subsection acting through the Directors of every Institute within the National Institutes of Health that has at least one fatal chronic illness in its purview.

(3) COLLABORATION—In carrying out this subsection, the Director of the National Institutes of Health shall collaborate with the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and any other agency that the Director determines appropriate. The Secretary of Veterans Affairs and the Director of the Agency for Healthcare Research and Quality shall assist in such collaboration.

(4) RESPONSIBILITIES OF INSTITUTES—Each Institute with the National Institutes of Health that has fatal chronic illness in its purview shall establish a plan for improving understanding of the mechanisms of disability and suffering in fatal chronic illness and the relief and management of that disability and suffering through to end of life.

Since most Americans now die of chronic heart or lung failure, cancer, stroke, dementia, or multifactorial frailty, each such institute shall develop and implement a strategic plan and a set of projects that aim primarily to ensure that affected patients and their families can live through advanced illness and death comfortably and meaningfully.

(5) CENTERS OF EXCELLENCE—

(A) IN GENERAL—In carrying out paragraph (1), the Director shall make awards of grants and contracts to public or nonprofit private entities for the establishment and operation of centers of excellence to carry out research, demonstration, and education programs regarding fatal chronic illness, including programs regarding palliative care.

(B) DESIGNATION—In carrying out this subsection, the Director shall designate at least 2 Claude D. Pepper Older Americans Independence Centers (supported by the National Institute on Aging), 2 program projects of the National, Heart, Lung, and Blood Institute, and 2 comprehensive cancer centers (supported by the National Cancer Institute) to provide education and information support and research data and methods leadership for substantial and rapid improvements in the understanding of the mechanisms of disability and suffering in fatal chronic illness and the relief and management of that disability and suffering through to the end of life.

(C) RESEARCH—Each center established or operated under subparagraph (A) or designated under subparagraph (B) shall conduct basic and clinical research into fatal chronic illness.

(D) CERTAIN ACTIVITIES—The Secretary shall ensure that, with respect to the geographic area in which a center of excellence under subparagraph (A) is located, the activities of the center include—

(i) providing information and education regarding fatal chronic illness to health professionals and the public;

(ii) serving as a resource through which health professionals, and patients and their caregivers, can plan and coordinate the provision of health and support services regarding fatal chronic illness; and

(iii) providing training and support of implementation of quality improvement.

(g) MEDICARE PILOT PROGRAMS FOR TREATMENT OF FATAL CHRONIC ILLNESSES—

(1) ESTABLISHMENT—The Secretary, in all relevant parts of the Department of Health and Human Services, including the Centers for Medicare & Medicaid Services and the Office of the Assistant Secretary for Planning and Evaluation, shall provide for pilot programs under this subsection. The pilot programs shall be developed under a coordinated national effort in order to demonstrate innovative, effective means of delivering care to Medicare beneficiaries with fatal chronic illnesses under the Medicare program. The pilot programs shall be completed within 5 years after the date that funds are first appropriated under this subsection.

(2) DESIGN—The pilot programs under this subsection shall be designed to learn how—

(A) to effectively and efficiently deliver quality care to the fatally chronically ill;

(B) to provide and maintain continuity of care for the fatally chronically ill;

(C) to provide advance care planning to the fatally chronically ill;

(D) to determine what rate and strategies for payment are most appropriate;

(E) to deliver emergency care for the fatally chronically ill;

(F) to facilitate access to hospice care when the Medicare beneficiary becomes eligible for such care;

(G) to develop and estimate the effect of potential alternative severity criteria for eligibility of specially tailored programs;

(H) to test the effectiveness and costs of new strategies for family caregivers support;

(I) to implement a clinical services and payment program that uses thresholds of severity to define the onset of the need for comprehensive end-of-life services;

(J) to test the merits of using severity criteria (relating to fatal chronic illness) in determining eligibility for the Medicare hospice program, but only when use of such criteria expands access to hospice care to individuals who are not yet terminally ill (as that term is defined at section 1861(dd)(3)(A) of the Social Security Act); and

(K) to arrange financial incentives so that substantially diminished payments arise when care providers fail to ensure timely advance care planning, symptom prevention, management, and relief, or continuity of care across time and settings.

(3) CONDUCT OF PILOT PROGRAMS—The Secretary shall conduct pilot programs in at least 6 sites and in at least 3 States.

(4) REPORT TO CONGRESS—the Secretary shall submit to Congress a report on the pilot programs under this subsection. Such report shall include recommendations regarding whether the pilot programs should become a permanent part of the Medicare program.

(h) ANNUAL REPORTS—The Secretary, in consultation with the Secretary of Veterans Affairs and other appropriate Federal agencies, shall submit an annual report to Congress on end-of-life care an on the research, demonstration, and education programs and studies conducted under this section. The Centers for Disease Control and Prevention shall be the lead agency for integrating and preparing the annual reports under this subsection unless the Secretary designates otherwise.

(i) DEFINITIONS—For purposes of this section:

(1) The term 'fatal chronic illness' means a disease (or diseases), condition (or conditions), or disorder (or disorders) that ordinarily worsens and causes death and that causes a physical or mental disability or periodic episodes of significant loss of functional capacity.

(2) The term 'Secretary' means the Secretary of Health and Human Services.

(j) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated—

(1) such sums as may be necessary to carry out subsections (a), (b), (c), and (f);

(2) $50,000,000 for the 5-fiscal-year period (beginning with fiscal year 2004) to carry out subsection (c), excluding paragraph (5) of that subsection;

(3) $100,000,000 for the 3-fiscal-year period (beginning with fiscal year 2004) to carry out subsection (c)(5);

(4) $20,000,000 for the 5-fiscal-year period (beginning with fiscal year 2004) to carry out subsection (d);

(5) to carry out subsection (g) for each of fiscal years 2003 through 2007—

(A) $50,000,000 for the purposes of conducting evaluations of pilot programs; and

(B) $50,000,000 for the purpose of providing clinical services under pilot programs; and

(6) $500,000 for each fiscal year during the 5-fiscal-year period beginning with fiscal year 2004 to carry out subsection (h).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes on the amendment.

Mr. REGULA. Mr. Chairman, I just want to reserve a point of order. I understand that the plan is to withdraw the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) reserves a point of order on the amendment.

The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA). I acknowledge that the point of order would lie against the amendment. I appreciate the opportunity to discuss my amendment and then subsequently to withdraw that amendment.

The purpose of this amendment is to address an issue that few of us want to talk about, but which all of us are going to face in some way or another, and that is, end-of-life care. We are all getting there, and this amendment would do five things. It is derived from a bill I introduced last year that would do five things.

It would provide grants through NIH to train health care professionals in the care of patients with fatal, chronic illness. It would direct the NIH to expand and to intensify research on fatal, chronic illnesses. Three, it would establish pilot programs under Medicare to improve delivery of care and continuity of care for end-of-life considerations. Four, it would provide funds for advanced care planning; and, five, facilitate access to hospice care when that becomes necessary at the end-of-the-life decision.

Why is this an important issue? Well, frankly, it is an issue that my wife, Jean, and I have discussed around the dinner table. We have both lost spouses who succumbed at a very unusually and unanticipated age to cancer. We both attended to frail and disabled parents. We all have friends who have been in the same position. As the baby boom generation reaches older age, the number of people facing serious illness and death is going to double over the next 25 years.

Second, 28 percent of Medicare's budget over the last few years has been spent caring for the last few years, in many cases the last few months of life. Who are there to provide these services? These are family members. The value of the services that family caregivers provide in a sense for free is estimated in excess of $250 billion a year.

Third, there are a number of professionals in the health care field who do not get training in the course of their medical education in palliative care, in end-of-life decision-making with families.

We need to do a better job of training our health care professionals. We need to do a better job of preparing families for end-of-life care decision-making.

We have to acknowledge that Americans are living longer. The fastest growing age group in our society is people over age 85. Half of them need some help with personal care. We should be doing a better job with our NIH resources to help families, to help health care professionals, to help patients themselves to deal with fatal, chronic illness, the end-of-life care decisions.

That is simply what this amendment would do, provide those resources. I take this opportunity to discuss the issue in this detail so that next year when we come back into session again, this bill will be reintroduced and will have an opportunity for a broader discussion and legislative action, to bring to the floor legislation that will be meaningful, implement these recommendations and then be eligible for the funding that I requested and set forth in the legislation.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1745

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (but before the short title), insert the following new section:

SEC. _____. None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes on the amendment.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment today to enforce existing Federal law that requires any State providing illegal aliens instate tuition discounts to provide these discounts to all students, regardless of State of residence. In other words, all legal students get no less tuition discount than illegal students.

That is existing law. But my amendment would not allow any Department of Education funds to be spent in violation of existing Federal law; namely, section 505 of the Illegal Immigration Reform and Responsibility Act of 1996. It simply seeks to enforce existing law.

There are approximately 12 States that have adopted a policy that they would give instate tuition breaks to illegal aliens as students, and yet students that might live within sight of the State border and not be residents of that State, would pay out-of-State tuition costs. That would then necessarily entail that citizens of the United States, people who lived in the neighborhood and in the region, would pay out-of-State tuition while illegal aliens would get instate tuition breaks. That would be in violation of this section of the 1996 Immigration Act, and I seek to tighten that up with this simple amendment that is consistent with current law.

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

Mr. REGULA. Mr. Chairman, I rise to claim the time in opposition, although I will not oppose the amendment.

It is my understanding this is a State issue, but that we are prepared to accept it because the Department of Education is in compliance. They are not doing anything to violate the section 505.

I do not think it is necessary we have this. It really is something the States deal with in the funding of their higher education programs. So under those circumstances, we are prepared to accept the amendment.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman, the chairman, for his cooperation on this issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to Congressman STEVE KING's amendment to the Labor-HHS-Education Appropriations bill, H.R. 5006. This amendment would prohibit any funds from being spent by the Department of Education in violation of Section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623)(IIRIRA). Section 505 of IIRIRA prohibits states from giving in-state tuition unless they provide in-state rates to all U.S. citizens under the same conditions.

The States have responded by offering in-state tuition based not on residency but on having attended school in the state and graduated from high school there. These states are thus in compliance with section 505. Congressman KING's amendment would not stop that practice, but it would make it more difficult for children in other states to afford a college education. This is a serious barrier for undocumented students, as they are also ineligible for any publicly-funded financial aid.

The real issue is whether children who have lived in the United States and been educated here should be able to afford a college education even if they were brought here illegally by their parents. Even though they had no say in the decision, our laws force them to suffer the consequences of their parents' actions.

The consequence of this policy is that our country will punish innocent children and foster an increase in the unskilled, undereducated workforce, which will be accompanied by increased spending on social service programs, higher rates of crime, and decreased opportunities for a higher quality of life. Who benefits from such a policy?

We all suffer when good students in our communities are prevented from completing their education and reaching their full potential. We suffer because we are deprived of future contributors and leaders who could help stimulate economic growth and social richness. We suffer because children who might have been scientists, nurses, teachers, or engineers are forced, instead, to exist in a legal limbo.

I urge you to vote against this amendment.

Mr. KING of Iowa. Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JOHN

Mr. JOHN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JOHN:

Page 105, after line 16, insert the following section:

SEC. __. Of the amount made available in title II for the account ''OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT'', $100,000,000 is transferred and made available under the account in such title ''CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING'' for carrying out the program under section 317S of the Public Health Service Act (as added by Public Law 108–75).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. JOHN) and a Member opposed each will control 5 minutes on this amendment.

The Chair recognizes the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I yield myself such time as I may consume, although I will not take all 5 minutes. But I did think it was important for me to come here and talk about this amendment to this legislation.

I am offering this amendment, and I have worked with the ranking member, the gentleman from Wisconsin (Mr. OBEY), and also the chairman, the gentleman from Ohio (Mr. REGULA), about trying to work through this in conference, but I thought it was very important that we talk just a little bit about this piece of legislation.

The amendment that I have at the desk is an amendment today to fully fund a piece of legislation that was passed out of this body last year and that was signed by the President of the United States. It is called the Mosquito Abatement for Safety and Health Act, the MASH Act. The MASH Act has the support of the gentleman from Louisiana (Mr. TAUZIN) and also Senator GREGG, who have joined together to support this piece of legislation along with the National Association of Counties.

This amendment offers protection for our constituents from mosquito-borne diseases like the West Nile virus. This year alone, Mr. Chairman, over 1,100 human cases of the West Nile virus have popped up, and over 30 deaths have been reported in all but three States and the District of Columbia. Last year alone, this country faced over 9,800 human cases and 264 deaths from the West Nile virus which is spreading across our country.

Of course, countless Americans, mainly our young and our elderly, are very susceptible to the West Nile virus, but it can be kept under control.

I guess many of us outside of the deep South consider that Labor Day has passed and that summer is over, so the mosquitoes go away. But I can tell my colleagues that the infected mosquitoes are continuing to spread well into the months of November and even into some of December.

What this piece of legislation does is establish a one-time matching grant through the CDC, Center for Disease Control, to enable counties to begin to improve their mosquito abatement programs. Funds can be used for laboratory equipment, purchase of equipment, conduct outreach, educational programs, the kinds of things we need to do to protect our constituents from mosquitoes and this bad disease.

Currently the CDC offers some educational programs, but they do not have real assistance to our counties and to our parishes to make sure that we have the proper funds. Abatement programs are handled through the local government in many instances. So the Federal Government, I believe, because of the West Nile virus and it being spread throughout the whole continental United States, needs to get involved in this to protect our constituents.

I certainly would ask both the chairman and the ranking member to work through this in conference committee, because I feel that this is not just a Louisiana problem, it is certainly a national problem. And I am prepared to withdraw the amendment at the proper time.

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

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, I understand the gentleman's concern. We have the same concern, and we will do as much as we can in conference. This is a serious problem, and we have put $42 million in CDC to combat West Nile virus, which is an increase over last year, but more needs to be done.

I commend the gentleman for bringing this issue to our attention. And as I understand, the gentleman is going to withdraw his amendment, but we will be sensitive to it.

Mr. Chairman, I might say for the benefit of Members that are watching, I believe this is the last amendment, so we should be able to wrap up here pretty fast, for those who have planes or whatever.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to assure the gentleman of my agreement with his comments. I think that we have become incredibly arrogant in assuming that we have conquered these virus-borne diseases and other communicable diseases. In fact, we are learning that we are going to be facing a whole new generation of threats to public health, and I think even with this additional money in the bill, there needs to be much, much more.

Mr. JOHN. Mr. Chairman, I yield myself such time as I may consume to thank both the ranking member and also the chairman for working on this with me. This is a new disease, and we do not know much about it. This can

go a long way in understanding and gaining some information and education about it and also in stopping the spread of this disease.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to explain to the House why there will not be a recommittal motion.

Mr. Chairman, I voted to report this bill from subcommittee and full committee to the House in order to give the House an opportunity to make some hard choices, but I had frankly expected to vote against the bill for all of the reasons listed in the minority views in the committee report beginning on page 281, and I submit for the RECORD at this point the minority views signed onto by the Democratic members of the subcommittee which outline in some detail what we consider to be the shortcomings of this bill.

MINORITY VIEWS OF THE HONORABLE DAVID OBEY, STENY HOYER, NITA LOWEY, ROSA DELAURO, JESSE JACKSON, JR., PATRICK KENNEDY, AND LUCILLE ROYBAL-ALLARD

While this bill is a modest improvement over the President's budget request, it fails to meet America's needs in education, health care, medical research, and human services. The bill's inadequacies, however, are not the fault of the Committee or Chairman Regula. This bill's shortcomings are the direct and foreseeable result of the Majority's reckless FY 2005 budget resolution which, as with each of the budgets the Majority produced over the past three years, abandons fiscal discipline, mortgages our nation's future, and makes impossible critical investments that benefit all Americans. It is the product of the skewed priorities of the Majority, who value super-sized tax cuts for our wealthiest and most privileged citizens over honoring our commitments and protecting our most vulnerable citizens.

Even when provided with an opportunity to change course, the Majority held rigidly to its failed budget blueprint. Earlier this year, the Majority rejected a Democratic alternative to the FY 2005 budget that was fiscally responsible and allowed a greater investment in education, health care, and many other critical priorities. Then, on June 24, the Majority defeated a Democratic resolution to revise the budget resolution that would have made a greater investment in education, training, and health by modestly scaling back tax cuts for those with annual incomes of $1 million or more.

Given the Majority Party's misguided budgetary choices, shortfalls in appropriations are inevitable. In fact, the Labor-HHS-Education Subcommittee received a relatively good share of an inadequate total, allowing an increase of about $3 billion above the current year. That increase was largely allocated to a few areas: providing $1 billion increases for two high-priority education programs, keeping up with rising costs in the Pell Grant program, partially covering increased research costs at NIH, and funding the administrative expenses of the Social Security Administration.

After doing these things, the subcommittee had more than exhausted the additional funds it was allocated above the FY 2004 level. Consequently, other priorities in the bill had to be cut.

EDUCATION—NOT AT THE TOP OF THE CLASS

Next year, K–12 and higher education enrollments will again reach record levels. Nearly 55 million students will attend the nation's elementary and secondary schools—4 million more students than in 1995. Full-time college enrollment will reach 16.7 million students—14 percent more than a decade ago.

At the same time that schools are serving more students, the stakes are raised higher by the mandates of the No Child Left Behind Act (NCLB). During the 2005 school year, schools must actually test each student in grades 3–8 in reading and math or face federal sanctions. Student achievement must improve. And, every teacher of a core academic subject must become ''highly qualified.''

Against the backdrop of record school enrollments, unprecedented Federal education accountability requirements, and rising demand for college assistance, the Committee bill fails to match these growing demands with sufficient resources. The bill provides a $2.0 billion (3.6 percent) increase over FY 2004 for the Department of Education's discretionary programs, continuing a downward slide in new discretionary education investments under the Bush Administration.

No Child Left Behind

While all 50 states and 15,500 school districts are striving to address NCLB's worthy goals, money remains short in many schools. Nonetheless, the Committee bill actually *cuts* NCLB funding $120 million below the Administration's request, while providing only $328 million (1.3 percent) more than FY 2004. In total, the bill provides $9.5 billion less than the funding promised in NCLB.

Fully funding Title 1—which serves low-income children in schools with the greatest educational challenges—is the centerpiece of federal education reform efforts. Title 1 grants to school districts receive a $1 billion (8.1 percent) increase in the Committee bill, the same amount as the President's request. Despite this needed increase, Title 1 appropriations in FY 2005 would still fall $7.2 billion short of the NCLB funding promise—accounting for most of the total $9.5 billion NCLB shortfall in the Committee bill.

A key concept in NCLB is that students who are falling behind are able to receive tutoring and a broad array of enrichment services in school and community-based after school centers. Yet the Committee bill freezes funding for 21st Century Community Learning Centers at $999 million—only half of the $2.0 billion authorized by NCLB. At the $2.0 billion level, an additional 1.3 million children could be served in such communities as Davenport, Iowa, Columbus, Ohio, Greenville, South Carolina, and Salt Lake City, Utah, all of which are struggling to keep existing after school centers open to serve children in working families.

The Committee bill freezes funding at last year's levels for several programs that are important to the success of NCLB. For example, English language learning assistance for more than 5 million children who must learn to read and speak English is frozen at $681 million, the second year in a row—even while these children must meet the same rigorous academic standards as all other children. About 6,500 rural school districts will see their Rural Educational Achievement Program grants level funded at $168 million, in the aggregate; despite the difficulty they face in recruiting and retaining teachers. In addition, investments in school violence prevention, substance abuse prevention and school safety activities are frozen at $595 million, nearly 10 percent less than the safe and drug-free schools funding level three years ago.

The Committee bill makes only modest investments in a few areas. For example, it provides a $63 million net increase for teacher training in math and science instruction (after accounting for an offsetting reduction in NSF support). It provides 1,300 school districts located on or near military bases and other federal facilities a $21 million (1.7 percent) increase under the Impact Aid program. Further, it rejects the Administration's proposal to cut vocational and career education by $316 million and, instead, provides an increase to offset inflation.

These modest increases, however, are offset by deep reductions in other education initiatives, including the outright elimination of 22 programs. For example, the Committee bill wipes out the Title VI education block grant, although the Administration proposed to continue its flexible funding of nearly $300 million to help the nation's school districts pay for locally identified needs, such as up-to-date instructional materials, counseling services, and parental involvement activities. Moreover, arts education, teacher training to improve American history instruction, drop out prevention, K–12 foreign language assistance, and community technology centers to bridge the digital divide in low-income communities—all priority activities reauthorized in NCLB—are terminated. Because of budget constraints, the bill even denies over $100 million in education initiatives requested by the President.

Special education

President Bush's Commission on Excellence in Special Education concluded, ''children with disabilities remain those most at risk of being left behind.'' The Committee bill makes progress in fulfilling federal commitments in special education by providing a $1 billion (9.9 percent) increase over FY 2004 for IDEA Part B State Grants, the same amount as the President's request. Under the Committee bill, the federal contribution toward special education costs incurred by the nation's schools will increase from 18.7 percent in FY 2004 to 19.8 percent in FY 2005. Nonetheless, the Committee bill falls $2.5 billion short of the $13.6 billion promised last year by the Majority party when it passed H.R. 1350, the IDEA reauthorization bill.

College assistance

In today's increasingly technological society, a college education is essential for a good-paying job. For low- and moderate-income families, however, the task of sending a child to college—which has never been easy—is now a daunting challenge, given an average 26 percent tuition increase in the last two years at 4-year public colleges and universities.

The Committee bill, however, makes little progress in making college more affordable for disadvantaged students. The bill freezes the maximum Pell Grant for low-income college students at $4,050 for the second year in a row, freezes College Work Study assistance, and cuts Perkins Loans by $99 million below last year's level.

College students will receive help with dramatically rising tuition bills only through a $24 million (3.1 percent) increase for Supplemental Educational Opportunity Grants (SEOGs), and a restoration of the $66 million LEAP grants for state need-based student financial assistance programs, which the Administration sought to eliminate.

INVESTING LESS IN AMERICA'S LABOR FORCE

For the Department of Labor's employment and training assistance programs for unemployed Americans, the Committee bill

invests $236 million *less* than the Administration's request and $40 million *less* than last year, despite a loss of 1.8 million private sector jobs since President Bush took office.

While the Committee bill provides a $25 million (1.7 percent) increase over FY 2004 to assist dislocated workers affected by mass layoffs, it denies 80 percent of the Administration's $250 million request for the Community College technical training initiative and eliminates the $90 million prisoner reentry initiative due to budget constraints. The bill shaves the Administration's proposed 2.8 percent increase for salaries and other operating costs for Job Corps, the highly successful initiative that helps hardcore disadvantaged and unemployed youth, to a 1.8 percent increase over FY 2004.

Unemployment remains unacceptably high with 8.0 million Americans out of work; however, the Committee bill actually cuts assistance for individuals seeking jobs through the Employment Service, a building block for the nation's one-stop employment services delivery system. State Employment Service funding is cut to $696 million, a 10 percent reduction below FY 2004 and the lowest level in more than 10 years. The Committee bill also rescinds $100 million in prior funding, as requested by the Administration, for the H–1B training grants that help train Americans in high-skill, high-wage jobs and reduce the nation's reliance on foreign workers.

Further, funding to promote international labor standards and combat abusive child labor will be eviscerated with a 68 percent cut in the Committee bill, which adds only $5 million to the Administration's request. The $35.5 million provided in the bill includes only $16 million for child labor projects compared with the $82 million allocated in FY 2004.

FALLING SHORT OF THE PROMISE OF A SAFE AND HEALTHY NATION

For the health-related programs of the Department of HHS, the Committee's bill falls short of what is needed to maintain the health care safety net, protect the public health, and advance medical research.

The measure does substantially increase funding for Community Health Centers, expand a Global Disease Detection initiative at CDC, and provide modest increases for AIDS drug assistance and chronic disease prevention programs. In some respects it is an improvement over the President's budget—it rejects the Administration's proposal to cut bio-terrorism preparedness assistance to health departments and hospitals, and reduces the President's proposed cuts in rural health and health professions programs.

However, a number of health programs are still cut below the current-year level by the Committee bill. Examples include the Healthy Communities Access Program, several rural health programs, some health professions training programs (especially those related to primary care and public health), and block grants for public health services. A large number of other programs have their funding frozen, often for the second or third year in a row. These freezes, while health care costs and the number of people needing assistance are continuing to increase, mean real erosion in the health care safety net and public health protection.

- The Committee bill terminates the Healthy Communities Access Program (HCAP), which makes grants to local consortia of hospitals, health centers, and other providers to build better integrated systems of care for the uninsured. This means that roughly 70 communities will lose their existing three-year grants and about 35 new grants will not be made.
- Rural Health Outreach Grants—which support primary health care, dental health, mental health, and telemedicine projects—are cut by 24 percent. Grants to improve small rural hospitals are cut in half, funding to help rural communities acquire the defibrillators that can save the lives of heart attack victims are cut by more than half, and a small new program to help improve emergency medical services in rural areas is eliminated.
- Apart from grants to Health Centers, the bill continues to slow erosion of most other health care programs. The Maternal and Child Health Block Grant is funded slightly *below* its level of three years earlier, with no increase for rising health care costs, population or anything else. These grants help support prenatal care and health and dental services for low-income children, and assist children with disabilities and other special health care needs. The National Health Service Corps—which helps bring doctors and dentists into under-served areas—receives a bit less than in FY 2003. The Ryan White AIDS Care programs (other than drug assistance) is also slightly under its FY 2003 level (while the number of AIDS patients has been rising by about 7 percent per year), and the Title X family planning program is just 1.8 percent above FY 2003.
- Support for training in primary care medicine and dentisty—which is targeted to increasing the number of doctors and dentists in rural and other underserved areas—is cut 22 percent below the current year by the bill. Support for training in public health and preventive medicine is cut 24 percent, despite the difficulties that public health departments are having recruiting and retaining qualified professionals.
- The Committee bill does include a small, $5 million (3.5 percent) increase for nurse education and training programs. While a step in the right direction, it pales in comparison to the national commitment envisioned under the Nurse Reinvestment Act, which was aimed at stemming the looming nursing shortage.
- CDC's childhood immunization program receives a small but welcome $11 million increase in the Committee bill. However, the bill's FY 2005 level is just 3.4 percent above FY 2002 while the cost to immunize a child with all recommended vaccines will have increased 18.5 percent.
- Also in CDC, although the bill roughly doubles an important Global Disease Detection initiative, funding for ongoing domestic activities to control and respond to infectious diseases like West Nile Virus, SARS and the flu are increased by just 1.1 percent.
- The Committee bill makes a 17.5 percent cut in basic support to state and local health departments through the Preventive Health and Health Services Block Grant. This funding is used for a range of priorities, from health screening to immunization to control of chronic diseases like diabetes and asthma to basic epidemiological investigations and public health laboratory operations.

For the National Institutes of Health, the Committee bill is identical to the Administration's budget request. It provides an increase of 2.6 percent—which is the smallest in 19 years and significantly less than the 3.5 percent needed to cover estimated inflation in biomedical research costs. Although the Administration says that its budget (and hence the Committee bill) would produce a small increase in the number of new and recompeting research project grants—reversing a decrease that is occurring in FY 2004—it achieves that result only by assuming unusually tight limits on the average size of research grants, including cuts to ongoing research projects below previously committed levels. If grant amounts were instead allowed to increase at normal rates, the number of new grants would decrease for the second year in a row. Many Members have been circulating letters to the Committee urging additional funding to accelerate research into diseases like Parkinson's or Alzheimer's or cancer. Many of the Members of Congress who have signed such letters in fact voted for the Republican budget resolution which has made it impossible for the committee to provide funding levels requested in such letters. At the funding level in the Committee bill, such increases simply are not possible.

HELPING AMERICA'S MOST VULNERABLE CITIZENS

For the human services side of the Department of HHS, the Committee bill includes increases for Low-Income Home Energy Assistance (LIHEAP), Refugee Assistance, Head Start, Abstinence-only Sex Education, and some programs of the Administration on Aging. It also rejects most (but not all) of the cut in the Community Services Block Grant proposed by the President. On the whole, however, the bill's human services appropriations fall short of what is needed.

For LIHEAP, the Committee added $111 million above FY 2004, as proposed by the President. However, this barely does more than reverse a decrease that occurred last year. Sharply higher energy prices combined with cold winters have increased the need for LIHEAP. These same conditions have also led to growing need for the Energy Department's Weatherization Assistance Program (which was recently transferred to the Labor-HHS bill). However, the bill includes no increase at all for Weatherization, rejecting the $64 million addition proposed by the President.

The Child Care Block Grant has its funding essentially frozen for the third year in a row under the Committee's bill, meaning a real reduction in help for working families. Appropriations for Head Start are $45 million less than the amount proposed by the President. Overall funding for the Administration on Aging is up by 2.2 percent. However, this follows two years of even smaller increases, leaving the FY 2005 figure just 4.0 percent above its level three years earlier.

THE DEMOCRATIC ALTERNATIVE

The demands of the war on terrorism, the conflict in Iraq, homeland security needs, and a sluggish economy require a pragmatic and responsible approach to America's budget. Yet, even with all these competing needs and challenges, this bill's shortcomings were not fated.

The budget alternatives that Democrats offered earlier this year—including the package of budget resolution revisions that the House considered on June 24—would have allowed this Committee to make a greater investment in education, health care, medical research, and other pressing needs. Our budget alternatives were also fiscally responsible; they would have provided for these national needs and reduced the deficit by modestly reducing tax cuts for those with annual incomes above $1 million.

When this bill was considered by subcommittee and by the full Appropriations Committee, amendments were offered mirroring the Labor-HHS-Education portion of the Democratic budget proposal. These amendments would have added $7.4 billion to the bill, paid for by 30 percent reduction in the 2005 tax cuts for people with incomes over $1 million. Instead of tax cuts averaging about $127,000, this top-income group would have their tax cuts reduced to an average of $89,000. Regrettably, these amendments were defeated on party line votes. Had they been adopted, we could:

- Invest $1.5 billion more in Title I instruction to help an additional 500,000 low-income and minority children in the poorest communities succeed in school;

- Invest $200 million more in after school centers so that an additional 267,000 children, who are responsible for taking care of themselves after school each day, have a safe and nurturing place to go after school;
- Invest $1.2 billion more to subsidize the high costs of educating 6.9 million children with disabilities;
- Provide a $450 increase in the maximum Pell Grant for students with the greatest financial need, and begin to restore its purchasing power for more than 5 million low-income students;
- Assist an additional 51,000 teachers improve their instructional skills to become highly qualified under NCLB; and
- Ensure that 2,500 low-performing schools receive the assistance they were promised to implement effective, comprehensive reforms to raise their academic performance.

In the area of workforce training, the Democratic amendment would have provided an additional $200 million to support training and job placement services for more jobless Americans. And, it would have fully restored funding to combat child labor and promote workers' rights around the world, which in turn would have helped workers here at home.

On the health and human services side, the Democratic amendment would have allowed us to provide more help to the 45 million people without health care, maintain momentum in biomedical research, and restore some of the lost purchasing power in key human services programs. For example, the amendment would do the following:

- Maintain the Healthy Communities Access Program, rather than terminating it as under the Committee bill, and add some funds to make up for lost ground in programs like the Maternal and Child Health Block Grant, Family Planning, and Community Mental Health Block Grant.
- Avoid any cuts in health professions training programs, add $20 million to the National Health Service Corps to get more doctors and dentists into underserved rural and inner city areas, and add $35 million to Nurse Reinvestment Act programs to help stem the nursing shortage by providing more scholarships for nursing students and more support for nursing schools.
- Eliminate the proposed cuts in rural health programs, and add an additional $19 million to better support rural health clinics, hospitals and emergency services.
- Provide $50 million to help meet some of the most urgent unmet needs for dental care, through grants for rural dental clinics, scholarships and student loan repayment arrangements for dentists who locate in underserved areas, and grants and low-interest loans to help dentists who agree to participate in Medicaid establish and expand practices in areas with dental shortages.
- Add $500 million to the budget of the National Institutes of Health—enough to provide a full inflation adjustment, renew all ongoing research grants, and restore the number of new grants to the FY 2003 level. This would help maintain momentum in research to find better treatments for diseases like cancer, Parkinson's disease, and Alzheimer's.
- Provide $50 million more for child immunization, to help catch up with rising vaccine costs, and also add $50 million to other infectious disease control efforts at CDC (including those aimed at HIV/AIDS, tuberculosis, and sexually transmitted diseases).
- Add $200 million to the Low-Income Home Energy Assistance Program to help keep up with rising needs. Between the 2002 and 2004 winter heating seasons, average home heating costs rose 50 percent for natural gas users and 54 percent for users of fuel oil. As energy prices rise and the economy remains weak, the number of households seeking assistance is rising, but the program still serves only about 14 percent of the eligible population.

Provide an additional $70 million for senior citizens' programs of the Administration on Aging, including Meals on Wheels and other nutrition programs.

Budgets are as much about America's values are they are about dollars and cents. By prioritizing massive tax cuts for the wealthiest among us, House Republicans have once again rejected traditional American values of shared sacrifice in difficult times and equal opportunity for all Americans. The Majority's priorities will mean less opportunity through education and job training, decreased access to health care in rural and other underserved areas, and a nation that is less caring toward its most vulnerable children, families, and senior citizens.

The decisions that have led to this unhappy situation have, in fact, already been made by the Republican majority members who have voted for the Republican budget resolution and against our efforts to modify it. This bill is the inevitable unhappy result of those decisions. The only way to achieve a more favorable final outcome is for this bill to move to conference with the Senate and be greatly altered to produce a more responsible result.

DAVID OBEY.
STENY HOYER.
NITA LOWEY.
ROSA L. DELAURO.
JESSE L. JACKSON, JR.
PATRICK J. KENNEDY.
LUCILLE ROYBAL-ALLARD.

Democratic Amendment to FY 2005 Labor-HHS-Education Appropriations

	Increase Above Committee Bill *Dollars in millions*
Education	
Providing Title 1 reading and math instruction to 500,000 additional low-income children	1,500
Helping 267,000 additional children in working families to benefit from after-school learning opportunities	200
Increasing assistance to local communities for special education	1,200
Helping to put a highly qualified teacher in every classroom	225
Increasing the maximum Pell Grant by $450 to $4,500 to begin to restore the lost purchasing power of Pell Grants	2,200
Supporting effective school improvement through comprehensive school reforms at an additional 2,500 schools	228
Total, Department of Education	*$5,553*
Employment and Training	
Investing in training and job placement assistance for unemployed Americans	126
Promoting international labor standards and workers' rights	74
Total, Department of Labor	*$200*
Health and Human Services	
Keeping up with costs of childhood immunization, and improving control of infectious diseases (including TB, STDs & AIDS)	100

	Increase Above Committee Bill *Dollars in millions*
Preserving critical investments in medical research at NIH	500
Maintaining core health care "safety net" programs, especially for children and rural residents (including Community Access Program, Family Planning, etc).	333
Improving critical dental services for children and others lacking access to care	50
Helping to alleviate the shortage of nurses	35
Training doctors, dentists and other health professionals, especially for rural and underserved areas	25
Improving public health preparedness for bio-terrorism & epidemics	56
Helping low-income families with energy costs through LIHEAP	200
Maintaining access to child care and Head Start	180
Improving economic opportunity and community services (CSBG)	30
Assisting communities with refugee resettlement	32
Meals-on Wheels, Senior Centers, Family Caregiver Assistance and other help for older Americans	70
Total, Department of HHS	*$1,611*
TOTAL	**$7,364**

Offset

The cost of these additions would be offset through a 30 percent reduction in the tax cuts received by people with annual incomes above $1 million as a result of the 2001 and 2003 tax legislation. Instead of annual tax cuts averaging $127,000, this group would receive tax cuts averaging $89,000.

DEMOCRATIC AMENDMENT TO FULL COMMITTEE PRINT
FY 2005 LABOR-HHS-EDUCATION APPROPRIATIONS
Program Level, $ in millions

	FY 2004 Comparable	FY 2005 Request	FY 2005 Committee	FY 2005 Democrats	Democratic Amendment Compared To: Committee Dollars	Committee Percent	FY 2004 Dollars	FY 2004 Percent
Education Investments								
Title 1 Grants to School Districts	$12,342	$13,342	$13,342	$14,842	$1,500	11.2%	$2,500	20.3%
21st Century After School Centers	$999	$999	$999	$1,199	$200	20.0%	$200	20.0%
IDEA Part B State Grants	$10,068	$11,068	$11,068	$12,268	$1,200	10.8%	$2,200	21.9%
Federal Contribution	*18.6%*	*19.7%*	*19.7%*	*22.0%*	*$0*	*11.7%*	*$0*	*18.3%*
Teacher Quality State Grants	$2,930	$2,930	$2,950	$3,175	$225	7.6%	$245	8.4%
Pell Grants	$12,007	$12,830	$12,830	$15,030	$2,200	17.1%	$3,023	25.2%
Maximum Award	*$4,050*	*$4,050*	*$4,050*	*$4,500*	*$450*	*11.1%*	*$450*	*11.1%*
Comprehensive School Reform	$308	$0	$80	$308	$228	284.6%	$0	0.0%
Subtotal, Department of Education					$5,553		$8,168	
Employment and Training Investments								
Dislocated Worker Assistance	$1,454	$1,383	$1,479	$1,517	$38	2.6%	$63	4.3%
Formula	*$1,178*	*$1,100*	*$1,178*	*$1,216*	*$38*	*3.2%*	*$38*	*3.2%*
National Reserve	*$276*	*$283*	*$301*	*$301*	*$0*	*0.0%*	*$25*	*9.1%*
Employment Service	$851	$763	$763	$851	$88	11.5%	$0	0.0%
International Labor Affairs	$110	$31	$36	$110	$74	209.1%	$0	0.0%
Subtotal, Department of Labor					$200		$63	
Health & Human Services Investments								
Centers for Disease Control:								
HIV/AIDS, STD and TB Control	$1,142	$1,143	$1,149	$1,184	$35	3.0%	$43	3.7%
Immunization	$643	$644	$654	$704	$50	7.6%	$61	9.4%
Infectious Disease Control	$369	$401	$401	$416	$15	3.7%	$47	12.6%
National Institutes of Health	$27,808	$28,541	$28,541	$29,041	$500	1.8%	$1,233	4.4%
Community Health Centers	$1,617	$1,836	$1,836	$1,867	$31	1.7%	$250	15.5%
National Health Service Corps	$170	$205	$170	$190	$20	11.8%	$20	11.8%
Community Access Program	$104	$10	$0	$104	$104	n.a.	$0	0.0%
Maternal and Child Health Block Grant	$730	$730	$730	$770	$40	5.5%	$40	5.5%
Healthy Start	$98	$98	$98	$108	$10	10.2%	$10	10.2%
Family Planning	$278	$278	$278	$295	$17	6.1%	$17	6.1%
Ryan White AIDS CARE Act	$2,065	$2,080	$2,100	$2,130	$30	1.4%	$65	3.1%

DEMOCRATIC AMENDMENT TO FULL COMMITTEE PRINT
FY 2005 LABOR-HHS-EDUCATION APPROPRIATIONS
Program Level, $ in millions

	FY 2004 Comparable	FY 2005 Request	FY 2005 Committee	FY 2005 Democrats	Democratic Amendment Compared To: Committee Dollars	Committee Percent	FY 2004 Dollars	FY 2004 Percent
Rural Health and Telemedicine	$111	$34	$88	$129	$41	47.2%	$19	16.8%
(Above line restores all programs to FY 2004 level, plus $10 million for Rural Health Outreach, $5 million for Telemedicine, and $4 million for Rural EMS).								
Substance Abuse and Mental Health Services	$3,351	$3,550	$3,392	$3,432	$40	1.2%	$81	2.4%
Dental Care Initiative				$50	$50	n.a.	$50	n.a.
(Above line adds $10 million to National Health Service Corps, $10 million to Rural Health Outreach and $6 million to Health Professions, all for dental care, plus $24 million for Dental Shortage Area Grants under PHSA sec. 340G)								
Nurse Education	$142	$147	$147	$182	$35	23.8%	$40	28.2%
(Above line adds $15 million to scholarship & loan repayments, $5 million each to advanced education nursing and diversity, $4 million each to education-practice-retention and faculty loan repayments, and $3 millon to geriatric nursing.)								
Health Professions Education	$294	$11	$269	$294	$25	9.2%	$0	0.0%
Public Health Emergency Fund	$2,164	$2,225	$2,369	$2,425	$56	2.4%	$261	12.1%
Low-Income Home Energy Assistance	$1,889	$2,001	$2,000	$2,200	$200	10.0%	$311	16.5%
Child Care Development Block Grant	$2,087	$2,100	$2,100	$2,200	$100	4.8%	$113	5.4%
Head Start	$6,783	$6,944	$6,899	$6,979	$80	1.2%	$195	2.9%
Community Services Block Grant	$642	$495	$628	$650	$23	3.6%	$8	1.3%
Community Services discretionary programs	$89	$57	$83	$90	$7	8.8%	$0	0.5%
Refugee & Entrant Assistance	$448	$473	$491	$523	$32	6.5%	$76	16.9%
Older Americans Act programs	$1,374	$1,377	$1,403	$1,473	$70	5.0%	$100	7.2%
(Above line adds $20 million to Supportive Services, $25 million to Nutrition, $10 million to Family Caregivers and $2 million to Native American Caregivers, $4 million each to Native Americans and Protection of Vulnerable Older Americans and $5 million to Alzheimer's Disease grants.)								
Subtotal, Department of Health and Human Services					$1,611		$3,039	
Total					**$7,364**		**$11,269**	

SUMMARY OF STATE EDUCATION FORMULA ALLOCATIONS
DEMOCRATIC AMENDMENT COMPARED TO COMMITTEE BILL

(Estimates, dollars rounded to nearest $000; amounts may not sum to totals)

	Title 1	After School	IDEA Part B	Teacher Quality	Pell Grants	Total
Alabama	+$25,610,000	+$2,927,000	+$19,470,000	+$3,700,000	+$41,736,000	+$93,443,000
Alaska	+$4,027,000	+$980,000	+$3,631,000	+$1,108,000	+$1,716,000	+$11,462,000
Arizona	+$27,864,000	+$3,619,000	+$18,163,000	+$4,647,000	+$44,464,000	+$98,757,000
Arkansas	+$18,102,000	+$1,823,000	+$12,075,000	+$2,324,000	+$23,051,000	+$57,375,000
California	+$187,447,000	+$27,678,000	+$133,993,000	+$30,073,000	+$197,728,000	+$576,919,000
Colorado	+$15,473,000	+$1,762,000	+$15,382,000	+$2,639,000	+$24,202,000	+$59,458,000
Connecticut	+$13,794,000	+$1,617,000	+$13,699,000	+$1,853,000	+$11,572,000	+$42,535,000
Delaware	+$4,117,000	+$980,000	+$3,327,000	+$1,108,000	+$3,299,000	+$12,831,000
District of Columbia	+$5,235,000	+$980,000	+$1,673,000	+$1,108,000	+$5,906,000	+$14,902,000
Florida	+$62,613,000	+$9,152,000	+$68,360,000	+$11,462,000	+$108,565,000	+$260,152,000
Georgia	+$48,534,000	+$5,986,000	+$31,929,000	+$6,688,000	+$51,107,000	+$144,244,000
Hawaii	+$5,339,000	+$980,000	+$4,197,000	+$1,108,000	+$5,472,000	+$17,096,000
Idaho	+$5,361,000	+$980,000	+$5,712,000	+$1,108,000	+$11,559,000	+$24,720,000
Illinois	+$50,377,000	+$8,197,000	+$53,266,000	+$8,541,000	+$76,262,000	+$196,643,000
Indiana	+$27,895,000	+$2,542,000	+$26,842,000	+$3,601,000	+$35,923,000	+$96,803,000
Iowa	+$11,507,000	+$980,000	+$12,287,000	+$1,513,000	+$21,923,000	+$48,210,000
Kansas	+$13,770,000	+$1,235,000	+$11,500,000	+$1,583,000	+$18,402,000	+$46,490,000
Kentucky	+$25,154,000	+$2,642,000	+$15,714,000	+$3,078,000	+$30,709,000	+$77,297,000
Louisiana	+$33,963,000	+$4,237,000	+$19,525,000	+$4,588,000	+$40,562,000	+$102,875,000
Maine	+$5,862,000	+$980,000	+$5,507,000	+$1,108,000	+$7,067,000	+$20,524,000
Maryland	+$19,042,000	+$2,602,000	+$21,014,000	+$3,003,000	+$25,430,000	+$71,091,000
Massachusetts	+$26,580,000	+$3,304,000	+$28,570,000	+$3,489,000	+$29,523,000	+$91,466,000
Michigan	+$54,136,000	+$6,220,000	+$43,983,000	+$6,478,000	+$57,125,000	+$167,942,000
Minnesota	+$14,893,000	+$1,488,000	+$20,008,000	+$2,444,000	+$27,174,000	+$66,007,000
Mississippi	+$20,970,000	+$2,461,000	+$13,145,000	+$2,962,000	+$32,644,000	+$72,182,000
Missouri	+$24,977,000	+$2,814,000	+$22,863,000	+$3,700,000	+$35,980,000	+$90,334,000
Montana	+$5,039,000	+$980,000	+$4,000,000	+$1,108,000	+$7,819,000	+$18,946,000
Nebraska	+$7,456,000	+$980,000	+$7,516,000	+$1,108,000	+$10,990,000	+$28,050,000
Nevada	+$6,610,000	+$1,027,000	+$6,830,000	+$1,438,000	+$6,997,000	+$22,902,000
New Hampshire	+$4,234,000	+$980,000	+$4,776,000	+$1,108,000	+$4,913,000	+$16,011,000

SUMMARY OF STATE EDUCATION FORMULA ALLOCATIONS
DEMOCRATIC AMENDMENT COMPARED TO COMMITTEE BILL

(Estimates, dollars rounded to nearest $000; amounts may not sum to totals)

	Title 1	After School	IDEA Part B	Teacher Quality	Pell Grants	Total
New Jersey	+$38,083,000	+$4,012,000	+$36,380,000	+$4,676,000	+$39,909,000	+$123,060,000
New Mexico	+$15,676,000	+$1,836,000	+$9,600,000	+$2,011,000	+$16,075,000	+$45,198,000
New York	+$109,210,000	+$19,493,000	+$77,511,000	+$15,198,000	+$149,927,000	+$371,339,000
North Carolina	+$36,827,000	+$4,264,000	+$33,389,000	+$5,754,000	+$51,779,000	+$132,013,000
North Dakota	+$3,986,000	+$980,000	+$2,702,000	+$1,108,000	+$6,214,000	+$14,990,000
Ohio	+$58,614,000	+$6,240,000	+$50,213,000	+$7,074,000	+$68,552,000	+$190,693,000
Oklahoma	+$19,662,000	+$2,184,000	+$16,170,000	+$2,804,000	+$29,482,000	+$70,302,000
Oregon	+$21,693,000	+$2,077,000	+$14,341,000	+$2,297,000	+$22,828,000	+$63,236,000
Pennsylvania	+$59,457,000	+$6,595,000	+$47,480,000	+$7,052,000	+$70,915,000	+$191,499,000
Puerto Rico	+$58,352,000	+$7,240,000	+$11,102,000	+$8,446,000	+$80,026,000	+$165,166,000
Rhode Island	+$6,640,000	+$980,000	+$4,402,000	+$1,108,000	+$7,982,000	+$21,112,000
South Carolina	+$24,387,000	+$2,606,000	+$18,338,000	+$3,068,000	+$27,780,000	+$76,179,000
South Dakota	+$4,589,000	+$980,000	+$3,219,000	+$1,108,000	+$6,674,000	+$16,570,000
Tennessee	+$27,048,000	+$3,164,000	+$24,995,000	+$4,127,000	+$37,513,000	+$96,847,000
Texas	+$126,201,000	+$17,610,000	+$99,459,000	+$20,053,000	+$139,937,000	+$403,260,000
Utah	+$8,060,000	+$980,000	+$12,058,000	+$1,477,000	+$21,598,000	+$44,173,000
Vermont	+$3,763,000	+$980,000	+$2,605,000	+$1,108,000	+$3,452,000	+$11,908,000
Virginia	+$26,950,000	+$3,065,000	+$29,659,000	+$4,192,000	+$36,975,000	+$100,841,000
Washington	+$25,650,000	+$2,656,000	+$25,032,000	+$3,681,000	+$32,436,000	+$89,455,000
West Virginia	+$14,604,000	+$1,470,000	+$7,644,000	+$1,408,000	+$15,180,000	+$40,306,000
Wisconsin	+$25,618,000	+$2,477,000	+$22,012,000	+$3,001,000	+$24,620,000	+$77,728,000
Wyoming	+$3,847,000	+$980,000	+$2,734,000	+$1,108,000	+$3,361,000	+$12,030,000
TOTAL APPROPRIATION	+$1,500,000,000	+$200,000,000	+$1,200,000,000	+$225,000,000	+$2,200,000,000	+$5,325,000,000

Note: Title 1, After School, IDEA Part B, and Teacher Quality estimates from the Congressional Research Service based on data provided by the U.S. Department of Education. Pell Grant estimates from American Council on Education based on data provided by the U.S. Department of Education.

MINORITY VIEWS OF THE HONORABLE DAVID OBEY, STENY HOYER, NITA LOWEY, ROSA DELAURO, JESSE JACKSON, JR., PATRICK KENNEDY, AND LUCILLE ROYBAL-ALLARD ON THE ADMINISTRATION'S OVERTIME REGULATION

The Administration is poised—in a few short weeks—to implement the most sweeping, anti-worker revision of the Fair Labor Standards Act (FLSA) since its inception in 1938. The overtime pay requirements of the FLSA, which guarantee for most workers ''time and a half'' pay for hours worked beyond a standard 40-hour work week, are one of the nation's bedrock worker protections. The FLSA's overtime provisions cover approximately 115 million workers—about 85 percent of the nation's workforce.

On August 23rd, 2004, the Department of Labor's final overtime regulations (redefining who is considered a professional, administrative, or executive employee and thereby exempt from overtime pay) are slated to go into effect, giving employers a huge windfall taken right out of employees' paychecks. On the eve of Labor Day, more than 6 million Americans soon will be getting less pay for their labors courtesy of the Bush Administration.

This anti-worker regulation is just the latest attack on America's workers by this Administration. Since President Bush entered office, 1.8 million private sector jobs have been lost. Despite modest job creation in the last few months, some 8.2 million Americans remain unemployed—2.3 million (38 percent) more than when President Bush entered office. Further, more unemployed individuals are out of work for longer periods of time. In June 2004, 1.7 million individuals had been unemployed for over 6 months—nearly triple the number of long-term unemployed at the start of the Administration.

For families who received overtime pay in 2000, overtime earnings accounted for about 25 percent of their income or about $8,400 a year. Overtime compensation is essential to their ability to pay mortgages, medical bills, and make ends meet. Yet, despite the urgent need to halt the Administration's assault on these workers, the House Appropriations Committee rejected, by a party line vote of 29 to 31, a Democratic amendment that would have prevented the Administration from rolling back the 40-hour workweek.

Last year, both the House and the Senate voted to stop the Administration from taking away workers' rights to overtime when the Department of Labor issued its initial proposal to strip overtime protections away from 8 million workers. The Senate twice adopted amendments offered by Senator TOM HARKIN to prohibit the Administration from taking away overtime pay. Last October, the House voted to adopt the Obey-Miller Motion to Instruct by a vote of 221 to 203.

Both the Harkin Amendment and the Obey-Miller Motion to Instruct would have restricted the Administration's ability to disqualify anyone from overtime protection, while retaining virtually the only positive change in the initial regulation—a long overdue and non-controversial increase in the protective salary threshold to guarantee overtime rights for low-income workers. Democrats support extending overtime protections to more low-income workers, even though the Administration's proposal fails to provide a true inflationary adjustment to the salary threshold. (Moreover, we now know that that far fewer workers would actually benefit from this change than claimed by the Department of Labor.)

Yet, despite passage of these measures in the Senate and the House—in opposition to all the traditions of the Congress—the Republican leadership stripped the Harkin language from the final fiscal year 2004 omnibus appropriations bill, allowing the Department of Labor to proceed with its anti-worker regulation.

On July 14, the Committee on Appropriations had an opportunity to preserve the hard-earned overtime rights for working Americans by adopting the Democratic amendment. The Democratic amendment was identical, in effect, to the earlier measures approved by both the House and the Senate. It would have prohibited the Department of Labor from implementing the final rule to disqualify workers from overtime coverage. At the same time, it would have allowed the expansion of overtime rights for low-income workers earning up to $23,660 a year, precisely as proposed by the Department of Labor in its final regulation.

The Democratic amendment would protect more than 6 million workers in a broad range of occupations now at risk of losing their overtime rights according to estimates made by the Economic Policy Institute (EPI). Indeed, an even larger number of workers are likely to be harmed by the Administration rule because EPI examined only 10 of the hundreds of occupational categories covered by the Bush anti-worker regulation.

The Democratic amendment would protect:

- *2.3 million workers who lead teams of other employees assigned to major projects—even if these team leaders have no direct supervisory responsibilities for other employees on the team.* About 40 percent of employers with 50 or more employees routinely use work teams. Under the Department of Labor's final regulation, however, we can expect even more employers to take advantage of this new exemption with enormous negative consequences for employees;
- *Nearly 2 million low-level working supervisors in fast food restaurants, lodging and retail stores.* Under the Department of Labor's final regulation, these employees could lose 100 percent of their overtime eligibility even though only a small percentage of their time is spent on managerial work. For example, low-paid Burger King assistant manager who spends nearly all of his or her time cooking hamburgers and serving customers, with no authority to hire or fire subordinates, could lose all of his or her overtime pay. Moreover, it will not be easier for employers to evade the rules by converting hourly employees to exempt salaried employees;
- *More than 1 million employees without a college or graduate degree.* These employees will now be exempt from overtime pay as professional employees because employers will be able to substitute work experience for a degree under the Department of Labor's final regulation.

Moreover, the Department of Labor has not resolved the question of whether training in the military can be considered substitute work experience. Thus, despite Labor Department denials, many veterans employed in engineering, accounting, and technical occupations could lose overtime pay. For example, the Boeing corporation observed, ''* * * many of its most skilled technical workers received a significant portion of their knowledge and training outside of the university classroom, typically in a branch of the military service * * *'';

- *30,000 nursery school and Head Start teachers.* These already low-paid employees, who currently receive overtime pay because their jobs do not require them to exercise sufficient discretion and judgment to be considered professional employees, will lose the right to extra pay under the Department of Labor's final regulation;
- *160,000 mortgage loan officers and hundreds of thousands of additional workers in the financial services industry.* These employees will lose their overtime rights because of a blanket industry exemption in the Department of Labor final regulation for financial service employees who work at such duties as collecting customer financial information, providing information and advice about financial products, or marketing financial products;
- *Nearly 90,000 computer employees, funeral directors and licensed embalmers.* These employees will become exempt and lose their right to pay under the Department of Labor's final regulation; and
- *Nearly 400,000 workers earning more than $100,000 annually.* Under the Department of Labor final regulation, these highly compensated employees will lose overtime pay under a new blanket exemption if they perform only a single exempt task ''customarily or regularly'', such as suggesting discipline, promotion or assignment of other employees perhaps as infrequently as twice a year. Over time, as incomes grow, the number of employees bumped into this new exclusion from overtime pay will increase.

The Department of Labor failed to hold a single public hearing on one of the most controversial regulations in the history of the Department, despite receiving 75,280 comments on its proposals. Indeed, the Department of Labor even provided information to employers in its initial regulation on how to escape overtime pay requirements as part of a concerted campaign to give employers dozens of new ways—both obvious and subtle—to reclassify workers to cut costs.

Affected employers would have four choices concerning potential payroll costs: (1) Adhering to a 40 hour work week; (2) paying statutory overtime premiums for affected workers' hours worked beyond 40 per week; (3) raising employees' salaries to levels required for exempt status by the proposed rule; or (4) converting salaried employees' basis of pay to an hourly rate (no less than the federal minimum wage) that results in virtually no (or only a minimal) changes to the total compensation paid to those workers. Employers could also change the duties of currently exempt and nonexempt workers to comply with the proposed rule.

The Administration claims that its overtime regulation will strengthen and expand overtime protections. The facts say different. Even the Republican-led Senate voted 99 to 0 in favor of the amendment offered by Senator Judd Gregg to protect overtime rights in 55 job classifications—including blue-collar workers, registered nurses, police officers, and firefighters—because they had no confidence in the Administration's claims.

The Administration claims that its overtime regulation will reduce costly and lengthy litigation. However, three experts who formerly administered the FLSA in the Department of Labor during both Republican and Democratic administration reached exactly the opposite conclusion,

Further, in our view, the Department has written rules that are vague and internally inconsistent, and that will likely result in a profusion of confusion and court litigation—outcomes that the Department explicitly sought to avoid.

For example, the former Department of Labor officials observed that,

The team leader provision in new Sec. 541.203(3) is an entirely new regulatory concept that is also fraught with ambiguity. This provision is not based on case law, but is purportedly an attempt to reflect modern workplace practices. . . . Furthermore, the regulations do not address the very real possibility that team leaders may be working on a number of different short- or long-term projects, simultaneously or in succession,

some of which would be major and directly related to the performance of management or general business operations and some of which would not. Evaluating the team leader's primary duty in that instance will be very difficult at best. Would the employee, for example, move in and out of exempt status from one week to the next? How this provision will operate in practice can only be imagined, but one can surmise that employers will seek to apply this provision to large numbers of employees to whom the exemption was never intended to apply.

Rather than providing more clarity to protect more workers, the Administration's overtime regulation constituents an open invitation to dispute. The Department of Labor deliberately has replaced longstanding, objective criteria by which employers and employees could clearly understand who qualifies for overtime pay and who does not with ambiguous concepts and criteria. These changes will require subjective judgments by employers that no doubt will be made based on the employers' economic interests to the detriment of workers. Practically the only instances in which the Labor Department ''clarified'' the rules are by declaring virtually entire classes of workers—for example, financial services workers, insurance claims adjusters, athletic trainers, funeral directors and embalmers, and employees earning more than $100,000—ineligible for overtime pay.

At a time when millions of families feel lucky just to have a job, this Committee should have rejected the Administration's proposed pay cut for 6 million American families. By failing to adopt the Democratic amendment, the Committee failed to uphold the values of working and middle class Americans who simply want a fair day's pay for a hard day's work.

DAVID OBEY.
STENY HOYER.
NITA LOWEY.
ROSA L. DELAURO.
JESSE L. JACKSON, Jr.
PATRICK J. KENNEDY.
LUCILLE ROYBAL-ALLARD.

Mr. Chairman, the fact is that the only chance we have to improve this bill is to send it to conference with the Senate, because without going to conference, we cannot correct the shortcomings produced by the subcommittee.

In spite of that, I intended to vote against the bill until the House today adopted the Obey-Miller amendment. With the adoption of that amendment, which is an attempt to restore overtime rights to some 5 million workers, this bill becomes at this point the only vehicle by which we have a shot at restoring those overtime rights. So I will most reluctantly vote to move this bill on to conference.

But I want to make clear to the majority that if the conference report comes back with this provision stripped, and if the conference report comes back without correcting some of the deficiencies that we have laid out in the minority views, and we do not expect them all to be corrected, but we certainly expect some to be corrected in a legitimate give-and-take process, but if this overtime provision winds up being stripped out of the bill, and if some of these shortcomings are not corrected, then I want to make quite clear to the majority not to expect me to vote for it when it comes back from conference, because I will not do so.

This bill falls far short of where it needs to be to protect the long-term interests of our children and our workers, and especially those people without health care. And I would urge Members of the other body to make enough changes when they consider the bill so that we have a reasonable prospect in conference of actually producing a decent bill.

I appreciate the support that we got today from every Member on this side of the aisle and 22 Members on that side of the aisle on the overtime provisions. I hope that Members will insist, now that they voted that way, I hope that they will insist that that provision stays nailed in the bill, unlike last year when the provision was removed by the leadership.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to thank the gentleman for his cooperation. It really has been a team effort in many ways, and I think this bill does reflect, maybe not in total numbers of dollars, but certainly in terms of what we had available, I think we have reflected the Members' priorities pretty well across the board, both sides of the aisle, and we have tried to reflect the needs of the American people.

I think the bill is very fair. It is very well balanced. We have had the support of the minority in the subcommittee and the full committee that reflects that. Obviously, many would like to have more money, but we have to work with what we have. And given what was available, I think we worked together to produce a very responsible bill, so I would urge all of our Members to support this bill on final passage.

I think the membership can point to it with satisfaction; maybe not with complete agreement, but satisfaction that it reflects as well as possible the aspirations and priorities of Members given the amount of money that was available to us through the budget process.

□ 1800

AMENDMENT OFFERED BY MR. HAYWORTH

The CHAIRMAN pro tempore (Mr. THORNBERRY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 225, not voting 30, as follows:

[Roll No. 439]

AYES—178

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Capito
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Edwards
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Isakson
Israel
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Kolbe
LaHood
Lampson
LaTourette
Lewis (KY)
LoBiondo
Manzullo
Marshall
Matheson
McCotter
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pence
Peterson (MN)
Petri
Pitts
Platts
Pombo
Putnam
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wolf
Wu

NOES—225

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonilla
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cantor
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crane
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Houghton
Hoyer
Hyde
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)

Kildee	Murphy	Scott (VA)
Kilpatrick	Murtha	Serrano
Kind	Nadler	Shaw
King (NY)	Napolitano	Sherman
Kleczka	Neal (MA)	Sherwood
Knollenberg	Northup	Slaughter
Kucinich	Nunes	Smith (NJ)
Lantos	Nussle	Smith (WA)
Larsen (WA)	Oberstar	Snyder
Larson (CT)	Obey	Solis
Latham	Olver	Souder
Leach	Ortiz	Spratt
Lee	Osborne	Stark
Levin	Ose	Strickland
Lewis (CA)	Owens	Stupak
Lewis (GA)	Oxley	Tauscher
Linder	Pallone	Thomas
Lofgren	Pascrell	Thompson (CA)
Lowey	Pastor	Thompson (MS)
Lucas (KY)	Payne	Tiahrt
Lynch	Pearce	Tiberi
Majette	Pelosi	Tierney
Maloney	Pickering	Turner (OH)
Markey	Pomeroy	Udall (CO)
Matsui	Porter	Udall (NM)
McCarthy (MO)	Portman	Van Hollen
McCarthy (NY)	Price (NC)	Velázquez
McCollum	Pryce (OH)	Visclosky
McCrery	Rahall	Walsh
McDermott	Regula	Waters
McGovern	Rodriguez	Watson
McNulty	Ross	Watt
Meek (FL)	Rothman	Waxman
Meeks (NY)	Roybal-Allard	Weiner
Menendez	Ruppersberger	Weller
Michaud	Sabo	Wexler
Millender-McDonald	Sánchez, Linda T.	Wicker
		Wilson (NM)
Miller (NC)	Sanchez, Loretta	Wilson (SC)
Miller, George	Schakowsky	Woolsey
Mollohan	Schiff	Wynn
Moran (VA)	Scott (GA)	Young (FL)

NOT VOTING—30

Ballenger	Lucas (OK)	Ros-Lehtinen
Cannon	McInnis	Ryan (OH)
Cardoza	Meehan	Schrock
Delahunt	Moran (KS)	Shuster
Gephardt	Nethercutt	Tanner
Goss	Peterson (PA)	Tauzin
Greenwood	Quinn	Toomey
Kanjorski	Radanovich	Towns
Langevin	Rangel	Turner (TX)
Lipinski	Reyes	Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1827

Messrs. FATTAH, PEARCE and GUTIERREZ, Ms. KAPTUR, and Messrs. TIAHRT, MCCRERY, STRICKLAND and ISSA changed their vote from ''aye'' to ''no.''

Messrs. BOEHLERT, ROGERS of Michigan, FROST, WELDON of Florida, FOSSELLA, SANDLIN, JOHN and LAMPSON, Ms. HOOLEY of Oregon, and Messrs. BURGESS, MOORE, HILL, WU, TOM DAVIS of Virginia and WELDON of Pennsylvania changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005''.

Mr. THOMAS. Mr. Chairman, the LoBiondo amendment to Section 221 of H.R. 5006, the "Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005," would make a change to Medicare Part A payment policy, and thus falls within the sole jurisdiction of the Committee on Ways and Means. Legislating on an appropriation bill is a violation of House Rules XXI, and the Committee opposes attempts to legislate on appropriation bills. However, in this case, I have worked with Representatives LOBIONDO, LOWEY and WAMP to draft the amendment being offered today to ensure that the Committee's position is addressed. The Committee on Ways and Means has long been involved in this issue and is interested in ensuring that any rule relating to the classification of inpatient rehabilitation hospitals is properly implemented and enforced. The amendment is being offered with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

Mr. OWENS. Mr. Chairman, I wish to express grave concern over a clause in this bill that would seriously erode worker protections against tuberculosis, TB, and bioterrorism. This provision prohibits the Occupational Safety and Health Administration, OSHA, from fully enforcing its respirator standard for workers at risk of exposure to TB and other deadly infections. At a time when the Bush administration is invoking daily, color-coded terrorist alerts, it makes absolutely no sense to weaken the only standard we have to protect health care workers against air-borne pathogens or airborne "weapons of mass destruction." By prohibiting OSHA from enforcing the annual fit test for workers' respirators or masks, that is exactly what is possible.

According to Dr. Margaret Hamburg, Vice President for Biological Programs at the Nuclear Threat Initiative, biological agents that might be used as biological weapons include small pox, pneumonic plague, and drug-resistant TB. To undercut the only protection that front-line health care workers would have to such agents—namely, their respirators—is absolutely unconscionable.

Mr. Speaker, I ask unanimous consent that a letter on this critical issue from the Director of Occupational Health and Safety at the Service Employees International Union (SEIU) be included in the RECORD at this point. I trust and hope my colleagues in the Senate will see the wisdom of opposing any such effort to weaken workers' protections against TB and bioterrorism.

AN OPEN LETTER TO APIC MEMBERS

Dear APIC member:

I ran across your e-mail thread from my colleagues in the occupational health and safety community. As I am not an APIC member (yet), I hope that you are not offended by my taking this liberty to communicate directly with you about a manner of upmost importance to all of us who are concerned about health care worker occupational health and safety.

The APIC leadership (with AHA) have been on a crusade to undermine adequate TB and respiratory legal protections for health care workers for some time now. They are proud of their singular role in working with Congressman Roger Wicker (R–MS), whose state coincidentally is surrounded by states with some of the highest rates of TB, to kill the OSHA TB rule late last year.

Not satisfied with that ''accomplishment'', APIC leadership is now determined to gut the application of the OSHA respirator standard that has been on the books for all other chemical, biological and infectious disease agents, except TB since 1998. The reason that the respirator standard didn't apply to TB until now is because the separate OSHA TB standard (that APIC had killed) would have covered respiratory protection within the framework of a comprehensive TB rule.

As someone trained as a microbiologist and industrial hygienist working in the healthcare sector for the past 24 years, I must tell you that your APIC leadership is dead wrong to oppose annual fit testing against TB and other airborne biological hazards. I am not alone. Every labor organization that represents health care workers also supports annual fit testing, as does the Bush Administration, the American Nurses Association, American Industrial Hygiene Association and the 50,000 member American Public Health Association.

Let's look at the facts:

(1) Last year TB rates had their smallest decline in years; rates increased in twenty states.

(2) Without annual fit testing, respirator face seals will erode over time, respirators will leak, and more healthcare workers will experience TB conversions. Respirator manufacturers recommend annual fit testing for their products to work properly.

(3) The APIC leadership is misleading you when they say that the Wicker amendment is supported by CDC. This is not true. The official CDC position has never differed from OSHA's position either verbally or in writing.

(4) The official position of the Bush Administration in supporting annual fit testing, was articulated in the December 30, 2003 Federal Register OSHA notice, stating that fit testing is crucial to a proper face seal, and that over time that 5% to 50% of all workers will lose a proper face seal each year if annual fit testing is not performed.

(5) As far as the argument that there is ''no difference'' between a surgical mask vs. a properly fitted N95 respirator, a study conducted by Nelson Laboratories in Salt Lake City last year found that a surgical mask filtered out 61.9%–62.3% of particles in the respirable 0.3 micron range vs. 97.9%–99.7% for a properly fitted N95 respirator.

Many of you may recall the clamor of opposition against the bloodborne pathogens standard in the late 1980s. Many dentists claimed that if they wore gloves, that patients wouldn't see them. Today the opposite is the case, while the CDC reports that since the standard took effect, that hepatitis B cases among health care workers have plummeted from 17,000 a year to 400.

Today, as a result of the requirements under the bloodborne pathogens standard, many infection control professionals have more resources to do their job. The same could be the case if we work together to protect health care workers from airborne exposures to TB through annual fit testing; also conferring protections against SARS, avian flue and airborne weapons of mass destruction.

SEIU represents 1.7 million workers, with over half employed in health care, including over 100,000 nurses and 20,000 physicians. Many of our members are APIC members who vehemently disagree with the position of the current APIC leadership. I know that many other APIC members believe that their current leadership is not acting in the best interest of their membership when they work so zealously in opposition to these basic worker protections.

I respectfully suggest that APIC members learn the facts, and work to support an APIC leadership that shares our joint interests in protecting both workers and patients.

Sincerely:

BILL BORWEGEN, MPH,
Director, Occupational Health and Safety
Service Employees International Union.

Mr. SHAYS. Mr. Chairman, I support the fiscal year 2005 Labor, Health and Human Services, and Education Appropriations Bill, but I would like to state my opposition to the Weldon refusal clause provision.

The Weldon provision would exempt health care companies from any federal, state or local government law that ensures women have access to reproductive health services, including information about abortion.

If passed, this provision would have many negative effects.

It would override federal Title X guidelines that ensure women receive full medical information. A fundamental principle of Title X, the national family planning program, ensures pregnant women who request information about all their medical options, including abortion, be given that information, including a referral upon patient request.

I am also concerned this bill does not include an increase in funding for Title X. Each year approximately 4.5 million low-income women and men receive basic health care through 4,600 clinics nation wide that receive Title X funds. This program reduces unintended pregnancies and makes abortion less necessary. Had funding for Title X kept pace with inflation since 1980, with no additional increases, it would be funded today at double its current budget.

While Title X is receiving flat funding from last year, H.R. 5006 gives abstinence-only programs an increase of $35 million. Unlike Title X, abstinence-only programs do not provide clinical health services.

Additionally, research shows comprehensive sex-education programs, which teach both abstinence and contraception, are the most effective. There is no federal program that earmarks dollars for comprehensive sex education.

I support a woman's right to choose whether to terminate a pregnancy subject to Roe v. Wade.

Abortion is a very personal decision. While a woman's doctor, clergy, friends, family and public officials may have an opinion, the ultimate decision rests solely with her. It is vital for every woman to have access to as much information as she needs in order to make this decision.

While I support the bill, I oppose these provisions and amendments.

Mr. ISRAEL. Mr. Chairman, I rise today with concern for our public education system. As a new school year begins on Long Island, many parents are eager to find out if their children's schools will be labeled failing or in need of improvement, assessments mandated by the federal No Child Left Behind Act. I believe this is also an ideal time for the administration and Congress to assess federal efforts to support our nation's public schools.

The Individuals with Disabilities Education Act (IDEA) and No Child Left Behind Act were landmark federal policies to ensure quality education for children with disabilities and improve learning results. Unfortunately, these well meaning efforts have been met with great controversy on the local level due to immense funding inadequacies.

The monumental No Child Left Behind Act passed Congress in 2001. It made a deal with America's public schools: in exchange for new standards of excellence, the legislation promised new federal funding. Unfortunately, the federal government has not held up its end of the bargain. The FY05 Labor, Health and Human Service and Education Appropriations Act alone shortchanges No Child Left Behind programs by whopping $9.5 billion, making it increasingly difficult for schools to meet new, higher standards.

In 1975, the federal government committed to pay 40 percent of the cost of educating children with disabilities. Not once have they come close to honoring this commitment. The FY05 Labor, Health and Human Service and Education Appropriations Act, which closely follows the President's funding request, provides $2.5 billion less than what was promised for special education just last year. This keeps the federal government's share at less than 20 percent. This is shameful because fully funding IDEA would benefit every child in every classroom by providing fiscal breathing room to school districts and local tax relief to families.

The administration's support of our public schools is failing and the legislation we are debating today is in clear need of improvement. The Fiscal Year 2005 Labor, Health and Human Services and Education Act will likely pass this chamber today. It is my hope that a House/Senate conference committee will make substantial improvements in fulfilling our promise to local schools by increasing funding.

Mrs. SHAYS. Mr. Chairman, I support the fiscal year 2005 Labor, Health and Human Services, and Education Appropriations Bill, but I would like to state my concern about the funding cuts for two important programs, the Community Service Block Grant and the Social Services Block Grant.

The Community Service Block Grant funds the anti-poverty Community Action Agencies and family self-sufficiency efforts of a nationwide network of 1,100 community agencies. These organizations create, coordinate and deliver comprehensive programs and services to those living in poverty.

The Community Service Block Grant is a unique and essential resource. It provides the necessary tools for employment and training, education, housing, senior services, energy assistance, community development, health, nutrition, Head Start and other programs to help families escape and remain out of poverty.

Unfortunately, funding for this vital program has decreased since it was funded at $650 million in 2002. This Labor, Health and Human Services, and Education Appropriations bill would fund the Community Service Block Grant at $627.5 million. I encourage my colleagues to support restoring this program's funding in conference.

Funding for the Social Services Block Grant has also declined over the past few years.

Created in 1981, the Social Services Block Grant contributes federal funds to states for providing social services.

States have broad discretion over the funds, which are directed at increasing self-sufficiency, preventing or remedying neglect and abuse of children and adults and preserving families. The funds are used both by local governments and nonprofit organizations to meet the specific and unique needs of the local population.

In the 1996 welfare reform law, states agreed to a reduction of the Social Services Block Grant authorization from its FY 95 high of $2.8 billion to $2.38 billion through FY 03. In exchange, Congress allowed each state to transfer up to 10 percent of its Temporary Assistance for Needy Families (TANF) funds into Social Services Block Grants.

In 1998, the maximum funding amount for the Social Services Block Grant was further reduced to $1.7 billion, effective in FY 01. Today's legislation appropriates the same amount, $1.7 billion, for FY 05.

I believe it is imperative to restore funding to the Social Services Block Grant because it is essential we preserve and strengthen the critical safety net it provides. With that being said, I appreciate Chairman REGULA's good work with limited resources and support passage of the bill.

Mr. LANGEVIN. Mr. Chairman, today I rise in support of H.R. 5006, the Fiscal Year 2005 Labor, Health and Human Services, and Education Appropriations Act. While this bill contains many flaws, it is an unfortunate reality that we must attempt to fund important government functions within the budgetary constraints that the Administration's policies have created.

Among the many cuts, there are a few welcome funding increases in this bill. First, this bill contains an increase of $125 million in LIHEAP funds, which is desperately needed to help my constituents keep their homes warm during the upcoming winter. As energy costs rise and the economy remains weak, more and more households need assistance to survive the harsh Northern winter. I hope more funds for this successful program are included in conference.

In addition, this legislation contains an increase of $219 million for Community Health Centers, which provide primary and preventive health care services in medically-underserved areas throughout the country, including the Providence Community Health Centers in my district. Without these facilities, numerous Americans would not have access to vital health care.

H.R. 5006 increases the national Institutes of Health budget by $727 million to search for cures for spinal cord injuries, cancer, Parkinson's disease, Alzheimer's disease, and numerous other ailments. These funds bring us closer to treating deadly and painful diseases affecting nearly every American family. I support an additional $500 million, as proposed in the Obey amendment, to keep pace with inflation and fund this important research.

Unfortunately, the restrictive rule did not allow an opportunity for the House to vote on the Obey amendment. This alternative would correct many of the funding shortfalls for national priorities by fully funding No Child Left Behind, Pell Grants, Perkins Loans, the Community Access Program, and numerous other health, education, and job training programs facing cuts under this bill. The Obey amendment would have been fully offset by slightly reducing the tax break for those who earn more than $1 million per year, a small sacrifice to improve the lives of so many Americans.

I am delighted, however, that the Obey-Miller Overtime Amendment was passed by the House. This amendment would overturn the Administration's misguided overtime regulations that took effect on August 23rd, ending guaranteed overtime pay for up to 6 million workers. This regulation is an unprecedented assault on American workers and discourages businesses to hire new workers. The Obey-

Miller Amendment would guarantee that supervisory and administrative employees, including registered nurses, working foremen, salespersons, law enforcement officers, and nursery school teachers, keep the overtime pay they depend on. I hope that the conference agreement on this appropriations bill will retain this important provision to prevent the further erosion of workers' rights.

Despite the bill's shortcomings, I will be voting in favor of H.R. 5006. I commend the Ranking Member and Chairman, and the rest of the Appropriations Committee, for their work within difficult constraints. The funding level in this bill is a direct result of the fiscally irresponsible policies of the Administration, which will result in a projected record $422 billion deficit for fiscal year 2004. I expect next year's deficit will be even higher. Deficits will continue to increase until this Administration and this Congress realize that cutting taxes for the wealthy during a time of extraordinary security demands only exacerbates the budgetary crisis. Without discipline, future generations will be saddled with the debt we are creating today. Although the bill is not perfect, I urge my colleagues to join me in a call for fiscal responsibility and support H.R. 5006, the Fiscal Year 2005 Labor, Health and Human Services, and Education Appropriations Act.

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to increased funding for 'abstinence-only' programs under the Labor-HHS-Education Appropriations bill.

Ideology, not science, has been driving America's response to the devastating problem of teen pregnancy and STD/HIV infection. Funding for restrictive abstinence-only programs are dramatically increasing. All told, abstinence-only programs have received over half a billion dollars in federal funds since 1997, and the Bush administration requested an unprecedented increase to $273 million in fiscal year 2005.

This huge investment of taxpayer funds in abstinence-only programs conflict with scientific and medical research: abstinence-only programs have never been proven effective and may result in riskier behavior by teenagers. Responsible sex education programs, on the other hand, have demonstrated positive results such as delayed initiation of sex, reduced frequency of sex, and increased contraceptive use.

Ideologically driven groups, not scientific or public health organizations, have pushed the proliferation of abstinence-only programs. In fact, current scientific research fails to show that abstinence-only programs are effective.

In 2001, the National Campaign to Prevent Teen Pregnancy found no credible studies of abstinence-only programs showing any significant impact on participants' initiation of or frequency of sex.

By denying adolescents complete information and by censoring teachers, abstinence-only programs endanger our youth.

Abstinence-only programs can harm teens by putting them at risk of pregnancy and STDs. Abstinence-only programs fail to provide information about contraception beyond failure rates, and, in some cases, provide misinformation. Without complete and accurate information, some teens therefore may forgo contraceptive use, jeopardizing their reproductive health.

The lack of responsible sex education puts teens at risk of pregnancy and STDs, including HIV. One study that compared an abstinence-only program with a more comprehensive ''safer-sex'' program found that ''only the safer-sex intervention significantly reduced unprotected sexual intercourse.''

The recent explosion of federal funds for abstinence-only programs has negatively influenced schools. Almost one-third of secondary school principals surveyed reported that the federal abstinence-only funding influenced their school's sex education curriculum.

Current research indicates that more comprehensive sex education programs that discuss both abstinence and contraception have positive effects.

In 2001, the National Campaign to Prevent Teen Pregnancy concluded that sex and HIV education programs that discuss both abstinence and contraception delay the onset of sex, reduce the frequency of sex, and increase contraceptive use.

Moreover, their review of studies dispelled many of the myths attached to responsible sex education programs. In particular, the study showed that sexuality and HIV education programs that include discussion of condoms and contraception: do not hasten the onset of sexual intercourse; do not increase the frequency of sexual intercourse; and do not increase the number of sexual partners.

The National Academy of Sciences' Institute of Medicine concluded that sex education and condom availability programs in schools do not increase sexual activity among teenagers.

Teaching our children about abstinence is a critical part of a well-rounded and effective sex education program. But abstinence by itself is not sufficient. Young people deserve complete and accurate information about their reproductive health, including abstinence, pregnancy prevention, and STD/HIV prevention. Only when teens have reliable information about their reproductive health can they make informed and appropriate decisions.

Given the high stakes facing teens, the fact that almost half of all teens aged 15 to 19 years old in the United States have had sex, and the absence of research showing that abstinence-only programs are effective, ''Just Say No'' efforts are misleading at best, and dangerous at worst. Congress should enact policies that effectively and responsibly address the current crisis in adolescent reproductive health. Federal funds should be directed at responsible sex education programs that provide teen with the information and skills they need to protect themselves and that have demonstrated positive results.

Mr. Chairman, I rise to reiterate my opposition to increased funding for 'abstinence-only' programs under the Labor-HHS-Education Appropriations bill and the blatant assault on a woman's right to choose.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in reluctant support of the Labor-HHS–Education Appropriations bill for Fiscal Year 2005.

I say reluctant, because while there are some good things in the bill, it is lacking due to the fact that the House Republican leadership has failed to reach a budget agreement with the Senate Republican leadership. As a result, the bill before us has an inadequate budget allocation for the important health and human services programs it funds.

While Democrats have reluctantly supported appropriations bills this year in order to move the process forward, we all recognize they are woefully inadequate based on the needs of the country. Nevertheless, my support of this bill is based on the fact that Chairman RALPH REGULA and Chairman BILL YOUNG are to be commended for the work they have done with the unrealistic budget limits they have been given, and the fact that I appreciate Chairman REGULA including in the bill and report several important items I highlighted during our subcommittee hearings.

First, the bill contains an increase for the national folic acid education program. Representative JO ANN EMERSON and I were the authors of this program that was established by the Children's Health Act of 2000. Severe brain and spinal defects have dropped 27 percent in the U.S. since the government, in 1998, began requiring makers of cereal, pasta, bread and flour to fortify their foods with folic acid. However, a national public and health professions education campaign designed to increase the number of women taking folic acid daily is still imperative to eliminate these birth defects.

Second, language was included commending the Secretary of Health and Human Services for establishing an interagency committee on underage drinking and moving forward with a national media campaign, to be conducted by the Ad Council, to combat underage drinking. I feel certain that the final bill will include funding for the second year of this important national media campaign. These significant accomplishments by the department and by the Substance Abuse and Mental Health Services Administration acting as the lead agency, stem from a bipartisan effort that I have been proud to lead with Representatives FRANK WOLF, ROSA DELAURO, ZACH WAMP, and TOM OSBORNE and supported by Senators MIKE DEWINE and CHRIS DODD.

Also, a number of other issues have been addressed in our report, including the migrant and seasonal head start program, farmworker housing programs, a pending regulation in the Department of Labor regarding personal protective equipment for employees, and newborn screening initiatives. I ask the various departments to pay close attention to the committee's directives on these important subjects and the issues they raise based on the experiences of the many affected constituent groups and the input from the administration during budget oversight hearings.

In the end, however, this bill will be evaluated on the resources it provides to the many deserving programs within our subcommittee's jurisdiction. And unfortunately, due to the budget constraints I have already mentioned, the bill in front of us shortchanges some of the very programs and the very needs that so many witnesses told us about in their testimony.

For example, Congress and the President made a commitment to our nation's children though the No Child Left Behind legislation passed with so much fanfare two years ago. Unfortunately, against the backdrop of record school enrollments, unprecedented federal education accountability requirements, and rising demand for college assistance, the bill provides only a 3.6 percent increase for the Department of Education's discretionary programs. No Child Left Behind is actually cut $120 million below the Administration's request, and the bill provides $9.5 billion less than the funding promised by the No Child Left Behind authorization. While 4-year public colleges and universities have experienced an

average 26 percent tuition increase in the last two years, the bill freezes the maximum Pell Grant for low-income college students at $4,050.

Training America's work force is the key to competing in a global economy, and training is also essential to prevent the loss of American jobs to competitors overseas. Despite a loss of 1.8 million private sector jobs since President Bush took office, the bill provides $40 million less than last year for employment and training assistance programs administered by the Department of Labor.

Health programs point out the real dilemma in our bill. Although the bill does substantially increase funding for community health centers, global disease detection, AIDS drug assistance, and chronic disease prevention, a number of other programs are cut including rural health outreach grants, health training programs in primary care medicine and dentistry, the Maternal and Child Health Block Grant, and the Preventive Health and Health Services Block Grant. Funding for the National Institutes of Health is increased, but the 2.6 percent increase is the smallest in 19 years and less than the 3.5 percent increase estimated to cover inflation costs for biomedical research.

Democrats don't just criticize, however. We offered revisions to the budget resolution that would have allowed this bill to make a greater investment in education, health care, and medical research. When the bill was considered by the subcommittee and the full Appropriations Committee, we again offered amendments to add $7.4 billion to the bill by reducing by 30 percent the 2005 tax cuts for people with incomes over $1 million. In fact, polls consistently show that the American public is far more interested in preserving important education and health priorities than in tax cuts that benefit primarily the rich.

I agree with the common-sense approach to this problem that has been consistently laid out by Ranking Member DAVID OBEY. Let's simply reduce—not eliminate, but reduce—the tax break we give to millionaires—those with adjusted incomes greater than $1 million. By doing so we can increase Title I, add funding for No Child Left Behind programs, maintain college affordability by raising Pell grants, shore up our health safety net programs, rebuild our public health system to respond to disease outbreaks and possible terrorist attacks.

But these fiscally responsible efforts by Mr. OBEY and other Democrats have been defeated by the Republican majority at each turn, resulting in the bill we are considering today.

The bill before the House is governed by a rule that prevents us from having these choices because the Republican leadership knows that given the opportunity this House would vote overwhelmingly to adequately fund this bill.

The Labor-HHS-Education bill, which is one of the most important bills that comes out this House, contains the most deserving programs administered by the federal government in support of the well-being of our people. These programs are also cost-effective in providing worker training and protection, helping to educate our children from Head Start to Pell grants, and in contributing to a healthy populace through our public health system and health safety net programs.

The bill in front of the House today is the best that can be done under the circumstances. But it does not reflect the aspirations of American society. I believe we can do more for America's children, America's workers, and America's future. Although I will support this bill today, I will continue to work with my colleagues on the Appropriations Committee and in the House to look for opportunities before we complete our work this year so that the future of America's children and America's families will be bright.

Mr. NUSSLE. Mr. Chairman, I rise in support of H.R. 5006, the Labor/HHS Appropriations Bill for FY 2005, and to inform members that this bill is in compliance with the budget resolution for FY 2005 as applied to the House by H. Res. 649.

H.R. 5006 provides $142.5 billion in new budget authority and $141.1 billion in new outlays for programs within the Departments of Labor, Health and Human Services, Education, and related agencies. This funding level represents an increase of $2.8 billion in BA and $3.9 billion in outlays over last year. That is a 2 percent increase over FY 2004 levels. This reflects the need to restrain the rate of increase for non-defense, non-homeland security domestic discretionary programs which provided the overall policy framework for this year's budget resolution.

H.R. 5006 complies with the budget act because the spending levels it contains do not exceed the subcommittee's 302(b) suballocation of new budget authority. Additionally, the bill is in compliance with requirements that it not exceed aggregate spending levels established in the budget resolution. Finally, the bill also complies with restrictions on advance appropriations.

Regarding this last point, the Budget Resolution for FY 2005 places a total limit for advance appropriations in FY 2006 at $23.2 billion. The bill before us today will consume the vast majority of those funds, since it provides for $19.275 billion in FY 2006 advance appropriations. All of the accounts for which advance appropriations are made in this bill are listed as eligible within the budget resolution. Since no advance appropriations have as yet been enacted, the bill does not cause a breach of this limit. However, the House should be aware that only $4 billion will remain available for advance appropriations should this bill be enacted.

I commend the Committee on Appropriations for bringing us a bill that funds many priority programs which Members care about while living within our means in an era requiring tougher fiscal discipline. The bill increases Department of Education funding by $2 billion over last year, and includes a billion dollar increase for Special Education, bringing funding for IDEA to its highest level in history. This is over three times more funding than Special Education received in 1995, and this is an accomplishment that we in the Budget Committee have helped to bring about through past budget resolutions which assumed substantial increases for special education.

Additionally, the bill continues the commitment that the House has made to the National Institutes for Health, providing $727 million more than last year. Worker retraining and dislocated worker assistance programs are also restored and augmented, which should help us continue to expand employment and ensure that Americans who want to work will be able to find good jobs. This is a responsible bill which fulfills our commitments to the public while living within the constraints of difficult fiscal times.

The CHAIRMAN pro tempore. If there are no further amendments, under the rule the Committee now rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 754, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 388, nays 13, not voting 32, as follows:

[Roll No. 440]

YEAS—388

Abercrombie	Boyd	Cramer
Ackerman	Bradley (NH)	Crane
Aderholt	Brady (PA)	Crenshaw
Akin	Brady (TX)	Crowley
Alexander	Brown (SC)	Cubin
Allen	Brown, Corrine	Culberson
Andrews	Brown-Waite, Ginny	Cummings
Baca	Burgess	Cunningham
Bachus	Burns	Davis (AL)
Baird	Burr	Davis (CA)
Baker	Burton (IN)	Davis (FL)
Baldwin	Butterfield	Davis (IL)
Barrett (SC)	Buyer	Davis (TN)
Barton (TX)	Calvert	Davis, Jo Ann
Bass	Camp	Davis, Tom
Beauprez	Cantor	Deal (GA)
Becerra	Capito	DeFazio
Bell	Capps	DeGette
Berkley	Capuano	DeLauro
Berman	Cardin	DeLay
Berry	Carson (IN)	DeMint
Biggert	Carson (OK)	Deutsch
Bilirakis	Carter	Diaz-Balart, M.
Bishop (GA)	Case	Dicks
Bishop (NY)	Castle	Dingell
Bishop (UT)	Chabot	Doggett
Blackburn	Chandler	Dooley (CA)
Blumenauer	Chocola	Doolittle
Blunt	Clay	Doyle
Boehlert	Clyburn	Dreier
Boehner	Coble	Duncan
Bonilla	Cole	Dunn
Bonner	Collins	Edwards
Bono	Conyers	Ehlers
Boozman	Cooper	Emanuel
Boswell	Costello	Emerson
Boucher		Engel

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Frost
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Garrett (NJ)
Gerlach
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Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
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Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
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Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—13

Bartlett (MD)
Flake
Franks (AZ)
Hefley
Hensarling
Hostettler
Jones (NC)
Miller (FL)
Paul
Rohrabacher
Royce
Tancredo
Wilson (NM)

NOT VOTING—32

Ballenger
Brown (OH)
Cannon
Cardoza
Cox
Delahunt
Diaz-Balart, L.
Everett
Gephardt
Greenwood
Kanjorski
Langevin
Lipinski
Lucas (OK)
McInnis
Meehan
Moran (KS)
Nethercutt
Peterson (PA)
Quinn
Radanovich
Reyes
Ros-Lehtinen
Ryan (OH)
Schrock
Shuster
Tanner
Tauzin
Toomey
Towns
Turner (TX)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1844

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROWN of Ohio. Mr. Speaker, on rollcall No. 440, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. NETHERCUTT. Mr. Speaker, I was unavoidably detained due to a prior obligation and missed the following votes. Had I been present I would have voted "yea" on Rollcall Vote No. 422 on agreeing to the motion to suspend the rules and pass H.R. 4381; "yea" on Rollcall Vote No. 423 on agreeing to the motion to suspend the rules and pass H.R. 4556; "yea" on Rollcall Vote No. 424 on ordering the previous question on H. Res. 754; "nay" on Rollcall Vote No. 425 on agreeing to the Jackson-Lee amendment to H.R. 5006; "nay" on Rollcall Vote No. 426 on agreeing to the Jackson-Lee amendment to H.R. 5006; "yea" on Rollcall Vote No. 427 on agreeing to the Sanders amendment to H.R. 5006; "nay" on Rollcall Vote No. 428 on agreeing to the Hefley amendment to H.R. 5006; "yea" on Rollcall Vote No. 429 on agreeing to the George Miller amendment to H.R. 5006; "yea" on Rollcall Vote No. 430 on the motion that the Committee rise; "yea" on Rollcall Vote No. 431 on agreeing to H. Res. 757; "nay" on Rollcall Vote 432 on the motion to instruct conferees; "yea" on Rollcall Vote No. 433 on the motion to suspend the rules and pass S. 2634; "yea" on Rollcall Vote No. 435 on agreeing to the Hayworth amendment to H.R. 5006; "yea" on Rollcall Vote No. 436 on agreeing to the Kildee amendment to H.R. 5006; "nay" on Rollcall Vote No. 437 on agreeing to the Stark amendment to H.R. 5006; "nay" on Rollcall Vote No. 438 on agreeing to the Paul amendment to H.R. 5006; "nay" on Rollcall Vote No. 439 on agreeing to the Hayworth amendment to H.R. 5006; and "yea" on Rollcall Vote No. 440 on passage of H.R. 5006.

REPORT ON H.R. 5041, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Mr. WALSH, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–674) on the bill (H.R. 5041) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices 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.

ELECTION OF MEMBER TO COMMITTEE ON AGRICULTURE AND COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. DREIER. Mr. Speaker, I offer a resolution (H. Res. 762), and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 762

Resolved, That the following Member be and is hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mr. Alexander.

Committee on Transportation and Infrastructure: Mr. Alexander.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I understand the leader had to leave early to catch a plane. So for the purpose of inquiring of the chairman of the Committee on Rules the schedule for the coming week, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, let me say the House has completed its work for today and the week and will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on those measures will be rolled until 6:30 p.m.

On Tuesday and Wednesday, we expect to consider additional legislation under suspension of the rules. We also plan to consider two bills under a rule: H.R. 5025, the fiscal year 2005 Transportation, Treasury, and independent agencies appropriations bill; and H.R. 4571, the Lawsuit Abuse Reduction Act.

In addition, Mr. Speaker, we will consider several other litigation reform bills: H.R. 3369, the Nonprofit Athletic

Organization Protection Act; H.R. 1787, the Good Samaritan Volunteer Firefighter Assistance Act; and H.R. 1084, the Volunteer Pilot Organization Protection Act.

□ 1845

Finally, I would like to remind Members that the Jewish High Holiday of Rosh Hashanah occurs at the end of next week. We will not have votes on either Thursday or Friday. We expect to finish voting on Wednesday in the early afternoon.

Mr. Speaker, I thank my friend for yielding. I am happy to respond to any questions he might have.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

I might ask, and I know it will be the leader and the leader's office, but part of the leader's distinguished staff is on the floor, so he will hear us. I know my friend from California will be appreciative of this.

As I understand it, one of the planes to California is at 2:55, or late, just before 3. This says ''early afternoon.'' The request on our side has been that if we could try to conclude by 1:30 so they could get from here to Dulles in time to catch that plane, so, of course, they could get home by sunset, if we could try to do that?

Mr. DREIER. If the gentleman will yield further, obviously there is a great desire to ensure that Members who will be marking the holiday have the opportunity to do that, so we will do everything that we can to see that Members are able to get the earliest flights possible.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman.

With today's vote, the House and the Senate have now both gone on record in a bipartisan fashion in overruling the overtime regulations which were perceived obviously by a majority of the House and a majority of the other body as putting at risk millions of Americans losing their overtime.

In light of the fact that the House has passed that and the Senate has also passed it, not in the same bill, can we expect, does the gentleman think, that the conference report will reflect the views of both Houses? We are very hopeful, of course, that that will be honored by the conference committee.

I would be glad to yield further.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. Let me say it is obviously impossible to determine exactly what a joint House-Senate conference will do on any issue, but it is clear that the votes cast in both Houses will be taken into the mix as the conference would proceed with its work.

Mr. HOYER. Reclaiming my time, I appreciate the gentleman's observation. Our concerns, of course, as the gentleman can well imagine, are based upon the fact that, for instance, in the air traffic controller situation, both Houses of the Congress overwhelmingly, almost unanimously, directed that they not be outsourced or privatized. Notwithstanding that, that was dropped from the conference report.

So we would just, on behalf of the minority, strongly request that the majority vote, bipartisan vote, in the House, be supported by our conferees. That is not a motion to instruct. It was a very strong vote, almost 40 of the majority, of the Republicans, and an overwhelming majority of Democrats. I hope that would be honored.

I yield further to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding further. Let me say obviously that vote did not go unnoticed, and the gentleman's request clearly will be taken into the mix. But, again, it is impossible to determine exactly what a conference would do. This House will have an opportunity to vote on that conference report, if that is in fact what we do end up with.

Mr. HOYER. Reclaiming my time, I appreciate the gentleman's remarks.

Next week, the gentleman indicated, and we knew this was going to be on the schedule, the Transportation-Treasury appropriations bill will be on the floor. That is the 12th of 13 appropriations bills to be considered by the House, leaving only the VA–HUD bill to be the last to be brought to the floor.

The first question, and this may be unfair because this does not fall within your expertise, but perhaps you can be advised. When do you expect the VA–HUD bill, if there is an indication of when that might be on the floor?

Mr. DREIER. We right now are in the process of outlining the plan for next week, and, as I know my friend just observed, the chairman of the subcommittee, the gentleman from New York (Mr. WALSH) just filed the VA–HUD bill; and we will obviously be considering it just as quickly as we possibly can.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that observation. I will tell the gentleman that the joint leadership, the Speaker, the gentleman from Texas (Mr. DELAY), the gentleman from Missouri (Mr. BLUNT), the leader, the gentlewoman from California (Ms. PELOSI), and myself were at the White House earlier this week, as the gentleman probably knows, and met with the President. But the chairman of the Committee on Appropriations in the other body observed that we may hold over 11 of the appropriation bills until next year. Now, that is a process that we have followed in the last 2 years because we have obviously passed the majority of appropriations bills in the year after the fiscal year began, in January and February, as the gentleman recalls.

I am wondering, can the gentleman tell me, if we have some 3 weeks left, are we contemplating the passage of the 13 appropriations bills prior to adjournment, or are we planning on a continuing resolution or an omnibus appropriation bill of some type?

Mr. DREIER. Mr. Speaker, if the gentleman will yield further, and I thank the gentleman for yielding, let me say obviously we are going to do everything that we possibly can to work in a bipartisan way to ensure that we complete this very important appropriations work just as quickly as possible. It is too early to make a determination as to whether or not we would possibly have an omnibus bill or a continuing resolution, but we feel very strongly about the need to get the work done this calendar year, within the operations of the 108th Congress, and not proceed into next year with this work. So we are going to strive to meet that, and I think that the gentleman will want to work closely with us as we pursue that goal.

Mr. HOYER. Reclaiming my time, the gentleman is correct, we will want to work closely with you to accomplish that goal.

Let me ask you an additional question raised by your response. Would there be in the realm of contemplation on the majority side a lame duck session? When you refer to this calendar year, as I said, we have 3 weeks, maybe 4, I am not sure how long the majority intends to go prior to recessing or adjourning for the election, but does the majority, if the gentleman knows, contemplate the possibility of a lame duck session?

Mr. DREIER. Let me say that we obviously have heard a great deal of speculation about that from a wide range of sources; and while it is a possibility, I think that everyone would like to have the work of the 108th Congress completed before we adjourn for the election. But at this juncture, we have to see what will take place in the next few weeks to make that final decision as to whether or not we would come back in a lame duck session.

I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I thank the gentleman. Reclaiming my time, I would simply request that, realizing the vagaries of the legislative process make it difficult to determine, but just as obviously Members will be making up schedules for the post-election period, either to take time off after the election or for other family-related matters or district matters that they might have. The sooner we might give them notice of that, obviously the more helpful on both sides of the aisle that would be.

Mr. DREIER. If the gentleman would yield on that, I would simply say that it is the intention for the organization for the 109th Congress to take place beginning the week of November 15th. That would be a time when Members would be here in Washington as we begin our preparation for the next Congress.

I am not going to say anything further on that, other than to throw out that is the date for the organization for the Democratic Caucus and the Republican Conference.

Mr. HOYER. I thank the gentleman for that response.

This week, after a long August recess, bipartisan bills were introduced to implement the recommendations of the 9/11 Commission with regard to reorganizing the intelligence operations of our country in order to better protect our people and our country. Earlier this week we met, as I said to the gentleman, with the President, who asked us to send him legislation quickly.

The reason for my question is, the Democratic leader, after requesting participation by your side of the aisle and a determination was made not to participate, introduced legislation drafted to incorporate the recommendations of the 9/11 Commission. In addition to that, Mr. MCCAIN and Mr. LIEBERMAN have introduced legislation in the Senate. Mirror legislation has been introduced by a Member on your side and a Member on our side as well.

The President, as you know, changed his position on the budget authority for the National Intelligence Director and apparently now supports that, so there may well be good bipartisan White House-congressional agreement.

Clearly the American public are very concerned about this, we are very concerned about it, and I know the gentleman is very concerned about it. We want to put our intelligence community in the best possible posture, as the 9/11 Commission recommended, to respond to the terrorist threat to this country.

My question is, therefore, sir, can we expect, do you think, to perhaps take the bipartisan bills that have been introduced in both the Senate and the House, mirror images of one another, and work on those bills and pass them prior to the time that we either recess or adjourn prior to the election?

Mr. DREIER. Mr. Speaker, if the gentleman will yield, and I thank the gentleman for yielding, let me say we were all very impressed in a bipartisan way when the report of the 9/11 Commission came forward. We know that President Bush has already, through executive order, implemented many aspects of the 9/11 Commission report.

The gentleman also is aware of the fact that immediately upon release of that report, the Speaker of the House called on the chairmen and ranking minority members of numerous committees here in the House, over a half dozen committees, called on them to hold hearings. There were 25 hearings held in the House of Representatives during the August district work period, and I believe that some very important information came forward.

One of the goals that the Speaker has set forth is to ensure that we do proceed with legislation. He very much wants to, before we adjourn in October, see the passage of legislation. Exactly what shape that will take is, of course, up to the legislative process that we have here. We are very well aware of the fact that we have seen the introduction of the 9/11 Commission report, and we know that a lot of people are thinking about that.

I will say that I am particularly honored, as I know the gentleman is, that a Member of this body, the former chairman of the Permanent Select Committee on Intelligence and vice chairman of the House Committee on Rules, has been nominated to be the director of Central Intelligence. He has obviously spent a great deal of time on this, and many of our colleagues have expertise on this.

So we will in the coming weeks I hope be able to fashion legislation so that the goal that the Speaker has set forth of passage of legislation before we adjourn in October will come to fruition.

I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I thank the gentleman for those comments. We are hopeful that we can in fact work together in a bipartisan fashion, as seems to be started by the Senate and in this House as well, to accomplish the objective of the early passage of a reorganization to make us better to respond to the terrorist threat to this country. We hope that that will happen.

Mr. Speaker, I thank the gentleman for his comments.

ADJOURNMENT TO MONDAY, SEPTEMBER 13, 2004

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). 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.

RESTORING FREEDOM OF SPEECH TO AMERICA'S HOUSES OF WORSHIP

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

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor today, as I was prior to the August break, to talk about freedom of speech in our churches and synagogues and mosques of this country.

Many people do not realize that from the beginning of this great Nation, until 1954, there was never any restriction of what a minister or a priest or a rabbi might say regarding policy issues, political issues, and actually making reference to the teachings in the Bible and the Torah. But what has happened over the last few years is that there is an element in this country, usually it is the Americans for Separation of Church and State, which is a metaphor, that seem to want to monitor what is being said in our churches and synagogues. This year it seems to be worse than ever before.

I want to start my brief remarks about Bishop Smith, a Catholic bishop in New Jersey. On March 27 at St. James Church, Bishop Smith asked why, in our presumably democratic country, Catholic churches fear that the Internal Revenue Service will punish them if they speak out on a politician's positions on issues. I further quote Bishop Smith: ''The first amendment protects the free exercise of religion. Separation of church and state does not mean that the church and its members should not voice or advocate for their positions.''

I say that, Mr. Speaker, because there is a real problem in this country.

About 2 months ago, Bishop Sheridan, the Catholic bishop of Colorado Springs, sent a pastoral letter to the 120,000 Catholics in his diocese, and it was a pastoral letter. He mentioned in the letter that the Catholic Church stands for protecting the unborn, opposed to euthanasia, opposed to stem cell research, and believes that marriage should be between one man and one woman. In this pastoral letter he said nothing about Mr. KERRY or Mr. Bush, but because he did use the word prolife, Mr. Lynn, Barry Lynn, director of the Americans For Separation of Church and State, wrote a letter and complained to the Internal Revenue Service that the bishop and the church should lose its tax-free status.

Well, let me explain very quickly. I have done 4 years of research on this issue, and this is my fourth year of putting a bill in to return the freedom of speech to our churches and synagogues. What I found out was that in 1934 when the Congress decided that the churches could qualify for the 501(c)(3) status, they had no restriction of speech, absolutely none, zero. But what happened is in 1954, Lyndon Baines Johnson had the H.L. Hunt family opposed to his reelection to the Senate, and the H.L. Hunt family had 2 501(c)3s; not churches, but think tanks. And Senator Johnson put in an amendment on a revenue bill going through the Senate in 1954 that was never debated, no hearings, that basically had

unintended consequence for our churches and synagogues. I share that just to give a little bit of the history.

Let me give two more examples before I close. In Kansas, the American Center for Separation of Church and State has a subgroup called the Main Street Coalition based in Johnson County, Kansas. It is sending recruits into area churches to see if IRS guidelines, which come from the Johnson amendment, are being followed. The group, which bills itself as a committee for the separation of church and state, is concerned that local clergymen might be violating their tax-exempt status by endorsing candidates for elected office.

What prompted the campaign was a public meeting where an evangelical minister spoke out against homosexual marriage. They were Protestant churches, by the way. Catholic League president William Donohue is wary of the group's tactics and released the following statement. ''To conduct a covert operation in houses of worship for the purpose of monitoring homilies or sermons is not the kind of operation conducted by friends of the first amendment.'' I am not reading the complete statement, but part of the statement.

Let me go further with one more example, and then I will conclude my remarks.

In the Baptist Church in Arkansas, Pastor Ronnie Floyd did not have a sermon, but actually at the end of church had a little flyer that he handed out, and there was a picture of George Bush and JOHN KERRY, and he just mentioned not who to vote for, but just two issues, one being the marriage between man and woman, the other about partial-birth abortion, and because the photograph was a little bit larger of President Bush, he filed a complaint with the IRS.

Mr. Speaker, I see my time is about up, and I want to close this way. This Nation's greatness is due to the fact that we have men and women overseas now fighting and dying for freedom for the American people. If this country is going to remain morally strong, then we must, we must return the first amendment right to our houses of worship, both Catholic, Protestant, Muslim and also Jewish.

SMART SECURITY AND THE GLOBAL WAR ON TERROR

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, earlier this week, when Vice President CHENEY was talking about terrorism, he told the audience something that I consider to be absolutely appalling. He said, ''It is absolutely essential on November 2nd that Americans make the right choice, because if we make the wrong choice, then the danger is that we'll get hit again.''

The White House would like the American people to believe that President Bush is the only person capable of confronting terrorism, even though his record has proven otherwise. They employ fear as a campaign tactic, claiming that a vote for JOHN KERRY and JOHN EDWARDS is a vote for the terrorists. This misleading connection, besides insulting the intelligence of the American people, raises a very important question: If Presidents are singularly responsible for terrorist attacks that happen on their watch, was President Bush responsible for the attacks on September 11?

While I believe that President Bush was not responsible for the events of 9/11, he is responsible for the failure to truly secure America after 9/11.

Three years ago, after the worst attacks on American soil in our Nation's history, the United States had the support of nearly all other countries in our fight against terrorism. With the anniversary of the September 11 attacks approaching, now is a good time to consider whether we have made progress in the global war on terror over the last 3 years.

Last week in Russia, Chechen terrorists shocked the world when they took 1,200 hostages at a school and killed over 300 of them, most of them children. I ask you, what is humanity becoming? We have to stop this. What a terrible tragedy. Surely there must be a better way. There must be a smarter way.

In Sudan, thousands of Sudanese Africans have been subjected to a horrific campaign of rape, looting, and ethnic cleansing driven by a militia that has the tacit support of the Sudanese Government. More than 30,000 people have needlessly been killed as a result of this campaign of genocide terror. Much more needs to be done, and despite almost unanimous passage of a House resolution calling upon the Secretary of State, the U.S. Agency for International Development, and the U.N. to immediately address this issue, it is still not being completed.

There has to be a better way, a smarter way, a smarter course of action dictated not by what is politically pragmatic, but by what is good and by what is right. And there is such a course of action.

I have introduced H. Con. Res. 392 to create a SMART security platform for the 21st century. SMART stands for Sensible, Multilateral American Response to Terrorism.

SMART security fights terrorism with stronger intelligence and multilateral partnerships than the Bush administration, and it does so without endangering our alliances around the world. It treats war as an absolute last resort.

SMART security controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes. It invests in the development of impoverished nations to prevent the kind of terrorism occurring in Sudan and Chechnya from ever taking root in the first place.

President Bush thinks the best way to fight terrorism is to confront it head on by possessing bigger weapons and being stronger than the terrorists. But that only addresses the symptoms of the disease and certainly does not ensure a 100 percent success rate.

In order to truly defeat terrorism, we need to confront its root causes: poverty, despair, and unfair allocation of resources in so many underdeveloped nations around the world. SMART security will protect America and the world by addressing not just acts of terrorism, but also the reasons why terrorism exists. In the end, SMART security is smart, and it will keep America safe.

HONORING MS. MARTHA WYLLIE

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

Mr. NORWOOD. Mr. Speaker, before I start my remarks, which will be a great pleasure to do, I would like to bring to the attention of my colleagues that just less than 5 minutes ago, the gentleman from North Carolina (Mr. JONES) took the floor, and I would just like to associate myself with his eloquent remarks and just absolutely, totally agree with him, that the first amendment should absolutely take effect in all of our churches around this country. So I congratulate the gentleman from North Carolina (Mr. JONES) and hope we can do something about it this year.

I rise today for one of those very nice things we get to do, and that is to talk about somebody really special and really nice. I want to recognize the outstanding dedication and the compassion and the achievements on this floor of Ms. Martha Wyllie. Taking an active role in our community while greatly enriching the lives of those who come in contact with her describes how we in Georgia regard Martha Wyllie.

Interestingly enough, Martha was born in Bangor, Maine, and lived in a private orphanage until she was adopted at 9 months of age. Her next home was in Massachusetts where she went through her schooling and college work, graduating from Lesley Teaching College in Cambridge, Massachusetts.

Her interests and talents began to show up at the age of 4 when she sat down at the piano and played a song for her mother that she had just heard on the radio. Music lessons then, of course, began at age 5, which were taught by her mother until she advanced to the Conservatory of Music Teachings and traveled to numerous States playing with their symphony orchestras from age 10 to 17.

Throughout these formative years, she was also involved in school sports and a member of the Brownies and the

Girl Scouts. It was while she was a Girl Scout at the age of 12 that she became involved in activities with the local Sunshine Camp for the Blind. From there she began teaching songs to the blind, piano to younger children, and became a summer camp counselor and taught horseback riding lessons.

Martha married right out of college, and she and her husband recently celebrated their 44th wedding anniversary. They have two married children and three grandchildren. Moving to Georgia in 1975, as the children grew, she became so very involved in our community.

□ 1915

She has been involved with the Athens Area Association for Retarded Citizens, the Oconee Lions Club, Athens Evening Kiwanis Club, Oconee Optimist Club, the Oconee Pilot Club, and was a Special Olympics coach for over 12 years.

She has served on the board of directors for Sandy Creek Nature Center, First Night Athens, and Project R.E.A.C.H. She has also served Oconee County on the Citizens Advisory Committee on Cultural and Recreational Affairs.

Along with her fine husband, Peter, they have been major benefactors for numerous organizations, projects, and community groups such as the Athens Symphony and the Oconee County Public Library.

In 2003, the Oconee Rotary Club awarded Martha with the Jean Harris Award, given each year to a non-Rotarian woman in recognition of significant contributions given to the community over and above the call of duty.

Although these accomplishments and involvements are numerous and impressive, perhaps the most important contribution was the founding of Extra Special People, known as ESP. Martha Wyllie has put her energy, her love, and her financial resources into this program since its founding in 1986. For over 18 years, ESP has been providing a summer camp for youth and young adults ages 5 to 17 with different abilities. ESP camp provides a normal camping atmosphere for these young people.

Martha and her staff realize that these children wish to participate in the normal experiences of growing, and the ESP philosophy allows them to take part in regular camping activities while still meeting their individual needs.

Ms. Martha Wyllie, a tireless advocate who is the true definition of a good public servant, spends most of her waking hours helping everyone she touches to understand and to lend a hand to these very extra special people; and, Mr. Speaker, I wanted to share this woman with our colleagues.

THOSE WHO HAVE BORNE THE BATTLE

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

Mr. SCHIFF. Mr. Speaker, 2 days ago the United States military announced that 1,000 military personnel have been killed in Iraq. For every American this is a time to contemplate the totality of the sacrifice of these brave Americans.

I recently returned from my second visit to our forces in Iraq and Afghanistan. I was awed by the courage, determination, and dedication of our troops who are fighting a brutal enemy thousands of miles from home.

Our soldiers, Marines, sailors, airmen, and coast guard are doing their job magnificently; but as we continue to battle a stubborn and pernicious insurgency in Iraq, Congress must take stock of the needs of our troops in battle and the challenges they will face when they come home.

We owe it to the more than 1,000 Americans who have died in Iraq and to their comrades serving there still to ensure that we put Iraq on the road to democracy and that we assist the Iraqi Government in building the security forces, army and police, that it needs to defend itself.

Since I was first in Iraq, the political transition has made important strides, but the security situation has worsened considerably; and our troops are shouldering an incredible load for the rest of us.

A year ago, the insurgency appeared confined to a few hundred Baathists, Saddam Fedeyeen, a small contingent of foreign fighters, and criminals released by Hussein before the war. Regrettably, the insurgency has spread, fueled by a much more substantial influx of foreign fighters and made more complex by Shiite uprisings in what had been more tranquil parts of the country.

The insurgents have embraced the tactics of foreign fighters. Suicide bombings and kidnappings have become much more sophisticated. Improvised explosive devices, IEDs, which take a daily toll on our troops, used to be easily visible to American personnel as they drove through the country. Now, they are buried, with only a slender wire of an antenna protruding above the ground and detonated remotely. Clearly our forces face a determined foe.

There is no question that the burden of this war has fallen exclusively on the shoulders of our men and women in uniform. While the military may always bear a disproportionate share of the burden in wartime, it is especially acute now. Even as our Guard and Reserve are constantly being called up and our active duty forces are stretched thin, the general population has been asked to make no sacrifice for a war effort that we are financing through debt.

Our troops are paying doubly for this war, first on the battlefield and then in the form of crushing deficits that have fundamentally weakened our economy. Some only barely out of their teens, our troops will be paying for this war for the rest of their lives, even if they return home uninjured. They will pay for it in the form of higher mortgages on their first home, on credit card debt, and in taxes to repay the national debt.

Even as we speak, the families of our troops are struggling, losing jobs, businesses and piling up debt. I met a young Marine from my district in Pasadena who had been serving in Iraq since February and was due to return in the fall, return home. He had just learned that his wife had been called up and that she will be deployed to Iraq in the fall. Their planes may literally pass each other in the night.

We must not forget the nearly 7,000 Americans who have been wounded, more than 1,000 in the last month alone. Many of these wounds are grievous and many others might have been prevented had our troops been better equipped from the start of the war. Our troops now have the body armor they need and are driving armored Humvees, but they should never have gone into battle without these life-saving protections.

In an American military hospital in Baghdad, I spoke with several Marines hit with IEDs. Two Marines, who lay side by side in adjoining hospital beds, were riding in the same armored Humvee when they were struck. While these two Marines had shrapnel embedded in their legs and faces, a third Marine in the same Humvee was lucky and walked away unharmed. A fourth Marine they told me had not been so lucky. He died on the operating table the night before.

These young men and women and nearly 7,000 other wounded are returning to a Congress that seems to have forgotten Abraham Lincoln's admonition ''to care for him who has borne the battle.'' We provide insufficient medical care for our veterans, and VA centers around the country are closing their doors, even as they are needed more than ever.

In our towns, cities and counties, thousands of individual Americans have pitched in to help our returning soldiers, but our Federal Government has lagged far behind. Until recently, our wounded were charged for the food they ate while recovering at Walter Reed Army Hospital.

I realize that time is short in this Congress, but I hope when we consider the VA–HUD appropriations bill later this month and in our work on defense and veterans issues in the 109th Congress that we consider the extraordinary price that we as a Nation have asked of the men and women of our Armed Forces and that we match our words with deeds.

INCREASE IN THE MONTHLY MEDICARE PART B PREMIUM

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order

of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, tonight I would like to speak on the issue of the 17 percent increase in the Medicare monthly premium for the part B of Medicare. This is an increase of $11.60 on the monthly part B premium, which places it from $66.60 up to $78.20 a month.

The reason, Mr. Speaker, this was necessary is under a formula, by law, the part B premium has to cover at least 25 percent of the cost of medical providers, and in fact, with medical inflation and with an increase in reimbursement to medical providers that we gave last year in the Medicare Modernization Act, this increase in premium was necessary. It reflects medical inflation; and more importantly, it reflects that slight provider increase that was included in the act.

There is no question that this increase is significant for some beneficiaries. Mr. Speaker, I have done probably 60 town halls in my district in the 18 or 20 months I have been in Congress; and, yes, when I go into my district, people will complain about the cost of the prescription drugs and point out to me the difficulties they have in meeting the obligation of paying for their prescriptions. But what I heard at virtually every town hall, without exception, was seniors who had turned 65 and asked me, how come when I now turn 65, I lose my doctor. The reason they lose their doctor is because doctors are dropping out of providing for the Medicare program because they cannot keep up with the costs that are required to keep their offices open, and as a consequence, we gave a very small increase in Medicare provider fees during the Medicare Modernization Act.

If those same patients who now see a slight fee increase in the Medicare part B premium, if the increase had not happened, in all likelihood there would have been fewer and fewer providers for them to actually see.

The fact of the matter is, Mr. Speaker, some of my colleagues quickly forget that the medical profession was facing another significant cut when we passed the Medicare Modernization Act last December, and how quickly they forget that it was necessary to ensure that seniors have access, timely access, to doctors and other Medicare providers.

The problem is that taking this out of context, the opponents of the Medicare Modernization Act, and there are many, they are only seeking to inflame the passions of people who are perhaps uneasy about their medical care anyway. But, really, what do these changes mean for seniors? What do they represent?

They represent a secured access to a provider network by providing a 2-year 1½ percent reimbursement rate increase. That is a 1½ percent rate increase for providers, not a significant amount when we consider the overall cost-of-living increases and the fact that medical inflation itself has gone up by 2.5 percent over the past 6 months.

Seniors also get preventive screenings to begin in 2005 for new beneficiaries; and in fact, these screenings will save the patients themselves and the Medicare program at large thousands of dollars.

New diabetes screenings will begin that will save beneficiaries thousands of dollars; and to top it all off, in 2006 a prescription drug benefit does begin that will save seniors money and improve their quality of life.

But I must point out, the rate increase that was announced last week, in no way is the prescription drug benefit responsible for that rate increase. That was purely to cover the 25 percent cost that, by law, our part B premium has to cover of the provider reimbursement.

It is important for us in this body to be honest about the changes in the Medicare Modernization Act and not use instances like the premium increase to scare seniors away from Medicare; and, Mr. Speaker, I will even go a little bit further. It is also important to bear in mind that, once again, we have not done liability reform, which is one of the things that I really looked forward to when we began this session of Congress in January of 2003.

The embedded cost of defensive medicine in our Medicare system, from a Stanford University study done in 1996, so these are 1996 dollars, $50 billion a year is spent on defensive medicine in this country because of the unfairness of the medical justice system. We have had an opportunity to fix that. In fact, we passed that twice in the House of Representatives with caps on noneconomic damages. It still awaits activity over 400 yards on the other side of the Capitol. I would like to think we could get that done this year. It does not seem that it will happen. It is of critical importance that we tackle that and get that done next year.

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.)

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2004 AND THE 5-YEAR PERIOD FY 2005 THROUGH FY 2009

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

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the five-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on the concurrent resolution on the budget for fiscal year 2005 (S. Con. Res. 95), which is currently in effect as a concurrent resolution on the budget in the House under H. Res. 649. This status report is current through September 6, 2004.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by S. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the ''section 302(a)'' allocations made under S. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. ''Discretionary action'' refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2005 with the ''section 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2006 of accounts identified for advance appropriations under section 401 of S. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) Not identified in the statement of managers; or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 95, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 6, 2004

[On-budget amounts, in millions of dollars]

	Fiscal year 2005	Fiscal years 2005 – 2009
Appropriate Level:		
Budget Authority	2,012,726	(1)
Outlays	2,010,964	(1)
Revenues	1,454,637	8,638,287
Current Level:		
Budget Authority	1,556,621	(1)
Outlays	1,755,708	(1)
Revenues	1,482,757	8,687,835
Current Level over (+) / under (–) Appropriate Level:		
Budget Authority	–456,105	(1)
Outlays	–255,256	(1)

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 95, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 6, 2004—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year 2005	Fiscal years 2005 – 2009
Revenues	28,120	49,548

[1] Not applicable because annual appropriations Acts for fiscal years 2006 through 2009 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2005 in excess of $456,105,000,000 (if not already included in the current level estimate) would cause FY 2005 budget authority to exceed the appropriate level set by S. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2005 in excess of $255,256,000,000 (if not already included in the current level estimate) would cause FY 2005 outlays to exceed the appropriate level set by S. Con. Res. 95.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2005 in excess of $28,120,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by S. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 in excess of $49,548,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION, COMPLETED AS OF SEPTEMBER 6, 2004

[Fiscal years, in millions of dollars]

House Committee	2005		2005–2009 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Education and the Workforce:				
Allocation	68	56	236	230
Current Level	66	57	234	226
Difference	–2	1	–2	–4
Energy and Commerce:				
Allocation	576	483	4,350	3,381
Current Level	0	0	0	0
Difference	–576	–483	–4,350	–3,381
Financial Services:				
Allocation	1	1	17	17
Current Level	–6	–6	–5	–5
Difference	–7	–7	–22	–22
Government Reform:				
Allocation	1	1	19	19
Current Level	1	1	19	19
Difference	0	0	0	0
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	15	15	35	35
Current Level	0	0	0	0
Difference	–15	–15	–35	–35
Resources:				
Allocation	2	2	10	10
Current Level	0	0	0	0
Difference	–2	–2	–10	–10
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	1,737	4	22,070	12
Current Level	2	–9	10	–8
Difference	–1,735	–13	–22,060	–20
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Ways and Means:				
Allocation	1,368	804	3,470	3,244
Current Level	115	131	83	124
Difference	–1,253	–673	–3,387	–3,120
Reconciliation	0	0	4,600	4,600
Current Level	0	0	0	0
Difference	0	0	–4,600	–4,600

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

(In millions of dollars)

Appropriations Subcommittee	302(b) suballocations as of July 22, 2004 (H. Rpt. 108–633)		Current level reflecting action completed as of September 6, 2004		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	16,841	18,113	14	5,351	–16,827	–12,762
Commerce, Justice, State	39,815	40,463	0	11,825	–39,815	–28,638

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS—Continued

(In millions of dollars)

Appropriations Subcommittee	302(b) suballocations as of July 22, 2004 (H. Rpt. 108–633)		Current level reflecting action completed as of September 6, 2004		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
National Defense	390,931	415,987	390,931	415,772	0	−215
District of Columbia	560	554	0	60	−560	−494
Energy & Water Development	27,993	27,973	0	9,558	−27,993	−18,415
Foreign Operations	19,386	26,735	0	19,813	−19,386	−6,922
Homeland Security	32,000	29,873	2,528	12,126	−29,472	−17,747
Interior	20,039	20,214	36	6,364	−20,003	−13,850
Labor, HHS & Education	142,526	141,117	19,151	96,225	−123,375	−44,892
Legislative Branch	3,575	3,696	0	708	−3,575	−2,988
Military Construction	10,003	10,015	0	7,557	−10,003	−2,458
Transportation–Treasury	25,320	68,993	37	38,224	−25,283	−30,769
VA–HUD–Independent Agencies	92,930	101,732	2,198	48,957	−90,732	−52,775
Unassigned	0	283	0	0	0	−283
Total (Section 302(a) Allocation)	821,919	905,748	414,895	672,540	−407,024	−233,208

Statement of FY2006 advance appropriations under section 401 of S. Con. Res. 95 reflecting action completed as of September 6, 2004

[In millions of dollars]

	Budget authority
Appropriate Level	23,158
Current Level:	
Interior Subcommittee: Elk Hills	0
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	0
Transportation and Treasury Subcommittee: Payment to Postal Service	0
Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals	0
Total	0
Current Level over (+) / under (−) Appropriate Level	−23,158

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9, 2004.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR JIM: The enclosed report shows the effects of Congressional action on the fiscal year 2005 budget and is current through September 6, 2004. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for wildland fire suppression and for technical reasons. These revisions are authorized by sections 312 and 313 of S. Con. Res. 95.

Since my last letter, dated July 12, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for fiscal year 2005:

The Surface Transportation Extension Act of 2004 (Public Law 108–280);

The United States-Australia Free Trade Implementation Act (Public Law 108–286);

The Department of Defense Appropriations Act, 2005 (Public Law 108–287);

The John Marshall Commemorative Coin Act (Public Law 108–290);

The Marine Corps 230th Anniversary Commemorative Coin Act (Public Law 108–291);

The Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293);

The SUTA Dumping Prevention Act of 2004 (Public Law 108–295); and

The Morocco Free Trade Agreement (Public Law 108–302).

The effects of these actions are detailed in the accompanying table.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 6, 2004

(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,482,831
Permanents and other spending legislation	1,179,653	1,133,168	n.a.
Appropriation legislation [1]	0	391,841	n.a.
Offsetting receipts	−398,008	−398,008	n.a.
Totals, enacted in previous sessions	781,645	1,127,001	1,482,831
Enacted this session:			
Authorizing Legislation:			
TANF and Related Programs Continuation Act of 2004 (P.L. 108–262)	122	138	0
Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (P.L. 108–264	−1	−1	0
Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108–265)	66	57	0
GAO Human Capital Reform Act of 2004 (P.L. 108–271)	1	1	0
An act to renew import restrictions on Burma (P.L. 108–272)	0	0	−10
AGOA Acceleration Act of 2004 (P.L. 108–274)	0	0	−30
Surface Transportation Extension Act of 2004 (P.L. 108–280)	0	−11	0
United States-Australia Free Trade Implementation Act (P.L. 108–286)	0	0	−29
John Marshall Commemorative Coin Act (P.L. 108–290)	−2	−2	0
Marine Corps 230th Anniversary Commemorative Coin Act (P.L. 108–291)	−3	−3	0
Coast Guard and Maritime Transportation Act (P.L. 108–293)	2	2	0
SUTA Dumping Prevention Act of 2004 (P.L. 108–295)	−7	−7	0
Morocco Free Trade Agreement (P.L. 108–302)	0	0	−5
Total, authorizing legislation	178	174	−74
Appropriations Acts:			
Department of Defense Appropriations Act, 2005 (P.L. 108–287)	391,153	266,777	0
Total, enacted this session	391,331	266,951	−74
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	383,645	361,756	n.a.
Total Current Level [1,2]	1,556,621	1,755,708	1,482,757
Total Budget Resolution	2,012,726	2,010,964	1,454,637
Current Level Over Budget Resolution	n.a.	n.a.	28,120
Current Level Under Budget Resolution	456,105	255,256	n.a.
Memorandum:			
Revenues, 2005–2009:			
House Current Level	n.a.	n.a.	8,687,835
House Budget Resolution	n.a	n.a	8,638,287

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 6, 2004—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
Current Level Over Budget Resolution	n.a.	n.a.	49,548

[1] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include Social Security administrative expenses, which are off-budget. As a result, the current level excludes these items.

[2] Per section 402 of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, current level excludes outlays of $19,902 from 2004 budget authority provided in the Defense Appropriations Act, 2005 (P.L. 108–287).

Notes.—n.a. = not applicable; P.L. = Public Law. Numbers may not sum to total because of rounding.

Source: Congressional Budget Office.

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

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

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

(Mr. CONYERS 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 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 New Jersey (Mr. PALLONE) is recognized for 5 minutes.

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

REMEMBERING SEPTEMBER 11, 2001

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

Mr. PEARCE. Mr. Speaker, I am happy to be here tonight speaking on what is very close to the anniversary date of 9/11, and joining me tonight would be the gentlewoman from Texas (Ms. GRANGER) and the gentlewoman from New York (Mrs. KELLY). I would like to at this time recognize the gentlewoman from New York to discuss the events and the things that we should be mindful of on this anniversary date.

Mrs. KELLY. Mr. Speaker, I rise today to pay tribute to the heroes of September 11, to offer my sincerest condolences to the family and friends of those who were taken from us on that awful morning, and to offer my prayers to the men and women of our Armed Forces who continue the fight spawned by those attacks.

Much has been said about the firefighters and police officers who ran into those burning buildings, never to run out. I feel that we can never say enough about such unparalleled bravery. In the face of an unprecedented attack, they displayed unprecedented courage in fighting through smoke and flames to save people they had never even met.

□ 1930

They made the ultimate sacrifice for their country, and their selfless action helped thousands of people escape the burning towers.

The people I represent lost a number of their friends, their coworkers, and their family members, but because of the heroics of the ones who ran in, many mothers, fathers, sisters, brothers, sons, and daughters did make it home to embrace their families, and we pay tribute to the heroic firefighters and police officers who helped save lives on the anniversary of this attack on America.

We yet mourn the 3,000 fellow citizens who lost their lives that day. These were men, women, and children who did nothing wrong; who had no enemies; no foreign policy. They were killed for merely living as free Americans.

As we speak, tens of thousands of young men and women carry the stars and stripes on their sleeves working in hostile regions around the globe to protect the security and freedom many of us took for granted 3 years ago. Though they may be physically detached from their families and their loved ones, we hold a special place for them in our hearts. The sacrifices that they make can never be fully repaid, but we in this House and this Nation must remain committed to see that we try. And we must try to do so by providing our men and women in uniform the wages, benefits and respect that they deserve and that the American people expect.

Mr. Speaker, following the attack on Pearl Harbor, President Franklin Roosevelt told a shocked and angry America, we will always remember the character of the onslaught upon us. I do not think a person in this House or in this country will ever forget the disbelief they felt on September 11. We must never forget the way we felt that day watching our friends and neighbors die before our eyes in an act of war. Our world was changed forever that day, as our Nation's otherwise passive course was suddenly and forcibly altered.

We need to continue the lessons learned from September 11 and continue our steadfast and resolute fight to rid the world of this radical form of terror. We must never forget.

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman from North Carolina for those stirring comments, and I would now like to yield to the gentlewoman from Texas (Ms. GRANGER) for any comments that she may have.

Ms. GRANGER. Mr. Speaker, the memory of September 11 and our reaction to it will be forever with us. Most of us experienced first shock, then disbelief, confusion, yes, great concern, certainly, but, above all, horror when we fully realized what had been done to us. Each of us remembers just where we were, what we were doing and how we felt.

When I am asked where I was, I am always met with surprise when I explain that I was at the Pentagon that morning. I was there with a handful of other Members at a breakfast meeting with Secretary of Defense Donald Rumsfeld. He had asked us there to discuss the future of the military and what changes, transformation was the word used, what transformation had to occur for us to meet the challenges of the 21st century and the dangers of our time.

It was a thoughtful and serious discussion, of course, as we all considered what would be needed to meet the dangers we thought we understood. And then, in a matter of seconds, as that meeting broke up, we learned of that first dreadful deed. As we made our way back to the Capitol, our worst fears were realized when the second plane hit the second tower. Now it is 3 years later, and I often return to that meeting in my mind, thinking how prophetic it was to be looking into the future trying to see and prepare for what was to come.

The question being asked daily during this election period is: Are we safer today than we were on September 11? I sit on both the House Homeland Security Committee, and the Subcommittee on Homeland Security of the Committee on Appropriations, and I can answer that question. Yes, we are safer today.

We have torn down walls that kept our agencies from talking to each other and sharing information. We have locked the doors that were open that allowed those terrorists to use our airlines and our airports so easily. We have enabled local communities and States to plan for proper responses to attacks. We have undertaken one of the most massive government reorganizations in our history by creating the Department of Homeland Security. We have funded new technology to protect our borders and our ports. We have provided funding to develop agents to

treat bioattacks of anthrax and smallpox. Most importantly, Mr. Speaker, led by President George W. Bush, we have declared a global war on terror and showed the courage to fight that war and not stand down.

We are leading that war, but we are not alone, for the world is beginning to fully realize that none are safe from the hate and evil of terrorism. That came home to all of us as we learned of the tragedy in Russia, where hundreds were killed and injured in a school, and where parents were made to choose among their children as to who could be saved and who would be sacrificed.

We have broken the back of the Taliban, and we have taken Saddam Hussein out of hiding and put him forever behind bars. And in court the families of those hundreds of thousands of his subjects who were executed and dumped in mass graves can tell their stories and have some justice in their losses.

We are fighting there so we do not have to fight here, and that fight is worth it. We are in praise to our troops for what they are doing for us.

Mr. Speaker, the war of terror is a war we must win, and September 11 is a day we must not forget.

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman from Texas for her comments. In just a brief reflection, the differences between the two parties, Mr. Speaker, I think become evident as we contemplate responses to such events as 9/11. I do not doubt that my colleagues who believe differently feel as sincerely as I do about the possible courses of action that they suggest. But, Mr. Speaker, we do come to different conclusions.

We heard just a moment ago from one of our friends on the other side of the aisle who wanted to choose a smarter way to fight terrorism, to choose a good way, a way that is right, and suggesting that stronger intelligence is going to be the key to that. Mr. Speaker, I would point out that in the very period of time when we were needing more intelligence, the previous administration chose to bring in all of the operatives out of our intelligence systems and only use electronic means. And it so blindfolded us, it blindfolded us to the heart and the passion of the people in these cells.

I have heard estimates that it could take as long as 20 years, Mr. Speaker, to return us to the level of information-gathering that we were prior to withdrawing all of our agents out of the field under the previous administration.

My friend also pointed out that we should treat war as a last resort. Mr. Speaker, war is a last resort. We have tolerated one attack after another after another, beginning with the Olympics in the 1970s, when the Israeli Olympic team was brutally murdered at those events. We have tolerated as a world continuing attacks from these people who would kill innocent civilians for no reason and with no explanation. With no notice they would come in and do the horrific crimes that they have committed.

War is a last resort, and this President has said we have gone far enough. When we lost the people, those innocent civilians on 9/11, almost 3,000 people in just moments, when we lost those, the President of the United States, George Bush, said it is time to respond, and he has responded with steadfastness, with intent, and with clear direction.

I remember perfectly when he said, just after 9/11, if you harbor a terrorist, you are a terrorist; if you are a terrorist, we are going to come see you very soon. And he has been good for that promise.

But President Bush also laid out three fundamental things in the fight on terror. We must first uproot the Taliban so they cannot continue the training of new terrorists. The Taliban was operating in Afghanistan with basic training camps of terrorism, bringing people in to train them in the techniques of terror, the techniques of explosions, the techniques of murder. President Bush said, we are going to uproot you and take you out of those training camps, and he did that.

The second thing President Bush said was that we were going to begin to choke off their funding worldwide, and we have steadfastly worked toward that target, even to the point that within the last 90 days, our friends in Saudi Arabia, for the first time, have admitted they have a problem with terror in their own country, and they have a problem with funding mechanisms in their own country funding terrorists. For the first time the Saudi Arabians began to help us dismantle those funding streams for terrorists that originate inside the borders of our friends, the Saudi Arabians.

So, first of all, we are going to uproot the Taliban. We are going to uproot al Qaeda out of the training camps from Afghanistan. We are going to choke off the funding, and we have to do that and continue to do that. And, thirdly, the President said we are going to take the fight to the terrorists.

Now, some may agree or disagree, but I will tell you that when I was in Iraq, the Iraqi police forces that were guarding the border said about 50 percent of the people coming across the border were al Qaeda members. These are people from Iraq, from that northern region in Kirkuk, who would know. They were compelling in saying that we must continue the fight on terror.

They had two requests: Do not leave before you catch Saddam Hussein, and please do not take your troops home before the job is done. President Bush is firmly committed to that course of action, and I would say that we are making great progress toward the goal of eliminating terrorism worldwide.

It is going to be a very, very long fight. It will not probably be accomplished in our lifetimes. But I will say that the United States, and my children and my colleagues' children, and my grandchildren and my colleagues' grandchildren, Mr. Speaker, are safer today with Saddam Hussein in jail than they were previous to the removal of his regime.

Mr. Speaker, a comment was made that we need to confront the root cause of terrorism: poverty. I am sorry, but I disagree with that fundamentally. The cause of terrorism is not poverty. To say that terrorism is created by poverty is to say that poor people have no standards. It is to say that poor people do not have discretion; that poor people cannot understand right from wrong.

Mr. Speaker, having grown up in a desperately poor family of six, with a father who worked in the very basic lowest level of the oil field economy of Hobbs, New Mexico, I can say that our family understood right from wrong, no matter our income status.

Mr. Speaker, I often wonder how the people who say that poverty causes crime and poverty causes terrorism justify that. If that is true, then the opposite would also be true. The corollary would be true, Mr. Speaker; that if poverty causes crime, then, as my colleague Dennis Prager says, affluence causes kindness.

I think that each one of us would recognize that that certainly is not the case. If poverty causes crimes, then those people who raise themselves up out of poverty by selling drugs into our high schools would certainly become more kind and more noble and more generous. But instead we find exactly the opposite is true. It is simply a false statement to continue to say that poverty causes crime, because affluence certainly does not cause kindness.

Mr. Speaker, the root cause of this terrible scourge of humanity, this terrorism that is being inflicted on the world right now, is not poverty, it is caused by a radical fundamentalist religious group who want to take power at any cost. At any cost. What else would explain a group who would go in and kill innocent children in a school in Chechnya?

I was in the district, Mr. Speaker, during this last August period, and I confronted questions that really were wrestling. There were people of noble intent wrestling with what is causing terror, and they had read the things on Web pages that were declaring it is the United States' policies.

□ 1945

My answer to them and my answer to them before the Chechnyan event is if it is the United States policy, then what on Earth is going on with the terrorists who are in Chechnya, a place that does not have troops in Afghanistan, a place that did not side with the United States in its current war? Russia was completely hands off, and yet they are being attacked the same as anybody else.

We know of the French resistance to our positions in the war; and yet the

fundamentalists, the radicals, have taken two French reporters as hostages. The cause of terrorism is not poverty, the cause of terrorism is a desire to gain power at any cost with no public vote. The desire of the terrorist is to destabilize world economies, individual countries' economies; and by destabilizing them economically, they have the potential to destabilize them politically.

Mr. Speaker, this question goes far beyond whether or not countries are democratic or non-democratic. It has to do with stability and stability on the world stage. We find that in many ways we might not agree with the Mainland Chinese; but make no doubt about it, when they stand side by side with us, and when they ask for North Korea to quiet down the rhetoric, North Korea knows that they ought to quiet down the rhetoric.

Mr. Speaker, we are going to find that we have allies of unusual sorts in this battle against terrorism. We are going to find that sometimes our friends are there and sometimes they are not, because we are going to find unusual circumstances in their nation which cause them to move in and out based on the resolve.

Prime Minister Tony Blair was in this body, in this Chamber, and spoke to a combined group of the House and Senate. He asked one of the most compelling questions rhetorically. He said you as Americans must be wondering why us, why us? Why should we be the ones to lead this international war on terror? He said history has placed you in the position to where you can lead it. You have the resources, the financial resources, the young men and women who will fight for freedom. You have the standing military. He said history has placed you in the position to where you can respond, and it is your duty to respond.

I remember that comment to this day, and I use that answer when my constituents ask me why, why is it us? I will tell Members that no deeper disappointment has been felt by this Nation than the response of some of our friends. It is understood now with the Oil-for-Food scandal where nations were taking payoffs underneath the table, where nations were taking that oil for food money and enriching themselves; and it is understood now that probably even the vote in the Security Council, especially by our friends, the French, was probably a vote that reflected the payoffs that they were getting, the fact that they were getting oil at below world prices, the fact that they were taking payoffs.

I have asked in this Chamber if Kofi Annan can continue in his position because his son is somewhat implicated in the scandal and can he objectively look at what the U.N.'s response is. When my constituents ask should the U.N. be more involved, I answer that I think we must have the best response to terrorism possible. We must ensure that our troops have the equipment that they need, that the money that we intend for rebuilding Iraq and Iraq's economy is used for those purposes.

Mr. Speaker, I personally do not want to trust friends who just recently have been taking payoffs under the table and pulling money, almost $10 billion, one-seventh. Almost $10 billion of the $70 billion in the Oil-for-Food program was scammed out of it by all estimates. Mr. Speaker, that is not the sort of results that I would like to trust the safety of our young men and young women to.

As we think about the war on terror, we must understand that our young men and young women are simply the last wedge between tyranny and freedom in the world, that if we are not willing to stand up, if our young men and women are not compelled to fight for this fight that benefits much of the world, and not so much their own homeland at this moment, if they stand up to fight, they are the last wedge between tyranny and freedom.

Mr. Speaker, we owe them a debt of gratitude. We owe them the thanks of a grateful Nation. We owe their families the thanks. And for those who have paid the ultimate sacrifice, we owe an undying respect for the sacrifice that they have made to make this battle, to make this war, to make this struggle to ensure that freedom survives and sustains itself in this world. To honor the memory of those who have given the ultimate sacrifice, we must give respect into the system and that war to ensure that that loss has not been in vain.

Mr. Speaker, as I contemplate the accomplishments that we can point to in this particular war on terror, I have to understand that under the leadership of President Bush and the 30 or so nations who are working with us, significant things have been accomplished in this war on terror. As far as al Qaeda, nearly two-thirds of the senior al Qaeda leaders have been taken into custody or killed. That includes Khalid Shaykh Muhammad, the mastermind of 9/11; and Muhammad Atef, Osama bin Laden's second-in-command.

In Afghanistan 3 years ago, the nation of Afghanistan was the home of al Qaeda, a country ruled by the Taliban, one of the most backward and brutal regimes of modern history. Today in Afghanistan, a presidential election is scheduled for this fall. The terror camps are closed, and the Afghan government is helping us to hunt the Taliban terrorists in remote regions.

Mr. Speaker, this Chamber has hosted the current President of the Afghanistan Republic. Mr. Karzai came into this Chamber speaking to both House and Senate Members, and the strength of his comments reflected the change in that society. These are changes that are generations coming, not just a few years, but thousands of years. He was pointing out for the first time that women in Afghanistan are going to have the right to serve in public office; and if my memory is correct, the Constitution is reserving 25 percent of the elected offices for women. This is in a nation where women did not previously have the right to vote.

Today more than 15 million Afghan citizens have been freed from the brutal zealotry of the Taliban. Women are experiencing freedom for the first time and thousands of Afghan girls are going to school. Simply going to school was an act which was illegal under the Taliban regime.

Because we acted to liberate Afghanistan, a threat has been removed, and in this Nation we are safer because the threat has been removed in that country. It has become obvious that we are going to fight this war on terror. The only question is are we going to fight it here or are we going to fight it in Baghdad or Kabul.

My vote has always been to protect our children and grandchildren. My vote has always been to take the fight to the terrorists so our moms and dads can continue their lives in this country without threat of another 9/11. I know it has been just 3 short years since the 9/11 attacks, but that is 3 years without another significant attack inside this country, and I think we should pay respect to the thousands of homeland security officers and those first responders who daily look at what they can do to interdict the potential terrorists coming into this Nation.

Mr. Speaker, other accomplishments that we have in prosecuting the war on terror include many things in liberating Iraq. We have 25 million people in that country who were liberated from the brutal Saddam Hussein regime. The vast majority of Hussein's regime have been captured or killed, including the dictator himself. This sent a powerful message to the Iraqi people that the tyranny of that regime will not come back. Saddam Hussein currently sits in a jail cell awaiting trial by his own people. This gives more reassurance than any of us in this country will know.

The press has done a very, very skimpy job of reporting on the 400,000 mass graves that have been uncovered already, and we have members from the Iraqi civilian population who tell us that the numbers will be far greater than that.

Mr. Speaker, just before we went home for the August break, many in this Congress were treated and privileged to hear eight Iraqi women who came to speak to Members of Congress. When one particular Republican asked should we be in your country, and the obvious intention of the question was to find out if the Iraqi people felt like we had a right to be there, there were two comments that I was made aware of that seemed to sum it up. The first person that spoke said, let me tell you about my son. He simply spoke up and when he spoke up against Saddam Hussein, they arrested him and they cut out his tongue and then they put him on the phone trying to explain to me after they had cut out his tongue what

had happened, and then they cut off his hand. She said these were the sorts of things we were used to under Saddam Hussein.

Another woman raised her hand and said, one person of my family spoke up, and 52 members of my family were gathered up, some summarily executed, some were tortured horribly and then executed. The 52 members of my family are dead, she said, because one person spoke up, and she said, and your question is, Should you be here? She said that is the wrong question. She said the more compelling question is what took the world so long to come here.

Mr. Speaker, sometimes I think we have grown accustomed in this Nation to such debates that are so removed from actual fact that we think in some corners of this country that this war on terror is an intramural contest, one in which after all of the flags are pulled out and we take our positions on the sidelines, we will get to come back out and start a new game.

Mr. Speaker, these women who came here to talk to us understood that terrorism is a game for keeps. They understood that what we are fighting is for freedom and for life itself.

Mr. Speaker, we have also handed sovereignty over in the interim to the Interim Iraqi Government. The new government is leading reconstruction of the country. In early 2005, we are going to have an election there. When we look at the effects that the new regime is having, we find that they can take instances that we could not. Some of our Middle Eastern partners were very disillusioned and angry about some of our stances; and yet when the new interim regime took strong stances, the Middle Eastern partners in that region began to get quiet and support them.

□ 2000

Mr. Speaker, the changeover from the coalition forces who are governing the Iraqi region into the interim government have resulted in much more stability, much more ability to fight vigorously the terrorists that live inside the population there in Iraq. I think that we are going to see continued attacks that may even escalate up until the time of our election, but, Mr. Speaker, we are making progress in the war on terror as we capture or kill the terrorists. There are simply fewer of them who have been through the training camps.

The other advances that we have made in the Middle East, Mr. Speaker, cannot be overlooked. Libya was a country which had weapons of mass destruction. They had nuclear weapons components. They voluntarily offered to give those up, but it was not out of the gracious heart of Muammar Qaddafi that they gave them up. The President has told me personally that they received the first call in the White House the day after we put the first Tomahawk missile through the restaurant where Saddam Hussein had been sitting 3 hours before. Mr. Qaddafi knew that Saddam Hussein had moved for years, close to 30 years. He had had a regimen where he would physically move every 3 to 4 hours. So we missed him on that day, where we started the war a couple of days early, but Muammar Qaddafi understood that we had information that placed him in the building a couple of hours earlier. He knew that he did not have the same strong discipline, and so when we stuck the Tomahawk missile through that window in the restaurant where Mr. Hussein had been sitting, Mr. Qaddafi suddenly realized, I don't think I want to play the game. He called the White House within 24 hours, negotiations took 9 months, but he voluntarily gave up those weapons of mass destruction that he had, asking for someone to please come and take these things out of the backyard.

Mr. Speaker, he did that not because of a doctrine of appeasement on the part of the world community. He did that in the face of the strength of the response on the part of the world community. And so my friends across the aisle who say that there should be a kinder and gentler way simply do not understand the thought processes of terrorism. You cannot appease terrorists. You cannot negotiate with them. Their intent is to get political power with as few people as possible. Even in their own nations they cannot win elections, so they depend on terrorism.

I have heard and understood that there are approximately 31 conflicts going on in the world today, and that the great majority, approximately 29 of those, involve radical Islamic states. Mr. Speaker, these people who would like to end freedom in the world as we know it insist that their standards of behavior, their standards of treatment of women and their standards of treatment of other people is the standard that we should have. They fear the freedom that exists in this country. They fear the freedom that might begin to cause people to choose a different system than what they currently live in, and, Mr. Speaker, they are willing to kill, they are willing to maim, they are willing to torture, they are willing to destabilize the entire world to make sure that their value system holds.

I think, Mr. Speaker, that we are in very much a civil war in the world. I think that it is very similar to the United States prior to the Civil War. We as a Nation were beginning to wrestle with such different value sets that we as a Nation understood that we could not have both slave and free States in the same Nation, and we fought a civil war to eliminate the slave-holding properties of this Nation.

Worldwide at this point, Mr. Speaker, I think what is happening is that the world is realizing we cannot live with both tyranny and freedom; that the Internet, that satellite TV, that quick, fast communications are eliminating the potential for terrorists to keep their people completely isolated from the current world. And I think what we have going on is a struggle between the two value sets, and this war on terror in essence is simply a civil war fought among the world's countries to determine exactly what values we as a world will hold.

We sometimes think that we in America are removed, but 9/11 has changed everything. 9/11 brought to our understanding for the first time that we can no longer hide. Many nations around the world had experienced terrorist acts firsthand in their own nations prior to us experiencing them, but now then we also understand that we will fight the war on terror, that we will fight the war on terror here, or we will fight it there.

Mr. Speaker, there have been tremendous changes in many parts of the world. Pakistan for the first time is beginning to fight with us against these radical fundamentalists. Saudi Arabia has begun to work inside their own borders. Iran, although they are not exactly where we would have them, has begun to have discussions about the different programs they have that would create mass hysteria or create mass casualties.

Mr. Speaker, these are the ways that the war on terror is working right now in the world, changing literally thousands of years of history. No one of us could have expected 4 or 5 years ago that we would be where we are today in Afghanistan and Iraq, that we would be where we are today in Pakistan and Saudi Arabia. The worst thing we can do is lose our resolve, change our commitment, become less steadfast.

Many of the things that we find today in our discussions politically do not help the situation. They do not help ensure the safety and the security of our homeland. Many of the things in the discussion today would have been absolutely outlawed in World War II. I am not sure exactly why our friends on the other side of the aisle are making some of the comments that they do regarding our war on terror, because every time they make comments that indicate that they would pursue it differently, the terrorists simply say, We've got to wait out to the next election and maybe there will be a change, and we'll be emboldened more.

Mr. Speaker, we are doing our young men and women no favors by some of the comments that are being made in the Presidential debates on how this war should be handled. I know that there can be differences, and I do not think that the Republicans have every single answer, but in this particular regard I think that we do ourselves great harm and great danger by some of the ways that the debate is being handled.

Mr. Speaker, as we look at strengthening homeland security, we have spent billions of dollars that were unanticipated prior to September 11, 2001, but now we recognize the need to protect our skies, our borders, our ports and the critical infrastructure, as well

as support intelligence-gathering capabilities.

President Bush and Congress created the Department of Homeland Security in 2002. We began to pull the agencies together and to insist that they communicate the problems that each one saw at the border, communicate them back and forth. Previously that was not accomplished. So far we have conducted more than 124,000 port security patrols and 13,000 air patrols, boarded more than 92,000 vessels, interdicted over 14,000 individuals attempting to enter the United States illegally, created and maintained more than 90 maritime security forces. We have hired, trained and deployed over 45,000 Federal security screeners to America's airports to inspect all people and baggage to keep our skies safe. We established the Terrorist Screening Center to consolidate terrorist watch lists and ensure that government investigators, screeners and agents use the same unified, comprehensive set of antiterrorist information.

The majority party, the Republicans, have also enhanced America's ability to prevent, prepare for and respond to acts of terrorism by providing nearly $27 billion for our first responders since 2001. Congress has also approved Project Bioshield, which will provide incentives for America's brightest scientists, physicians and researchers to develop lifesaving vaccines and medications to fight chemical and biological weapons in the event of an attack.

Under the present administration, under the Bush administration and under this Congress, the majority of which are Republicans, we have begun to reverse years of underinvestment in both our intelligence-gathering community and also in our military. We have increased the number of CIA operations officers. We have begun to reverse the crippling effects of the adverse attitude toward human intelligence-gathering, and currently in Iraq we are finding that the human intelligence-gathering has increased tremendously.

Mr. Speaker, as we look at ways to protect our troops, today I visited with a company from my district who are here, they have currently 11 prototypes in Iraq right now of an antenna that transmits a signal to make sure that the IEDs do not explode. They are in the process of making another 850 of these, these devices which will help protect our troops. Mr. Speaker, I know that everything is being done by this administration and this Congress which we can do to ensure the safety of our young men and women who are fighting the war on terror.

Mr. Speaker, it would be appropriate at this point to review some of the conclusions which were reached by the U.S. Senate Select Committee on Intelligence as listed in their report on the U.S. Intelligence Community's prewar intelligence assessments on Iraq. Conclusion number 1 of this U.S. Senate select committee was that the intelligence reporting did show that Iraq was procuring dual-use equipment that had potential nuclear applications. Conclusion number 1 went on to say that the intelligence reporting did support the conclusion that chemical and biological weapons were within Iraq's technological capability, that Iraq was trying to procure dual-use materials that could have been used to produce these weapons, and that uncertainties existed about whether Iraq had fully destroyed its pre-Gulf War stock of weapons and precursors.

Conclusion number 91 told us that the Central Intelligence Agency's assessment that Iraq had maintained ties to several secular Palestinian terrorist groups and with the Mujahidin e-Khalq was supported by the intelligence. The CIA was also reasonable in judging that Iraq appeared to have been reaching out to more effective terrorist groups such as Hezbollah and Hamas and might have intended to employ such surrogates in the event of war.

Conclusion number 92 was that the Central Intelligence Agency's examination of contacts, training, safe haven and operational cooperation as indicators of a possible Iraq-al Qaeda relationship was a reasonable and objective approach to the question.

Conclusion number 93 was that the Central Intelligence Agency reasonably assessed that there were likely several instances of contact between Iraq and al Qaeda through the 1990s.

Conclusion 94 was that the Central Intelligence Agency reasonably and objectively assessed in ''Iraqi Support for Terrorism'' that the most problematic area of contact between Iraq and al Qaeda were the reports of training in the use of nonconventional weapons, specifically chemical and biological weapons.

Conclusion number 95 was that the Central Intelligence Agency's assessment on safe haven, that al Qaeda or their associated operatives were present in Baghdad and in northeastern Iraq in an area under Kurdish control, was a reasonable conclusion.

Mr. Speaker, the 9/11 Commission also reiterated the substance of our prewar conclusions. First of all, the Chairman of the Commission, Thomas Kean, on the News Hour with Jim Lehrer, June 16, 2004, said, ''Yes, there were contacts between Iraq and al Qaeda, a number of them, some of them a little shadowy. They were definitely there.''

Vice Chairman Lee Hamilton on that same date said, ''I don't think there's any doubt that there were contacts between Saddam Hussein's government and al Qaeda, Osama bin Laden's people.''

Lee Hamilton is a former Democratic Congressman from Indiana who served for 34 years in this U.S. House of Representatives.

The 9/11 Commission staff statement number 15 said that bin Laden also explored possible cooperation with Iraq during his time in Sudan, despite his opposition to Hussein's secular regime. A senior Iraqi intelligence officer reportedly made three visits to Sudan, finally meeting bin Laden in 1994. Bin Laden is said to have requested space to establish training camps as well as assistance in procuring weapons, but Iraq apparently never responded. There have been reports that contacts between Iraq and al Qaeda also occurred after bin Laden had returned to Afghanistan.

□ 2015

The 9/11 Commission continues to discuss the reasonableness of the assessment that Iraq was involved in terrorist activities. ''The Butler Report on British Intelligence,'' chaired by Lord Butler of the British House of Commons, declares that ''we have reached the conclusion that prior to the war, of the Iraqi regime,'' number one, ''had the strategic intention of resuming the pursuit of prohibited weapons programs, including, if possible, its nuclear weapons program, when the United Nations inspections regimes were relaxed and sanctions were eroded or lifted.''

Secondly, they concluded that in support of that goal, Iraq was carrying out illicit research and development and procurement activities to seek to sustain its indigenous capabilities. And, thirdly, they commented that Iraq was developing ballistic missiles with a range longer than that permitted under relevant United Nations Security Council Resolutions.

They continue in the report: ''We conclude that, on the basis of the intelligence assessments at the time, covering both Niger and the Democratic Republic of Congo, the statements on Iraqi attempts to buy uranium from Africa in the government's dossier, and by the Prime Minister in the House of Commons, were well-founded. By extension, we also conclude that the statement in President Bush's State of the Union Address of 28 January, 2003, that: 'The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa was' in fact 'well founded.'''

They continued later, paragraph 449, conclusion 21: ''We have found no evidence of deliberate distortion or of culpable negligence.'' In paragraph 450 they comment that ''we found no evidence that the Joint Intelligence Committee's assessments and the judgments inside them being pulled in any particular direction to meet policy concerns for senior officials on the JIC.''

So report after report indicates that we have good reason and we had good reason to expect that the Iraqis were involved deeply in terrorist activities and that our operations there have certainly made the world more safe.

Mr. Speaker, all of us wish that 9/11 had not occurred. All of us wish that we were not having to fight this war on terror. All of us wish that we were not

losing American troops in this effort. But I will tell the Members that the young men and women who I talked to in Iraq have declared that they feel like their efforts are worthwhile, that their efforts are resulting in definite changes in Iraq, and they feel like their efforts are noble.

Mr. Speaker, we should keep in our prayers the families who lost loved ones on 9/11 and the gentlewoman from Texas (Ms. GRANGER) and the gentlewoman from New York (Mrs. KELLY) made very compelling comments about that. I would reiterate their comments that we could keep those families in our prayers, the families of 9/11, but also the families who lost loved ones in this war on Iraq.

The men and women who had done nothing wrong on 9/11, the families who have suffered so much loss deserve our continued memory and our continued remembrance. We must rid this world of the radicals who would kill innocent men, women and children. The event in Chechnya, the event in that schoolhouse, was not an isolated incident. It reflects the heinous attitude that some in the world terror community have toward other human life, even the most innocent, our children. In order to keep my grandchildren and my children safe and your grandchildren and your children safe, I would hope that we would all maintain our resolve to make sure that we all fight this war on terror in another land and not fight it here.

I would like to associate my comments with the gentleman from North Carolina, who commented that here we are fighting for freedom and the rest of the world and ministers in this country do not even have freedom of speech.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, SEPTEMBER 8, 2004, AT PAGE H6850

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice of describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LANGEVIN (at the request of Ms. PELOSI) for today after 4:30 p.m. on account of a family emergency.

Mr. KANJORSKI (at the request of Ms. PELOSI) for today after 2:00 p.m. on account of official business in the district.

Mr. LUCAS of Oklahoma (at the request of Mr. DELAY) for today after 4:00 p.m. on account of family commitments.

Mr. CANNON (at the request of Mr. DELAY) for the week of September 7 on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, September 15.

Mr. BURGESS, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

ADJOURNMENT

Mr. PEARCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, September 13, 2004, at 12:30 p.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:

9478. A letter from the Principal Deputy Secretary for Personnel and Readiness, Department of Defense, transmitting a report on the Family Subsistence Supplemental Allowance (FSSA) program, covering the period October 1, 2002, through September 30, 2003, pursuant to 37 U.S.C. 402(a) Public Law 106–398, section 604(a); to the Committee on Armed Services.

9479. A letter from the Actuary, Department of Defense, transmitting an updated copy, current as of September 30, 2003, of a tabulation showing the distribution of DoD military retirees and survivors by State and Congressional districts as well as tabulations showing Congressional district ranking by number of retirees and monthly annuity payments from DoD; to the Committee on Armed Services.

9480. A letter from the Director, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Consolidation of Asset-Backed Commercial Paper Programs and Other Related Issues [Regulation H and Y; Docket No. R-1162] Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04-19] (RIN: 1557-AC76); Federal Deposit Insurance Corporation (RIN: 3064-AC75); Department of the Treasury, Office of Thrift Supervision [No. 2004-36] (RIN: 1550- AB79) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9481. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the annual report on the Resolution Funding Corporation for calendar year 2003, pursuant to Public Law 101–73, section 501(a) (103 Stat. 387); to the Committee on Financial Services.

9482. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7446] received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9483. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9484. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Eligibility of Mortgages on Hawaiian Home Lands Insured Under Section 247 [Docket No. FR-4779-l-01] (RIN: 2502-AH92) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9485. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — FHA Single Family Mortgage Insurance; Lender Accountability for Appraisals [Docket No. FR-4722-F-02] (RIN: 2502-AH78) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9486. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Requirements for Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold, Conforming Amendments and Corrections [Docket No. FR-3482-C-10] (RIN: 2501-AB57) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9487. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule — Covered Securities Pursuant to Section 18 of the Securities Act of 1933 [Release No. 33-8442; File No. S7-17-04] (RIN: 3235-AJ03) received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9488. A letter from the Assistant Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commisison's final rule — Disclosure Regarding Portfolio Managers of Registered Management Investment Companies [Release Nos. 33-8458; 34-50227; IC-26533; File No. S7-12-04] (RIN: 3235-AJ16) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9489. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve, covering calendar year 2003, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

9490. A letter from the Secretary, Department of Commerce, transmitting the sixth and final annual report mandated by the International Anti-Bribery and Fair Competition Act of 1998 (IAFCA); to the Committee on Energy and Commerce.

9491. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the United Kingdom (Transmittal No. 04-04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9492. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Sweden (Transmittal No. DDTC 054-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9493. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fiscal Year 2003 annual report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act, pursuant to 22 U.S.C. 5474(c); to the Committee on International Relations.

9494. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Export and Reexport Controls for Iraq [Docket No. 040302078-4078-01] (RIN: 0694-AC84) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9495. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9496. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9497. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9498. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vancancies Reform Act of 1998; to the Committee on Government Reform.

9499. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9500. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9501. A letter from the Chairman, Federal Maritime Commission, 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 Commission's report on competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

9502. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9503. A letter from the Executive Director, Advisory Council on Historic Preservation, transmitting the Council's final rule — Protection of Historic Properties (RIN: 3010-AA06) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9504. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Joint Counterpart Endangered Species Act Section 7 Consultation Regulations (RIN: 1018-AI95) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9505. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the California Tiger Salamander; and Special Rule Exemption for Existing Routine Ranching Activities (RIN: 1018-AI68) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9506. A letter from the Assist. Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Arabis perstellata (Braun's Rock-cress) (RIN: 1018-AI74) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9507. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2004-05 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AJ25) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9508. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Three Threatened Mussels and Eight Endangered Mussels in the Mobile River Basin (RIN: 1018-AI73) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9509. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of Federal Protection Status from Two Manatee Protection Areas in Florida (RIN: 1018-AJ23) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9510. A letter from the Director, Office of Sustainabale Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 071604B] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9511. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 071604A] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9512. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Measure for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2004 [Docket No. 040326103-4198; I.D. 031504A] (RIN: 0648-AQ82) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9513. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 071604C] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9514. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 072004C] receivedJuly 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9515. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species (HMS); Pelagic Longline Fishery [Docket No. 040202035-4197-02; I.D. 112403A] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9516. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Access to Tissue Specimen Samples from the National Marine Mammal Tissue Bank [Docket No. 021017237-4194-02; I.D. 090302F] (RIN: 0648-AQ51) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9517. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments [Docket No. 031216314-3314-01; I.D. 040104B] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9518. A letter from the Executive Director & CEO, American Chemical Society, transmitting the Society's annual report for the calendar year 2003 and the comprehensive report to the Board of Directors of the American Chemical Society on the examination of their books and records for the year ending December 31, 2003, pursuant to 36 U.S.C. 1101(2) and 1103; to the Committee on the Judiciary.

9519. A letter from the Attorney General, Department of Justice, transmitting the FY 2003 Performance and Accountability Report for the Department of Justice; to the Committee on the Judiciary.

9520. A letter from the Staff Director, United States Sentencing Commission, transmitting the Annual Report and Sourcebook of Federal Sentencing Statistics covering FY 2002, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

9521. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Government Contracting Programs; HUBzone Program (RIN: 3245-AE66) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9522. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Governement Contracting Programs (RIN: 3245-AF16) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9523. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals (RIN: 3245-AE92) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9524. A letter from the United States Trade Representative, Executive Office of the President, transmitting the Environmental Review of the United States-Morocco Free Trade Agreement; the United States Employment Impact Review of the United-States Morocco Free Trade Agreement; and the Morocco Labor Rights Report; to the Committee on Ways and Means.

9525. A letter from the United States Trade Representative, Executive Office of the Presient, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral, and functional trade advisory committees chartered under those Acts, on the U.S.-Bahrain Free Trade Agreement, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1151. A bill to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes (Rept. 108–673). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALSH: Committee on Appropriations. H.R. 5041. A bill making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–674). 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. KIRK (for himself, Mr. YOUNG of Florida, Mr. GRIJALVA, Mr. BEAUPREZ, Mr. DUNCAN, Mr. PETRI, Mr. EMANUEL, Mr. THOMPSON of Mississippi, Ms. HART, Mr. CULBERSON, Mr. GARRETT of New Jersey, Mr. PLATTS, Mr. KINGSTON, and Mr. RAMSTAD):

H.R. 5038. A bill to permit each State to provide a statue of an individual representing that State to be displayed in the Capitol Visitor Center, and for other purposes; to the Committee on House Administration.

By Mr. BUTTERFIELD (for himself, Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, Mr. BURR, Mr. COBLE, Mr. MCINTYRE, Mr. HAYES, Mrs. MYRICK, Mr. BALLENGER, Mr. TAYLOR of North Carolina, Mr. WATT, and Mr. MILLER of North Carolina):

H.R. 5039. A bill to designate the facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, as the ''Eva Holtzman Post Office''; to the Committee on Government Reform.

By Mr. SHAYS (for himself, Mrs. MALONEY, Mr. MOORE, Mr. SIMMONS, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. FERGUSON, Mr. PASCRELL, Mr. WEINER, Mr. RAMSTAD, Mr. PRICE of North Carolina, Mr. CASE, Mr. PETERSON of Minnesota, Mr. PENCE, Mr. STENHOLM, Mr. HOEFFEL, Mr. RUPPERSBERGER, Mr. CASTLE, Mr. KIND, Ms. HARMAN, Mr. GILCHREST, Mr. SANDLIN, Mr. DOOLEY of California, Mrs. TAUSCHER, Mr. KENNEDY of Rhode Island, Mr. CHANDLER, Mr. WELDON of Pennsylvania, Mr. TURNER of Texas, Mr. DUNCAN, Ms. PELOSI, Mr. HOYER, Mr. WALSH, and Mr. FRELINGHUYSEN):

H.R. 5040. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, International Relations, Government Reform, the Judiciary, Rules, Transportation and Infrastructure, Energy and Commerce, Ways and Means, and Homeland Security (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 Mr. ACEVEDO-VILA:

H.R. 5042. A bill to amend the Department of Agriculture Organic Act of 1944 to ensure that the dependents of employees of the Forest Service stationed in Puerto Rico receive a high-quality elementary and secondary education; to the Committee on Agriculture.

By Mr. BELL (for himself and Mr. NEAL of Massachusetts):

H.R. 5043. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BURNS (for himself and Mr. NORWOOD):

H.R. 5044. A bill to provide for a study of the potential for increasing hydroelectric power production at existing Federal facilities, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON:

H.R. 5045. A bill to restore State sovereignty; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. WOLF, Mr. BOUCHER, Mr. CANTOR, Mr. SCOTT of Virginia, Mr. GOODE, Mr. GOODLATTE, Mr. SCHROCK, and Mrs. JO ANN DAVIS of Virginia):

H.R. 5046. A bill to require the Secretary of the Treasury to mint coins in commemoration of the tragic loss of lives at the Pentagon on September 11, 2001, and to support construction of the Pentagon 9/11 Memorial in Arlington, Virginia; to the Committee on Financial Services.

By Mr. EDWARDS (for himself and Mr. EMANUEL):

H.R. 5047. A bill to amend title 38, United States Code, to increase the maximum coverage under the Servicemembers' Group Life Insurance and Veterans' Group Life Insurance programs from $250,000 to $500,000; to the Committee on Veterans' Affairs.

By Mr. GREEN of Texas:

H.R. 5048. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of annual screening pap smear and screening pelvic exams; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. LARSEN of Washington, Ms. BERKLEY, and Mr. HONDA):

H.R. 5049. A bill to require the Federal Energy Regulatory Commission to revoke the authority granted to Enron to sell electricity at market rates and to prohibit Enron from enforcing certain contract provisions, and for other purposes; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 5050. A bill to establish the Director of National Intelligence as a cabinet level position in the Executive Office of the President to oversee budget, operations, and personnel of the entire intelligence community of the Federal Government; to the Committee on Intelligence (Permanent Select).

By Mr. MCINNIS (for himself, Mr. HEFLEY, Mr. TANCREDO, Ms. DEGETTE, Mrs. MUSGRAVE, Mr. UDALL of Colorado, and Mr. BEAUPREZ):

H.R. 5051. A bill to designate the facility of the United States Postal Service located at 1001 Williams Street in Ignacio, Colorado, as the ''Leonard C. Burch Post Office Building''; to the Committee on Government Reform.

By Mr. MCINNIS (for himself, Mr. HEFLEY, Mr. TANCREDO, Ms. DEGETTE, Mrs. MUSGRAVE, Mr. UDALL of Colorado, and Mr. BEAUPREZ):

H.R. 5052. A bill to designate the facility of the United States Postal Service located at 222 West 8th Street in Durango, Colorado, as the ''Ben Nighthorse Campbell Post Office Building''; to the Committee on Government Reform.

By Mr. MCNULTY:

H.R. 5053. A bill to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the ''Lieutenant John F. Finn Post Office''; to the Committee on Government Reform.

By Ms. MILLENDER-MCDONALD:

H.R. 5054. A bill to direct the Secretary of Homeland Security to carry out a pilot program to evaluate the use of hardened containers for cargo and luggage on passenger aircraft; to the Committee on Transportation and Infrastructure.

By Mr. MOORE (for himself, Mr. BACHUS, Mr. HILL, Mr. RAMSTAD, Mr. UDALL of Colorado, Mr. SIMMONS, Mr. BERRY, Ms. ROS-LEHTINEN, Mr. ISRAEL, Mr. OSBORNE, Mr. TOM DAVIS of Virginia, Mr. FORD, Mr. KANJORSKI, Mr. MURTHA, Mr. LAMPSON, Ms. SOLIS, Ms. CARSON of Indiana, Mr. PRICE of North Carolina, Mr. STUPAK, Ms. PELOSI, Mr. LINDER, Mrs. TAUSCHER, Mr. DINGELL, Mr. DOOLEY of California, Mr. CROWLEY, Mr. SHAYS, Mr. PASCRELL, Mrs. BONO, Mr. FOLEY, Mr. BROWN of South Carolina, Mr. GORDON, Mr. LARSEN of Washington, Mr. RANGEL, Mr. SCHIFF, Mr. ETHERIDGE, Mr. UDALL of New Mexico, Mr. CLAY, Mrs. JONES of Ohio, Ms. WATERS, Mr. PAYNE, Mr. JONES of North Carolina, Ms. BERKLEY, Mr. COOPER, Mr. TANNER, Mrs. LOWEY, Mr. BISHOP of New York, Mr. ACKERMAN, Mrs. CAPPS, Mr. PASTOR, Mr. ANDREWS, Mr. HEFLEY, Mr. BROWN of Ohio, Mr. STRICKLAND, Ms. LOFGREN, Mr. KENNEDY of Rhode Island, Mr. DOGGETT, Mr. FROST, Mr. BOSWELL, and Mr. BONNER):

H.R. 5055. A bill to amend title 10, United States Code, to increase the amount of the military death gratuity from $12,000 to $50,000; to the Committee on Armed Services.

By Mr. REHBERG:

H.R. 5056. A bill to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana; to the Committee on Resources.

By Mr. RUPPERSBERGER (for himself, Mr. HOYER, and Mr. JONES of North Carolina):

H.R. 5057. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities; to the Committee on Armed Services.

By Mr. SHAW:

H.R. 5058. A bill to amend the Immigration and Nationality Act to permit alien children receiving medical treatment in the United States to be classified as immediate relatives to avoid extreme hardship to themselves or their immediate relative alien parents; to the Committee on the Judiciary.

By Mr. SHERMAN (for himself, Mr. CASE, and Mr. ETHERIDGE):

H.R. 5059. A bill to amend title 18, United States Code, with respect to stored electronic communications; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself and Mr. DUNCAN):

H.R. 5060. A bill to amend the Consumer Credit Protection Act to prevent credit card issuers from taking unfair advantage of full-time, traditional-aged, college students, to protect parents of traditional college student credit card holders, and for other purposes; to the Committee on Financial Services.

By Mr. TANCREDO (for himself, Mr. PITTS, Mr. FRANKS of Arizona, Mr. LANTOS, and Mr. PAYNE):

H.R. 5061. A bill to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan; to the Committee on International Relations.

By Mr. FLAKE (for himself, Ms. BORDALLO, and Mr. FALEOMAVAEGA):

H.J. Res. 102. A joint resolution recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there; to the Committee on Resources.

By Mr. EHLERS (for himself, Mr. YOUNG of Florida, Mr. BOEHLERT, Mr. GORDON, Mr. UDALL of Colorado, Mr. SHAW, Mr. FOLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KELLER, Mr. BOYD, Ms. HARRIS, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. PUTNAM, Mr. FEENEY, Mr. WEXLER, Mr. HASTINGS of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. GOSS, Mr. WELDON of Florida, Mrs. BIGGERT, Mr. DEUTSCH, and Mr. DAVIS of Florida):

H. Con. Res. 488. Concurrent resolution commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley and Frances; to the Committee on Science.

By Mr. COX (for himself and Ms. HARMAN):

H. Con. Res. 489. Concurrent resolution supporting the goals and ideals of National Preparedness Month; to the Committee on Government Reform.

By Mr. DOGGETT (for himself, Mr. TOM DAVIS of Virginia, Mr. BLUMENAUER, Mrs. MYRICK, Mr. OBERSTAR, Mr. FROST, Mr. CARTER, Mr. SMITH of Texas, Mr. RODRIGUEZ, Mr. BRADY of Texas, Mr. LAMPSON, Mrs. BONO, Mr. STENHOLM, Mr. MCDERMOTT, Mr. SANDLIN, Ms. MCCARTHY of Missouri, Mr. TURNER of Texas, Ms. BALDWIN, Mr. HINOJOSA, Mr. FARR, Mr. BASS, Mr. EDWARDS, Mr. HONDA, Mr. SAM JOHNSON of Texas, Ms. CARSON of Indiana, Ms. LEE, Mr. LANGEVIN, Mr. UDALL of New Mexico, Mr. COOPER, Mr. INSLEE, Mr. SHIMKUS, Mr. CAPUANO, Mr. REYES, and Ms. BERKLEY):

H. Res. 761. A resolution congratulating Lance Armstrong on his record-setting victory in the 2004 Tour de France; to the Committee on Government Reform.

By Mr. DREIER:

H. Res.762. A resolution electing a Member to a certain standing committee of the House of Representative; considered and agreed to.

By Mr. HASTINGS of Florida:

H. Res. 763. A resolution condemning the terrorist attack at Middle School No. 1 in Beslan, Russia, that occurred in early September 2004; to the Committee on International Relations.

By Mr. TANCREDO:

H. Res. 764. A resolution condemning the terrorist attack in Beslan, Russia, that occurred beginning on September 1, 2004, expressing condolences to the families of the individuals murdered in the terrorist attack, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII,

424. The SPEAKER presented a memorial of the General Assembly of the State of Rhode Island, relative to Joint Resolution 04R366 (04-S3015) memorializing the Congress of the United States to amend certain provisions of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA); jointly to the Committees on Energy and Commerce and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SHAW introduced A bill (H.R. 5062) for the relief of Helene Jensen; 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. 290: Mr. HASTINGS of Florida.
H.R. 296: Ms. BERKLEY.
H.R. 490: Mr. SHERMAN.
H.R. 548: Mr. BOEHLERT.
H.R. 713: Mr. CAMP.
H.R. 792: Mr. CRAMER, Mr. MURTHA, Mrs. CAPITO, and Mr. RAHALL.
H.R. 953: Mr. BROWN of South Carolina.
H.R. 1102: Mr. BUTTERFIELD.
H.R. 1117: Mr. BRADLEY of New Hampshire.
H.R. 1120: Mr. SANDLIN.
H.R. 1157: Mr. ANDREWS.
H.R. 1179: Mr. HASTINGS of Washington and Mr. ANDREWS.
H.R. 1241: Mr. FILNER.
H.R. 1247: Mr. SANDLIN.
H.R. 1336: Mr. TAYLOR of North Carolina.
H.R. 1615: Mrs. JOHNSON of Connecticut and Mr. MEEHAN.
H.R. 1746: Mr. PASCRELL.
H.R. 1755: Mr. NEUGEBAUER.
H.R. 1787: Mr. LATHAM and Mrs. CAPITO.
H.R. 1811: Mr. FERGUSON.
H.R. 2045: Mr. NEUGEBAUER.
H.R. 2239: Mr. FORD and Mr. HOLDEN.
H.R. 2490: Ms. SCHAKOWSKY, Mr. SIMMONS, and Mr. WAMP.
H.R. 2536: Mr. MCINTYRE, Mr. SERRANO, and Mr. ENGEL.
H.R. 2640: Mr. FILNER.
H.R. 2671: Mr. NEUGEBAUER.
H.R. 2724: Mr. CUMMINGS, Ms. CARSON of Indiana, Mr. LIPINSKI, Ms. JACKSON-LEE of Texas, and Mr. BELL.
H.R. 2727: Mr. PALLONE.
H.R. 2807: Mr. SANDLIN.
H.R. 2823: Mr. TURNER of Texas and Mr. SCOTT of Georgia.
H.R. 2824: Mr. ANDREWS.
H.R. 2871: Mr. BELL, Mr. KUCINICH, and Mr. ENGLISH.
H.R. 2933: Mr. FLAKE.
H.R. 2945: Mr. WEINER.
H.R. 2971: Ms. KAPTUR, Mr. HASTINGS of Washington, and Mr. MILLER of Florida.
H.R. 3069: Mr. NEUGEBAUER.
H.R. 3125: Mr. NEUGEBAUER.
H.R. 3142: Mr. BISHOP of New York, and Ms. ESHOO.
H.R. 3308: Mr. WALDEN of Oregon.
H.R. 3356: Mr. BURGESS.
H.R. 3441: Mr. MOORE.
H.R. 3476: Mr. PASCRELL, Mr. LAMPSON, Mr. MARSHALL, and Mr. PLATTS.
H.R. 3484: Mrs. CAPPS.
H.R. 3672: Mr. ISRAEL.
H.R. 3674: Mr. BRADLEY of New Hampshire.
H.R. 3745: Ms. WOOLSEY.
H.R. 3799: Mr. WILSON of South Carolina.
H.R. 3805: Mr. GEORGE MILLER of California.
H.R. 3831: Mr. SMITH of New Jersey.
H.R. 3834: Mr. RENZI.
H.R. 3859: Mr. KENNEDY of Rhode Island, Mr. RUPPERSBERGER, Ms. NORTON, Mr. RANGEL, Mr. CAPUANO, Mr. ISRAEL, Mr. ENGEL, Mr. MARKEY, and Ms. WATSON.
H.R. 3927: Mr. SHIMKUS.
H.R. 4035: Mr. FILNER, Mr. GUTIERREZ, Ms. MCCOLLUM, Mr. CROWLEY, Ms. WOOLSEY, and Mr. PALLONE.
H.R. 4067: Ms. BERKLEY and Mr. LEACH.
H.R. 4102: Mr. GORDON and Mr. NEAL of Massachusetts.
H.R. 4107: Mr. BISHOP of Georgia and Mr. OLVER.
H.R. 4124: Ms. HERSETH.
H.R. 4130: Mr. LARSEN of Washington.
H.R. 4149: Mr. CAPUANO and Mr. SMITH of Washington.
H.R. 4225: Mr. BEAUPREZ.
H.R. 4230: Mr. SESSIONS.
H.R. 4232: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4249: Mr. VAN HOLLEN, Mr. INSLEE, Mr. HASTINGS of Florida, and Ms. BALDWIN.
H.R. 4254: Mr. LATHAM.
H.R. 4256: Mr. DOGGETT.
H.R. 4263: Mr. OBERSTAR and Mr. GRIJALVA.
H.R. 4264: Ms. JACKSON-LEE of Texas and Ms. BALDWIN.
H.R. 4284: Mr. GOODE, Mr. NORWOOD, Mr. GORDON, Mr. PLATTS, and Mr. WHITFIELD.
H.R. 4306: Mr. FORBES.
H.R. 4334: Mr. BRADLEY of New Hampshire.
H.R. 4351: Mr. MCGOVERN.
H.R. 4433: Mr. BURTON of Indiana, Mr. BAIRD, Ms. PRYCE of Ohio, and Ms. MCCARTHY of Missouri.
H.R. 4468: Mr. BERRY.
H.R. 4480: Ms. GRANGER and Mrs. MYRICK.
H.R. 4502: Mr. NETHERCUTT and Mr. FROST.
H.R. 4578: Ms. BALDWIN, Mr. VAN HOLLEN, Mr. JOHN, and Mrs. LOWEY.
H.R. 4585: Mr. KIND and Mr. FILNER.
H.R. 4620: Mr. PETERSON of Minnesota.
H.R. 4626: Mr. INSLEE and Mr. BUYER.
H.R. 4638: Mr. MCHUGH.
H.R. 4662: Mr. COLE.
H.R. 4674: Ms. WOOLSEY, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. PASTOR, Mr. SANDERS, Mr. KUCINICH, and Mr. FILNER.
H.R. 4676: Mr. OSBORNE, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. RAHALL, and Mr. EHLERS.
H.R. 4678: Mr. SANDERS, Mr. LEWIS of Georgia, and Mr. EVANS.
H.R. 4685: Mr. JOHN and Mr. HAYES.
H.R. 4694: Mr. COSTELLO and Mr. PRICE of North Carolina.
H.R. 4705: Mr. PETERSON of Minnesota.
H.R. 4786: Mr. GRIJALVA and Ms. BORDALLO.
H.R. 4799: Mr. PLATTS and Mr. WU.
H.R. 4809: Mr. PENCE.
H.R. 4812: Mr. BOUCHER.
H.R. 4853: Mr. HOEFFEL, Mr. BURR, Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. WELDON of Pennsylvania, Mr. GREEN of Wisconsin, and Mr. COOPER.
H.R. 4863: Mr. REYES, Ms. VELAZQUEZ, Ms. LORETTA SANCHEZ of California, Mr. WELLER, Mr. PASTOR, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, and Mr. MOORE.
H.R. 4887: Mr. CLYBURN.
H.R. 4896: Ms. NORTON, Mr. WEINER, Mr. HOEFFEL, Ms. LEE, Mr. MCDERMOTT, Mr. OLVER, and Mr. MCGOVERN.
H.R. 4897: Mr. KENNEDY of Rhode Island, Mr. WEINER, and Ms. DELAURO.
H.R. 4901: Mr. BURR.
H.R. 4906: Mr. COLE.
H.R. 4927: Mr. DOGGETT and Mr. GREEN of Texas.
H.R. 4965: Mr. FALEOMAVAEGA, Mr. CHABOT, and Mr. CROWLEY.
H.R. 4976: Mr. SABO.
H.R. 4984: Mr. STENHOLM.
H.R. 5011: Mr. BACHUS, Mr. CARTER, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 5024: Mr. STENHOLM, Ms. LEE, Mr. DOGGETT, Mr. CLAY, Mr. CHANDLER, Mr. FILNER, Mr. DEUTSCH, and Ms. MAJETTE.
H.R. 5026: Mr. GEORGE MILLER of California.
H.R. 5027: Mr. MARIO DIAZ-BALART of Florida, Ms. HARRIS, Mr. MICA, Mr. SHAW, Mr. FEENEY, Mr. PUTNAM, Mr. MILLER of Florida, Mr. BILIRAKIS, Mr. KELLER, Mr. WEXLER, Mr. YOUNG of Florida, Mr. DAVIS of Florida, Mr. WELDON of Florida, and Mr. GOSS.
H. Con. Res. 330: Mrs. LOWEY.
H. Con. Res. 431: Mr. CALVERT.
H. Con. Res. 486: Mr. DICKS, Ms. ROS-LEHTINEN, Mr. KILDEE, Mr. SCHIFF, Mr. GILCHREST, and Mr. ACEVEDO-VILA.
H. Con. Res. 487: Mr. GREEN of Texas, Mr. TURNER of Texas, and Mr. THORNBERRY.
H. Res. 28: Mr. SWEENEY.
H. Res. 567: Mr. SMITH of New Jersey.
H. Res. 737: Mr. ABERCROMBIE, Mr. ACEVEDO-VILA, Mr. BELL, Mr. BERMAN, Mr. BURTON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FLAKE, Mr. GILCHREST, Mr. GRIJALVA, Mr. HONDA, Mr. HOSTETTLER, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JONES of North Carolina, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. MOORE, Mr. MORAN of Virginia, Ms. NORTON, Mr. RAHALL, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SCHIFF, Mr. SCHROCK, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. TOWNS, Mr. UDALL of Colorado, and Mr. WALSH.
H. Res. 747: Ms. CARSON of Indiana.
H. Res. 757: Mr. DELAY, Ms. MCCARTHY of Missouri, Mr. SMITH of New Jersey, Mr. CHABOT, Mr. FOSSELLA, Mr. FRELINGHUYSEN, Ms. JACKSON-LEE of Texas, Mr. GOODLATTE, Mr. THORNBERRY, Mr. ISAKSON, Mr. ROHRABACHER, Mr. LINDER, Mr. VITTER, Mr. BOEHLERT, Mr. HAYWORTH, and Mr. KING of New York.
H. Res. 760: Mr. TANCREDO, Mr. HEFLEY, Ms. HARRIS, Mr. LINDER, Mr. MCHUGH, Mr. DEUTSCH, Mr. HOEFFEL, and Mr. CARDIN.

PETITIONS, ETC.

Under clause 3 of rule XII,

104. The SPEAKER presented a petition of the Kentucky Interim Joint Committee on Agriculture and Natural Resources, relative to a resolution petitioning the President and Congress of the United States to support and enact legislation establishing a tobacco buyout program; which was referred to the Committee on Agriculture.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. TURNER of Texas on House Resolution 523: David Vitter.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5006

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 14: At the end of the bill (but before the short title), insert the following new section:

SEC. _____. None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rabbi Solomon Schiff of the Greater Miami Jewish Federation, Miami, FL.

PRAYER

The guest Chaplain offered the following prayer:

Heavenly Creator, bestow Thy blessings upon those assembled here who have accepted the sacred responsibility to legislate within these hallowed halls of the United States Senate to preserve and to foster the noble ideals of our sanctified democracy.

Grant that these deliberations will be ruled by wisdom, purpose, and dedication. Thou, O Lord, have taught us through the words of the prophet Malachai: ''Have we not all one Father? Hath not one G-d created us all? Why do we deal treacherously, every man against his brother?'' Grant us the resolve to serve as Thy partners to eradicate anger, hunger, and bigotry from our human family. Imbue us with commitment to sow the seeds that will turn selfishness into civility, hatred into harmony, loathing into love, and bigotry into blessing. Help us always to work for the lost, the least, the last, and the lonely. May we remain committed to work with renewed energy to elevate the status and dignity of all of Thy children so that all can enjoy the blessings and benefits of our bountiful society. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning following my remarks, which will be brief, and any comments from the Democratic leader, we will have a 60-minute period for morning business, with the first 30 minutes under the control of the majority, and the last 30 minutes under the control of the Democratic side.

At the conclusion of morning business, we will resume consideration of the Homeland Security appropriations bill. Last night, we were able to reach an agreement which limits amendments to the bill, and although the list is much longer than we would like, I am hopeful many of the listed amendments will not be offered. As we continue discussion among ourselves and between both sides of the aisle, hopefully many of those amendments can be either addressed in another way or will not be offered at this point in time.

It is imperative for us in this body to stay focused on the safety and security of the American people, and this bill demonstrates that. We have worked very well together thus far.

I want to share with my colleagues the importance of staying focused on this bill. Let's move on with the amendments—we are on the amendments—and debate them in an expeditious way so we can finish this bill.

I previously stated we should finish the bill this week. Given the list of amendments which have appeared, we will, in all likelihood, go over into next week. We absolutely must have as our goal and make it reality of finishing the bill in the early part of next week or prior to the Rosh Hashanah holiday. I know Members' schedules are fluid, especially at this time of year when people have so many demands back in their home States, as well as here. The schedules are challenging, but I ask everybody to work with the Democratic leader and myself in terms of the scheduling so we can have real movement on these bills and bring them to completion in as expeditious a way as possible.

On Fridays and Mondays, we will be in discussion to let people know exactly what the voting schedules will be. In large part, it depends on how much participation we get during the course of the day today and tonight and a day like yesterday. If everybody can help us, I think we will be able to complete this bill in an expeditious way with respect to everybody's schedules.

We will have a full day today and this evening, I would suspect, as we continue to make progress on the bill.

REFORM OF THE INTELLIGENCE COMMUNITY

Mr. FRIST. Mr. President, I very briefly want to speak to a meeting that the leadership, not just elected leadership but leadership and interested parties, both Democrats and Republicans, had yesterday with the President of the United States, with the Senate and House represented. It was a very good meeting.

The focus of that meeting was to discuss the President's views, his plans to reform the intelligence community. The focus of this body for a long time, but very specifically since the 9/11 Commission report recommendations were made, has been on the safety and security of the American people as it is reflected in the 9/11 Commission report and our study of that report.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Between the House and the Senate, over 20 different hearings were held during August. I thank our colleagues for working very hard in collecting information and assessing people's ideas and thoughts from experts from around the world—from around the country and around the world—on the recommendations that were made by the 9/11 Commission.

Our meeting yesterday was another step at the committee level and on the floor of the Senate, as we are on the Homeland Security bill and as we address other bills, and in meetings such as at the White House. There is a real bipartisan commitment to making progress, not a knee-jerk reaction but progress on intelligence reform.

The President discussed with us his plan to complete the reorganization of the executive branch, consistent with those recommendations of the 9/11 Commission. He asked for our support. He says he does expect legislation, recognizing that once we leave in October, we will have November and January when we are not in session, and it is important for this reorganization to take place.

I think there was clear support for what the President presented yesterday, a general consensus that we need to continue to move forward.

As I outlined on Tuesday, and as the Democratic leader and I outlined prior to the recess, immediately after the 9/11 Commission report, we have two arms in this body addressing the recommendations. First, in no particular order, but to look outside this body, what is going on in the executive branch, and that has been delegated to the appropriate committee of jurisdiction, the Governmental Affairs Committee, under the very able leadership of Senator COLLINS and Senator LIEBERMAN. They worked through August diligently collecting information on this assignment.

There are many committees of jurisdiction, and those committees have participated with the Governmental Affairs Committee. They will likely mark up specific legislation the week of September 20, and then that bill will be brought to the floor the following week.

The only reason I am that specific about days is to share with our colleagues the sense of urgency and the sense that we do not have that many legislative days.

What is in that bill specifically and how far it goes is really up to that committee, taking the very best from all of the committees and all of our colleagues in the Senate, as well as the advice of outside experts. That is one arm.

The other arm addresses the internal reform that really applies to two very important of the 41 recommendations by the 9/11 Commission, and that the Democratic leader and I have delegated to a task force that has been appointed to collect information and to discuss that information and to advise us how best to proceed.

Our majority and minority whips, Senator MCCONNELL and Senator REID, are representing the chairs of that task force; that is, to look at the best way the Senate should be organized in this newly transformed world, internal organization, committees, new committees, changing jurisdiction. It is a tough issue because in each case it involves a change where somebody has to give up something or, in their mind, they are giving up something.

The good thing about it is it is going to be bipartisan, working together. We are talking about the safety and security of the American people, and when people say this sort of task cannot be done in a highly charged political environment with Presidential races and races in this body, when it comes down to the safety and security of the American people and the appropriate oversight of the intelligence upon which that safety and security is protected, partisanship gets put aside.

We are on a very tight schedule. There is a lot to be discussed, a lot to be debated. I am confident that with the focus and with the bipartisan effort we will get this done.

Quickly, and it has been covered a little bit in the press today, the President's plan calls for a number of substantial changes. First and foremost is the appointment of the national intelligence director—people are now getting comfortable with this—the ''NID,'' which is the national intelligence director.

As the President described, the post would be as follows: The new director would be appointed by and report to the President, to be confirmed by the Senate. He or she will act as the principal adviser to the President. He or she would not be located in the Executive Office of the President or serve as a member of the President's Cabinet.

The real news, if one looks at the headlines and the interpretation of what the President says, is this full budget authority by the national intelligence director. That director would be responsible for developing objectives and guidance for the intelligence community to ensure the timely and effective collection, analysis, processing, and dissemination of national intelligence for the country; of determining and establishing requirements and priorities for intelligence collection; of establishing intelligence analysis and production priorities for the intelligence community, and directing the national counterterrorism center.

The NID would have full budget authority over the national foreign intelligence program appropriation and would have the necessary authority to carry out reforms we agree are so crucial to our Nation's security.

There are a lot more details and these details will be coming forward over the next several days, but this short description gives a general outline of the direction the President has requested that we move.

The purpose of creating this new post is to improve how we collect data, analyze data, and how we act upon intelligence data across agencies in order to strengthen America's defenses and stop terrorism before it ever hits. This will make us safer abroad and I believe it will clearly make us safer and more secure at home.

I commend the President for his decisive leadership in this regard. He is committed to protecting the American people. As the President pointed out yesterday, many of the reforms suggested by the 9/11 Commission report had been and were being addressed by the administration. Mention was made yesterday that the administration had addressed 36 of the Commission's 41 recommendations.

I look forward to working with leaders on both sides of the aisle and with both Chambers of Congress. It is going to take a lot of coordination working in the House, the Senate, and the administration. We do not have very much time. We have 22 legislative days remaining in this body, but I know there is bipartisan agreement on the security of the United States and that agreement means we cannot wait and push this off until sometime in the future.

How much is addressed and what the specifics are has not yet been determined, and that is what is being worked on at the committee level and at the task force level right now. Protecting our fellow Americans from attack is the Government's highest duty. From the Oval Office to the Capitol steps, we are working hard to move America forward and to win this war on terror. That will very much be the focus of the Senate for the next 22 days, the security and safety of the American people.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I compliment the majority leader on his comments regarding the response to the 9/11 Commission. He and I have worked very closely together, and I share his view that it has been a laudable bipartisan effort.

As he has noted, our purpose is to address the recommendations made by the 9/11 Commission on two levels: the executive branch, which is largely the responsibility of the Governmental Affairs Committee, and the legislative branch, which is going to be the responsibility of our task force. Both groups are doing the work that we would hope they would. They have invested a good deal of time already. I share his view that there is an urgency to this important effort, and I hope we can continue to work in the manner with which all Members so far have demonstrated; that is, a commitment to a real bipartisan approach to resolving the many challenges that we face.

TED KENNEDY'S HISTORIC MILESTONE IN SENATE

Mr. DASCHLE. Mr. President, this is an interesting, important, and somewhat historic day. This is the day when Senator KENNEDY actually becomes the third most senior Member in the Senate's history, and I think it ought to be noted. He just surpassed the time of seniority by the distinguished Senator from Arizona, Carl Hayden. So he now ranks as the third most senior person in all of Senate history. I commend and congratulate him, and I know I join colleagues on both sides of the aisle in calling attention to this remarkable new addition to his already impressive and extensive résumé.

HOMELAND SECURITY APPROPRIATIONS

Mr. DASCHLE. Mr. President, I will comment on a matter that the majority leader raised with regard to the current legislation. The Homeland Security appropriations bill is critical legislation. I have admonished Members on our side of the aisle to recognize how critical it is we finish this work before we leave for the Rosh Hashanah holiday next week. It is very important that this work be done. As I understand it, we have 28 Senators—on both sides of the aisle—who have amendments. We will work with them. Senator REID has noted that he has begun to call each Senator to express the hope that we could winnow down the list.

I noticed as the finite list was established last night that many of these amendments are simply listed as relevant. I hope that many of these so-called placeholders could be eliminated and we could get on with the important work.

There is a need to work under time limits for each amendment and hopefully we can work as late in the evening each day to accomplish what is going to be an aggressive schedule as we try to finish this bill—I should say, as we finish this bill. We are going to do more than try. We will complete it no later than next Wednesday morning, and hopefully sooner than that.

CONCERNS IN SOUTH DAKOTA

Mr. DASCHLE. Mr. President, each year, I travel through South Dakota, talking to people where they live and work, in the cafes where they meet, the schools where they send their children, the ranches and sale barns where they hope that this year will bring better prices than the last, the farms where they raise their crops—anywhere people gather to discuss what matters to them.

Every year, I get to all 66 counties, and every year, I marvel at the incredible range of opinions and perspectives I encounter along the way.

But there is another thing that was striking to me this year—and that is the fact that wherever I was, I heard from different people from different backgrounds a lot of the same hopes, and a lot of the same concerns.

People have a sense of uncertainty. They are uncertain about the progress in the war on terror and the war in Iraq, and they are anxious about the economy—not just about their own jobs, and their own health care, but also about whether their communities and their way of life are going to survive.

In the past few years, whenever I have traveled home, I have sensed the strength of those feelings. And for many of the people I have met, those feelings are growing stronger.

South Dakotans are intensely proud of the valor of our troops serving in Iraq and Afghanistan—and I share that pride. But ours is a small State, and when South Dakotans talk about ''the troops,'' they are not talking about some abstract concept. They are talking about friends and loved ones. They are talking about a person who is not there behind the counter when they go to work, or a side of the bed that lies empty.

South Dakota is contributing more troops to our war effort than all but seven other countries.

And so, while South Dakotans support our troops, they also know better than most that support in words is not enough.

While I was home last month, I met a young man named Tyler Neuharth, who was on leave from Iraq and was just a week away from being sent back. He was proud to serve. But he was also looking forward to returning to college, and he wanted some sense of how long he would be deployed so he could plan for his education and his future.

I spoke to a woman whose husband has been in Iraq for over a year-and-a-half, and she and her young son just learned that the earliest they can hope to see him home is the end of this year.

And I met Lloyd Dejung, who talked about how his unit in Iraq was building bridges in flak jackets that, in his words, you could poke a hole through with a knife.

Our Guard and Reserve troops deserve the same state-of-the-art equipment as active duty personnel. They should get honest answers about when they're coming home. And while they are fighting for their country, they should not have to worry about whether they will have to fight for their jobs, or for health care, or for their education once they return home.

That is why, tomorrow, I will be introducing a National Guard and Reserve Bill of Rights—to say to all our soldiers: You have met your duty to your country, and your country will meet its duty to you.

South Dakotans are fiercely proud, and fiercely independent. When you talk to them, they will tell you what you can do to help a neighbor or a friend, but it takes a little while to get people talking about their own concerns. But when they do, there are a couple of things you hear over and over. They are worried about their jobs, they are worried about their health and their health care, and they are worried that as jobs become more scarce and health care becomes ever less affordable and less available, they are going to lose something else, too. They are worried that the strain these things place on the fabric of their communities will become just too much, and that their communities and their way of life just won't be able to survive.

These are concerns I heard everywhere I went, and they are concerns that we here in Washington have the power to do something about.

More than any time in my memory, people were telling me they needed two and three jobs—not to get ahead, not to save for a house or their child's education, but simply to make their monthly bills. Many good manufacturing jobs have left the State, and it is getting more difficult to find a full-time job that pays a wage good enough to raise a family.

I visited the town of Elk Point. A lot of the folks in Elk Point work about 20 minutes down the road in North Sioux City, where there is a Gateway plant. That plant has been cutting jobs, sending them to India. That plant is now down to 2,000 employees from a high of 6,000.

The people I met simply can not understand how this administration's top economic adviser and its Secretary of Labor can both say that outsourcing of jobs is good for the economy.

In Yankton, 10 percent of the work force is in manufacturing. I spoke to the owner of a company that makes road construction equipment. He said that he has had to cut jobs because we have not passed a highway bill.

The Senate version of the highway bill would create 6,500 jobs in South Dakota and over 1.7 million new jobs nationwide. Our infrastructure, our economy, and our communities need this bill.

Closely tied to concerns about jobs are concerns about health care.

In Huron, a woman came up to me at a meeting. She told me that her husband had been laid off from his job in February. They went on COBRA for a while, but it was expensive, and this month it ran out anyway. They both have health concerns, and they don't know what they are going to do.

Just a couple of nights ago, another woman approached me. She told me about her brother, who has diabetes.

He is 60 years old. He works 40 hours a week. He also took a paper route to earn some more money. But neither of his two jobs offers health insurance, so he doesn't have any. He has begun losing feeling in his legs, but he has not seen a doctor because he does not think he can afford to. A 60-year old man, working full-time and then some, can not afford to go see a doctor. In this country, in this century, that is a disgrace.

Everywhere I go, people are worried that their health care costs are rising. If they have health care through their jobs, they are afraid they might lose it. If they are paying for it themselves, they are afraid they can not afford it any longer. I think every American should have access to the same affordable health care options that members of Congress have.

At the very least, there are a number of steps we can take immediately. We should be providing health coverage to uninsured parents who have children eligible for Medicaid and the State Children's Health Insurance Program, and I think we should let States have the option of covering pregnant women and children until the age of 20.

We should create a tax credit to help small business owners provide health care coverage for their employees. Most employers I talked to want to provide health insurance; they are just having an increasingly difficult time affording it.

This is a crisis, and we need to confront it. The ideas are there. We need the leadership.

Out in our small towns and farming and ranching communities, those concerns add up to one that is even greater—that a way of life is being lost. I have been visiting these communities for more than 25 years. There is nothing more gratifying to me than to see a family farmer or rancher raise their children up, teach them how to farm, and then pass their land down to them. But it is happening less frequently these days.

More often, children are forced to leave the communities they know and the families they love to find work in other places. They do not want to leave. But they can not find work good enough to allow them to raise a family. And so the way of life their families have enjoyed for generations is being lost.

But there is something else shared by the people I saw, and the places I visited: determination.

They are determined to make tomorrow better than today. You put them on a job, and they will work harder, and longer, and better than any worker in the world. You give our farmers and ranchers a fair price for what they produce and they will feed the world. You respect the service and protect the rights of our Guard and Reserve, and they will always step up to serve.

That is why I ask that in the time we have left in this session of Congress, we hear these concerns and act on them.

Yes, I saw anxiety and uncertainty. But I also saw pride and determination. I saw people willing to work together to make life better for their families, and strengthen their communities. That is what South Dakotans have always done.

If we adopt the same sense of patriotism and common purpose I saw across South Dakota, I have no doubt that we can make the short time we have left this year a time of accomplishment for the people we serve, to help them meet the challenges they face.

FETAL ALCOHOL SPECTRUM DISORDERS

There is one other serious public health challenge I want to mention this morning. It is a challenge I first learned about years ago during visits to Indian reservations in South Dakota. It is called Fetal Alcohol Spectrum Disorders—FASD, for short.

FASD is an umbrella term that describes a range of physical and mental birth defects that can occur in a fetus when a pregnant woman drinks alcohol. It is a leading cause of mental retardation in America. It is also 100 percent preventable when women abstain from alcohol during pregnancy.

Every year in America, an estimated 40,000 babies are born with FASD, costing Americans more than $3 billion each year in direct health care costs, and many times that amount in lost human potential. You can find FASD in every community in America. Native, non-native, rich, poor it doesn't discriminate.

Today is an important day in America's fight against this devastating disorder. It is America's first National Fetal Alcohol Spectrum Disorders Day.

I thank Senator MURKOWSKI for sponsoring this resolution establishing national FASD day. I was proud to be a cosponsor.

Fifteen years ago, my wife Linda and I and a group of friends founded an organization that we called NOFAS, the National Organization of Fetal Alcohol Syndrome. Back then when we met in the living room of a very dear friend, Terry Lierman, there were not many of us to talk about these issues. And scientists and doctors understood very little about FAS. But we have learned an extraordinary amount since then. National FASD day will help us get the knowledge we have learned out to the people who need it the most.

We can save so many children and save families so much heartache simply by increasing people's awareness of what FASD is and how we can prevent it.

But we can't stop there. We need to continue to research and do more to help people who are living with FASD make the most of their God-given talents and abilities.

In 1998, I was proud to be the lead sponsor of legislation that created an FASD prevention and services program and a national task force on FAS and fetal alcohol effect.

Two months ago, I introduced a bill called the Advancing FASD Research, Prevention, and Services Act. My bill would identify areas for additional research by the National Institutes of Health.

It would improve coordination among Federal agencies involved in FASD treatment and research, and establish statewide FASD systems and local community partnerships—like a model partnership that is already up and running in South Dakota and other Midwestern States.

It would improve support services for families who are living with FASD. And it would strengthen educational outreach efforts to doctors, teachers, judges and others whose work puts them in contact with people with FASD, or with women who might be at risk of drinking during pregnancy.

Forty-thousand American children a year are born with FASD. We cannot leave these children behind, either. Whatever investments we make in FASD prevention, research and treatment will pay for themselves many times over in reduced health care costs and increased human potential.

Over the last 15 years, we have unlocked many of the mysteries surrounding FASD—and many more answers are just inches beyond our reach. As we observe this first National Fetal Alcohol Spectrum Disorders Day, I ask my colleagues to take the next necessary steps in the fight against this devastating but completely preventable disorder. Before this Congress ends, let us pass the Advancing FASD Research, Prevention, and Services Act.

I yield the floor.

Mr. REID. Mr. President, before the distinguished leader leaves the floor, I knew the minority leader was going to speak on fetal alcohol syndrome. But I ask the distinguished Senator from South Dakota—I have in my library a book that he recommended written by someone from South Dakota on this subject, a book on this terrible problem that affects a lot of different people, especially in Indian country. I have never forgotten that book. It was something I had never heard of until I read that book. Does the Senator remember that book?

Mr. DASCHLE. I do so well. I have shared it with many people. I thank the Senator from Nevada, my dear friend and colleague, for sharing that observation. Michael Dorris is the author's name. The name of the book is ''The Broken Cord.'' Michael introduced me to this whole issue. He tells the story in his book about two children in South Dakota who had fetal alcohol syndrome. Both have passed away. Both struggled mightily for years. And, of course, the extraordinary problems that the family had to confront are all accounted for in that book. Unfortunately, we lost Michael a few years ago, a powerful advocate for a national advocacy for addressing this issue. But I only hope more people will read that book. I appreciate the fact that my friend called it to the attention of our colleagues this morning.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period for the transaction of morning business for not to exceed 60 minutes, with the first 30 minutes under the control of the majority leader or his designee, and the

second 30 minutes under the control of the Democratic leader or his designee.

Mr. REID. Mr. President, under the control of time of the Democrats, I yield 20 minutes to the Senator from New Jersey, Mr. LAUTENBERG, and 10 minutes to the Senator from Arkansas, Mr. PRYOR.

The PRESIDING OFFICER. The Senator from Alaska.

FETAL ALCOHOL SPECTRUM DISORDER AWARENESS DAY

Ms. MURKOWSKI. Mr. President, as the distinguished minority leader and distinguished Senator from Nevada have spoken to this morning, today is Fetal Alcohol Spectrum Disorders Awareness Day in the United States.

The ninth hour of the ninth day in the ninth month having arrived, I ask unanimous consent that the Senate observe a moment of reflection to remind women who are pregnant and those women who may become pregnant that no amount of alcohol, none at all, is safe during the 9 months of pregnancy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The Senate observed a moment of reflection.)

Ms. MURKOWSKI. Thank you, Mr. President.

Mr. President, by raising awareness one moment at a time, we can attempt to minimize the damaging effects of drinking during pregnancy.

In late February of 1999, there was a small group of parents who were raising children afflicted with fetal alcohol spectrum disorders, and this small group of parents essentially set out to change the world. The leaders of this group were Bonnie Buxton and Brian Philcox of Toronto and Teresa Kellerman of Tucson.

They were frustrated, frustrated about the lack of public awareness about fetal alcohol spectrum disorders by both the public and the professionals. These parents wondered aloud. They were communicating with one another on an online Internet support group called F-A-S link. They wondered, What if on the ninth minute of the ninth day of the ninth month we asked the world to remember that during the 9 months of pregnancy a woman should remain alcohol free. And what if we also asked the world to remember those millions of people who will never fulfill their potential because of prenatal alcohol exposure.

And at this moment, they asked: Could we begin to change the world? Can we begin to change the path that so many children have been faced with as they set out in the world burdened with the affliction they were born with, fetal alcohol disorders?

So this year, for the sixth consecutive year, communities across the world are pausing during the ninth hour to acknowledge International Fetal Alcohol Spectrum Disorders Awareness Day. FAS Day will be observed extensively in my home State of Alaska with ceremonies being observed across the State.

I appreciated the comments from the minority leader about the devastating effects in his home State of South Dakota. In Alaska, we, too, are faced with incredible statistics as they relate to those who are born with fetal alcohol spectrum disorders.

In many parts of my State, particularly in the rural parts of the State, we have villages where the amount of children born with FASD is four times the national average. The statistics are absolutely horrific.

I was in a very small community of about several hundred people during the August recess. I was approached by a woman who was a teacher. She had been out in this community for several years. Her greatest concern as a teacher was what I was going to do in my capacity in the Senate to make women aware of the consequences of drinking while pregnant. She was dealing with students coming to her classroom who were not only not able to learn but quite possibly will never be able to learn because they were born with Fetal Alcohol Spectrum Disorders.

I am grateful the Senate is recognizing International Fetal Alcohol Spectrum Disorders Awareness Day and has paused to join in this worldwide moment of reflection. For this, I thank my colleagues, especially the distinguished minority leader, the Senator from South Dakota, who has joined with me in offering Senate Resolution 390 creating the first National Fetal Alcohol Spectrum Disorders Awareness Day earlier this year. I hope we will continue to pause in the ninth hour of the ninth day each September until fetal alcohol spectrum disorders are eradicated.

The eradication of fetal alcohol spectrum disorders is by no means an impossible dream. This is achievable. The simple truth about fetal alcohol spectrum disorders is they can be eradicated, they can be stopped, they can be wiped out if women resolve to consume no alcohol during the term of their pregnancy.

This simple prescription—no alcohol—may seem extreme, it may seem absolute, it may even seem harsh to some, but there is no gentler way to put it.

The term ''fetal alcohol spectrum disorders'' describes a range of conditions that can befall a child whose mother consumed alcohol during pregnancy. I will not list the technical names of each of those conditions because that is not important. What is important is that if women consume alcohol during pregnancy, they expose their unborn child to the risk of suffering one or more of the fetal alcohol spectrum disorders.

It is vitally important for all women to know that fetal alcohol spectrum disorders are the No. 1 preventable cause of mental retardation and birth defects. An individual with fetal alcohol spectrum disorders can incur a lifetime health cost of over $800,000. Children do not outgrow fetal alcohol disorders; the physical and behavioral problems can last a lifetime. When a pregnant woman consumes alcohol, it passes through her bloodstream to the unborn child. It can cause damage to the brain. It can result in low birth weight. The child, when he or she is born, may have trouble sleeping, may have trouble eating. As the child matures, he or she can have problems learning, paying attention. Some even need lifelong medical care.

It should be stressed that there is no woman who is genetically immune from the consequences of consuming alcohol during pregnancy. The message is very clear, it is very simple: In pregnancy, no amount of alcohol, no matter how small, is safe. There is no safe time. There is no safe drink. There is no safe amount. The message is, if you are pregnant, do not drink. If you drink, do not get pregnant.

Yesterday afternoon, the President of the United States wrote a message to all of those observing National Fetal Alcohol Spectrum Disorders Awareness Day. I ask unanimous consent the text of the President's message be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 8, 2004.

I send greetings to those observing National Fetal Alcohol Spectrum Disorders Awareness Day on September 9, 2004.

Children are a precious gift and a source of great hope for our future. To preserve their dreams and their health, we must continue to work together to increase awareness about the dangers of alcohol consumption by expectant mothers. This observance helps to educate the public about Fetal Alcohol Syndrome and its effects, such as learning disabilities and mental illness, and promote healthier communities.

I applaud all those involved for your compassion and your dedication to improving the health and well-being of our children and their parents. Your efforts bring comfort to countless families and help make America a better place.

Laura joins me in sending our best wishes.

GEORGE W. BUSH.

Ms. MURKOWSKI. Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Ohio.

Mr. DEWINE. Madam President, let me first commend my colleague from Alaska as well as my colleague from South Dakota for their very excellent statements about a problem that I understand affects their States but certainly affects every State in the Union. I hope their comments today will be of help. I know their efforts will certainly help. It is, as my colleague from Alaska has so eloquently said, very preventable. It is something that we who have the opportunity to use this bully pulpit of the Senate, as Theodore Roosevelt would say, can talk about to educate and inform people about the problem and that it is, in fact, preventable.

HONORING OUR ARMED FORCES

SPECIALIST CHARLES E. ODUMS II

Mr. DEWINE. Madam President, I come to the Senate today to pay tribute to Army SPC Charles Odums, II, who lost his life in the service of our country in Iraq. At times like this, I am reminded of a speech President Ronald Reagan gave on Veterans Day many years ago. He said:

> It is, in a way, an odd thing to honor those who died in defense of our country, in defense of us, in wars far away. The imagination plays a trick. We see these soldiers in our mind as old and wise . . . . But most of them were boys when they died.

SPC Charles Odums was 22 years old when he died after an improvised explosive device detonated near his patrol in Baghdad, Iraq. Today, I rise to remember this brave young man, who was taken from us much too soon.

Charles, or ''Chuck'' as he was known by family and friends, was an ambitious kid who always tried to do the right thing. Friends lovingly remembered him as the ''sweet and quiet boy who would do anything that was asked of him.'' He came from a close-knit family and developed an especially strong bond with his younger brother, Robert. The two loved to ride their motorcycles and talk of their big plans for the future. They were going to be millionaires.

Chuck went to Sandusky High School and graduated in 1999. While there, he played football and participated in track. He was the likable guy everyone wanted to be around. Chuck's coach, Brett Fuqua, remembered him as a hardworking young man who would run a marathon if asked. Chuck was always willing to do whatever needed to be done.

After high school, Chuck enrolled at the University of Toledo. While there, he met the love of his life, Melanie, and the two married in December 2001. Chuck remained in college for more than one year, but found that it wasn't for him. After much consideration and much time talking it out with his parents, he decided to enlist in the Army.

Though this would be a difficult decision for anyone to make, Chuck knew it was the right one for him. Brett Fuqua described Chuck's reasons for enlisting this way:

> He didn't do it because it was glamorous. He didn't do it because he would be a hero. He did it because he believed it was his duty to defend the freedoms that define America: the freedom to worship, to speak freely, to be safe.

Chuck was assigned to the 1st Battalion, 8th Cavalry Regiment, 1st Cavalry Division, where he worked as a medic and driver. His comrades called him ''Odie'' or ''Doc,'' and they knew they could trust him with their lives. In fact, during his time in Iraq, Chuck was credited with saving three lives and helping countless others. His commanding officer recalled that Chuck would steer his Humvee in such a way that suspicious bumps in the road would pass under the driver's side—his side—putting Chuck in danger rather than his passengers.

While overseas, Chuck made sure to keep in touch with his family by phone or e-mail, and his parents made sure they held on to everything he sent them. In the binder that they now cherish, Annie and Charles Odums have pictures of their son serving in Iraq. In one, Chuck, in full gear, is waiting on a helicopter landing pad for his transport to arrive. In another, he stands guarding an Iraqi man while other soldiers search for a weapons cache. Chuck's e-mail read: ''Well, I'm doing good out here.''

While Chuck was in Iraq, he was careful of what he told his mother. He knew she would worry. Chuck missed his parents, his brother and sisters, but especially his wife Melanie. Melanie and Chuck were already planning what they would do when Chuck's enlistment ended. They both wanted to start a family. Chuck had dreams of becoming a police officer. No matter what they decided to do, Chuck and Melanie were looking forward to being together.

After Chuck was killed, in his hometown of Sandusky, OH, thousands of people gathered to show their support for the Odums family and to honor Chuck. They lined the street for the funeral procession and placed flags in their yards. One woman held a sign that read: ''Thank you, Charles, God bless America.'' Veterans groups saluted the fallen comrade and many held their hands over their hearts.

One Sandusky native, Debra Churchwell, took her grandchildren, nieces, and nephews to watch the funeral procession. When asked why she brought her family, she replied: ''I want them to see a part of history because they'll never see this again. I pray to God they never see this again.'' No one wants to see this again.

I know Chuck will live on in the hearts of his many friends and his family, especially his wife Melanie, his mother Annie, father Charles, brother Robert, and sisters Janel, Sophia, Candie, and Tashica. Chuck is an American hero who will live on in all our hearts.

Madam President, I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, I would like to inquire about the time remaining and how it is divided.

The PRESIDING OFFICER. There is 7 minutes remaining on the Republican side and 30 minutes remaining on the Democratic side.

Mr. LOTT. Madam President, I do not want to use all that time if others have a need to come and make comments, but I do have a couple issues I would like to speak on briefly this morning.

TRIBUTE TO SUSAN WOOTEN WELLS

Mr. LOTT. Madam President, I rise to pay tribute this morning to Susan Wooten Wells, a native of Jackson, MS, who today is marking her 30th year on my staff.

Many of you knew Susan when she worked with me in the leader's office. She started off as a scheduler but over the years worked up to be executive assistant and then was administrative assistant in the majority leader's office. Today she serves as the majority staff director of the Senate Rules and Administration Committee, and she has overseen a lot of the moves and renovations and has worked with Senators and their staffs on a number of issues over the past year and a half, and has done a wonderful job.

I first met her in 1974, when she was starting out, teaching eighth grade English in my hometown of Pascagoula, MS.

Despite the fact she is an alumnus of the other university in my State, Mississippi State University, and I am a graduate of the University of Mississippi—she is very proud of that institution, and she points out that comedian Jerry Clower and thriller author John Grisham and Washington Redskin Fred Smoot are also graduates of that university, so over the years we have had fun picking at each other about our alma maters—she came to Washington and worked with me for what was supposed to be 1 year, helping me out in a crunch to get my staff filled and to do the scheduling.

Well, here she is 30 years later. She has had a tremendous influence on my office operations, on my life, and I believe on this institution. I am very proud of the fact she went from being an English teacher—and helping me with my English along the way—to being a real leader on my staff for these many years.

In fact, I refer to her as my Mikey, from the old television commercial. I used to call Paul Coverdell, the great Senator from Georgia, Mikey because if we had a task nobody else wanted or would not do, Mikey would do it. Well, that has been Susan on my staff. If there needed to be something done and we wanted it done right, Susan would handle the job.

When I decided years ago to bring 150 Mississippians to annual events here in the city for a day-long seminar, she made it happen. When I decided to bring in entire communities from Hancock County to cook gumbo for the congressional community once a year, she got the assignment, and she made it happen. It turned out to be a tremendous event. A lot of people enjoyed it and everybody benefited from it. In the process, she did go from being one of

the staff members to being a real leader in the majority leader's office.

She helped expedite the construction of the Capitol Visitor Center. I believe history will look back on it, when it is completed, as one of the wisest things we have done in maybe 100 years in terms of this Capitol and the security of our constituents, their convenience and safety and education as they see this building and all it stands for. She oversaw a lot of the Capitol restoration, including changes in this Chamber. She helped me with the Leader's Lecture Series which turned out to be an acclaimed program of oral history lectures by former Senate leaders and Vice Presidents.

Parts of our public and private lives over this time obviously have been intertwined. We have shared three decades of America's triumphs and three decades of accomplishments for our beloved State of Mississippi. Together we have also endured tragedies that have befallen our country and our families. In fact, last month the love of her life, Milton Wells, passed away, and I shared her grief at that moment and continue to work with her as she comes through this difficult period.

Throughout this time she has been loyal, she has been respectful. She has been very helpful to many people. I could not let this day pass without making a public record of my appreciation for Susan Wooten Wells and her service to this institution.

So many times we forget to say thank you to the people who are on our staffs, who work day in and day out for us, the people in this Chamber, the people who make this place function, who serve us and help us in so many ways. We should not forget to say a small word of thanks.

HIGHWAY LEGISLATION

Mr. LOTT. Madam President, I was pleased to see the majority leader say yesterday he was still holding out hope we could get a highway bill completed before we go out for the election. To me this should not be about the election, but it should be a major focus of what we are doing. Another week is about to go by without any real apparent movement on the highway bill. Why? Why isn't the conference getting this job done? It would mean jobs instantly from Alaska to Mississippi and from Maryland to California, because the projects are ready to go, but the money and the new authorizations and new formulas are not in place.

Some suggestion was made yesterday, perhaps we could get together with the House and Senate, the President, and do a 1-year extension. Why? Why would we want to extend the current program? It needs to be bigger and better. It needs to be updated. We haven't done this now in 4 or 5 years. It is time to have a highway bill.

It is not only about highways. It is about highways and bridges and abutments and public transportation and innovative programs that take advantage of modern technology. We need to upgrade this law.

One other thing. Every day that passes, every week that passes, people are being killed on highways because they are not modern and are not safe. That is what drives me the most. I know too many cases of people who have died on narrow, hilly, inadequate roads in my State and I am sure all over the country.

I am not going to let up on this. As long as we are in session, I am going to keep asking the question: Why aren't we doing a highway bill? There is plenty of blame to go around. But there is no need to get into that. I want to give credit. I want to praise the chairman of the committee and the ranking member, Senate and House, and the leadership for getting the job done. But I don't think that is happening. I don't quite understand why.

Is there some decision that has been made, some silent conspiracy to extend it, do it another day? Maybe we could get more money next year. Maybe we could raise taxes next year and get it even bigger.

Of all of those, if that is the thought, that is wrong. We need to get a bill that is at a level we can defend as being one that is going to be paid for by gasoline taxes, how we use the trust fund, maybe some changes in how that is handled, but we need to find a way to get it done now. We should find a bill the House can pass, the Senate can pass, and the President can sign. Let's do it and let's do it now.

We could complete this bill within a week. Why don't we do it?

The PRESIDING OFFICER. All time has expired on the majority side.

The Senator from Nevada.

Mr. REID. Madam President, I will take 2 minutes from our side. I have already allocated that.

Let me simply say, I appreciate my friend from Mississippi trying to be a leader of the Senate, being chairman of a committee, doing all those things he is very capable of doing.

The fact is, there is blame to go around on the highway bill. I hope we can pass a bill. I hope we can finish the conference. But let's understand why we are in the predicament we are in today.

The Senate passed a bill of $318 billion—not a Cadillac version, probably a low level Chevrolet or Ford, barely enough to keep the functions of our transit highway systems together. That bill, passed with four or five dissenting votes, did not increase the deficit 2 cents, not 1 cent. It did not increase the deficit. Suddenly, out of nowhere, the President said he will veto the bill. You figure that one out. No one else can.

As a result, the President has locked in a number. He was at 256. Now they have a number that is 289. They say it is 299, but it probably isn't. It doesn't allow the highway and transit functions to go on.

We are trying. I spent time with Senator INHOFE on Tuesday and Wednesday. Hopefully something can be arrived at. But at that number, it is very difficult, if not impossible, to do.

The Senator from Oklahoma and I have an agreement. That agreement is, if I don't like the bill, he is not going to support it. If he doesn't like the bill, I am not going to support it. That is one of the arrangements we made to go to conference.

I am doing everything within my abilities. I have been chairman of the full committee on two separate occasions. I am speaking for the chairman of the committee, Senator JEFFORDS. I am doing everything within my power to come up with an arrangement so we can have a highway bill. But unless it is good for the country, I am not going to approve it. That is the arrangement Senator INHOFE and I made. If people don't like it, that is part of what goes on around here. We have to work with each other on different issues.

Let me finally say: I have the greatest respect for my friend from Mississippi. But he has not been in on all the arrangements we have made on this bill. It has been very difficult. It was hard to complete the bill at $318 billion. As we were doing the $318 billion legislation—this is a 6-year bill—the House was talking about $375 billion. I was not able to hear all of the comments of the Senator from Mississippi. I was with Senator DOMENICI working on the energy and water bill. But I do not apologize to anyone for what the Senate did on a $318 billion highway transit bill that was approved by this Senate overwhelmingly because it was a good bill.

I am sorry. For reasons I dare anybody to determine why, a bill that doesn't increase the deficit at all, the President says it is too much money. I will not get into some of the reasons I believe he did this other than to say I am going to continue to work to see if we can come up with a bill. I will do everything I can. But I am laying out as much as I can the position we find ourselves in today.

How much time did I consume?

The PRESIDING OFFICER. The Senator consumed 3½ minutes.

Mr. REID. The Senator from New Jersey then would have 18 minutes. The Senator from Arkansas will have 8½ minutes. I think that works out right.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

FLIP-FLOPPING

Mr. LAUTENBERG. Madam President, this morning I rise to talk about something that we heard quite a bit about these days. The subject is flip-flopping.

Flip-flopping is kind of an easy thing to identify. During a recent convention, we heard an irate Senator make an angry speech declaring that it is not what you say but, rather, what you do

that counts. You flip-flop when you make promises and fail to fulfill them.

In my 20 years in Washington, there has not been more flip-flopping in a President's office than we have seen in that of President George W. Bush. He calls others flip-floppers, but President Bush needs to look in the mirror, because on issue after issue he has given a new meaning to flip-flop. The President essentially says: Forget what I said the first time, I may change that very soon.

Let's start with one of the earliest and cruelest flip-flops: education. It is cruel because the victims of the President's broken promises are our Nation's children.

The flip was a bold promise of an education bill called No Child Left Behind, with the expectation that the program would produce more money for kids who deserve a quality education.

In July 2001, I quote President Bush when he said he was dedicated to ''increasing funding for public schools.'' Then came a whopper of a flop when he refused to provide the funding promised in the No Child Left Behind Act. President Bush's 2005 budget underfunds education by $9.5 billion.

The next flip was in March of 2001, when President Bush promised our Nation's seniors not to touch the Social Security surplus. In March 2001, President Bush said:

> We're going to keep the promise of Social Security and keep the Government from raiding the Social Security surplus.

Flop: He broke that promise and proposed diverting billions in Social Security surpluses to other programs in the budget.

Flip: He promised to create more jobs for our Nation, but he flopped and has done nothing to create jobs. We are now seeing the first President to have actually lost jobs during the course of his administration since the dark days of Herbert Hoover. His administration ran from 1929 to 1933.

Flip: President Bush has repeatedly promised to pressure OPEC to lower gasoline prices. When he was running for President, Governor George W. Bush said:

> What I think the President ought to do is he ought to get on the phone with the OPEC cartel and say we expect you to open your spigots. . . . And the President of the United States must jawbone OPEC members to lower the price.

Flop: Over the course of this administration, the average cost of a gallon of gasoline has skyrocketed from $1.47 a gallon to $1.87 a gallon. President Bush's failure to keep prices down is costing families hundreds of extra dollars per year.

Flip: President Bush pledged to push to renew the ban on deadly assault weapons. In April of 2003, White House spokesman Scott McClellan said:

> The President supports the current law, and he supports the reauthorization of the current ban.

So the flip was that President Bush pushed to pledge to renew the ban on the deadly assault weapons. In April 2003, we heard what Scott McClellan said.

Flop: The ban on assault weapons is set to expire in a few days, and President George W. Bush has not lifted a finger to get Republican leaders to pass the bill in Congress. We know that one in five police officers killed in the line of duty are killed with an assault weapon.

We see the promises here on this chart. On this side are the flips, and we see the flops on this side. It is not just domestic issues that the President has flip-flopped on. When it comes to foreign affairs, the defense of our Nation, our Nation's veterans, President Bush has flip-flopped more than he has stayed the course.

One flip was the Department of Homeland Security. That was designed to protect us at home while we sent our troops abroad to protect us from terrorist activities overseas. President Bush strongly opposed creating the Department of Homeland Security in March of 2002. His spokesman said that a Homeland Security Department ''doesn't solve anything.''

Flop: Three months later, the President said he wants a Homeland Security Department, saying it is critical to protecting the American people.

Of course, those of us who follow this game know the President flip-flopped on this issue and it is part of a political scenario.

Flip: President George W. Bush opposed the creation of the 9/11 Commission. That is right, he opposed it. In April of 2002, President Bush said he was against the creation of the 9/11 Commission.

Flop: After increased political pressure, the President said he supported creating the 9/11 Commission in September of the same year.

The President even flip-flopped on catching the man who murdered 3,000 Americans, Osama bin Laden. In September of 2001, George Bush said he wanted Osama bin Laden ''dead or alive.'' He said, ''I want justice. There is an old poster out West, I recall, that says 'wanted dead or alive,'' when he was talking in September of 2001. But in March of 2002 he said, ''I don't know where he is. You know, I just don't spend that much time on him. . . . I truly am not that concerned about him.''

I can tell you that the families of the 700 people from the State of New Jersey who lost their lives thought about Osama bin Laden, and they think about him every day and night—the children who have no father, the spouse who has no mate. That is an outrageous comment.

Of course, then there was the major flip, known as ''mission accomplished.'' If I can interpret that, he said: Rest easy Americans, there will be no more deaths and casualties, no more injuries that will last a lifetime.

The President announced that major combat operations in Iraq were over during a political appearance on an aircraft carrier.

Reality flopped him there—a tragic reality. Since declaring ''mission accomplished'' on May 1, 2003, we have lost 864 people in Iraq. Tell those families that the mission is accomplished. Tell them they have nothing to worry about. What they have is an empty home and an empty heart. Tell those families that the danger is over.

On the war on terror, President Bush flip-flopped again. One day in the same week he said he doesn't think we can win the war on terror. I believe that was a Monday. A day or two later, he flopped and said: Oh, no, we can win the war on terror.

What is it, Mr. President? Can we win or can we not win? Don't disrupt the morale of the people serving over there by discouraging comments such as we cannot win and then boldly say, heck, why did I say that?

He flip-flops on veterans issues as well. Just this month, he told the American Legion:

> All our Nation's veterans have made serving America the highest priority of their lives, and serving our veterans is one of the highest priorities of my administration.

But what has the President quietly done? His plan for 2006, which is out there already—the budget year—is to cut veterans health care by $910 million after the election. None of this came out publicly before. You have to search to find it. The evidence is in an OMB memo that reveals the President's budget plan for 2006. President Bush has also doubled copays for prescription drugs for many veterans.

I served in a war a long time ago, and I say to my fellow veterans across the country: President Bush is talking the talk, but he doesn't walk the walk. Just as he failed to answer the call to combat during Vietnam, he is failing our veterans as President.

Behind the scenes here in Washington, President Bush is undermining veterans health care, and one thing that particularly enraged me was when I tried to make flag-draped coffins available to be photographed by the news media for those who gave the ultimate sacrifice on the battlefields of Iraq, who deserve a last tribute from their country, a flag on their casket to tell their families they died honorably, President Bush would not allow it. He refuses to allow the public to see the flag-draped coffins arrive on our shores, such as in Dover, DE. That is where the bodies are brought back home.

I will never forget President Reagan's funeral, the deliberate care the honor guard took when they folded the flag crease by crease, and finally the last person in the line put it into a triangle and walked stiffly over to Nancy Reagan and gave her the flag. She was beaming.

I was at Arlington National Cemetery, where a young soldier was being buried. I joined his family. It was the same way: The honor guard folded the

flag crease by crease, and finally gave the triangular-folded flag to the young man's mother. Although she was crying, she was beaming with pride that this last tribute was given to her son. But the White House is saying: No, we do not want the American people to see those flag-draped coffins because it tells the truth about the cost of this war. The administration wants those images hidden because it is not good for reelection.

President Bush uses a lot of broad language and imagery when he speaks. It makes him sound determined and decisive, but when you get behind that facade and look at the actions, you see flip-flop. Make no mistake about it, George W. Bush knows exactly what flip-flopping is. It takes one to know one.

I close with the comment about an election that took place a few years ago in Georgia when a beloved comrade of ours—no legs, one arm left after his tour of duty in Vietnam—lost an election because he was declared to be soft on defense. The words almost were unpatriotic, and he lost an election because he was soft on defense—three limbs left behind in Vietnam, an American tragedy of the worst order.

Now the same thing is happening with our colleague, Senator JOHN KERRY, in trying to paint him as soft on defense, unwilling to support the soldiers, unwilling to buy the material that is needed to protect themselves. It is an insult not just to those veterans but to every American. Those are the actions of a chicken hawk. I had a drawing of a chicken hawk here. A chicken hawk is someone who makes wars for other people to serve.

We know President Bush's record is very hard to come by. It is all obscured with was he there or wasn't he there. We know one thing, he wasn't there more than he was there.

Vice President CHENEY had five deferments and said, during that war when Americans across our country were being called on to fight to perhaps sacrifice limb or life, he had other priorities. It is a bad game, but I hope the American people will be aware of what is taking place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. There are 9 minutes 20 seconds remaining.

The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR pertaining to the submission of S. Res. 420 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

SALES TAX

Mr. FRIST. Mr. President, this morning with my opening statement, I noted that most of the next 22 days on the floor of the Senate will focus on the safety and security of the American people. In addition, at the conference level, there are a number of other issues being discussed—like the FSC/ETI JOBS bills and the transportation bill for example. I want to speak to the FSC/ETI JOBS bill very briefly.

There is a provision in that bill that is very important to families and workers all across Tennessee. It has to do with the deductibility of sales tax. Senator HUTCHISON, Congressman BRADY and Congresswoman BLACKBURN have all worked tirelessly on this issue. The majority leader in the House, Congressman DELAY, has as well. I thank them all for their continued leadership. And I appreciate all they have done to see that State sales tax deductibility was included in the House version of the JOBS bill.

I have heard from countless Tennesseans about their adamant desire to be able to deduct sales tax from their Federal income tax. Again and again it comes back to a matter of equity and fairness. Mr. Henry Branch from Goodlettsville, TN wrote to me, Senator ALEXANDER and Congressman JIM COOPER with his one request.

His words:

> I hold that sales tax deductibility should be very seriously considered since continuation of the current status penalizes citizens of all states not having a broad-based income tax. I simply ask that all of you work together to remove the inequity.

A matter of equity.

Mr. James Griggs from Nashville writes:

> I cannot conceive of a single reason why states that use a different type of tax system should be punished for it. It seems to me to be a clever ploy to force states into using income taxes instead, a position I strongly stand against. In my opinion, citizens should be able to deduct any kind of tax they pay.

A matter of fairness.

Mr. Robert McCulloch from Knoxville writes:

> Having just completed my Federal income tax return for 2003, I am once again reminded how unfairly treated are the good citizens of Tennessee.

As all of these fine Tennesseans point out, enactment of this provision will restore a measure of fairness to the Tax Code that existed up until 1986, but was lost at that point in time. The current Federal Tax Code unfairly encourages States to impose an income tax because part of that cost is borne by the national Treasury. This is wrong. The Federal Government should be neutral on how States decide to raise revenue. States should be able to decide for themselves without the intrusion of Federal tax policy. We must restore equity and fairness to the system.

It also is consistent with the principles of fairness to all taxpayers. Deductibility for State sales taxes was eliminated in 1986, but deductibility for State income taxes was retained. It is long past time to fix this fundamentally unfair and counterproductive result.

If someone at any time wants to debate whether the Federal Tax Code should allow a deduction for any State and local taxes, whether it is a sales tax or an income tax, be that as it may, that debate could take place. But there is no principled reason why sales taxes should be denied a deduction that is applicable to income taxes.

Equally important, including the deductibility of sales tax will also provide a direct boost to consumers and to our economy. For example, in Tennessee alone, almost one-quarter of all taxpayers would receive an average benefit of $470 each. Citizens in States such as Texas, South Dakota and Tennessee could use that money to buy school supplies, to invest in their businesses, to make a downpayment for a car, to pay off some of those credit card bills.

This provision takes relatively little from the Federal Treasury but monumentally changes the lives and livelihoods of the 54 million Americans living in States that have chosen not to impose an income tax.

FSC/ETI JOBS CONFERENCE

Mr. FRIST. I am hopeful that the House will appoint its conferees to the FSC/ETI JOBS conference so we can start producing this important conference report which affects manufacturing jobs throughout America. I am optimistic that when the conference report is finished, it will include this very important provision on State sales tax deductibility.

I yield the floor.

SALES TAX DEDUCTIBILITY

Mr. DASCHLE. Mr. President, I rise to talk about a matter of simple tax fairness for the citizens of my State.

South Dakota, like several other States, has no State income tax. Our State relies on sales tax to pay for schools, police departments, and other critical needs.

While people in other States can deduct their State income taxes from their Federal taxes, people in States without income taxes do not get a corresponding deduction for the State sales tax that they pay. Those people are losing out on a deduction they deserve.

I strongly support fixing this unfairness, and last year I and a number of my colleagues introduced a bill to do that. I also agree with the bipartisan group of my colleagues—including Senators FRIST, HUTCHISON, CANTWELL, MURRAY, and ENZI—who point out that we can fix this problem now in the FSC/ETI bill. The sales tax fix will be part of that conference.

We in the Senate have appointed conferees and are ready to roll up our sleeves and get to work on the conference. However, the House has yet to appoint conferees so our work can begin.

I do not understand what the House is waiting for because this is important

legislation, and I urge them to act quickly so that we can address both the broader bill and the State sales tax issue very soon.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENSIGN). Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4567, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. The senior Senator from Mississippi.

Mr. COCHRAN. Mr. President, first, I thank all Senators for their cooperation in the handling of the bill yesterday. We made progress in disposing of several amendments. We also achieved a very important milestone in the handling of the bill. We have an agreed list of amendments that are in order to the bill. This will limit the offering of amendments to only those on the list. We appreciate very much Senators permitting us to enter that order last evening.

The bill provides total new budget authority for fiscal year 2005 of $33.1 billion to fund the Department. In addition, an estimated $2.9 billion in collections from offsetting collections from user-financed services, Customs duties, and trust funds will be available to finance activities of the Department for fiscal year 2005.

Excluding mandatory appropriations for retired pay of the United States Coast Guard, the bill provides $32 billion in discretionary spending, consistent with the amount allocated by the full committee for this bill. This is $896 million more than the President's fiscal year 2005 discretionary spending request; and $2.8 billion more than the fiscal year 2004 appropriations level, excluding emergency supplemental appropriations and including a $1.6 billion increase in the availability of advance appropriations for biodefense countermeasures.

The additional amount above the President's request level is used to increase funding to assist State and local first responders, to enhance aviation security, to harden critical infrastructures that are potential targets to terrorists, and to better secure our ports and waterways.

The bill also attempts to address the most critical outstanding need, that of rail and transit security. This proposal includes $150 million for rail and transit security grants; $34 million for high explosives countermeasures, including $24 million for commuter and passenger rail environments; $194 million for protective actions, including protective measures for rail; and $15 million for rail inspectors and canine explosives detection teams.

The bill recommends $632 million for management and operations of the Department, including $65 million requested by the President to continue to consolidate the Department's headquarters operations at the Nebraska Avenue Complex.

To secure our Nation's borders and enforce and investigate customs and immigration laws, the bill recommends total appropriations of $8.7 billion, including $5 billion for the Bureau of Customs and Border Protection and $3.4 billion for the Bureau of Immigration and Customs Enforcement. This includes an increase of $50 million more than the request level for the Federal air marshals.

An increase of $64 million is provided for the container security initiative. This initiative seeks to enhance the security of an indispensable, but vulnerable, link in the chain of global trade: the oceangoing shipping container. Proactively screening containers before they reach the United States will significantly contribute to efforts to secure the borders against dangers that might be introduced through commercial trade. A more secure maritime trade infrastructure will ensure the continued smooth flow of merchandise through seaports.

The illegal alien population of the United States has risen to record levels. According to the Department, the undocumented alien population has grown from approximately 3 million in 1990 to an estimated 9 million today. This bill provides $107 million in additional resources for detaining and removing such individuals from this country.

The bill also provides $478 million for the Federal Protective Service, which is the same as the President's budget request, to ensure a safe and secure workplace for Federal employees.

Also included is $340 million for U.S. VISIT, the new system to identify and track foreign visitors and students and to screen for possible terrorist or criminal involvement.

In new budget authority $140 million is provided for Citizenship and Immigration Services in addition to the $1.5 billion estimated in collections available for these operations.

For the Transportation Security Administration, TSA, responsible for ensuring security across the U.S. transportation system, including aviation, railways, highways, and ports, the bill provides total funding of $5.2 billion, $184 million more than the President's budget request, and $648 million more than the fiscal year 2004 level. In addition, it assumes $400 million less than the President's request in offsetting aviation security fee collections. While the bill does not contain the President's requested legislative proposal to mandate the level of fees, it does require the General Accounting Office to initiate review activities necessary to resolve the appropriate level of fee collections based on calendar year 2000 airline security costs.

Over 53 percent of the funds made available for TSA are provided for Federal screeners at our Nation's commercial airports. This includes $2.8 billion for aviation security personnel compensation and benefits, and training of passenger and baggage screeners. Also provided for aviation security is $161 million for passenger checkpoint support and $210 million for the purchase of baggage explosive detection systems.

For airport security direction and enforcement, $872 million is provided, including $293 million for airport information technology support, $25 million for Federal flight deck officer training, and $43 million for air cargo security and enforcement.

For maritime and surface transportation security activities, the bill provides $55 million for transportation worker identification credentials; $15 million for rail security efforts; $17 million for hazardous materials driver license endorsement program; and $24 million for maritime and land security staffing, operational oversight, and administration of maritime and land grant functions.

To further improve transportation security, $181 million is provided for research and development of the latest technologies to detect and deter terrorist attacks, including $57 million for research and development of next generation explosive detection systems, and $75 million for research and development of new technologies to screen air cargo.

This bill provides nearly $7.5 billion for the United States Coast Guard, including $5.2 billion for military pay and operation of bases and $1.1 billion for upgrading and replacing the Coast Guard's cutters, helicopters and planes.

Currently, the Coast Guard is deployed in support of operations in Iraq, is conducting its new homeland security mission, and is maintaining its traditional missions such as marine resource protection and drug interdiction.

The Coast Guard's deepwater recapitalization program is funded at $776 million, $98 million more than the President's request level.

For the United States Secret Service, the President's budget request of $1.2 billion is fully funded to support the Service's protective and investigative missions.

For the Federal Law Enforcement Training Center, $224 million is included to provide preeminent law enforcement training to more than 20,000 Federal law enforcement professionals in the coming fiscal year.

To further strengthen the capacity of the Nation's first responders, a total of $3.7 billion is provided for the new Office of State and Local Government Coordination and Preparedness, created

by the Secretary of Homeland Security through the use of his reorganization authority. The Department's grant programs have been consolidated under this new office. Included in the amount recommended is $1.37 billion for State and local basic formula grants, including law enforcement terrorism prevention grants; and $1.2 billion for urban area security initiative discretionary grants.

Within the urban area security initiative, specific funds have been provided, $150 million for port security grants, $150 million for rail and transit security grants, $15 million for trucking security grants, and $10 million for intercity bus security grants.

The bill also provides $700 million for firefighter assistance grants and $180 million for emergency management performance grants. Both of these programs are continued under the consolidated office as stand-alone programs.

The bill provides over $5.6 billion for programs and activities of the Directorate for Emergency Preparedness and Response which was created with the transfer of the Federal Emergency Management Agency, FEMA, to the new Department of Homeland Security.

This appropriation includes over $231.499 million for preparedness, mitigation, response and recovery activities, including $30 million for 28 strategically located urban search and rescue teams.

Disaster assistance is funded at $2.151 billion, as requested in the President's budget. The President's request of $2.15 billion is based on the historical yearly average of $2.9 billion, and relies on an anticipated carryover balance from the previous year to meet the needs of disaster victims.

Previously appropriated funds of $2.528 billion, will be available for fiscal year 2005 for Project BioShield to spur the development of biodefense countermeasures.

In addition, the bill assumes the transfer of the Strategic National Stockpile to the Department of Health and Human Services, as proposed in the President's budget.

For the Department's information analysis and infrastructure protection activities, the bill recommends $876 million to identify and assess current threats to the homeland, map threat information against current vulnerabilities, issue timely warnings, and take preventive and protective action.

A critical component of IAIP is the development and implementation of protective actions for the Nation's critical infrastructures. The bill provides $193 million to carry out activities including the buffer zone and site security program for protection of chemical facilities, nuclear power plants, nuclear spent fuel storage facilities, water treatment facilities, bridges, subways, tunnels, and other critical infrastructures.

To identify these critical infrastructures and their vulnerabilities, to assess identified risks, and to deploy a database of critical infrastructures, the bill provides $65 million.

The bill provides $92 million to allow for the Department to share data with infrastructure owners and operators regarding vulnerabilities and for the hosting of departmental applications, network connectivity, and critical data storage.

As part of the effort by IAIP to better secure not only physical assets but also cyber assets, the bill includes $67 million to monitor, predict, and prevent cyber attacks, to minimize the damage from and to efficiently recover from attacks.

For science and technology, total appropriations of $1.1 billion are recommended to support homeland security through basic and applied research; to develop prototypes; and to procure technologies to detect, destroy, dispose, and mitigate the effects of weapons of mass destruction.

Of this amount, the bill provides $346 million for biological countermeasures to deter, detect, and mitigate acts of biological terrorism against the United States.

The bill also provides $128 million for nuclear and radiological countermeasures for use in operational environments; $52 million for the development of technologies to defend against attacks by chemical warfare agents or toxic industrial chemicals; and $34 million for high explosives countermeasures, including $24 million for rail security high explosives countermeasures.

A total of $75 million is made available for the rapid development and prototyping of new technologies in support of homeland security.

The bill also continues funding of $69 million for the establishment of a university-based system to enhance and strengthen the efforts of homeland security on our Nation's campuses.

Funding of $61 million is provided for research, development, testing, and evaluation of an anti-missile system for commercial aircraft.

Mr. President, I know other Senators wish to speak on the bill, and some want to make opening statements. I think particularly the distinguished Senator from West Virginia has a statement to make on the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3597

Mr. BYRD. Mr. President, on behalf of myself and Mr. LEAHY, Mr. REID of Nevada and Mrs. CLINTON, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for himself, Mr. LEAHY, Mr. REID, and Mrs. CLINTON, proposes an amendment numbered 3597.

Mr. BYRD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Fulfilling Homeland Security Promises)

At the appropriate place in the bill insert the following:

TITLE VI—ADDRESSING KNOWN VULNERABILITIES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Customs and Border Protection, Salaries and Expenses'', $100,000,000, to remain available until September 30, 2006, of which not less than $50,000,000 shall be for purchase and deployment of radiation portal monitors, and not less than $50,000,000 shall be for staffing at the northern border in fulfillment of the USA PATRIOT Act and the Enhanced Border Security Act.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Immigration and Customs Enforcement, Salaries and Expenses,'' $11,000,000, to remain available until expended, for detentions and removals.

FEDERAL AIR MARSHALS

For an additional amount for the Federal Air Marshals, $50,000,000.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration related to aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $100,000,000, to remain available until expended, for activities related to screening passengers and carry-on baggage for explosives.

TRANSPORTATION SECURITY ADMINISTRATION

MARITIME AND LAND SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration related to maritime and land transportation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $4,000,000, for hazardous materials security grants.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements,'' $324,000,000, to remain available until September 30, 2009, for the Integrated Deepwater Systems program.

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

STATE AND LOCAL PROGRAMS

For additional amounts for ''State and Local Programs,'' $665,000,000: Provided, That of the amounts made available under this heading: $440,000,000 shall be for discretionary grants for use in high-threat, high-

density urban areas as determined by the Secretary of Homeland Security; $125,000,000 shall be for port security grants; and $100,000,000 shall be for grants for interoperable communications equipment.

SECURITY ENHANCEMENTS FOR HIGH-RISK NON-PROFIT ORGANIZATIONS

For discretionary assistance to non-profit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) determined to be at high risk of international terrorist attack, $50,000,000.

MASS TRANSIT AND RAIL SECURITY

For necessary expenses related to mass transit, freight and passenger rail security grants, including security grants for AMTRAK, a backup communications facility for the Washington Area Metropolitan Transit Authority, security upgrades for various rail tunnels, research and development of rail security methods and technology, capital construction, and operating requirements, $350,000,000.

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for ''Firefighter Assistance Grants,'' $46,000,000, to remain available until September 30, 2006.

EMERGENCY PREPAREDNESS AND RESPONSE

FIREFIGHTER HIRING GRANTS

For activities authorized by section 34 of The Fire Prevention and Control Act of 1974 (15 U.S.C. 2001 et seq.), $100,000,000, to remain available until expended.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

ASSESSMENTS AND EVALUATIONS

For an additional amount for ''Assessments and Evaluations'', $200,000,000, to remain available until September 30, 2006, of which $100,000,000 shall be available for chemical facility security improvements; of which $100,000,000 shall be available for grants to States, municipalities, or intermunicipal or interstate agencies for security improvements to address known vulnerabilities to water systems.

Mr. BYRD. Mr. President, the President of the United States has been out on the campaign trail asking the question, is America safer? That is a good question. Is America safer? That is a good question. President Bush concludes that America is safer. He pats himself on the back, wraps himself in the flag, and tells Americans that he is a war President and that we should trust him.

The President is asking himself the wrong question. He asserts that America is safer. Well, safer than what? Safer than we were on September 11, 2001?

In August of 2001, while in Crawford, TX, the President read an intelligence report providing clear warnings that al-Qaida was preparing to attack the United States. Yet, tragically, on September 11, 2001, Americans were not safe. Therefore, telling Americans that we are safer than we were on September 11 is not much of an accomplishment. Making America safe is not that simple.

The President should be asking himself, in the 3 years since the terrorist attacks of 9/11 have we been taking the prudent steps necessary to address the clear and present dangers that we face right now and that we know of right now? Last week President Bush said:

This election will also determine how America responds to the continuing danger of terrorism—and you know where I stand. Three days after September 11 I stood where Americans died in the ruins of the twin towers. Workers in hard hats were shouting to me, ''whatever it takes.''

The President said:

Since that day I wake up every morning thinking about how to better protect our country. I will never relent in defending America, whatever it takes.

Rhetoric is easy. Rhetoric is cheap. But the followup is hard. If the President meant what he said last week he would not be satisfied with a bill that cuts funds for first responders. He would not be satisfied with a bill that leaves first responders unable to communicate. He would not be satisfied with a bill that leaves airline passengers worrying about explosives on board, or that fails to adequately invest in securing our ports, our chemical facilities, and our trains. We have to match talk with action and I hope the people will remember that, insist on it, and hold us responsible if we don't do it. And that goes for the President as well.

In response to authorization bills signed by the President but not funded, in response to 9/11 Commission recommendations, and in order to address well known vulnerabilities not funded in the committee bill, I have offered an amendment today that totals $2 billion and includes $586 million to equip and train our first responders and to address the interoperability radio communications problem. Consistent with the 9/11 Commission recommendation, all of these first responder funds will be allocated based on threat.

Moreover, I am adding $350 million to help secure our rail and mass transit system. Also included is $324 million to expedite the modernization of Coast Guard ships, planes and helicopters, bringing funding for the Deepwater program to the level recently authorized by Congress and signed by the President. Also included is $150 million for improved air security for purchasing equipment for screening passengers and carry-on baggage for explosives, consistent with 9/11 Commission recommendations.

How many people realize that we do not have the equipment that checks airline passengers for explosives? People may think that we do have it. We do not. We have equipment that checks passengers' carry-on for guns, metal objects, but not explosives. Now, remember that. Keep that in mind. So, included in my amendment is $150 million for improved air security for purchasing equipment for screening passengers and carry-on baggage for explosives.

Also, there is $125 million for port security grants, $111 million for border security for additional radiation detectors, additional border patrol personnel and for improved detention and removal, $100 million for hiring additional fire personnel, $100 million for securing our drinking water systems, $100 million for securing chemical facilities. In the Kanawha Valley in south central West Virginia there are chemical facilities. There is a great complex of chemical facilities, as great as any other in the Western Hemisphere, I would say.

Also included in this amendment is $50 million for grants to secure non-profit organizations such as hospitals, colleges, churches and synagogues, and $4 million for hazardous materials and grants.

This amendment meets critical needs. It addresses vulnerabilities that we all know exist. And let there be no doubt. If we know that these gaps exist, so do the terrorists know these gaps exist.

It has been more than 2½ years since Richard Reed, the so-called ''shoe bomber,'' tried to blow up a Miami-bound aircraft over the Atlantic Ocean with explosives that he carried onto the aircraft. Only last month, two Russian airplanes simultaneously were blown out of the sky most probably by Chechnyan terrorists who carried the explosives on board the aircraft. The 9/11 Commission report states clearly and succinctly that the threat posed to passenger aircraft by explosives being carried onto the plane is real. Yet the President has not responded, so the Senate must respond.

The additional $100 million in this amendment will significantly expand the effort to screen air travelers for explosives and chemical weapons. We know that newly developed passenger portals can detect whether passengers are carrying explosives. These systems have been tested, and these systems have been proven to work. We need the money to deploy these systems at our Nation's airports. Lives depend on it. Those of you who travel on aircraft, your lives depend on it.

Following the March 11 Madrid railroad bombing, the administration issued security bulletins to law enforcement officials and transit authorities warning of the danger of similar attacks here at home.

So that is what we did. We issued security bulletins.

Crowded trains are inviting targets for terrorists. Busy transit stations allow for easy access, anonymity, and quick escape. Yet the administration requested no new funding to secure mass transit facilities.

Your lives depend on it.

We cannot continue to deceive the American people. The American people believe they are being made safe. They undoubtedly believe the passengers are being examined, tested, and checked for carry-on explosives.

Under Secretary Asa Hutchinson said ''millions of Americans travel by rail every day and recent world events highlight the need to ensure they are kept safe from acts of terror.'' Yet this White House proposed no new funds, just an unfunded mandate. Paper directives and press releases will not—will not—stop terrorists bombs.

On May 6, 2004, the Senate Banking Committee on a bipartisan basis approved S. 2453 which authorizes $5.2 billion for transit security. On May 21, 2004, the Senate Commerce Committee, also on a bipartisan basis, approved S. 2273 which authorizes $1.2 billion for additional rail security activities.

On a broad bipartisan basis, these committees have recognized the overwhelming need for this Congress and this administration to step up to the plate and robustly address the security threat facing our rail and transit systems. The President has not responded. The Senate absolutely must respond. So my amendment includes $350 million for transit security grants.

Three years now after 9/11, despite hundreds of firemen losing their lives in the World Trade Center because they could not receive emergency radio messages to evacuate, the Federal Government has contributed little to the efforts to solve the interoperability communications problem. In fact, the President proposes to terminate the Justice Department's Interoperable and Communication Grants Program and proposes no funding for fire departments and other first responders through the Department of Homeland Security.

What in the name of Heaven is the President waiting on?

This amendment provides $100 million for interoperable communications equipment. The Senate Commerce-Justice-State bill is expected to include $100 million for the COPS Program to improve interoperable communications for police departments. Why not make sure that police, fire, and emergency medical personnel can communicate with one another? The $100 million contained in my amendment meets only a fraction of the need. But it is a critical start.

While States can use their first responder grants to solve the interoperability problem, many States have not chosen to use first responder dollars to address this problem because of the complexity of multijurisdiction and multiagency purchases, and because of competing demands on first responder funds. In 2003, according to the Alliance in Support of America's First Responders, only 3 percent of the funding was dedicated for interoperable communications equipment. A separate funding source is required to overcome these hurdles. My amendment accomplishes that goal.

The 9/11 Commission recommends allocating first responder funds based on threat rather than on population. My amendment adds $440 million to the $875 million currently provided in the Senate bill for urban areas security initiative grants. These grants are targeted to cities that are determined to be at greatest risk of a terrorist attack, that have the highest number of critical assets such as tunnels, bridges, and chemical plants, and have population density. We need to get funds to places that are most at risk.

On August 1, the Department had such specific threat information that it moved northern New Jersey, Washington, DC, and New York City from Code Yellow to Code Orange. We must back up such targeted warnings with funds, and the Urban Area Security Initiative Program allows the Secretary to send funds where they are needed most—not based on formula but based on facts.

The Council on Foreign Relations report, authored by former Senator Warren Rudman, found that America will fall approximately $98.4 billion short of meeting critical emergency responder needs in the next 5 years. Cities are spending an additional $70 million per week on personnel costs alone. Funding urban area security initiative grants is the only way to ensure that the Department of Homeland Security can get moneys to the cities that are most likely at risk.

My amendment also provides an additional $46 million for the Fire Grant Program to restore the program to current levels and avoid an ill-advised funding cut. In the current threat environment, why in the world would one slash fire grant funding?

This year, the Fire Administration received 20,366 applications totaling $2.6 billion from local fire departments. The bill provides $700 million for the program. As one the pillars of the first responder community, it is essential that our firefighters have the best equipment and the best training possible, but because of shortsighted administration budgets, too many fire departments are being left high and dry.

What about our borders? What about our national borders? The U.S. Customs and Border Protection Agency, CBP, has a 5-year plan for deploying radiation portal monitors at our ports. The plan calls for deployment of approximately 2,000 of these monitors at locations around the country based on assessment of the nuclear smuggling threat, focusing on nuclear weapons, nuclear weapons material, radiation dispersal devices, and other illegal or illicit radioactive material. Why should we wait for a 5-year plan? The additional $50 million in this amendment will allow CBP to deploy radiation portal monitors to screen 100 percent of the inbound containerized cargo at 30 additional seaport terminals, thus completing the deployment of these monitors at America's top 22 seaports and several Southwest border land crossings. Let's start now.

My amendment also addresses the need for more personnel on our borders. The USA PATRIOT Act, passed in the immediate aftermath of the September 11, 2001, attacks, calls for a tripling of the number of border patrol agents as well as Customs Service and Immigration and Naturalization Service inspectors on the northern border. While the border patrol has met the PATRIOT Act requirements to increase the number of agents on the northern border, the number of Customs and Border Protection—CBP—officers remains woefully inadequate. In May of this year, the CBP was 1,428 officers short of the goal. I repeat, in May of 2004, the CBP—Customs and Border Protection—was 1,428 officers short of the goal. Yet, incredibly, the agency has been stuck in a hiring freeze ordered by the administration in March. The $50 million provided in this amendment will add 439 new CBP officers, getting us almost a third of the way toward meeting the PATRIOT Act requirement.

My amendment also includes $324 million for the Coast Guard Deepwater Program. Prior to September 11, 2001, the Coast Guard began to modernize its fleet of assets. The program, named Deepwater, called for the modernization or replacement of some 100 cutters and 200 aircraft over a 20-year period.

Since the attacks on September 11, the Coast Guard's responsibilities have grown substantially. As a result, assets vital to homeland security are being used more today than ever in the Coast Guard history. The Government Accountability Office recently reported that ''resource usage—as measured by the number of hours the Coast Guard's cutters, boats and aircraft are used to perform its mission—was up almost 40 percent from pre-September 11 baseline.''

The Coast Guard Commandant, in testimony before the Senate Appropriations Subcommittee on Homeland Security, testified that the current condition of the aging fleet threatens Coast Guard mission performance. He testified that Coast Guard assets are in a ''declining readiness spiral.'' Yet the President does not respond. What happened to ''whatever it takes''? The President's budget for the Deepwater Program will take 22 years to complete. This is 2 years slower than the Capital Improvement Program envisioned when Deepwater was conceived prior to the tragic events of September 11.

My amendment provides $324 million above the amount provided in the committee bill, the full amount authorized by the Congress and the President just 1 month ago. This funding will address the Coast Guard's ''declining readiness spiral.'' The funding would go to accelerate the Coast Guard's highest priorities, which are to enhance safety and reliability on the HH–65 helicopter, accelerate the design of the fast-response cutter for near-shore missions, and complete design of the offshore response cutter for the high-endurance missions of the Coast Guard. The funding will accelerate the Deepwater Program, finishing it in 15 years instead of the administration's 22-year plan.

We must do more to protect our seaports. The top 50 U.S. ports account for 90 percent of all cargo container tonnage entering the United States. A 1-month closure of a major port would cost our national economy at least $60 billion, but because of the tremendous volume of containerized cargo, customs officials are inspecting only 5 percent

of the 9 million containers that come into our ports on vessels each year.

The Coast Guard has estimated that $1.125 billion will be needed in the first year, and $5.4 billion will be needed over the next 10 years for the ports to comply with the Federal regulations mandated by the Maritime Transportation Security Act which was signed into law by President Bush with great fanfare in November of 2002. However, until this year's budget submission, President Bush had requested no funds—none—for port security. Last year, Congress provided $125 million for port security grants. Yet, despite telling the people that security is his top priority, President Bush proposes to cut port security funding by 62 percent. Promises are broken once again.

Upon adoption of the Levin-Collins amendment last March, the Senate version of the resolution assumed that $275 million would be appropriated for port security grants in fiscal year 2005. The bill before the Senate today provides $150 million. The additional $125 million in this amendment keeps the port security grant promise that was made in the Senate budget resolution.

The amendment also includes $100 million to secure our Nation's drinking water systems. The Nation's water infrastructure includes 75,000 dams and reservoirs, 168,000 public drinking water facilities, 16,000 publicly owned wastewater treatment facilities, and thousands of miles of pipes, aqueducts, water distribution and sewer lines. We have a sense of the vulnerability. Why not protect this piece of critical infrastructure?

The amendment also includes $100 million for chemical security grants. In March 2003, Homeland Security Secretary Ridge said, ''There is no question that when we take a look at a chemical facility, the possibility that terrorists could use that economic asset and turn it into a weapon is something that we need to be concerned about and are concerned about.''

Apparently that concern has vanished. Since September 11, the Department of Homeland Security has done little to enhance security at the 66,000 chemical plants across this country. This is frightening, when security experts such as Michael O'Hanlon of the Brookings institution called the threat to chemical plants a ''ticking time-bomb.''

When Secretary Ridge testified last year he said that the chemical industry was better suited to assess vulnerability and take appropriate security measures than the Federal Government. But earlier this year the Government Accountability Office submitted testimony to Congress saying that ''Despite the industry's voluntary efforts, the extent of security preparedness at United States chemical facilities is unknown.''

When Information Analysis and Infrastructure Protection Under Secretary Frank Libutti testified in March before the subcommittee, he said the key in working with the chemical industry was ''partnership'' between the Federal Government and the private sector. Yet almost in the next sentence, he said industry needs to ''belly-up'' when it comes to paying for improved security. What kind of partnership is that? We should be taking action now instead of rolling the dice hoping that an attack against a chemical plant does not happen.

My amendment also includes $50 million for hiring additional Federal air marshals. The administration has failed to meet its goal for hiring air marshals. In fact, the administration has allowed the number of air marshals to drop by 9 percent this year. With numerous terrorist threats against our airlines and a 6-percent increase in the number of flights, why allow the number of critical flights covered by Federal air marshals to drop?

Since 9/11, the administration has increased the threat level risk to Code Orange six times. On September 1, Secretary Ridge spoke before the American Legion's national convention and said:

> Terrorists in the 21st century represent a daunting enemy. They represent no country, no cause, no flag, no people—yet they have access to a steady supply of technologies, and funds, and willing recruits. They are undeniably methodical and maniacal in both their weaponry and will. They seek to use chemical, biological and nuclear weapons . . . and before them lays a map of the world.

Mr. President, according to the New York Times, on September 7, Vice President CHENEY said:

> It's absolutely essential eight weeks from today, on November 2, we make the right choice, because if we make the wrong choice then the danger is that we'll get hit again and we'll be hit in a way that will be devastating from the standpoint of the United States.

What an irresponsible, what an utterly irresponsible statement for a Vice President of the United States, or for any public officer, to make. Think of that.

Let's read that again. According to the New York Times, on September 7, Vice President CHENEY said:

> It's absolutely essential eight weeks from today, on November 2, we make the right choice, because if we make the wrong choice then the danger is that we'll get hit again and we'll be hit in a way that will be devastating from the standpoint of the United States.

How utterly irresponsible. What an irresponsible statement for a public officer to make. If the Vice President were all that interested in homeland security, rather than political posturing, he would be urging his Republican colleagues to support this amendment.

The President has said he would do ''whatever it takes'' to defend America. If the President was being straight with the American people when he said that, he would be supporting—he would be supporting—this amendment. He would support it. It provides $2 billion for a targeted set of programs. It implements several 9/11 Commission recommendations. The amendment funds programs that have been authorized by the Congress but not funded by the President.

We cannot make America safer with empty promises. We cannot make America safer with duct tape. My amendment funds the bricks and mortar of a strong homeland defense. It could save countless lives and it offers real security, not just empty rhetoric. What could be wrong with spending a little more to protect the American people? What could be wrong with keeping a promise? What could be wrong with actually doing ''whatever it takes''?

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator yields the floor, I, during the break—and I called the Senator at his home and told him that I read his book, which at the time I read it was No. 2 on the New York Times Best-seller List. And I told the Senator that I used this book as a text for several townhall meetings I held.

The Senator wrote this book. I will direct the attention of the body to page 112 of the book, ''Losing America.'' I say to the Senator, through the Chair, in this book you have one, two, three—about four pages of detail of times you personally have tried to increase the funding for homeland security. I refer to page 112, where you say:

> On November 14, 2001, the White House opposed the inclusion of $15 billion for homeland security in an economic security package, including $4 billion for bioterrorism and food safety, $4.6 billion for emergency first responders and computer improvements at the federal level, $3.3 billion for transportation security for airports and ports, $1.1 billion for border security, $2 billion for security at nuclear power, water, and other facilities and mail screening, warning that such spending ''will only expand the size of government.'' All Senate Republicans voted to block the funding. . . .

Does the Senator recall that?

Mr. BYRD. I recall it.

Mr. REID. I refer to this same page:

> On December 4, 2001, the Senate Appropriations Committee unanimously sent the fiscal year 2002 defense appropriations bill to the Senate floor for action. The bill included $13.1 billion for homeland security.

There was a parliamentary point of order raised by the Republicans that reduced the funding.

Is the Senator aware of that?

Mr. BYRD. Yes, I am aware of it.

Mr. REID. Continuing to quote:

> On June 6, 2002, the Senate passed by a vote of 71 to 22 a supplemental money bill that contained $8.3 billion for homeland security. . . . On June 17, the president's senior advisor recommended a veto of that bill because it contained ''excessive'' homeland security spending.

Does the Senator recall writing that?

Mr. BYRD. Yes.

Mr. REID. I say through the Chair to the distinguished Senator from West Virginia, I will continue to quote:

In August 2002, the president failed to make an emergency designation for $2.5 billion for homeland security to specifically address shortcomings identified by the Rudman/Hart Report on terrorism vulnerabilities. . . . Bush said at the time, ''I made my opposition clear. We were pretty plain-spoken. . . . We'll spend none of it.''

Does the Senator recall that?

Mr. BYRD. Yes.

Mr. REID. I will not list all of these, but suffice it to say, again, on January 16, as reported in your book, there was a vote on an amendment you had offered to add $5 billion. By a party-line vote that was defeated. It had $5 billion. You reduced it to $2 billion. That was defeated by a party-line vote.

On April 2 and April 3, you had amendments which provided $4.8 billion more than the President requested. All of the amendments were defeated.

On July 24, 2003, I say to Senator BYRD, you—quoting from your book—''offered an amendment to the homeland security bill that would have provided $292 million for activities such as port security grants, grants to train firefighters to respond to a terrorist attack, funds to help the Coast Guard provide security at our ports, funds for locating terrorism vulnerabilities at chemical plants'' and the amendment was defeated on a party-line vote.

Finally, on September 17, 2003, shortly before we recessed:

. . . in the House-Senate conference on the same homeland security appropriations bill, [the Senator from West Virginia] again tried to add homeland security money, $1.25 billion for port, aviation, Coast Guard, customs, first responders, and chemical facility programs, and [his] amendment failed on a party-line vote.

Continuing to quote from ''Losing America,'' the Senator from West Virginia wrote:

Nobody can convince me that this White House is serious about homeland security.

The Senator, of course, recalls that. Does the Senator still believe that it appears the administration is not serious about homeland security when time after time they refuse to fund these programs that are essential to the State of Nevada and the rest of the country? Does the Senator agree that they haven't shown any seriousness about this?

Mr. BYRD. There is no question about it. Time after time, as the Senator says, they have turned down amendments of this Senate to enhance the security of our people, our facilities, our properties. Time after time after time. Our pleas have fallen upon deaf ears. And in the nearly 3 years since the tragic events of 9/11, I myself have pressed the Senate to provide additional resources for homeland security. The administration, the President, including the great Vice President we have, consistently opposed these efforts. The President went so far as to threaten to veto bills if they included what the administration characterized as ''wasteful spending.''

There are many examples—let me give a few—of funding contained in these amendments that certainly would have helped to make America safer. In November of 2001, Senate Democrats supported my amendment to include $15 billion for homeland security in an economic stimulus package, including $4 billion for bioterrorism and food safety; $4.6 billion for State and local law enforcement and fire training and equipment and Federal computer improvements; $3.3 billion for transportation security, including airport and port security; $1.1 billion for border security; $2.0 billion for security at nuclear power, water, and other critical infrastructure facilities, and for mail screening. The White House opposed the effort, warning of ''permanent spending on other projects that have nothing to do with stimulus and that will only expand the size of government.''

I could go on with example after example. But I shall simply ask unanimous consent that there be printed in the RECORD a litany of these projects.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BYRD AMENDMENT

Provides an additional $2 billion for the following Homeland Security functions:

$665 million for the Office of State and Local Government Coordination and Preparedness ($440 million for discretionary grants for use in high-threat, high density urban areas; $125 million for port security grants; and $100 million for grants for interoperable communications equipment);

$350 million for Mass Transit and Rail Security;

$324 million for the Integrated Deepwater Systems program of the Coast Guard;

$100 million for screening passengers and carry-on baggage for explosives by Transportation Security Administration Aviation Security;

$100 million for Custom and Border Protection Salaries ($50 million for purchase and deployment of radiation portal monitors and $50 million for staffing at the northern border);

$11 million for detentions and removals by Immigration and Customs Enforcement;

$50 million for Federal Air Marshalls;

$4 million for hazardous materials security grants of the Transportation Security Administration;

$50 million to secure high risk non-profit organizations;

$46 million for Firefighter Assistance Grants;

$100 million for Firefighter Hiring Grants; and

$200 million for Information Analysis and Infrastructure Protection.

Mr. BYRD. The President has tried to convince the American people that they are safer because he created a new Department of Homeland Security. Well, reorganizing the deck chairs of our bureaucracy does not make us safer. It takes money. Money.

I have offered this amendment in the hopes the Senate will accept it and that we might take it to conference. This is an opportunity to do what we should do in order to save our people and their homes.

I thank my distinguished friend from Nevada for his contribution to this debate. I thank my friend from Mississippi, the distinguished chairman of the subcommittee on which I serve, the subcommittee making appropriations for homeland security. I thank that Senator. He does the best he can do and has done the best he can do, but he is limited in what he can do. I thank him for his cooperation, for his manner of holding the hearings. He has always been very fair. I thank him. I thank other members of the subcommittee.

But we need to do more. My amendment is an opportunity for the Senate to do more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, the distinguished Senator from West Virginia has offered an amendment that would increase the Homeland Security appropriations bill, according to the CBO, by $2 billion.

A variety of accounts are included in the amendment for increases. The Customs and Border Protection account, for example, would be increased under the Senator's amendment by $50 million for northern border staffing and $50 million for radiation detectors at ports of entry.

The bill we have before us already includes a $50 million increase for radiation detectors. The Department has met the goal already of tripling the number of border patrol agents on the northern border. Funds were provided last year in the Homeland Security appropriations bill to ensure that more border patrol agents would be deployed on the northern border. We have provided significant increases for inspector staffing since September 11, 2001. We have included funds, for example, for radiation detection equipment and other detection systems along the northern border.

Last year, Congress provided funding for the permanent establishment of the first northern border air wing to be located in Bellingham, WA. Resources are being made available for a second northern border air wing in New York. We expect further funds will be requested to continue the expansion of coverage of the northern border in future years. It is a challenging undertaking. That border covers over 5,000 miles. It is a daunting task. We cannot accomplish in 1 year or with one amendment all of the goals we have to enhance and improve the protection of our homeland by more sophisticated, more modern deployments along the northern border, but we are making and have made important strides. We cannot achieve every goal immediately. It is going to take time.

My suggestion in opposing this amendment is that we are appropriately identifying the priorities and making the funds available to achieve the goals in a thoughtful, coherent, and successful fashion. The administration is proposing increases in these accounts. We have accommodated those proposals. We have added to many of

the proposals over and above what the administration has requested.

Another example in this amendment offered by my friend proposes a $50 million increase in the Federal Air Marshal program. The Department has worked to supplement resources for these activities by using transfer authority to increase resources. The Department has used other Federal law enforcement officers to provide additional flight coverage on commercial airliners as needed. The committee recognizes in this bill the needs of this organization, and we have provided an additional $50 million in this bill for this next fiscal year for Federal Air Marshals out of additional funds provided to this Committee.

Another account is Immigration and Customs Enforcement. The Senator's amendment would add an additional $11 million for the Immigration and Customs Enforcement, Alternatives to Detention program. The bill already provides $14.2 million—an increase of $11 million—providing funding for 30 new positions, as requested by the President, to expand the Alternatives to Detention program. This amendment, if we agree to it, would expand the program 12-fold in a single year.

Another account, Transportation Security Administration. The Senator's amendment proposes a $104 million increase for the Transportation Security Administration for enhanced passenger checkpoint screening and hazardous material security grants. Last year, our committee proposed and Congress approved $153.2 million for these activities. In this bill for next year, we have included $344.3 million for passenger and baggage screener training of all newly hired screeners and for recurrent and advanced technical training for the entire screener workforce to meet proficiency and qualification standards. In addition to the training of screeners, funding is included for an annual proficiency evaluation of all screeners and supervisors to ensure that the screener workforce meets all of the qualifications and standards required to perform their duties as required by the Aviation Transportation Security Act.

For this fiscal year, 2004, $33 million was made available for airport passenger security checkpoint support. For this next fiscal year, in this bill we provide $161 million—$128 million more than last year's level and $75 million more than the President's request. This bill is meeting the challenge. We are providing the funds that will enable the Department of Homeland Security to have well-trained, well-qualified personnel doing these jobs in our airports, that will meet the requirements of the law and also meet the expectations we all have to use the airlines for qualified, capable, and dependable workforce participants.

The additional funding we have provided above the President's request is available also to deploy explosive trace detection portals, taking advantage of new technologies that are being developed which help ensure that we do the best possible job, the most thorough job of making sure people are not getting on the airplanes with explosive materials. This is something the distinguished Senator from West Virginia has made a point of in our hearings and in statements on the Senate floor—the challenge that is provided by these dangers. We are doing what ought to be done by providing the funds to take advantage of new technology, to encourage development of new technology to help us meet these goals.

The Senator's amendment also proposes a $324 million increase in the Coast Guard's Deepwater capitalization budget. I am excited about the Deepwater Program and the plans the Coast Guard has for modernizing and improving its fleet. This needs to be done. In testimony in our hearings, we learned that some of our Coast Guard cutters have hulls that are rusting away. Some are dangerous to operate. They are a threat in some cases to the men and women who serve in the Coast Guard. We cannot tolerate that. So it is time for us to make new investments in refurbishing and building new ships and boats for the Coast Guard, and other equipment, such as helicopters. The whole point is the bill we presented to the Senate, though, funds each asset requested in the budget within the Coast Guard's acquisition, construction, and improvement account. It has requested funds it can reasonably and efficiently use in the next fiscal year, and our committee has recognized and agreed with this need to address the top priorities of the Coast Guard sooner rather than later.

So we have increased the funding for reengineering the HH–65 helicopter and have moved forward the plan design of the offshore patrol cutter.

You cannot build a ship, though, before it is designed. You cannot modernize before you have the preliminary work done. So what we are doing is providing the funds that can be used by the Coast Guard to advance the construction program and to modernize their fleet.

The bill before us has already increased the Deepwater account $98 million above the President's request. We are bordering on overdoing it already, but I am satisfied these additions are necessary and they are justified. Going to the level proposed in this amendment is overdoing it.

In the Office of State and Local Government Coordination and Preparedness, the distinguished Senator's amendment would add over $700 million to the First Responder Grant Programs.

Some Senators have suggested that we carefully review the Hart-Rudman report, which I did when I was asked to serve as chairman of this subcommittee and talked with my good friend, the former Senator from New Hampshire, who helped write that report to get his thoughts and to find out all I could about their suggestions.

What they suggested was there was a $98 billion unfunded need for first responders, but the report says this: The budget estimates are preliminary and the estimates they make in their report are preliminary. It depends upon other factors. And the report ''cannot be more precise in the absence of systematic national requirements methodology and that the development of such a methodology is badly needed.''

Rather than bank on a number that was reached up and brought out of thin air, the administration has gone to a more authoritative Commission that was given the responsibility of doing what they said, and that is to develop a methodology.

That has been done and suggested by the Commission, the Gilmore Commission. It is an advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction.

The Gilmore Commission's final report, which was issued in December of 2003, includes the following statement:

> Prognostication about the amount of funding that the Federal Government should provide in the near future is premature at best. Recent calls for the funding upward of $100 billion is, in our view, not the wisest approach. Federal funds have started to flow. Absent a more clear articulation of an end state and the levels of preparedness sought to be achieved with some reasonable way to measure our efforts, any attempts to establish an overall price tag is mere speculation and could be politically unwise.

I agree with that. We have carefully reviewed at our hearings the testimony of experts, those who are in the administration as well who have responsibilities for administering these programs. We have questioned them. We have cross-examined them to find out what the facts are, what are the needs.

There is adequate funding in the pipeline, I suggest, now for first responder grants. A pipeline is only so big. You can stuff it full of money and you stop the flow. We do not want to do that. So I think we have to be careful about how much we direct the administration to spend and make sure it can be efficiently used, effectively used, and will achieve the goals we all share.

I am hopeful the Senate will agree that we should not overdo it. We do not need to overspend, and overspending is not going to make us a safer or more secure Nation. Throwing money at complex, technical problems will not produce the results we need for a safer and more secure homeland.

Having said those things in an effort to put in context the proposal that is before the Senate from the distinguished Senator from West Virginia, and my views, at least, of why we should support the committee's recommendation, additionally, I am constrained to observe that because of the Congressional Budget Office assessment that this amendment would call for spending $1.889 billion in additional funds, over and above the $32 billion that is already included in this bill, it is beyond the allocation of the committee, as agreed to by the Senate

Committee on Appropriations yesterday. And because it exceeds that allocation, I am constrained to make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I had the good fortune, when I was home this past break, to meet all the sheriffs of Nevada. They have a lot of problems with the unfunded mandate because of the homeland security——

Mr. COCHRAN. Mr. President, haven't I made a point of order? Doesn't that require a ruling of the Chair?

The PRESIDING OFFICER. A point of order has been made against the pending amendment.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I did not hear the point of order as it was being made, but I understand it has been made.

Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays. But I also ask unanimous consent, Mr. President, that there may be a few minutes for debate of the point of order and/or the motion to waive.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I have no objection to there being some opportunity for debate for those who may want to debate it. I hope we can move to a vote on the motion to waive, and it should not be delayed. I understand the Democrats have a luncheon they are looking to attend some time around quarter of 1. I hope we can vote before then.

The PRESIDING OFFICER. Without objection, it is so ordered. There will be time for debate on the motion to waive.

Is there a sufficient second on the yeas and nays?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will be brief. I met with the chief law enforcement officers of the counties of Nevada. Without any hesitation, they said they are having tremendous difficulties meeting their responsibilities because of the unfunded mandates that have been required as a result of this homeland security problem that faces all America.

As an example, I say to the two managers of the bill, one big problem we have is inoperability. They cannot communicate with each other through their radio, not only police, but they cannot speak to the fire officials. That is something that needs to be done. That is not covered in this bill.

With the additional funding that is requested by the Senator from West Virginia, we could start that program, something that is so important and needs to be done, and the sheriffs and law enforcement officers of Nevada need that very badly. Inoperability of communications is important. With regard to the gates and the screening, one reason we have these tremendously long lines all over America is we do not have enough people to do the work.

We need to hire some more people. I appreciate what the Senator from Mississippi said, that we are doing more training. We need to accelerate this significantly.

I say to my friends, the managers of this bill, we, of course, are faced with the problem—the Senator from Mississippi says, well, the committee is funding what the administration requests. That is the whole problem. They are not requesting enough. The fact that they are meeting what the administration has suggested is not appropriate. There is a lot more that needs to be done and I again refer to ''Losing America: Confronting a Reckless and Arrogant Presidency,'' which shows in script, beginning on page 98, but specifically this morning I referred to pages 112 through 115, where we have tried time and again to see if we could get funding for problems that are so important to this country, programs that deal with seaports, airports, border security, nuclear facilities, first responders, and we have been turned down every time.

Last year, when we approved funding for Iraq early in the year of $69 billion, later in the year of $87 billion in supplemental funding, could we not spend $2 billion rather than in Iraq and use it at home and take care of the law enforcement officers in Nevada, take care of all the other requests we have to make our homeland more secure?

I ask unanimous consent that I be added as a cosponsor to Byrd amendment No. 3597 and extend my appreciation to the Senator for offering this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. How much time do we have remaining?

The PRESIDING OFFICER. No specific debate time was allocated.

Mr. BYRD. Very well. Mr. President, I commend the chairman for the work he has done. Nothing I have said is in any way any criticism of his work. I commend him for producing a balanced bill. Given the constraints under which we are being forced to operate, he has done his best. I have no criticism of him whatsoever, but I would argue that $2 billion is not that large for the very short list of programs in this amendment that address vulnerabilities that are well known. Indeed, most of these programs have been authorized by the Congress and the President and this amendment tries to provide the authorized funding.

Regarding the Deepwater Program, the Coast Guard authorization bill Public Law 108–293 authorizes $1.1 billion for the Coast Guard's Deepwater Acquisition Program. My amendment provides an additional $324 million to meet the authorization level for this critical activity.

It was the USA PATRIOT Act, Public Law 107–56, which authorized a tripling of the number of border patrol agents and legacy immigration and Customs agents on the northern border. That law was passed nearly 3 years ago and this administration has failed to provide the funds to meet the authorization. My amendment adds $50 million so we can get nearly one-third of the way toward meeting the requirements of the law.

The Maritime Transportation Security Act, Public Law 107–295, created the Port Security Grant Program. It called upon the Coast Guard to provide estimates of the costs for that program. The Coast Guard has estimated that $1.125 billion will be needed in the first year and $5.4 billion will be needed over the next 10 years for the ports to comply with the Federal regulations mandated by the Maritime Transportation Security Act which was signed into law by President Bush with great fanfare in November 2002.

Despite the President's paucity of funding requests to implement the law, the Congress has stepped up to the plate and has appropriated a total of $493 million towards these grants.

The Senate version of the budget resolution assumed that $275 million will be appropriated for port security grants in fiscal year 2005. The bill before us today provides $150 million. By adopting this amendment, the Congress still will have provided over 4 years only $768 million of the Coast Guard's first-year cost estimate of $1.125 billion for port security grants, but the additional $125 million in this amendment will meet the assumption for port security grants made in the Senate budget resolution.

On May 6, 2004, the Senate Banking Committee, on a bipartisan basis, reported S. 2453 which authorizes $5.2 billion over the period of fiscal year 2005–2007 for transit security activities under its jurisdiction. On May 21, 2004, the Senate Commerce Committee, also on a bipartisan basis, reported S. 2273 which authorizes more than $1 billion for rail security activities under its jurisdiction over the period of fiscal year 2005–2009. My amendment provides $350 million in security grants to rail and transit systems. Combined with the funds provided in the committee-reported bill, we still fall more than halfway short in meeting the requirements of these bills. The authorization bills and the laws written and passed by this Congress by overwhelming margins and signed into law by the President clearly demonstrate a far greater funding

need than that contained in my amendment. My amendment, which would implement several 9/11 Commission recommendations, is but a small step in meeting the homeland security requirements authorized already by the Congress.

The President has said he would do whatever it takes. However, his budget takes a hike when it comes to actually funding homeland security.

I note that, and I agree with Chairman COCHRAN, we must operate within limits on spending, but the limits must be set at a level that allows the Congress to fund homeland security programs that address clear dangers. We are debating an amendment that provides $2 billion for securing our homeland. In the last 3 years, the President has signed three tax cuts. These tax cuts increased our Federal deficit for fiscal year 2005 by $232 billion. Where were the limits? Where were the limits on the tax cuts? Where are those voices who say we are overdoing it in this amendment? Where were they when it came to the tax cuts? Did we overdo the tax cuts?

The President increased our deficits for fiscal year 2005 by $232 billion in tax cuts, but we cannot afford $2 billion today for securing our rail systems, for securing our chemical plants, or making sure a terrorist does not blow another plane out of the sky.

In summary, in the nearly 3 years since the tragic events of 9/11, I have pressed the Senate to provide additional resources for homeland security and the President consistently opposed those efforts. He went so far as to threaten to veto bills if they included what the administration characterized as wasteful spending. Let me give a few examples of funding contained in those amendments that certainly would have helped make America safer.

In November of 2001, Senate Democrats supported my amendment to include $15 billion for homeland security in an economic stimulus package, including $4 billion for bioterrorism and food safety, $4.6 billion for State and local law enforcement and fire training and equipment and Federal computer improvements, $3.3 billion for transportation security, including airport and port security, $1.1 billion for border security, $2.0 billion for security at nuclear power, water, and other critical infrastructure facilities, and for mail screening. The White House opposed the effort, warning of ''permanent spending on other projects that have nothing to do with stimulus and that will only expand the size of Government.''

On November 28, 2001, Office of Homeland Security Director Tom Ridge wrote to me and said, ''. . . no additional resources to protect the homeland beyond what the President has already requested are needed at this time.''

Senate Republicans, under pressure from the White House, objected to the ''emergency designation'' for the homeland security funding and voted to block the funding.

On December 4, 2001, the Senate Appropriations Committee reported, by a vote of 29–0, the fiscal year 2002 Defense appropriations bill. This bill included $13.1 billion for homeland security programs, $8.7 billion above the President's request. In a meeting with congressional leaders, President Bush threatened to veto the Defense appropriations bill that contained the additional homeland security funding.

On December 6, 2001, Senate Republicans, voted against the ''emergency designation'' for the homeland security funding. As a result, homeland security funding was reduced by $4.6 billion, from $13.1 billion to $8.5 billion.

Under further pressure from the White House, conferees further reduced homeland defense funding from $8.5 billion to $8.3 billion, a level that was still $3.9 billion above the President's request. In reducing the funding from $13.1 billion to $8.3 billion, funding was reduced for bioterrorism and food safety, border security, airport security, port security, nuclear facility security, and postal security.

In June of 2002, by a bipartisan vote of 71–22, the Senate passed a supplemental appropriations bill that included $8.3 billion for homeland security. The funding was allocated based on a series of five bipartisan hearings held by the Senate Appropriations Committee when the committee heard testimony from Governors, mayors, police, fire fighters, emergency medical and other first responders, port security specialists and other experts in the field of counterterrorism, seven cabinet officers and the Director of the Federal Emergency Management Agency.

On June 17, 2002, the President's senior advisors recommended a veto of the Senate version of the supplemental bill because it included what they asserted was excessive homeland security spending.

Under pressure from the White House, the conferees agreed to reduce homeland defense funding from $8.3 billion to $6.7 billion. Funding was reduced for food safety, for cyber security, for solving the first responder radio interoperability problem, for nuclear security, for increased lab capacity to determine whether biological or chemical weapons have been used in a potential attack, for airport security, port security, and water security.

Then, in August of 2002, the President refused to spend $2.5 billion that Congress had approved for homeland security. The President chose not to make the emergency designation, asserting that the contingency emergency fund contained wasteful spending.

In making that decision, the President blocked funding for homeland defense programs that would have specifically addressed known shortcomings including: firefighting grants; security improvements at our nuclear plants and labs; grants to make police and fire communications equipment interoperable in response to weaknesses identified on September 11; port security grants; airport security funding, including funds for more Federal air marshals; Coast Guard funding; law enforcement resources for State and local governments for police equipment and training; FBI funding for counter terrorism and information technology enhancements; urban search and rescue teams; cyber security improvements to protect our economy; food and water security, including funds for addressing the threat of mad cow disease; border security; dam and reservoir security; and Customs Service funds to increase the number and quality of the inspections of the six million cargo containers that come into this country each year.

President Bush announced at his economic forum in Texas that he was rejecting the $2.5 billion bipartisan homeland security funding package. President Bush said, ''I made my opposition clear. We were pretty plain-spoken. . . I understand Congress's position, and today, they're going to learn mine. We'll spend none of it.''

In connection with the fiscal year 2003 omnibus appropriations legislation, the White House said, ''the administration strongly opposes amendments to add new extraneous spending to the package.'' On January 16, 2003, Senate Republicans fell in line behind the President and voted 45–51 to defeat an amendment that I offered to add $5 billion for homeland security activities for port security, airport security, border security, nuclear security, and for implementing the President's smallpox vaccine plan.

My amendment included $300 million for mass transit security. Perhaps if that amendment had been adopted, we would be better prepared today to prevent a terrorist attack on our subways, buses and trains.

On January 29, 2003, the President, in his State of the Union message to the Congress said, ''Whatever action is required, whenever action is necessary, I will defend the freedom and security of the American people.''

Three months later, on April 2 and 3, 2003, the White House opposed all five amendments that I prepared for consideration on the fiscal year 2003 emergency Iraq/Afghanistan war supplemental to increase funding for homeland security programs. In total, the amendments would have provided $9 billion, $4.8 billion more than the President requested. All of the amendments were defeated on virtual party-line votes. Funding was rejected for radiation and portal monitors, for grants to public transit agencies for security of transit facilities against chemical, biological, and other terrorist threats, for grants to improve communications within and among first responders, for funds for the Coast Guard to implement the Automated Identification System and other tracking systems to

actively track and monitor vessels operating in United States waters, for port security, and for the FBI.

Then, in July of 2003, I offered an amendment to the fiscal year 2004 Homeland Security appropriations bill to add $1.75 billion for homeland security programs. The amendment was defeated 43–50. The amendment included funds to implement several authorization laws that the President had signed shortly after 9/11, but then failed to either adequately fund or fund at all, including the Maritime Transportation Security Act of 2002, the Enhanced Border Security and Visa Entry Reform Act of 2002, the Aviation and Transportation Security Act, and the USA PATRIOT Act. Once again, funding was rejected for mass-transit security, for securing the northern border, for air-cargo security, for port security and for first responders.

In the September 2003 conference on the fiscal year 2004 Homeland Security appropriations bill, I tried again to add $1.25 billion to the bill, and the effort was defeated on party-line vote of the conferees of 8–9. The amendment would have added $375 million for port security grants, $400 million for aviation security, $66 million for implementation of port security enhancements required by the Maritime Transportation Security Act, $34 million for the Coast Guard Deepwater Program, $125 million for 1,300 additional Customs inspectors at the borders, $200 million for first responder grants, and $50 million to enhance security at chemical facilities.

I urge that the Senate waive the point of order.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the distinguished Senator from Nevada made a couple of points that I think require response. One was that no funds are available in this bill for local law enforcement and other first responders for interoperable communications and other new technologies. The Senator is correct, we are not directly funding local law enforcement officials interoperable communications needs, but they are eligible for funds provided to States in this bill by the Office of State and Local Government Coordination and Preparedness to help improve technologies, communications equipment, training, and other activities that are important to enhance the capabilities of the first responders, whether they are fire departments, law enforcement officials, or the like.

We are providing funds in broad grant programs to States and localities in order for them to have the ability to make the decisions at a local level in determining what their greatest needs may be.

In addition, the National Sheriffs Association, for example, has developed a nationwide program for other sheriffs' departments—the Pegasus Program—I know some sheriffs in my State are actively involved in helping convince others they ought to take advantage of that program. I know another program in my State that has gotten Federal funds from the Justice Department and is available on the Mississippi Gulf Coast now, a new interoperable communications system, computer based, where laptop computer capability will be available in patrol cars, other vehicles, and in police stations, in sheriffs' departments along the Mississippi Gulf Coast so they can keep up with what each jurisdiction is doing. They will know if an arrest has been made of someone who may have escaped from a jail in one of the adjoining counties.

All of these law enforcement officials along the coast will be able to have access to that information immediately because of this new system.

So opportunities are available to local jurisdictions to take advantage of new programs that are being developed and made available to help achieve the goals that my friend talks about. We all share those goals.

One other point on that subject. The committee provides in this bill, $30 million ''for direct technical assistance to State and local governments.'' And, of this amount, $20 million, it says in the report on page 57, ''is for the Interoperable Communication Technical Assistance program to enhance interoperability of public safety communications.'' So technical assistance is available directly from funds that are in this bill to achieve the goals to which the Senator from Nevada has alluded.

We are encouraging the Department to consider designating a lead organization within the Department to provide technical assistance for interoperable communications. I think we are meeting our challenge in this area under the restraints that we have to impose. We can't fund everything directly. We don't want to get in the business of choosing one communications system over another, and I haven't meant to do that by pointing out two in my State that I happen to know about. We are letting local jurisdictions make those decisions. We do not have to make those decisions as Members of the Senate. We are not competent to make those decisions. So I don't want to start writing into our bill a specific communication system and then funding it and trying to make it available to all of the jurisdictions throughout the United States. We would run out of money quickly if we tried to do that.

But I think we are meeting the challenge, and I hope Senators will agree and will support the point of order and vote against the motion to waive the point of order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Mississippi knows how much I care about him and respect him. But $20 million for interoperability is so short of what is needed. The 9/11 Commission Report states, among other things:

> . . . high risk urban areas such as New York City and Washington, D.C., should establish signal corps units to ensure communications connectivity between and among civil authorities, local first responders, and the National Guard. Federal funding of such units should be given high priority by Congress.

The city of New York alone is more than $20 million. The State of Nevada is around $6 or $7 million. So $20 million is a literal drop in the bucket. I repeat, if we can, through supplemental funding, provide $69 billion, $87 billion in 1 year in supplemental funding for Iraq, couldn't we spend a few dollars for America to be safer? It appears this administration does not believe we should.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor and to speak in support of the amendment offered today by my colleague from West Virginia, Senator BYRD. As Members of Congress, our most sacred duty is protecting our fellow Americans. We do this in several ways, of course, by supporting our troops at home and abroad, by our oversight of the intelligence community, and now, with the creation of the Department of Homeland Security, with an annual appropriation to fund the security activities of the various agencies that make up DHS, and to fund grant programs to States, localities, and private industry to make certain that citizens of the United States are protected from terrorist attacks, life-threatening accidents, and acts of God.

In the last 3 years I have sat down with hundreds of first responders around my State of West Virginia, as well as local elected officials and experts from my State's core industries, to discuss what they were doing to protect West Virginians, and to hear from them directly where they needed help from the Federal Government. I am sure that each of my colleagues has had similar meetings. While I would not presume to know specifically what was said at these meetings, I would be willing to wager that no member of Congress heard anything other than ''We have huge unmet security needs and we need Federal resources to make our country safer.''

When we created the Department of Homeland Security, and when we authorized many billions of dollars in additional funding to protect this Nation, I am sure we convinced some people that we had learned the harsh lessons of September 11. In fact, I think we have done well making increased safety and security priority issues for the Federal Government and for all Americans. Unfortunately, we have fallen short on addressing these needs, and the Byrd amendment is a very good

step in the right direction. This amendment would not do everything that needs to be done for Congress to be able to say we are delivering the goods to our first responders, State and local officials, and to the industries that make up our critical infrastructure, but it would be a much-needed boost for all those trying to make America safer.

I commend Senator BYRD for making his usual strong, principled stand on this matter. Let me be clear, too, that I do not believe the funding levels in the underlying bill reflect any lack of understanding of the scope of the problem on the part of our colleagues on the other side of the aisle. The chairman of the Homeland Security Subcommittee, my friend, Senator COCHRAN, has done very well with the amount he was given to distribute. The problem is, quite simply, that the administration's past policy choices—and the need to adequately support our troops in Iraq and Afghanistan—have left Senator COCHRAN and his fellow appropriators with too little to do this all-important job.

It is not a question, let me reiterate, of our Republican colleagues or the President not wanting to see our Nation adequately protected. I do question, I am sad to say, the idea that it is vitally important to make unaffordable tax cuts permanent, but it is not more immediately important to secure our chemical facilities, our railroads, our electricity grid, or provide training and technical assistance to our firefighters and emergency medical personnel.

I hope that my colleagues will see just how important this is. It would be a tragedy beyond measure if we failed to do the right thing when we had the chance, and only provided funding, for instance, to fix the problem of interoperable radios after another tragedy where first responders were at risk because they could not talk to each other.

Mr. DORGAN. Mr. President, I support the Byrd amendment because I think that it includes important investments in our homeland security. For example, the amendment includes over $500 million for interoperability for our first responders. It includes $125 million for port security grants so that we can increase our surveillance of the thousands of containers that enter our country. And it includes $111 million for border security. Overall, the amendment provides $2 billion in 11 key areas that desperately need increased funding.

In its current form, this amendment does not include any offsetting reductions to pay for the new investments. If this amendment is adopted today—and I hope that it will be—I intend to work with the conferees to offset these increases by reducing funds that have been earmarked for Iraqi reconstruction. I believe this expenditure should be offset with these other spending cuts.

Iraq is a nation that sits on some of the largest oil reserves in the world. My view is that Iraq should pay for its own reconstruction.

Last year, this Congress acted in an expedited way to appropriate $18.4 billion for Iraqi reconstruction. And yet, 10 months later, most of that money is still unspent. Less than $1 billion has been actually expended and only about $7 billion has been obligated.

Therefore, I support Senator BYRD's amendment and I will vote for it today. But my intention is to push for the rescission of those unobligated Iraqi reconstruction funds and use them to offset the needed security investments that have been identified by Senator BYRD.

Mr. BURNS. Mr. President, I ask unanimous consent that the vote on the motion to waive with respect to the Byrd amendment occur at 2 p.m. this afternoon; provided further that the amendment be temporarily set aside in order for Senator DODD to offer the next amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, what is contemplated—we think it will work out—is we will have two votes at 2 o'clock. The majority has not had an opportunity to look at the amendment of the Senator from Connecticut and the Senator from Michigan, Mr. DODD and Ms. STABENOW. But as soon as they do, I think we will be able to vote at 2 o'clock. In the meantime, until that happens, we agree to the unanimous consent of the Senator from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3604

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. KENNEDY, and Ms. STABENOW, proposes an amendment numbered 3604.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount provided for first responder programs, and to provide offsets)

On page 19, line 17, strike ''$2,845,081,000'' and insert ''$11,552,000,000.

On page 21, strike lines 14 through 20 and insert the following:

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a), to remain available until September 30, 2006, $4,000,000,000, of which $3,000,000,000 shall be available for necessary expenses for programs authorized by section 33 of such Act and $1,000,000,000 shall be available for necessary expenses for programs authorized by section 34 of such Act: *Provided*, That not to exceed 5 percent of the amount provided for the programs under each such section shall be available for program administration.

On page 22, line 3, strike ''$180,000,000'' and insert ''$660,000,000''.

On page 28, line 21, strike ''$181,440,000'' and insert ''$690,994,000''.

On page 39, between lines 5 and 6, insert the following:

SEC. 515. The total amount appropriated by title III for the Office of the Under Secretary for Emergency Preparedness and Response under the headings ''PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY'', ''ADMINISTRATIVE AND REGIONAL OPERATIONS'', and ''PUBLIC HEALTH PROGRAMS'' is hereby increased by $2,845,766,000.

SEC. 516. The Secretary of the Treasury shall take such action as is necessary to reduce benefits provided by the Economic Growth and Tax Relief Reconciliation Act of 2001 to individuals with an adjusted gross income of $1,000,000 or more that will result in an increase in revenue sufficient to offset the increased funding provided for the first responder and other programs by this amendment.

Mr. DODD. Mr. President, on behalf of myself and my good friend from Michigan, Senator STABENOW, we are once again offering an amendment which deals with the underlying issue of this debate, and that is the adequacy of our resources to the homeland security effort.

In recent days we have heard the Vice President of the United States suggesting that we ought not enter the mindset of a pre-9/11. I couldn't agree more. It is a dangerous thing for this country to forget what our Nation went through 3 years ago come Monday. Certainly, what we are suggesting with this amendment we are offering—Senator STABENOW, myself, and Senator KENNEDY—is to put some real resources, a real effort behind the homeland security effort.

We have put this amendment together not based on our conclusions individually of what ought to be a part of the Homeland Security Appropriations Act. Rather, we draw upon the tremendous work done by a former colleague of ours, Senator Warren Rudman, and his report that was produced by experts in conjunction with the Council on Foreign Relations. A significant amount of time was spent to assess the adequacy of our first responders and whether we have in place across this country 3 years after the brutal attacks of 9/11 the resources, the personnel, the equipment, and the training necessary to provide the protections this country needs if, Lord forbid, we are attacked again by terrorists.

That report concludes that we are woefully inadequate to meet those challenges with which we are confronted. It lays out in detail suggestions as to what needs to be done in

order to make us better prepared to respond to those situations. So we are offering this amendment in the same spirit in which our colleague from West Virginia offered his amendment. It is out of a deep concern we are not doing enough to protect our Nation from the risk of a terrorist attack.

Last June, former Senator Warren Rudman, with a very distinguished panel of experts, produced a report sponsored by the Council on Foreign Relations. Their report concluded that we must spend at least $98 billion over the next 5 years in order to provide a reasonable degree of security here at home.

The Council on Foreign Relations report was not just another study thrown together over a few days; it was authored by a friend and former colleague from New Hampshire, Warren Rudman. He assembled a very distinguished group of Americans to serve on a task force which wrote the July 2003 report. The task force members included Richard Clarke, a former counterterrorism adviser for three Presidents. It also included Admiral William Crowe, former Chairman of the Joint Chiefs of Staff under President Reagan; George Shultz, President Reagan's Secretary of State; Harold Varmus, former Director of the National Institutes of Health under President Clinton; William Webster, who served both as the Director of the CIA and the FBI in the 1980s and 1990s, among many others.

Regrettably, 1 year later, the urgent recommendations of this very distinguished panel—a very comprehensive study—have been almost totally ignored by the leadership of the Congress and the executive branch. According to the Rudman report:

> Estimated combined federal, state and local expenditures . . . would need to be as much as tripled over the next five years to address the unmanned need. Covering this funding shortfall using federal funds alone would require a five-fold increase from the current levels.

So, depending upon the level of State and local funding available, the Federal Government should be committing between $15 and $25 billion per year according to the Council on Foreign Relations. If $15 billion to $25 billion a year is what it takes to get the job done, that is what we ought to be providing. Unfortunately, the bill before the Senate only commits about $3.4 billion a year, which is a fifth of what is really needed to support our first responders.

The amendment Senator STABENOW and I are offering would commit a full $20 billion necessary in fiscal year 2005 and would set us on the path toward meeting the Council on Foreign Relations' recommendations for first responder investments over the next 5 years. I realize $20 billion a year is a lot of money. I would like to put that number into context, if I may.

First, I don't believe that any of my colleagues who served with Warren Rudman or know Warren Rudman would call him free spending. In fact, when one hears the words ''deficit hawk,'' you often think immediately of Warren Rudman. He led the Concord Coalition in the mid 1990s with another friend and former colleague, the late Paul Tsongas of Massachusetts. He fought tirelessly for deficit reduction and balanced budgets while serving in the Senate. He also lent his name to the landmark 1985 Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act, of which I was honored to be a cosponsor at the time. So when Warren Rudman says we need to be spending $20 billion a year for our Nation's first responders, I think we need to take his advise very seriously.

When George Shultz, when Mr. Webster, when Admiral Crowe and others make these recommendations, we are not talking about people who do not know what they are talking about. We are talking about some of the most serious public servants of the last two or three decades, people who have taken a serious look at our needs, a serious look at the threats facing us, in a bipartisan way, and have urged this Congress to do a better job in seeing to it that the American public is protected from the dangers of a terrorist attack by insisting that our first responders receive the necessary tools they ought to have in order to respond.

We should also keep in mind that the current Department of Defense budget is about $400 billion per year—that is more than a billion a day we are investing on our military security. If we would allocate an additional $20 billion a year for first responders, as the Rudman report recommends, our amendment would provide only 5 percent of the total defense budget. Isn't 5 percent of that budget worth it in order to provide more protection to the American citizens at home?

By the way, that $400 million does not necessarily include the money we are spending in Afghanistan and Iraq. Iraq alone is $200 billion we have already spent in that particular conflict.

We are also spending billions of dollars, as I mentioned, to sustain our efforts in Afghanistan and Iraq. I believe that $20 billion a year is a good investment to ensure our urgent homeland security needs are going to be met. Again, focusing $20 billion on domestic security would represent only a fraction of 1 year's military budget. If we committed the entire amount identified in the Warren Rudman report—$98 billion—it would only be 90 days' worth of military spending in any given year.

If we as a nation can find the resources we need to ensure our military security, and I believe we should, then we must make a similar commitment to find the resources we need to ensure that the domestic defenders of our Nation are also equipped to provide domestic security. We do not send our military personnel into battle without the equipment they need to do their jobs, and we should not send our law enforcement personnel, our firefighters, our emergency medical technicians, out into a field without equipping them with what they need. We do not send our military into battle without the training to succeed. We should not send our domestic defenders into the field without proper training, either. We do not send our military to battle without sufficient human resources, and we should not send our firefighters into dangerous situations without the backup they need in order to ensure their safety.

In the 3 years since September 11, we have made progress. But we also know categorically that we are not doing enough and we need to do more. If the choice is between tax cuts that we cannot afford and securing the public against the now known threats of terrorism, I believe the choice is simple. We must act responsibly to protect the public we serve. To not do so and then be attacked, then to not look back and wonder why we did not take the necessary steps, would be an indictment against this Congress and the people who are unwilling to step up and provide the resources we need at the local and State level.

September 11 was one of the darkest days in our history. We all know that. We have heard about it. We all feel it very painfully. The simultaneous attacks on the World Trade Center and the Pentagon as well as the battle in the airspace over Pennsylvania was the deadliest foreign attack ever launched against the citizenry of this great country of ours.

September 11 drew our attention to a fact that experts had known for years—namely, that the United States is vulnerable to terrorist attacks. Certainly we had experienced acts of terrorism before. Indeed, the World Trade Center itself had been attacked by terrorists in 1993. We had experienced the horrific attacks in Oklahoma City. We knew terrorism was possible anywhere, even in our schools. But it took the attacks of September 11 to focus our attention on the magnitude of the dangers we face and the people we are up against and what they are willing to do in order to do great damage to our country.

Since September 11, the Federal Government has taken steps to improve our Nation's security. I applaud that. The fact we are even debating the Homeland Security appropriations bill is a reflection of the Federal Government's efforts to meet the challenges posed by the threats of terrorism. Yet there is still more that we must do. We can heed the recommendations of the Rudman report, which tells us we have not done nearly enough to protect the public we serve. That would be a major step in the right direction. It tells us that despite the risks this Nation faces, despite the real and present dangers, even the real likelihood of future terrorist attacks, that we are failing to take the steps necessary to protect the American people.

The Rudman report also tells us that the Federal Government has not made a sufficient commitment to help ensure that our first responders—our firefighters, our police, and our emergency medical personnel—have the training, the equipment, and staffing levels they need to effectively respond to what seemed unthinkable but that we now know can happen anywhere at any time.

After talking to State and local emergency management professionals—fire chiefs, police chiefs, the authors of the Rudman report—I have concluded we need to do much more than we have been doing. Local authorities asking for Federal assistance are told: We are sorry, but this is the best the Federal Government can do right now. Is this really the best we can do? I don't think so. I think we can do better.

In addition, Vice President CHENEY has been attacking the Democratic candidate on homeland security and warning about the risks of returning to a pre-September 11 mindset. I am almost quoting him. But who is really in a pre-September 11 mindset? This homeland security has not even begun to reflect the post-September risks that have been clearly, painstakingly detailed by our former colleague, Warren Rudman, and the distinguished panel that compiled this report.

Three years ago, President Bush asked for and Congress agreed to large tax cuts. The rationale at the time was we had a huge surplus and could afford a tax cut. However, this year things have changed and record surpluses have become record deficits, staggering deficits, the largest in our Nation's history on an annual basis, and a national debt that is mounting. By the end of this fiscal year, the total Federal deficit will be nearly $422 billion. That will be the largest deficit in our Nation's history.

This deficit is being racked up at a time when we have to address clear and immediate threats that are before us. However, instead of marshaling our resources in a comprehensive, responsible way, the administration did something that, in my view, will be recorded in history as irresponsible. It committed even more resources for the purpose of giving more tax benefits to the most affluent of our citizens.

That was the choice they made—a clear choice to give tax benefits to the privileged few rather than taking the steps to make the commitment to protect all of us. Our enormous budget deficit has been coupled with a huge security deficit. There is now an enormous gap between what we are committing to homeland security and what we should be providing to State and local first responders.

We have an opportunity with this amendment to set our priorities straight. We can, and we should, reestablish that the priority of this Nation is to protect all Americans and not to lavish scarce public resources on the privileged few.

The amendment Senator STABENOW and I are offering would adhere to the recommendations of the task force sponsored by the Council on Foreign Relations and establish a more responsible and realistic baseline for supporting our first responders—our firefighters, our police, and our emergency medical personnel.

To those who say we cannot afford to commit the resources to protect our people, I ask: Can we really afford not to do so? It seems to me if we can afford trillions of dollars in tax cuts that benefit the most affluent, then we ought to be able to afford $20 billion this year, next year, and the 3 years following to ensure, or to do a better job of ensuring, our security.

According to a recent report by the Congressional Budget Office released last month, the tax cuts approved in the last 3 years exacerbate income inequality by boosting the after-tax income of high-income households far more than that of middle- or low-income households. Based on the Congressional Budget Office data, the top 1 percent of households whose annual incomes average $1.2 million a year will receive an average tax cut of approximately $40,000 in the year 2004. This tax break is more than 40 times—40 times!—the average tax break for those in the middle fifth of income distribution.

With the amendment we are offering today, millionaires are going to be asked to take a smaller tax cut than they are already receiving under the 2001 and 2003 tax cuts. With our amendment, these individuals would still be able to benefit from significant tax cuts. But by simply reducing the 2003 tax breaks for those earning in excess of $1 million a year—one-tenth of 1 percent of all taxpayers; which is what our amendment does—we would be able to live up to our commitment, our obligation, to our Nation's first responders and to the people of this country by providing them with the resources to see to it they can respond if, God forbid, we are confronted with another terrorist attack.

So we have an offset. I suspect it will be challenged as a violation of the Budget Act. But here we are paying for an amendment by reducing the tax cut for the most affluent, to see to it that the general public can have the kind of protections they need, in order to see to it that we are protected against terrorist attacks that may come at a future date.

With that, Madam President, I will yield to my colleague from Michigan, who is a cosponsor of this amendment. And she was there the last time we offered this amendment. She is a great advocate of these efforts to improve our homeland security picture. I am honored to join with her in this effort once again this year.

I yield to my colleague from Michigan.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Michigan.

Ms. STABENOW. Madam President, I, first, thank my friend and colleague from Connecticut for his eloquence and leadership on this issue. He proposed this amendment last year, and I was very proud to join him in this effort. If we had done this amendment last year, we would be having a very different discussion, I believe, right now. So I thank the very distinguished Senator from Connecticut for his leadership.

I think it is important we recognize the fact that we have been told by the Department of Homeland Security that this is National Preparedness Month, which has just been announced. We are told there are hundreds of activities planned. The Department is encouraging us to encourage families we represent to be prepared individually.

In the spirit of National Preparedness Month, I think we have a responsibility to do exactly the same. That is why I rise to urge my colleagues to support the Dodd-Stabenow amendment that will provide America's first responders with the equipment and the training they need to protect the people of our country.

As the President often says, we are at war. The threat level has been raised to High or Orange six times since it was created. Americans are repeatedly warned the terrorists will strike again, that we should be vigilant and prepared. The experts and our leaders are certain that we remain under the threat of terrorist attack, and certain that we must be ready to prevent, hopefully, and, if not prevent, be able to respond to an attack.

However, what remains uncertain is our ability to prepare for and defend against potential terrorist threats. That is where our Government up until now has failed. We have the opportunity to correct that on this bill.

The experts I speak of, and Senator DODD spoke of, are a blue-ribbon panel of Nobel laureates, U.S. military leaders, former high-level Government officials, and other senior experts, brought together by the Council on Foreign Relations, led by former Senator Warren B. Rudman, and advised by former White House terrorism and cybersecurity chief, Richard A. Clarke.

During the spring of last year, this Independent Task Force on Emergency Responders conducted meetings across the Nation with first responders and national organizations seeking the answer to one simple question: What do you need to keep us safe? What do you need as first responders to keep us safe? The answer Senator Rudman received was daunting. Unbudgeted needs totaled about $98.4 billion, and these funds would only establish a minimum effective response, according to the report.

I would like to detail some of the deficiencies in our preparedness that the Rudman report outlined.

On average, our fire departments have only half the number of radios needed on a shift and only enough breathing apparatus for one-third of

their firefighters. Now, imagine that. I know in Michigan people assume firefighters and police officers, emergency responders, have communications equipment, that they can talk to each other. I have met with police departments where they have said they cannot talk to the fire department, and they are in the same town or in the next town. This report said, on average, fire departments have only half the number of radios needed on a shift.

They also found police departments across America do not have the protective gear to respond to weapons of mass destruction attacks. They do not have basic protective gear.

Why have we ignored this panel's recommendations?

When the 9/11 Commission recently offered its recommendations—and I commend them for their thoughtfulness—Senators of both parties immediately took action. In fact, there is now a bipartisan bill that incorporates all 41 of the Commission's recommendations, and the majority leader has pledged to take up this legislation in the next month. I support that. In other words, approximately 2 months after we received the recommendations of the 9/11 Commission we are acting.

Unfortunately, the Rudman report is a year and a half old, and I would argue, even though there have been some changes in funding, we have basically done nothing to fundamentally respond to the seriousness of this report. In fact, what we have seen, in some cases, in order to fund homeland security and first responders, other programs have been cut. The COPS Program or other programs have been cut to move dollars over. And the local police department—it does not matter which pot it comes from—what they are looking at is the bottom line: Can they afford to add another police officer? Can they afford protective equipment? And way too many of the law enforcement leaders in Michigan are saying, no, they cannot.

During a series of 11 meetings I held across Michigan, I met face to face with many people I consider to be experts—first responders, community leaders in Michigan. They have told me in no uncertain terms that they are woefully underfunded and underequipped. Month after month they continue to remind me of the fact that they still don't have the dollars they need, even though some dollars have trickled down from Washington.

The situation in Michigan is of particular importance to me, of course, but this is not only about Michigan. This is a problem and a challenge for all of us. This is not a partisan issue. This is about how to keep Americans safe all over the country. We have ignored this report for too long.

I thank the Senators from Mississippi and West Virginia, the distinguished members who have worked hard on this bill. I know they find themselves in a difficult position confronting new threats and correcting countless vulnerabilities that were exposed on September 11. The legislation before us is a step forward. Unfortunately, I believe it is a very small step. We can do better, and we must do better.

The Dodd-Stabenow amendment will provide $690 million for the Federal Law Enforcement Training Center; $11.5 billion for the Office of Domestic Preparedness State and Local Programs; $3 billion for firefighter assistance grants; $660 million for the emergency management performance grants; $3.3 billion for the Emergency Preparedness and Response directorate; and $1 billion for the staffing for adequate firefighter and emergency response grants. In total, the amendment would provide an additional $15 billion in assistance for our Nation's front-line first responders.

Perhaps we should elevate the capabilities of our first responders above the reconstruction of Iraq. Over the past 2 years, Congress has provided $24 billion in American dollars for the reconstruction of Iraq. In late June, the Government Accountability Office told us that only $3 billion had been spent, leaving $21 billion in a fund for reconstruction, substantially more than what we are talking about here. I assure my colleagues that if we had had these funds and they had been given to our first responders, they would have done more and done more quickly, and that would have provided greater safety and the capability to deal with terrorist attacks. Those dollars would have been used here to keep us safe.

I am not suggesting we don't need to be supportive in Iraq, but this truly is a question of urgency and priorities for the American people. I have supported the request by the Department of Defense in support of our Troops. I cannot imagine why we are not giving that same sense of urgency to the total request to keep us safe here at home.

Again, the legislation we are now considering is a good step, but much more needs to be done. Senator Rudman's efforts have made it clear that the safety of the American people requires we do more. We can't be doing this around the edges. We have to do what is necessary, as we need to do what is necessary for defending ourselves abroad in terms of dollars needed for equipment and troops and so on. The very same thing should apply here. We should do what is necessary to keep us safe, period.

This Saturday is the third anniversary of 9/11. We know thousands of Americans lost their lives on that day. We owe it to their families and to all Americans to do everything in our power to defend our country, our families from another terrorist attack.

The Dodd-Stabenow amendment will begin to provide our police officers, firefighters, and emergency medical workers with the equipment and training they need to do one of the hardest jobs in this country—protect their communities and their citizens' lives.

When it comes to providing funding for our military men and women in Iraq and Afghanistan, we have provided money for what they need. I support that and will continue to. The President has requested numerous supplemental appropriations for Iraq and Afghanistan. We have promptly approved those funds. In most cases, Congress provided money in excess of what was actually needed at the time. Unfortunately, we have not done the same when it comes to homeland security. We would never want our troops to fight without the best guns and tanks, but we are willing to let our police and firefighters use outdated and inferior communications and bomb detection equipment. It makes no sense.

God forbid we have another terrorist attack in our country. Despite numerous Code Orange alerts, we have avoided another tragedy. I commend all of those involved in that effort. However, we do know there are likely terrorists already in this country and many trying to gain entry. We know they want to kill innocent citizens. Therefore, we must strengthen our resolve and do whatever it takes to keep us safe. When it comes to protecting our children, we should not be penny wise and pound foolish.

We have seen the pictures of the recent horrific terrorist attacks in Russia. Our hearts and prayers go out to all who are grieving. Who would have thought terrorists would go to such extremes that they would kill innocent children in a school? It demonstrates we can be attacked anywhere at any time.

Again, God forbid such a tragedy would happen in our own country, but if it did, could we look those grieving parents in the eye and tell them we did everything we could to protect their children? Could we tell them we did everything we could at the border to keep the terrorists out? Could we tell them we had the best bomb detection equipment possible? Could we tell them we had the best trained and equipped first responders who could act quickly and communicate with each other to prevent loss of life?

I remind my colleagues, when people call 9–1–1, they don't get somebody in the Homeland Security Department in Washington, DC. They get their local police or fire department. Local police and firefighters are ready and waiting respond to a terrorist attack and save lives, if it happens.

I honestly believe if we don't pass this amendment, based on this report, we are not doing everything we can do to keep Americans safe. That is, frankly, a risk I am not willing to take.

I urge my colleagues, before they vote on the amendment, to ask themselves: Are we doing enough at home to keep us safe? Are we doing everything we need to do as quickly as we can? Currently the answer is no, with any objective analysis. With the adoption of this amendment, the answer can be yes.

I urge my colleagues to come together with a sense of urgency, as they would if their own families were immediately threatened, because I believe they are.

I urge adoption of the Dodd-Stabenow amendment.

Mr. COCHRAN. Madam President, I appreciate very much the comments being made by the proponents of the amendment. But the fact is, it increases funding in this bill by over $15 billion, and there is no offset for it.

There is a provision in the amendment suggesting that taxes be increased to pay for the amendment. I don't think it is consistent with the Budget Act in terms of offsetting spending. We are confronted with an allocation of a limited amount of money to appropriate for all of the programs under the jurisdiction of this subcommittee. We are at the level of our allocation. So if we approve an amendment that exceeds that allocation, we have to reduce other accounts in this bill to pay for that amendment.

This amendment is subject to a budget point of order. It is the intention of the manager of the bill to make that point of order and to suggest that the Chair sustain that point of order.

Having said that, let me make a couple of other points about the comments that have been made about the fact that we are not doing enough. That is easy to say. We all know there is a lot to be done. The budget process of the Congress is restricted under its terms because we do have constraints on how much we can spend. If we overdo it, for whatever the reason, and go beyond the limitations we have imposed on ourselves to help ensure guaranteed opportunities for economic growth, expansion of the economy and the private sector, and all of the rest, we are not doing our job with respect to the integrity of the budget process. Any good-sounding program will be met with enthusiastic applause if you say: Let's increase that. It would be good for the country. Well, of course. But we have to have limits. Those limits have been imposed by ourselves, on ourselves, and now some Senators come to the Senate floor and say that is not enough for this program because it is so important.

These are important programs. The firefighter assistant grant program is very important. That is why we put $700 million in this bill for that program. The domestic preparedness grants program is a very important program. It contributes to making our country safer and more secure. That is why we put $2.8 billion in this bill for those grants. They will go to State and local governments. State and local governments will decide how they use those funds, consistent with plans that have been developed at the State and local level under the guidelines of the Department of Homeland Security.

Emergency management performance grants are involved here. These are first responders who work as emergency responders for medical care centers, hospitals, and the rest. We have included $180 million for those grant programs.

This amendment goes beyond some of the grant programs. It even increases funding for the base program of the Federal Law Enforcement Center by $500 million—just $500 million more than has already been appropriated for the base program for this center to use.

Well, my point is, because the amendment asks for spending $15 billion that we don't have in our allocation, we are constrained to make a point of order. I do think we need to recognize that important progress is being made. I know in my State the State government officials and the local mayors, local board of aldermen, the city council persons have done a very important job of identifying their own needs, how they can better improve the facilities, the infrastructure, the training of personnel, equipping of personnel at the local level, and then applying for the grants made available through the new Federal programs for homeland security. We are seeing improvements made. I am very happy we are making progress in that area.

My good friend from Connecticut suggests the Hart-Rudman report of that task force should be considered, and we have considered that. I think one of the first calls I made after I realized I was going to serve as chairman of this Appropriations Committee subcommittee was to Warren Rudman, my friend from New Hampshire, a former colleague whom I respect a great deal. His advice has been very helpful to me.

That Warren Rudman report was written several years ago, as we probably realize. Of course, they wrote a recent paper for the Council on Foreign Relations that got a lot of attention. I read an article that was published in the Council on Foreign Relations magazine as a result of that task force report. That is all helpful to us. We are carefully considering suggestions from people with ideas of how we can more effectively reorganize our agencies and provide funding for different programs that are important, and I think we have made great progress. We are definitely wiser, safer, and more secure as a result of the efforts by this administration, local and State government leaders, with the support of this Congress, in providing generous new appropriations for activities that previously were not funded at the levels they should have been funded in the Federal budget.

We are going to continue to make progress—I am optimistic—with the further support of this Congress and a strong record of accomplishment that will be continued by this administration. We will definitely see the results pay off for safer and more secure American citizens.

Madam President, I am advised that we have the time set for a vote at 2 o'clock for the Byrd amendment, or a motion to waive the Budget Act for the Byrd amendment. It would be my hope that we could set a time for voting on the Dodd amendment—or if the point of order that I make is sustained after the motion to waive is made—and that we could set that vote to occur after the vote on the Byrd amendment. That would be my intention.

I say that to give all Senators notice of the intention of the manager of the bill to have that vote occur at 2 o'clock. We hope that will be possible.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I say to the chairman, we will be happy to try to work that out. I don't know if other colleagues want to be heard. I will find out. If not, I will certainly not oppose the idea of having a vote. We will make a motion to waive if the point of order is raised. We will work that out.

If I can, let me, first of all, say that the chairman of the subcommittee has been a wonderful friend of mine. I have great respect for him. He has a thankless job, in many ways, in trying to deal with budget constraints. I am not sure that history is going to judge us well if, in fact, we are confronted with one of these dreadful attacks and the argument is we were prohibited because the Budget Act would not allow us to respond. We had an emergency supplemental adopted to deal with the situation in Iraq. Certainly, this Chamber and the other responded to it. The American public responded to it.

Certainly, nothing could be more important. The first and most significant obligation that all of us at a Federal level assume when we take the oath of office is to protect the citizenry of this country. Nothing is more fundamental to our jobs. We all understand that and respect it. This is not a request we are making for some social spending or education or health, and I argue that there is a good case to be made for those. We are talking about fulfilling the most basic obligation we have; that is, to protect and defend the people of this country. We have been given more than adequate warnings of what those who would do us great harm intend to do given the opportunity.

My colleague from Michigan rightfully points out the tragedy that occurred halfway around the globe in Russia only a few days ago. We are dealing with similar people. You need only look at your local newspaper and reports of how hostages—innocents doing humanitarian work in Iraq—are being treated by terrorists who apprehend them and threaten their lives. Let there be no doubt of the intentions of those who would do us great harm.

To argue that because there is restraint in the Budget Act that prohibits us from coming up with an offset—and again, I know it takes a little work to get it done, but I argue strenuously that history will look back and say: Why didn't you provide these resources when we knew we needed them. We are not making this up out of whole

cloth. It is not as if the Senator from Michigan and I sat around and decided what ought to be done. We are relying on a very significant group of people who made some very serious recommendations.

Once again, I share with my colleagues the members of this panel. These are very distinguished people. This report was done a year ago, in July of 2003. It is not ancient history.

I mentioned already, of course, the chairman of this task force, Warren Rudman, our former colleague, the author of the Gramm-Rudman-Hollings deficit reduction package, a fiscal hawk during his tenure in the Senate, certainly not one who is known as a profligate spender.

I already mentioned Admiral Crowe, former Chairman of the Joint Chiefs of Staff. Margaret Hamburg, vice president for Biological Weapons at the Nuclear Threat Initiative. Before coming to NTI, she was Assistant Secretary for Planning and Evaluation at the Department of Health and Human Services.

Joshua Lederberg, a Nobel laureate, and who currently serves as president emeritus and Sackler Foundation Scholar, Rockefeller University.

Donald Marron, chairman of UBS America, as well as Light-Year Capital. Previously, he served as chairman and chief executive officer of Paine Webber. Certainly no wild spender when we start talking about people who looked at these issues.

I believe I mentioned Norm Ornstein, resident scholar at the American Enterprise Institute.

George Shultz, former Secretary of State, Secretary of the Treasury, Secretary of Labor, Director of the Office of Management and Budget, who is certainly not a wild spender, and who sat and unanimously adopted the recommendations my colleague from Michigan and I are suggesting.

Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University. Prior to her appointment at Princeton, she was the J. Sinclair Armstrong Professor of International, Foreign and Comparative Law at Harvard Law School.

Harold Varmus, president and chief executive officer of Memorial Sloan-Kettering Cancer Center. Previously, he served as the Director of the National Institutes of Health.

John Vessey has served as chairman of the Joint Chiefs of Staff as well as Vice Chief of Staff of the U.S. Army.

I mentioned Bill Webster as well. He served as Director of the Central Intelligence Agency, as well as the Director of the FBI.

Steven Weinberg is director of the Theory Group of the University of Texas. He is a Nobel laureate in physics and a recipient of the National Medal of Science.

The list goes on. These are highly competent people who sat down under the leadership of Warren Rudman and said this is what we think we need to do. The Senator from Michigan and I know it is a lot of money. It is a lot of money—$20 billion a year over the next 5 years, an additional $15 billion, included with what is in this budget. But if something happens tomorrow, next week, next month, and we are not prepared to respond to it, people will ask: What did you do? You have been given an opportunity to get ready, to be responsible, to take the necessary steps so we would be prepared to respond. And we were told we could not because of the Budget Act.

Imagine if we offered this amendment without offset. We would be accused of spending money without coming up with resources to offset the obligation. Is it too much to say to one-tenth of 1 percent of our population, not to eliminate your tax cut, but reduce it for 1 year in order to pay for this? That is the choice.

We are all confronted with difficult choices. I do not think this one is terribly difficult, and I suspect if you asked that one-tenth of 1 percent of the most affluent of our citizenry whether they are willing to give up a tax cut for 1 year in order to enhance the homeland security of this Republic, I suspect an overwhelming majority of them would say: Do it; do it.

These are patriots. These are people who understand difficult choices need to be made. We are going to be given the chance in the next few minutes to waive the Budget Act to make it possible for us to come up with the resources to do this. This is the choice with which we are going to be confronted, and I do not think history is going to accept the argument that the Budget Act somehow could not be waived because we could not come up with the resources to do it, because somehow a regulation or some provision of law made it difficult for us to do so.

I think that answer is pathetic. It is inadequate. It is not going to be accepted by history or the American public. Yet that is the choice I think we ought to be making today.

Senator BYRD, our colleague from West Virginia, has offered a modest increase. My colleague from Michigan and I are offering something that is larger. We know that. It may be asking a lot, but I think to do anything less is to place our Nation at risk.

We are once again asking our colleagues to put aside the technical arguments that could be raised and do what is right for our country. Let's waive the Budget Act. There is a resource to offset this cost. We need not add to the deficit of the country to do what needs to be done. The people who made these recommendations are distinguished Americans. They come from all political walks of life, all parties. They are involved in science, national security, and the domestic security of our Republic. They have come to the conclusion that this is what we ought to do. We ought to listen to them, and we ought to respond to them by adopting this amendment and waiving the point of order when it is made.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I thank the distinguished Senator from Connecticut one more time for his eloquence on this point. I was thinking, as my colleague was speaking in terms of the choices we have to make and whether someone with great means in this country would be willing to defer a small portion of a tax cut in order to keep us safe, that it does not matter how much your income, you are still vulnerable to terrorist attack in this country. And I cannot imagine anybody who would not say: Do what you need to do to keep my family safe. Do what you need to do to keep my children safe on the way to school or at school or after school or at their college or my husband and wife at work or me driving down the street. These are serious choices.

I am constantly amazed at the times we use bureaucracy and budget arguments versus the times we ignore them. I very much understand the constraints of the appropriations process and the difficulty the subcommittee chairman has in operating within the amounts that have been allocated. I understand that and appreciate the hard work that takes. But I remember also, as a member of the Budget Committee, raising questions about why we could be appropriating $87 billion and before that $150 billion—over $200 billion—to Iraq that has never been in the budget at all, has never been anywhere in the budget. Instead of offsetting that in some way, we added it to the deficit, the largest deficit in the history of the country.

We could eliminate everything except the Department of Defense in terms of annual spending and equal what this debt is this year. It is huge. But when we were focused on Iraq, somehow it was ''whatever it takes,'' not only for the troops but in addition to whatever folks felt was necessary to rebuild Iraq—to rebuild their roads, their schools, and give them a health care system, and all these other items. It did not matter whether there was any money appropriated or if there was any way to pay for it.

Monday night, we responded quickly—and I supported so responding—to Florida with $2 billion. That was not in the budget. We responded because of an emergency.

We are talking about, in relative terms to the huge allocation in defense and the hundreds of billions of dollars now in Iraq, a relatively small amount. It is less than 3 months' spending in Iraq to keep us safe at home.

I cannot imagine anybody from any part of this country, any political persuasion would not look at this and say: This should pass overwhelmingly with a voice vote. Why are we struggling with the question of doing everything possible as quickly as possible?

I know there have been improvements made, but we are not doing everything that needs to be done as quickly as possible.

I also know that when I talk at home to folks who are on the front lines and they tell me, You are taking money out of this pocket and putting it in this one, it is not new money. Or that they received small amounts, but they are not large increases that have been coming to local communities. When we take an officer whose salary is paid by the COPS Program and we cut it and then we restore the funding through homeland security, it is still only one officer. That is what is happening in too many places.

Again, I agree with my friend from Connecticut that there needs to be a sense of urgency about this matter. I understand budget constraints, and I understand the limits that have been placed on this particular budget. But I suggest it is our responsibility to challenge that and together stand up and say the rules do not fit for this situation. That is what we are expected to do. We make the rules.

It is pretty hard for us to say we cannot change them when they do not make sense, and particularly when we change them all the time. We change them. Depending on whatever the majority folks want to do, we change them. Why in the world would we not want to make sure we are doing everything possible?

I remember a week before we left for the August recess and we were sitting in 407, all of us together hearing about the new sense of urgency and the very specific threats that were present. We watched at both conventions the armed fortresses around not only the conventions but our hotel. It was amazing. Certainly there were resources those communities needed to have to deal with that, but we were told in no uncertain terms that it is very likely something could happen between now and November 2.

Then I go home and speak with the sheriffs, the police chiefs, the firefighters, the emergency preparedness folks, the folks at the emergency rooms at the hospital, and they look at me and say, what are you doing? We do not have the resources to do this ourselves.

I know there are those who believe local communities should bear the brunt of this funding. I would argue that when New York and Washington, DC, were attacked, they were attacking the country. Regardless of where we are attacked in the country, it is our responsibility, the Federal Government, to be a serious partner with local communities to make sure the resources are there.

Again, if we are saying we are conducting military actions abroad because of the threat and we are being told that there are the threats here and they are real, why would we not provide the same approach in saying we will do whatever is necessary? That does not mean indiscriminately throwing dollars at a situation. It means in a thoughtful way using the complete report the Senator from Connecticut has spelled out as a basis for why would we not respond. That is all this amendment does. It allows us to respond to a thoughtful report, just as we are responding to the 9/11 report. I argue very strongly we should think long and hard, while this budget is in front of us, about whether we can honestly say to the people we represent, as well as our own families, that we are doing everything possible, as quickly as possible, to keep us safe.

Mr. DODD. I ask unanimous consent that the Senator from Michigan, Mr. LEVIN, be also added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I am prepared to go into a quorum call at this point to chat with our friend from Mississippi as to how he wants to proceed on points of order and waivers. I would also like to at least give the respective leaders an opportunity to inquire as to whether any Members would like to be heard on the amendment before we end the time. I assume it will not be much and I would be happy to agree on a time certain. I would be happy to make it around the time for the vote on the Byrd amendment to accommodate Members' interests.

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. COCHRAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, I make a point of order against the Dodd amendment on the grounds that it violates the Budget Act, section 302(b) of the Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask that the relevant points of the Budget Act be waived and ask for the yeas and nays on that. Also, Madam President, I ask that the vote on this follow the completion of the vote on the Byrd amendment.

The PRESIDING OFFICER. First, is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there an objection to the request of the Senator?

Without objection, it is so ordered.

Mr. REID. Through the Chair to the distinguished manager of the bill, would the manager of the bill object to 2 minutes, evenly divided, prior to the vote on the Dodd amendment?

Mr. COCHRAN. Yes, I would. We have thoroughly debated that.

Mr. REID. It doesn't hurt to ask.

Madam President, we have 1 minute to go. I ask consent that the vote start now rather than at 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, Senator DOLE has asked me to advise that she is absent from this afternoon's votes due to an emergency visit to her home State of North Carolina. As you know, the remnants of Hurricane Frances devastated a large portion of western North Carolina this week, and Senator DOLE felt it was imperative that she make an immediate trip to the State to assess the damages and offer assistance in whatever manner possible.

I ask unanimous consent that the RECORD show that had she been present, Senator DOLE would have voted against the Byrd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from North Carolina (Mrs. DOLE) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mrs. DOLE) would vote ''no''.

Mr. REID. I annouce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 51, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—43

Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham (FL)	Murray
Bingaman	Harkin	Nelson (FL)
Boxer	Hollings	Nelson (NE)
Breaux	Inouye	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Rockefeller
Corzine	Kohl	Sarbanes
Daschle	Landrieu	Schumer
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden
Dorgan	Levin	
Durbin	Lieberman	

NAYS—51

Alexander	Crapo	McCain
Allard	DeWine	McConnell
Allen	Domenici	Miller
Bennett	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Fitzgerald	Roberts
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Conrad	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NOT VOTING—6

Akaka	Dole	Kerry
Clinton	Edwards	Specter

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3604

Mr. DODD. Mr. President, I ask unanimous consent there be 2 minutes equally divided to speak on the amendment.

Mr. COCHRAN. How about 30 seconds each?

Mr. DODD. How about a minute each?

Mr. COCHRAN. A minute, and I will not use my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Mississippi.

Very briefly, I know Members were at the various luncheons during the debate on the amendment we are about to vote on. This is the Warren Rudman report prepared in July of 2003. It laid out in a very detailed way what needs to be done in order to provide the necessary resources for first responders. This was a task force that included Admiral Crowe and George Shultz, William Webster, who served as Director of both the FBI and CIA, and many others, who said we need to be doing a lot more to see to it that our first responders have the necessary resources to do the job, Lord forbid we are attacked by terrorists again.

Now we have included an offset that makes this subject to a point of order. But I believe we have to come up with some choices. One choice is whether one-tenth of 1 percent of the American taxpayers for 1 year could do without a tax cut to pay for the $15 billion to make our country more secure. That is what this amendment does.

I urge my colleagues to waive the point of order.

Mr. COCHRAN. Mr. President, regular order.

The PRESIDING OFFICER. The Senator has used 1 minute.

Time is yielded back.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from North Carolina (Mrs. DOLE) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 53, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—41

Biden	Feinstein	Lincoln
Bingaman	Graham (FL)	Mikulski
Boxer	Harkin	Murkowski
Breaux	Hollings	Murray
Byrd	Inouye	Nelson (FL)
Cantwell	Jeffords	Pryor
Carper	Johnson	Reed
Corzine	Kennedy	Reid
Daschle	Kohl	Rockefeller
Dayton	Landrieu	Sarbanes
Dodd	Lautenberg	Schumer
Dorgan	Leahy	Stabenow
Durbin	Levin	Wyden
Feingold	Lieberman	

NAYS—53

Alexander	Craig	McCain
Allard	Crapo	McConnell
Allen	DeWine	Miller
Baucus	Domenici	Nelson (NE)
Bayh	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Kyl	Voinovich
Conrad	Lott	Warner
Cornyn	Lugar	

NOT VOTING—6

Akaka	Dole	Kerry
Clinton	Edwards	Specter

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. COCHRAN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, if I could involve my friend in a brief dialog, I have come to the floor on many occasions and talked about the need for our leadership to cut off these votes. If we are going to finish this bill by next Tuesday, we cannot spend an hour on two votes. We cannot get the bill done.

I hope there will be some degree of understanding that this is unfair. Republicans do it and Democrats do it. I am not picking on one side. We should not have to wait on votes. People have the idea that when a vote is called, they will come when they get around to it and that we will hold the vote for them, and we do, which is wrong. That is my personal opinion.

If we are going to try to finish this bill by next Tuesday night as the leaders want, we are going to have to start cutting off these votes at a reasonable time; otherwise, there is no possibility while we are standing around here looking at each other while other people are in their offices completing phone calls or whatever else they do. It is unfair to the Senate, and I think it is unfair to the country.

Mr. COCHRAN. Mr. President, the point of the Senator is well taken. I hope the Senate will consider his remarks very carefully. We need to move ahead with dispatch. There is no reason why we should consider delaying the consideration of this bill even further.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 3596

Mrs. MURRAY. Mr. President, I call up amendment No. 3596 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3596.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount available for port security grants by $300,000,000)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. The total amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading ''STATE AND LOCAL PROGRAMS'' is hereby increased by $300,000,000. Of such total amount, as so increased, $1,500,000,000 shall be available for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security, of which $450,000,000 shall be available for port security grants.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise this afternoon to offer an amendment that would help make our communities and our Nation's ports safer and more secure.

I ask unanimous consent to add the following Senators as cosponsors to my amendment: Senators BILL NELSON, CLINTON, SCHUMER, MIKULSKI, KENNEDY, BOXER, CANTWELL, GRAHAM, and LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I appreciate that funding for homeland security is significantly higher in this bill than in the President's budget request. It should be noted that under the leadership of Chairman COCHRAN and Senator BYRD, we have made progress since the Rudman report suggested that we are ''dangerously unprepared and underfunded for a catastrophic terrorist attack.''

However, I am still very concerned that the priorities established in this bill are not sufficient to meet the challenges we face in confronting the terrorists who want to do us harm or the homeland security needs throughout the country. It is our duty to protect our Nation, and in order to do that we need to make the right investments.

These decisions are critical to ensuring that the American people, the communities they live in, our economy, and our country are safe and secure.

The debate we are having could not be more critical to the defense of our country. The bottom line, though, is we have to do more to confront terrorists abroad and defend ourselves at home. Nowhere is this more true than in the areas of port security and securing our trade lanes. This is not only one Senator's opinion; it is the opinion of experts in the field and those brave men and women who defend our Nation.

In a recent interview, the commander of NorthCom said:

> It's just a matter of time before terrorists would attempt a sea-borne . . . a maritime attack on the U.S.

The 9/11 Commission report stated:

> While commercial aviation remains a possible target, terrorists may turn their attention to other modes. Opportunities to do harm are as great, or greater, in maritime or surface transportation.

Steven Flynn, perhaps the most preeminent expert in the field, says this about our Nation's efforts to better secure our ports: ''This is an extremely soft target for America's enemies to exploit'' and that a ''two-week shutdown of U.S. ports would collapse the global trade system. That's what we're talking about.''

Despite this clear evidence, time after time the White House and the rest of the administration have taken the position of limiting investments in many of the policies and security initiatives that would make our Nation safer.

I do not say this to criticize Chairman COCHRAN or his staff, and Senator BYRD has been a true champion every single step of the way in fighting to improve the security of our Nation. Without their efforts, we would be even worse off. But I raise this issue this afternoon to reiterate my strong belief that we have a great responsibility to better secure our country, and it is my own belief we are not doing enough to protect the communities we have been sent here to represent.

Specifically, we need to do more to identify and address the threats to our country before they leave foreign shores. That means better intelligence and more personnel dedicated to finding and stopping terrorists. And those are the issues this Senate is currently debating. But we also need to give the people engaged in antiterrorist activities the tools they need to succeed.

We also need to harden our port facilities, support the Coast Guard in fulfilling the missions they have been tasked to perform, and facilitate better coordination among Federal agencies, States, and local first responders.

In the last several years, we have made steady but slow progress in better securing our port facilities and our trade lanes, and we have learned some important lessons through innovative programs such as Operation Safe Commerce, the Container Security Initiative, and the Customs-Trade Partnership Against Terrorism.

Soon the lessons we have learned should be applied in a way to better protect our Nation, and with the support of Chairman COCHRAN and Senator BYRD, the report accompanying this bill directs the administration to create a national standard for cargo security.

By February, the Department of Homeland Security is directed to take the data, analysis, and lessons learned from these cargo security programs and create a plan that will ensure that the cargo headed for our shores is safe to bring into our ports.

As the author of Operation Safe Commerce, I am particularly proud to report that despite early reluctance by the administration, we are seeing real results through the implementation of this security program.

After more than a year of preparation, we launched Operation Safe Commerce. It is a new era of port and cargo security that uses smart technology and the best supply chain systems to protect our ports from those who would do us harm.

Only last week, I had the opportunity to visit the port of Tacoma to see how Operation Safe Commerce, our three largest container load centers, and the private sector partners had answered our call.

Over the past 5 months, shipments have been tracked from their origination point, whether that was in an overseas factory floor or an agricultural field, to their final destination. The cargo traveled by truck, train, and ship along its journey, and we watched it every step of the way. The security was monitored and analyzed at the origination point, every subsequent transfer point, and on each mode of transportation until it reached the customer.

When vulnerabilities were found in the supply chain, solutions were developed to ensure the integrity of the shipments. In many cases, it was discovered that the origination point lacked access, control, and general security.

So now we know that cameras, biometric identification technology, and third party inspection are necessary to ensure the product's integrity before it is loaded into a container.

In other cases we found that the integrity of container seals was not verified at each point in the supply chain. If the seal had been compromised when it arrived here, it is too late. So several technologies were recommended to ensure that we know if a seal has been broken or a container has been opened.

It was learned that the identity used by drivers to transfer the containers between supply chain points was not always easily verified. So the final Operation Safe Commerce report will make recommendations to address that as well.

When the 9/11 Commission published its report, it noted that initiatives such as Operation Safe Commerce had just begun to secure shipping containers but that an integrated strategic plan had not been developed. These early findings prove that Operation Safe Commerce is a model for how our Nation can improve port security by identifying dangers before they leave foreign shores and helping to ensure that cargo is safe when it arrives in the United States.

This innovative program is an excellent example of industry coming together to share experiences and best practices, and I could not be more proud that my home ports of Seattle and Tacoma, along with Los Angeles, Long Beach, New York, and New Jersey are leading the way to a new standard to secure cargo bound for U.S. ports.

While the hard work of these partners has begun to answer the call in defending our Nation and responding to the 9/11 Commission, there is still much more that we need to do. As a few of us in Congress, the 9/11 Commission and experts in the field have called for, we must continue working together to develop a cargo security system as a national and ultimately international standard. We must provide the funding necessary to harden and protect our port facilities and the people who live and work near them.

I am reminded of the challenge we face to secure these critical assets every time I come home to Washington State. My office in Seattle is located in the Jackson Federal Building. From my office window, I can see the third largest container load center in the country, the largest passenger ferry system in the continental United States, carrying 26 million passengers annually. I can see an ever-increasing number of cruise ships that call on Seattle. I can see active commerce and thousands of people engaged in trade on a daily basis. I can see two professional sports stadiums that hold tens of thousands of people and literally thousands of residences and homes of people who live near our port facilities.

Again, this is all in close proximity to the port of Seattle. This view is not

much different than the view of other ports in my State and, frankly, all around the country, and that is why I want to make sure all of America's ports are safe.

I know every Senator agrees there is nothing more important than protecting our country, and over the next few days I hope we can all work together to do a better job for our Nation, for our States, and the individual communities we all represent. I know unless we make the right decisions in Washington, DC, our security, our economy, and our communities will be threatened. That is why today I am offering the Murray amendment to triple the level of port security grant funding in the underlying bill.

While the amount contained in the bill for port security grants is greater than that included in the House bill, I remain concerned that the amount is simply not enough to help our ports with their security needs. The Commandant of the Coast Guard has testified that it will take more than $7 billion, including $1.5 billion this year, to implement the port security plans which were mandated by the Maritime Transportation Security Act.

In the last fiscal year, the Department of Homeland Security received nearly $1 billion in requests for port security grants. Since that time, Congress has only provided $275 million in port security grants, $150 million last year and $125 million this year.

According to the Coast Guard, that leaves us over $1 billion short of our commitment to these vulnerable assets, and according to the American Association of Ports Authorities, a minimum of $400 million is necessary to safeguard the most critical ports in the country.

While I have always known the need for extra port security funding, the urgency was recently highlighted for me at home in Washington State. We have had the terror level raised to Orange six times in the past 3 years, and soon ferry systems across the country will be required to increase their threat posture due to suspicious activity on ferries and at terminals nationwide. While this suspicious activity is not necessarily attributable to the action of potential terrorists, the steps we are taking are a necessary precaution.

Protecting our country comes with a price. This means increased vehicle inspections, and for the Washington State ferry system that means each month an estimated 21,000 additional vehicles will need to be inspected before they board our ferries. The ferry system, State patrol, and Coast Guard will incur tremendous additional costs to secure what is essentially an extension of our highway system that are not budgeted for and costs that, frankly, could have been avoided.

We could have avoided these extra costs with enough funding to secure those terminals. It seems penny-wise and pound-foolish to scrimp on the port and terminal security so many experts have called for. The Murray amendment would provide a $300 million increase in port security funding for a total of $450 million in fiscal year 2005. This amendment would help put the safeguards in place to ensure that local communities are not forced to pick up the tab for a federally mandated security measure. This increase is necessary to make an honest attempt to cover the Federal share of securing some of the greatest economic engines of our economy and the communities that surround them.

I urge my colleagues to support this amendment and ask for its consideration.

Mr. GRAHAM of Florida. Mr. President, I rise today to voice my support for Senator MURRAY's amendment to the Homeland Security appropriations bill.

Our Nation's seaports are now the gateway for 95 percent of our international trade, and as such they play a vital role in our national economy. The volume of domestic and international trade is expected to double over the next two decades, as globalization continues to increase linkages between the people of different countries.

Seaports' essential role in our economy makes them a natural target for terrorist groups or other entities seeking to inflict harm on the United States of America. We know that al-Qaida and other international terrorist groups have shown a preference for targets of economic importance, and we have seen the economic impact of port closures causes by strikes or weather emergencies. We can conclude from this that terrorist groups could consider American ports to be viable targets, and there are a variety of ways that terrorists could attack a port to disrupt activity, cause damage, and kill American citizens.

It is therefore vital that we take adequate steps to ensure that our Nation's ports are appropriately defended. Congress has addressed seaport security concerns over the last several years, and we have passed several bills that have sought to modify and improve the security of American seaports.

In 1997, I had the opportunity to spend a day working as a customs inspector at Port Manatee, FL, where I was able to learn about these security challenges firsthand. Several of my Senate colleagues and I convinced President Clinton to appoint an interagency commission addressing seaport security. This commission's recommendation were taken seriously by members of Congress, and we began working on legislation.

In the fall of 2002, we passed the Maritime Transportation Safety Act, which raised security standards at American ports. This legislation authorized the appropriation of whatever funds were necessary to meet the new security requirements. The Coast Guard has estimated that meeting these new requirements will cost approximately $7.2 billion over the next decade, and that first-year start up costs will total roughly $1.4 billion.

America's port authorities seem to agree with the Coast Guard's assessment, since they have requested nearly one billion dollars in port security grants. So far only a fraction of this need has been met by federal funding. This means that we have essentially handed our local port authorities a very large unfunded mandate. If we are going to follow through on our commitment to protect our Nation's seaports, we must ensure that port authorities have the resources they need to meet the security requirements we have established.

Increasing funding for port security grants will help ensure that our seaports are able to prepare for a possible terrorist attack. While this amendment does not provide port authorities with the nearly $1 billion they need, it certainly brings us much closer to that goal.

Mr. DORGAN. Mr. President, I support the Murray amendment because I think that it includes important investments in port security. The amendment includes $300 million for port security grants so that we can increase our surveillance of the thousands of containers that enter our country.

In its current form, this amendment does not include any offsetting reductions to pay for the new investments. If this amendment is adopted today, and I hope that it will be, I intend to work with the conferees to offset these increases by reducing funding that have been earmarked for Iraqi reconstruction. I believe these expenditures should be offset with these other spending cuts.

Iraq is a nation that sits on some of the largest oil reserves in the world. My view is that Iraq should pay for its own reconstruction.

Last year, this Congress acted in an expedited way to appropriate $18.4 billion for Iraqi reconstruction. And yet, 10 months later, most of that money is still unspent. Less than $1 billion has been actually expended and only about $7 billion has been obligated.

Therefore, I support Senator MURRAY'S amendment and I will vote for it today. But my intention is to push for the rescission of those unobligated Iraqi reconstruction funds and use them to offset these needed security investments.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment is offered to increase funding for port security grants. Specifically, it would increase the authority for spending in the bill by $300 million. Senators should know the bill already contains funding for port security grants in the amount of $150 million, and since fiscal year 2002 we have provided funding for this program of almost $500 million, specifically for port security grants.

A lot of progress has been made to upgrade the quality of our detection

processes. We have seen money going for training and equipping of port security officials. We are making important and constructive changes in procedures to help ensure that we can identify suspicious activity around the ports of the country. The Coast Guard is involved, of course. As we have talked about earlier today, we are providing for modernizing the fleet of the Coast Guard and doing other things that help assure that across our country we are going to be able to enjoy a safer and more secure environment.

On Friday, September 10, all of the funds that were appropriated for 2004, the current fiscal year, $50 million in grants, were awarded. So the administration is working expeditiously to carry out the directives of the Congress in awarding these funds.

I may point out that the President's request for this particular grant program for this next fiscal year was only $46 million.

So we have already tripled the amount of money that will be going out to State and local officials, security officials, for this program.

We have one other problem with the amendment as well and that is that there is no offset provided as required by the Budget Act. To simply add money for a program is not going to be permitted unless an offset is provided. So under section 302(f) of the Congressional Budget Act, a point of order would lie against the amendment.

Mr. President, at this time I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. I ask unanimous consent that Senator DODD be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If there is no further debate, the question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from North Carolina (Ms. DOLE) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 49, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—45

Baucus	Durbin	Levin
Bayh	Feingold	Lieberman
Biden	Feinstein	Lincoln
Bingaman	Graham (FL)	Mikulski
Boxer	Harkin	Murray
Breaux	Hollings	Nelson (FL)
Byrd	Hutchison	Nelson (NE)
Cantwell	Inouye	Pryor
Carper	Jeffords	Reed
Corzine	Johnson	Reid
Daschle	Kennedy	Rockefeller
Dayton	Kohl	Sarbanes
DeWine	Landrieu	Schumer
Dodd	Lautenberg	Stabenow
Dorgan	Leahy	Wyden

NAYS—49

Alexander	Crapo	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Cochran	Inhofe	Talent
Coleman	Kyl	Thomas
Collins	Lott	Voinovich
Conrad	Lugar	Warner
Cornyn	McCain	
Craig	McConnell	

NOT VOTING—6

Akaka	Dole	Kerry
Clinton	Edwards	Specter

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3607

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 3607.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for the American Red Cross)

On page 25, lines 6 and 7, strike ''$2,151,000,000, to remain available until expended'' and insert ''$2,221,000,000 to remain available until expended, of which $70,000,000 is designated by Congress as an emergency requirement under section 502(c) of H. Con. Res. 95 (108th Cong.) and shall be made available for a grant to the American Red Cross for disaster relief, recovery expenditures, and emergency services in response to Tropical Storm Bonnie, Hurricane Charley, and Hurricane Frances''.

Mr. NELSON of Florida. Mr. President, this is an amendment to the Homeland Security bill to provide $70 million to the American Red Cross for the purposes of their relief efforts as a result of Tropical Storm Bonnie and Hurricane Charley, which hit us 4 weeks ago, and Hurricane Frances, which hit us this past week.

The American Red Cross is out of money. Their coffers have run dry. They have people all over Florida right now. In order to pay expenses, in doing what the American Red Cross does so well, they have had to go out and borrow $10 million.

I just got off of the phone with the national president of the American Red Cross.

I want to show you what else is lurking out there. I did not have time to blow this illustration up for everybody, but this is the third hurricane, in the last 5 weeks, that is headed to Florida. This hurricane, at 11 o'clock this morning, was down here in relation to the southeast of Jamaica. Its track will take it right over Jamaica and across western Cuba, on a track that is eerily reminiscent of Hurricane Charley which hit us 4 weeks ago, and going right out into the warm waters of the Straits of Florida, across the Keys. On the track that is showing the center line, it would take it right to the southwest coast of Florida.

Now, you can imagine a hurricane of this magnitude. It has 160-mile-per-hour sustained winds, with gusts to 190 miles per hour. It came across Grenada, and 90 percent of all the homes in Grenada are destroyed. Let's hope the Good Lord will spare us in our State from having a third hurricane hit in a row, as two have already hit, the last one of which was so massive that it covered up the entire State of Florida with severe winds and just a deluge of rain.

This amendment is offered, albeit the majority leader, now talking to the assistant minority leader, has assured me next week we are going to have another emergency supplemental that will take care of FEMA expenses and the Department of Agriculture, the Department of Transportation, the Army Corps of Engineers—all of those. We are going to be looking at a minimum of an additional $2.5 billion—minimum—because the $2 billion we just passed the night before last is not even going to cover the first hurricane.

So instead of taking the chance that next week's emergency supplemental, which will originate in the House, will come to us at the last minute in a take-it-or-leave-it situation—I do not want to take that chance because of all of those Red Cross volunteers who are down there who are so essential to our recovery efforts right now, trying to

recover from a second hurricane, and not the least of which we will need them desperately if we get hit with Hurricane Ivan, now scheduled to be in the Florida Keys Monday morning at 8 o'clock.

Mr. President, I have stated my case. I yield the floor.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. COCHRAN. Mr. President, has an amendment been reported?

The PRESIDING OFFICER. An amendment has been.

At the moment there does not appear to be a sufficient second.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have not had an opportunity to check on the legal authority for appropriations being made directly to the American Red Cross, but I have asked my staff to check to see under what authority the Senate would be authorized to appropriate funds for a private or a charitable organization.

The American Red Cross, I do not think, is an agency of the Federal Government. There has been no request submitted to the Congress from the administration to fund volunteer charitable organizations under this bill or under any other bill, as far as I know. They, of course, render very valuable and very important services not only here but around the world. We are all familiar with the good work they do.

So I am hopeful we can check to see what the authorities are and can provide the Senate information on which to base a judgment as to what we should do with respect to this amendment.

It requests, as I understand it—I do not have a copy of the amendment. That is why I asked if it had been sent to the desk.

Mr. NELSON of Florida. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to my friend from Florida.

Mr. NELSON of Florida. Mr. President, if I might answer some of those questions.

This Senator personally gave the chairman of the committee a copy of the amendment about 45 minutes ago. It is my understanding there are provisions in this Department of Homeland Security bill for appropriations for private entities such as the American Red Cross. That is the part of the bill we are amending, to provide $70 million of relief money, specifically for disaster relief, recovery expenditures, and emergency services in response to Tropical Storm Bonnie, Hurricane Charley, and Hurricane Frances.

Mr. COCHRAN. I would be glad to consider the amendment and review it carefully. I wonder if there is an offset in the amendment that would provide some source for making up the funds. We are limited in our allocation of funding under the Budget Act, and we are at the limit. Any amendment that adds spending to the bill without offsetting it against some other account is subject to a point of order under the Budget Act. That was the next part of the process of analyzing this amendment. I hadn't gotten any satisfaction on the answer to that question. Maybe the Senator knows the answer.

Mr. NELSON of Florida. If the Senator will work with me, I will find an offset. If this is the chairman's pleasure, if we can hold this in abeyance, we will come back to him with an offset.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the American Red Cross dated September 9, 2004.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN RED CROSS,
Washington, DC, September 9, 2004.

Hon. BILL NELSON,
U.S. Senate, 716 Hart Senate Office Building, Washington, DC.

DEAR SENATOR NELSON: It is very likely that the response by the American Red Cross to back-to-back hurricanes Charley and Frances will be the largest and costliest natural disaster humanitarian effort in the 123-year history of the American Red Cross. In order for the American Red Cross to carry out the duties delegated to it by the federal government under its Congressional Charter, I am respectfully requesting your help in securing $70 million for the American Red Cross Disaster Relief Fund within the Fiscal Year 2005 Department of Homeland Security Appropriations Bill (S. 2537).

Because the needs of Florida residents who have suffered as a result of the two hurricanes is so immediate, Congress quickly provided FEMA with an additional $2 billion. It is critical that further assistance also be provided expeditiously. Because the Homeland Security appropriations bill is expected to reach the President's desk prior to the second emergency supplemental bill, we are asking that funding for the American Red Cross Disaster Relief Fund be included in it. However, if the second supplemental bill appears to be moving first, then we would ask that all disaster relief funds be stripped from the Homeland Security bill and added to the supplemental bill. The bottom line is that we get the money to the victims and those helping them as quickly as possible—whatever the vehicle. In times of extraordinary need, such as that in Florida today, the Red Cross Disaster Relief Fund requires federal assistance in addition to charitable donations to meet the responsibilities delegated to it by the federal government.

The response by the American Red Cross to Hurricanes Charley and Frances marks the largest mobilization of Red Cross resources since Hurricane Andrew. It encompasses a geographic area that exceeds all other past disasters, including the 1993 Midwest floods. To date, we have served over four million meals and sheltered close to 300,000 people in response to these back-to-back disasters. We are continuing our expanded efforts to raise money from the American public, who are always willing to aid their neighbors at times like these, but the unprecedented need in Florida clearly requires additional and immediate assistance from the federal government.

I thank you for your consideration of this request, and the volunteers of the American Red Cross and I look forward to continuing to work with you and your colleagues to ensure that we meet the needs of every disaster victim.

Sincerely,
Rear Adm. MARSHA J. EVANS, USN (Ret.),
President and Chief Executive Officer.

Mr. COCHRAN. 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. REID. 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. REID. Mr. President, we have a lot of Senators who have indicated they want to offer an amendment. We have worked through the list, and we have a number of people who are going to offer amendments. Senator HARKIN is going to come over at 5 o'clock or thereabouts. We are running into the thing we run into a lot around here. People say: We have amendments, but we are not ready yet.

The two leaders have said they are going to end this bill Tuesday night. There are different ways of fulfilling the wishes of the two leaders. One way would be to work hard and try to work our way through the amendments. It is my understanding, speaking to the two leaders, that we are going to be here tomorrow morning and have a couple votes. I guess what I am saying is: Staff of the Senators, if they would also listen, if there are not going to be amendments offered, let us know.

It would be in everybody's interest to come over and start offering these amendments. I am sorry we don't have it set up so people can come over immediately and not have to wait 2 or 3 minutes or even 20 minutes, but sometimes it works that way. I hope those within the sound of my voice will do whatever they can to come and offer their amendments. It is 4 o'clock. We don't have anybody here to offer amendments.

Monday is going to be a short day, as it always is, and Tuesday is going to be a long day. I believe there is a pretty good sense from the two leaders that they are going to do everything they can to finish Tuesday night because the Jewish holiday starts on Wednesday. If we go even until noon on Wednesday, that means people who have to travel to the west coast for religious observance on Wednesday cannot get there unless they leave earlier than that. You cannot automatically go to the airport and hope a plane is there. The latest plane going to California, for people who have to leave this body, is about 10:30 in the morning.

I hope that Senators will come over and we can have two or three in line here. Senator COCHRAN has the theory—and I am confident that he is probably right—that as soon as somebody offers the amendment and it is debated, we can vote on it. So I hope we have some people show up.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. 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. COCHRAN. Mr. President, I had an opportunity to review the amendment offered by the distinguished Senator from Florida and to consult with representatives of the administration and my staff who have helped me analyze this. This amendment, as proposed, would provide $70 million to the Red Cross to reimburse them for expenses and enable them to provide disaster assistance to hurricane victims and for other purposes under their authorization, under their jurisdiction.

We passed yesterday a $2 billion appropriation supplemental for the Federal Emergency Management Agency General Disaster Relief Fund. These funds are to be used for the emergencies that exist in the State of Florida and elsewhere, where the funds in this account had been depleted.

We are told by administration officials, in consultation now, that they are considering whether an additional amount may be needed in a supplemental that could be submitted to Congress as early as Monday.

Officials are discussing this with the Red Cross. They are discussing this with the Office of Management and Budget, the Federal Emergency Management Agency. So we do not know right now exactly how much the Red Cross is going to need and whether additional funds need to be added to that $2 billion account we have already approved and, if so, how much.

What I am hoping is we can withhold action on the Senator's amendment tonight and continue to stay in touch with officials in the administration and with the Senator from Florida and others who are interested in this and make sure the funds that are needed, that the Red Cross is entitled to, are in some bill. It may be the next supplemental is the appropriate bill rather than this annual appropriations bill we are considering now.

I want to cooperate with the Senator and help make sure the disaster victims get the help they need and that the State of Florida gets the help it needs to recover from this very serious situation.

Those are my findings and those are my assurances. I hope the Senator will understand and not urge we take action on his amendment tonight.

Mr. NELSON of Florida. Mr. President, will the Senator yield?

Mr. COCHRAN. I am happy to yield to the Senator.

Mr. NELSON of Florida. Mr. President, I thank the Senator for yielding. With the assurances of the chairman and the committee that the supplemental that has been promised by the majority leader will be coming, with the assurances that the Red Cross would be included within such supplemental, then that solves this Senator's concerns. The supplemental will have many other items, and by Monday, we will find out whether that supplemental is going to have to include the effects of this third hurricane that is headed our direction or whether we are still looking at the two hurricanes that have already hit us.

The supplemental we passed two nights ago was merely an emergency supplemental to get cash into FEMA. FEMA's well had run dry. They were flat broke. They had no more money to pay for the ongoing relief efforts. The $2 billion is not enough, and everybody acknowledges that, for the first hurricane, much less all of the additional expenses for the first hurricane plus the second hurricane. I wanted to protect the American Red Cross, which is so vital to the interests of the recovery ongoing right now, since their well had run dry as well.

So with the assurances of the Senator from Mississippi that this new supplemental, whenever it comes—and it originates in the House and it is usually in a posture of ''take it or leave it'' at the last moment for the Senate—that we are not in the situation where we are going to be lacking for funds, this Senator is willing to set aside his amendment, holding it pending on those assurances from the Senator.

I thank the Senator for his kind comments.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator for his willingness to set his amendment aside. It will be held at the desk, and we will consider it in due course if we do not resolve it in the supplemental as I expect it to be resolved.

I assure the Senator that he is correct in the notion that we are going to work with him, cooperate with him, and with the people of his State and others who benefit from these Red Cross activities.

I thank the Senator for his cooperation.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

Mr. COCHRAN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 3608

Mr. ALEXANDER. Mr. President, I send an amendment to the desk, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for himself, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, and Mr. ALLEN, proposes an amendment numbered 3608.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds from being used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

Mr. ALEXANDER. Mr. President, I thank the manager and the assistant Democratic leader for this opportunity, which will take only a moment. This amendment is very simple and straightforward. The idea behind this amendment has the support of 34 Members of this body, with the principal Democratic sponsor being Senator SCHUMER in the authorization process.

In this appropriation process, the amendment simply says:

None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act.

Said more simply, it assures the oath of allegiance will not be changed at any time during the next fiscal year without congressional action. The language in this amendment is already in the House version of the bill.

The oath of allegiance is a fundamental statement of what it means to be an American. Much of the language in the oath dates back to the 1790s when Congress first required new American citizens to swear an oath of allegiance to the United States.

Today all new U.S. citizens—and many years there are nearly a million such new citizens—take this oath when they are naturalized. One of the most inspiring events of my life has been to attend those citizenship days in Federal courthouses that take place all over America, usually once a month.

Typically, in the Nashville courthouse or in some other courthouse, one might see 75 or 100 men and women and their families who come from all over the world. They spent 5 years waiting, learned the English language, and learned about U.S. history. They have conducted themselves well and they have decided to become citizens of the United States. There has been a lot of discussion in this body about the importance, especially in these times, of encouraging more focus on citizenship and what it means to be an American. The assistant Democratic leader and I proposed legislation last year, which passed the Senate unanimously, to create summer academies for outstanding students and teachers in U.S. history.

The Senator from Massachusetts, Mr. KENNEDY, and I have introduced legislation that would allow our Nation's report card to test eighth graders and high school seniors on U.S. history on a State-by-State basis because at this time in our history, unfortunately, the

lowest scores in any subject among seniors in high school in the United States is in U.S. history.

So taking the oath of allegiance and treating it with respect, not changing it except by act of the Congress, is an important part of a series of steps that we need to take to underscore the importance of helping all citizens, and especially new citizens, understand our common culture and what it means to be an American.

If my colleagues will indulge me, I would like to read the oath:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

That is an oath with strength and decorum. It sounds like something that might have been written by a group of rowdy patriots in Williamsburg a long time ago.

Since the late 1990s, under the Clinton administration and it continues today, there has been some movement to amend the oath. Under current law, the Bureau of Citizenship and Immigration Services, now housed in the Department of Homeland Security, has the authority to unilaterally change the oath. That is not right. Congress, this Congress, not a Federal agency, has designated the wording of the Pledge of Allegiance, of the National Anthem, of the national motto, and the content of our national flag. The oath, some of which predates all of those other national symbols, ought to be treated with the same respect.

I have a bill pending in the Judiciary Committee, and I am joined in that bill by Senator SCHUMER and many others, including the distinguished Senator from Mississippi, who is the manager of this bill, which will do just that. While the Senate works its will on that bill, this amendment will ensure the oath is not changed unilaterally by an agency in the meantime. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me congratulate the distinguished Senator from Tennessee for this amendment. I think what this achieves, if it is agreed to by the Senate, is that it prevents this oath being changed by regulation or fiat by some administration official. If the oath is going to be changed, it will have to be changed by law because it was established by law, as he points out, in section 337 of the Immigration and Nationality Act.

I am glad to be reminded that I am a cosponsor of his corresponding bill, and so are other Senators. I am told that an effort is being made to clear the amendment on the other side of the aisle, and we are awaiting the advice of the distinguished leader. I am going to ask if the Senator will permit us to go into a quorum until we can get a response from the other side.

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. COCHRAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the amendment of the Senator from Tennessee, Mr. ALEXANDER, be temporarily laid aside to permit the Senator from California to offer her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

AMENDMENT NO. 3609

Mrs. BOXER. Mr. President, I send an amendment to the desk on behalf of myself, Senator FEINSTEIN and Senator HARRY REID, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California (Mrs. BOXER) for herself, Mrs. FEINSTEIN and Mr. REID, proposes an amendment numbered 3609.

Mrs. BOXER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $70,000,000 for grants to States, local governments, and first responders to purchase or improve communication systems to allow for real-time interoperable communication between State and local first responders and to offset this appropriation with a corresponding reduction from the Human Resources Account of the Office of the Under Secretary of Management)

On page 19, line 17, strike ''$2,845,081,000'' and all that follows through line 22, and insert the following: ''$2,915,081,000, which shall be allocated as follows:

''(1) $970,000,000 for formula-based grants and $470,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714), of which $70,000,000 shall be used by States, units of local government, local law enforcement agencies, and local fire departments to purchase or improve communication systems to allow for real-time, interoperable communication between State and local first responders: *Provided*, That the amount appropriated under title I for the Human Resources Account of the Office of the Under Secretary for Management shall be reduced by $70,000,000: *Provided further*, That''.

Mrs. BOXER. Mr. President, I thank Senators COCHRAN and REID for giving me this opportunity to send my amendment to the desk. I understand I may be interrupted for a unanimous consent request. At any time, that is fine. But this is a very important amendment.

I say to my Republican colleagues who seem to be voting against all of our amendments to increase funding for homeland defense, we pay for this amendment. We do something very important in this amendment, and we pay for it by cutting out a frill that happens to be included in this particular legislation. Let me explain what we do. My amendment will increase Federal support for local efforts to improve homeland security by providing $70 million to State and local agencies for interoperable communications. What does that mean, interoperable communications? That is so our various first responders can talk to each other, can communicate with each other across jurisdictional lines as they respond to a tragedy, to an emergency. As I said, we fully pay for this amendment, so all we need is a majority vote and we will be able to get this help to the police who need it so badly, and to the firefighters—the first responders.

One of the most painful parts of the September 11 attacks in New York was the loss of more than 300 firefighters and other law enforcement personnel who died inside the collapsing Twin Towers, trying to save so many beautiful, innocent lives that also wound up being lost. So many of our finest were killed—police officers, firefighters, other public servants—because they couldn't communicate with one another on the equipment they had. Imagine, they could not communicate in this crisis with one another because of the bad equipment that they had.

This was not a new problem. As the 9/11 commission report points out:

The New York Fire Department's radios performed poorly during the 1993 World Trade Center bombing, for two reasons. First, the radio signals often did not succeed in penetrating the numerous steel and concrete floors that separated companies attempting to communicate; and second, so many different companies were attempting to communicate on the same point-to-point channel that communications became unintelligible.

We have known this from the 1993 World Trade Center bombing. The inability for our first responders to communicate with one another hampered them way back then. We have a repeat of those two problems 8 long years later, on September 11, 2001.

There is a lot of talk in Washington about the fact that we are going to get hit again. We were called up to a secret room up there and we were told that. Then 5 minutes later Secretary Ridge told the whole country—so I am not saying anything out of school here—that we were going to be hit in this country before the election. Under this administration—forget about any new administration, whether there will be a new one or the same one—we were told by this administration that we were

going to be hit this year. This is an important bill on which my colleagues are working so hard.

I commend both sides of the aisle for their work on this bill. This bill is deficient and we are trying to make it better. One of the ways we can make it better for a relatively small amount of dollars—and I will tell you how I pay for this in a moment—is to make sure our first responders across our country get help so that they have the funds to be able to communicate with one another.

We have not fixed the problem after the World Trade Center. We have not fixed the problem after the Twin Towers calamity and the Pentagon calamity, and it is unacceptable. That is the bad news. The good news is we can do something about it today. Thank goodness this bill is before us so we can let the American people know their security and protecting them is not so many words; it is reality. We are doing something. But in the area of interoperability, what is in this bill is so small and it doesn't even call for a grant to actually purchase equipment. Can you imagine? It doesn't even call for grants to purchase the equipment. Our local responders know what they need, and we should be helping them purchase the equipment they need.

Our emergency public safety personnel must be able to speak to one another in real time. I am on the first floor of the building and I have gotten a report that something is wrong on the fourth floor of the building and communicate that to all of the emergency personnel so they know something is happening on the fourth floor of the building, and they can act because time is life in that world. Time is life in that world.

Almost every community in California I visited over this break—I spent my entire July and August at home. I visited small cities and big cities and small counties and big counties and rural counties and suburban counties and urban counties. Let me tell you, they all told me they need interoperable communication, that they need our help in funding it and they need it as soon as possible.

Let me go on the record stating that we have been warned. If, God forbid, there is another tragedy and the first responders can't talk to one another, it is our fault because we have the resources to do it. We have to do it. Lots of secret meetings don't do us any good to find out we are going to be attacked if we don't act.

Senator BYRD said the emperor has no clothes. That is one way of putting it. Today is a chance to put some clothes on the emperor. It is also a chance to have a real defense—not a Wizard of Oz defense that has a lot of bells and whistles, and color codes and orange lights and red lights and duct tape and all the other things—to put some equipment into the hands of our first responders and have a real defense so they can catch something before it happens, and if they catch it when it happens they can make sure people's lives are saved.

Developing a single radio system will make a real difference in public safety, but paying for it is a huge burden on our local people. We need to give them the funding they need to purchase the technology that makes interoperability possible. Our first responders must be able to communicate with one another in that real time. They should not have to rely on their cell phones in a time of emergency. We need to do our job so they can do their job.

The administration's budget contains nothing for interoperable communication. The appropriations bill we are now considering only has $31 million for research and technical assistance. Our first responders' first priority is not research, it is equipment. They know what they need. They are smart. This is their life. This is what they do every day. They are ready to make the purchases they need. So what are we doing? We have technical assistance from Uncle Sam. That is not what they need. They need to be able to have the hard dollars to go do what they have to do from the ingenious American technology sectors of our great country and put those units to work so they can talk to each other and they can rely on those communications.

My amendment goes a long way to addressing this issue. It would provide an additional $70 million to help State and local agencies improve existing communications systems or purchase new systems. This funding would help our local agencies purchase equipment for real time, interoperable communications between first responders. This $70 million would be above the $30 million in the bill I talked about for research and technical assistance. The funding in my amendment is offset.

Let me repeat that. We are paying for this. I am going to ask the American people to judge along with the Senators how that $70 million should be spent.

There is $70 million in the bill from the human resources account. The Office of the Under Secretary of Management wants to design and deploy a new human resources system—a human resources system—and they are going outside the Federal Government to do it, hire high-paid consultants to do it instead of keeping the money where it belongs, in the hands of the first responders. We are going to have a new human resources system, another layer of bureaucracy brought to you by outside consultants who are going to probably go to lunch at the fancy places in Washington and send us the bill. I would rather give the money to my firemen and my policemen and policewomen any day of the week. That is the case you have. You can keep the money in there for this human resources account and spend this money on outside fancy consultants who are going to tell us how to deal with our human resources or we can get that $70 million and give it to the first responders.

That is what we say we are for. We say we are for defending the homeland. Let us prove we are for defending the homeland.

I propose shifting the funds from the luxury and the frills while our emergency responders can't even talk to one another in a burning building. There is time for frills, my friends, and there is time for real decisions to be made. This is not the time for frills. This is a time to make a decision that our first responders are more important than some consulting firm that is going to make millions off the taxpayers for no reason whatsoever.

If our people do not know how to handle human resources, then get new people who know how to handle human resources. I thought that is why we paid management. That is what I think you should do. I have been in the private world, and the bottom line in the private world is you hire people to handle management. If you are going to take the money out of the business and go outside to hire high-paid consultants, then fire the people you have. If you want to do that, fire the people you have. If you have no trust in their management capability, fire them and then take care of that and put it into first responder funding.

After 9/11 we all asked what could we have done better? How could we have been better prepared? And the answer came back to me. I represent the largest State in the Union. We have high targets in our State, beautiful bridges and buildings. We have very famous landmarks in my State. We worry about terrorist attacks. My people are no-nonsense people. They know frills when they see it. And they know. I have talked to them. They know that one of the most important things our fire people and our police people need is to be able to talk to one another in an emergency in real time. If there is a terrorist attack on a railroad track, they have to get that word out up and down that rail line.

If there is an attack on a high building, on a high floor, the people coming in the building need to know something has collapsed up there. They need to know not to run up there and face the chaos of hell. They need to talk to one another. It is fairly basic.

The choice is clear. This amendment is an important step in fulfilling our responsibility to protect the homeland and to do it in a fiscally responsible way.

I am pleased Senator REID is a sponsor of this amendment, and I am very proud that Senator FEINSTEIN is. I hope we can get some Republican support. This is paid for by a frill that we do not need.

The first responders in our States are the heroes. We say it every day. There is not one Member who does not say it every day. If they are the heroes and they are telling us they need this, then let's do it.

I ask unanimous consent to add Senator CLINTON as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I have some articles, including this one from the PR Newswire Association. It says:

Almost three years after the 9/11 terrorist attacks, thousands of police and fire divisions in cities and counties across the USA still do not have coordinated communications capabilities. This unresolved national crisis—referred to as a lack of ''interoperability''—is prompting the First Response Coalition to reach out directly to more than 43,000 local police and fire officials to solicit their help to get Congress to. . . .

I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the PR Newswire Association, Inc., August 25, 2004]

NEARLY 45,000 U.S. POLICE, FIRE OFFICIALS URGED TO PUSH CONGRESS TO SOLVE FIRST RESPONDER INTEROPERABILITY CRISIS; HUNDREDS OF RANK-AND-FILE FIRST RESPONDERS EXPECTED TO OPPOSE GIVEAWAY TO NEXTEL

Amost three years after the 9/11 terrorist attacks, thousands of police and fire divisions in cities and counties across the United States still do not have coordinated communications capabilities. This unresolved national crisis—referred to as a lack of ''interoperability''—is prompting the First Response Coalition to reach out directly to more than 43,000 local police and fire officials to solicit their help to get Congress to overturn the Nextel spectrum grab in favor of a plan that deals both with the interference problem and the interoperability crisis.

Gene Stilp, who is the First Response Coalition coordinator and a volunteer firefighter, EMT and vice president of the Dauphin-Middle Paxton Fire Company 1, in Dauphin, Pennsylvania, said that, ''the FCC plan is wrong for police officers and firefighters. It only take on part of the interference issue and doesn't do a thing about interoperability. The FCC plan is short-sighted, and, if we don't act together, we'll miss the opportunity to get Congress to step in and solve both the interference issue and the significantly larger interoperability problem.''

The letters to a total of 42,463 police and fire officials in all 50 states started going out earlier this month and responses are just now starting to come in. The outreach program is getting a very favorable grassroots response including over 17 fire chiefs who have joined the ranks of the First Response Coalition in opposing the FCC's current plan for the taxpayer-owned spectrum.

In the letter, the First Response Coalition proposes a plan to ''auction off the spectrum that the FCC plans to give away and dedicate the $5–10 billion that would be raised for communication system upgrades. (The plan) also would accelerate regional deployment to ensure that a majority of systems nationwide are upgraded by 2006.''

''Nearly three years after the tragedy of 9/11 was made worse because first responders could not adequately communicate with one another, almost nothing has been done to address the interoperability crisis,'' said Bill Fox, a New York Metropolitan Fire commissioner and a member of the First Response Coalition.

During August, the Coalition is underscoring its call to action with key Capitol Hill meetings, including sessions with U.S. House of Representatives members serving on Energy and Commerce, Government Reform and the Select Committee on Homeland Security. The coalition also has met with the U.S. Senate Governmental Affairs and Commerce committees.

ABOUT THE COALITION

The First Response Coalition (*http://www.FirstResponseCoalition.org*) consists of citizens, individual first responders, and advocacy groups who are particularly concerned about first responders having the best possible communications capabilities. The First Response Coalition believes interoperability issues must be addressed by the FCC or Congress in any plan that reorganizes spectrum and, as a result, will disrupt public safety communications systems across the country. The First Response Coalition has developed a white paper, ''It's Time to Talk: Achieving Interoperable Communications for America's First Responders,'' which is available online at *http://www.FirstResponseCoalition.org*.

Since its launch in June 2004, the First Response Coalition has grown to include the National Black Police Association, the American Legislative Exchange Council and the California Seniors Coalition. In addition to Stilp and Fox, a number of other individual first responders—including fire chiefs from around the nation—have joined the Coalition's initial members.

Mrs. BOXER. I ask unanimous consent to have an article from the Desert Sun, Palm Springs, CA, printed in the RECORD. In this particular area of my State, the Republicans are in most of the elected offices. They say every single day they are all on a different radio frequency and they don't have the ability to communicate. It is amazing, because it is 2004.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Desert Sun (Palm Springs, CA), July 4, 2004]

FIRST RESPONDERS HOMELAND DEFENSE ACT

(By Lois Gormley)

Homeland defense could get $300 million a year in federal money under legislation sponsored by Sen. Barbara Boxer to develop a communication system that would allow first responders to talk to each other.

''If we expect our first responders to do their jobs, we need to help them,'' Boxer, D–Calif., said Saturday.

Boxer discussed the First Responders Homeland Defense Act she introduced in March during a visit to the Coachella Valley.

''Every single agency in this valley—really the state—we're all on a different radio frequency,'' said Capt. Sandra Houston, commander of the Indio area California Highway Patrol.

The inability of different agencies to communicate with one another during an emergency is a major obstacle to working together and being able to relay information immediately.

''We don't have that ability and it's amazing because it's 2004,'' she said.

The problem, usually caused by incompatible equipment, can sometimes translate into loss of lives, as it did during the Sept. 11 terrorist attacks, Houston said.

Boxer's bill, if passed, would provide $50 million a year in grants to nonprofit organizations to conduct training and $300 million a year in grants for communication systems.

The act also would provide a hotline to help first responders navigate the often confusing and time-consuming task of finding and obtaining federal grant money.

''There are so many different strings of funding coming from so many different places, it's a full-time job to keep track of it all,'' Boxer said.

She discussed the key points of her bill after meeting with local police, sheriffs, and highway patrol officials at the Palm Springs Police Department's Training Center.

The inability to communicate with one another has long been a point of concern for valley law enforcement officials.

Desert Hot Springs Police Chief Roy Hill said he, Palm Springs Chief Gary Jeandron and other valley police chiefs have been looking into federal funding options for an inter-operable radio system for about six months and recently submitted a request for grant funding.

Riverside County has also been exploring the costs and benefits of developing a regional system that would bring all of the county's 54 public safety agencies onto shared frequencies.

Boxer's legislation could provide the money needed to solve what is a statewide problem.

''They need to speak to each other in real time but very few communication systems in California have that ability,'' Boxer said.

Her bill, SB 2239, is now in the Senate Committee on Governmental Affairs.

In a closed-door meeting with local law enforcement officials, Boxer talked about their efforts to improve homeland security.

She also brought them up to date on federal funding and proposed cuts by the president, and the survival of older law enforcement grant programs that help keep police and sheriff's departments well-staffed, equipped and trained.

Hill said the grants are particularly important to smaller departments.

Mrs. BOXER. And from the Contra Costa Times, ''Gaps in Communication'':

We have a patchwork of communication systems out there, and we do what we must to make it work. . . . But there are times where we're only one step above tin cans and string.

Further in the article:

We can literally be rolling side by side with a unit from another city and not be able to talk to them. It's not too difficult to imagine how crazy things could get with several agencies converging for one incident.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Contra Costa Times (Walnut Creek, CA), September 5, 2004]

GAPS IN COMMUNICATION

(By Guy Ashley)

If the airliner hijackings of Sept. 11, 2001, drove a dagger into the nation's heart, the news that followed was a splash of salt on its wound.

Soon after thousands of people died in the World Trade Center, investigators unearthed evidence that as many as 100 firefighters killed when the two towers crumbled might have survived had their emergency radios worked.

To most of us, the fatal shortcomings of basic equipment seem unimaginable.

But to those who keep up with such things, including the first responders on the front lines of emergencies throughout the East Bay, the radio breakdowns of Sept. 11, 2001, not only rang familiar, they hinted at the

disastrous potential of communications failures that persist to this day.

''We have a patchwork of communications systems out there, and we do what we must to make it work,'' said Robert Maginnis, an assistant Alameda County sheriff. ''But there are times where we're only one step above tin cans and string.''

The Sept. 11 attacks were far from the first glaring example of a public safety communications breakdown amid large-scale disaster.

Nightmares still flare about the 1991 firestorm that swallowed neighborhoods in the Oakland and Berkeley hills. Firefighters from surrounding communities converged swiftly on the chaotic scene that October day, but were left to watch the inferno rage because they could not communicate with officials coordinating the response.

In the rubble wrought by the 1995 Oklahoma City bombing, radio breakdowns forced emergency workers to ferry handwritten notes to and from the ravaged Alfred T. Murrah Federal Building.

But those headline-grabbing ordeals are outnumbered by the all-too-ordinary instances where a quick-thinking East Bay police officer or firefighter must work around transmission blockages that leave them feeling that their safety, and their ability to protect the public, hangs by a thread.

''Knock on wood, it's never created a life-or-death situation,'' said Lt. Steve Pricco of the San Leandro police, whose officers cannot communicate directly with police in two adjacent cities because of incompatible radio systems.

''It's something all of us have had to work around for years . . . and it's just a fact that it slows down our ability to coordinate a response'' with neighboring police, Pricco said.

Surely, in the era of Homeland Security czars and their multicolored alert systems, of special commissions and congressional hearings, a fix must be at hand.

But a Times survey found otherwise. Interviews and a review of other evidence showed that emergency radio problems caused by incompatible technologies and overcrowded frequencies abound across the East Bay.

''We can literally be rolling side by side with a unit from another city and not be able to talk to them,'' said Livermore police Lt. Scott Trudeau. ''It's not too difficult to imagine how crazy things could get with several agencies converging for one incident.''

Experts pin the blame on a longstanding public-sector mindset that local needs take precedent over regional, and on radio manufacturers who routinely design their equipment with proprietary parts and software, so that incompatibility with systems designed by rival companies is commonplace.

Throughout the East Bay, the resulting incompatibilities make for illogical communication gulfs and a few strange bedfellows:

Richmond police can't radio sheriff's deputies in their own county but can talk with Oakland and BART police via radio with little effort.

Oakland police cannot speak directly on their radios with officers from their two biggest neighbors—Berkeley and San Leandro, Berkeley police, meanwhile, can't speak directly with officers who operate within their city on the University of California campus.

Nobody uses the same band of radio frequencies as the California Highway Patrol. Nobody, that is, except the East Bay Regional Park District.

Walnut Creek, Pleasant Hill, Concord, Clayton, Pittsburg and Martinez police cannot radio firefighters in their cities. Neither can Pinole or Hercules police.

BART police cannot radio city police departments anywhere along the Pittsburg-Bay Point line: Lamorinda, Walnut Creek, Pleasant Hill, Concord or Pittsburg.

Oakland police and Alameda County sheriff's deputies mingle among rowdy fans while splitting security duties at Oakland Raiders games, but if the fun turns to mayhem, the two agencies cannot speak to each other on their portable radios.

Ambulances cannot communicate directly with fire crews in Richmond. To receive updated information at the scene of an emergency, ambulances must instead talk through a dispatcher in a remote location.

Workers caught in the confusing web of incompatible communications systems have talked for years about a logical solution, an ''interoperable'' regional radio system that could be easily accessed by all of the East Bay's public safety and emergency services agencies.

Lately, there have been signs that the years of talk are finally being converted into action.

A new ''working group'' of Alameda and Contra Costa officials formed this year to address first responder communications problems. The group has hashed out a rough plan to pool Homeland Security funds due the East Bay for a down payment on a regional system, which could cost as much as $75 million.

But such a system is at best several years away, thanks to a shortage of funds available to financially challenged local governments and the need for consensus among all agencies likely to participate.

Meanwhile, concerns persist about what police, firefighters and other first responders are working with today.

Public safety agencies, the backbone of any emergency response, are forced to work around plugs in the regional web of communications systems as officers chase vehicles fleeing into neighboring cities, or firefighters are called on to provide backup on a fast-moving fire.

The same problems hinder electronic links to ambulances. They hover with menacing potential over radio links to National Guard units that routinely are called upon to keep order in large-scale emergencies, as well as public works and water agencies whose contributions could prove pivotal in a fast-moving crisis.

''Having the communications linked is not a strength here,'' said Leslie Mueller, operations director for American Medical Response, the private ambulance company that serves Contra Costa and the majority of other California counties.

Clashing communications equipment forces stopgap measures that can be confusing. East Bay firefighters, for instance, frequently ride with multiple sets of radios in hope that one will serve them during a regional incident.

Communities stockpile portable radios to pass out to outside responders in case of a large-scale emergency, a sensible solution as long as everyone knows where to go to get one.

In a large-scale incident, Trudeau said, ''You have to literally grab a representative from another agency and pair up with them so the two agencies can talk.''

Other area police officers note that when the California Highway Patrol helicopter is dispatched to an East Bay search-and-rescue incident, it often must land first and pick up a representative from a local police department.

That can be the only way crews on the ground can communicate with the helicopter, whose CHP radio is incompatible with that of most police agencies.

The most common way police and other first responders communicate when their radios don't mesh is through dispatchers: An officer in the street radios a request to a dispatcher, who feeds the message to a counterpart in another city, who radios the message to officers in that city.

The system sounds complicated on paper, but it is performed with impressive coordination on routine calls day to day.

But first responders are dogged by a nagging fear that the system could break down in a large-scale disaster as dispatchers are besieged by radio calls from first responders in the field and 911 calls from residents seeking help.

The most obvious solution now available to dispatchers is to direct first responders to turn their radios on to ''tactical'' channels available to most radio systems.

But because only a handful of tactical channels are available to local responders, they easily can become overwhelmed with chatter during a large-scale incident—precisely what happened during the Oakland hills firestorm.

Agencies in Alameda and Contra Costa are taking another step to improve the systems they have. Both counties are installing new equipment that will ''patch'' signals from disparate radio systems together in emergencies.

The equipment, known as ''black boxes,'' holds great potential in providing East Bay responders with a level of interagency communications capacity not previously available.

Again, though, the equipment has limitations.

Even with the ''black boxes,'' one agency's radio equipment is only as good as the infrastructure that supports it, especially the transmission towers and ''repeaters'' required to transmit the messages of responders in the field.

If, for instance, an Oakland police officer is sent to Lawrence Livermore Laboratory to help in a large-scale incident, the officer's radio may not work, even with the ''black boxes,'' because the radio will be so far away from the equipment that supports its signal.

Communications breakdowns that plagued first responders Sept. 11 have fueled the drive toward interoperability nationally and across the East Bay.

Experts have testified that the deaths of more than 100 firefighters who died in the south tower of the World Trade Center can be blamed in large part on incompatible radios, problems that the 9/11 Commission said ''will likely recur in any emergency of similar scale.''

The bite of past natural disasters, and the East Bay's possible appeal as a terrorist target in the future, offer reasons enough for the region to find a solution to its decades-long problems with incompatible communications systems, officials said.

''The mistakes that were made on Sept. 11, we can prevent them now,''' said Assistant Chief Chris Suter of the San Ramon Valley Fire District. ''We should be working together.''

Such solutions will pay dividends day to day, as well as when the Big One hits.

Just ask the law enforcement officers who were on duty when an Oakland police officer was killed July 22 in a traffic accident in Castro Valley.

Officer William Seuis, 39, of Pleasanton died when the motorcycle he was riding was struck by a truck on Interstate 238.

Witnesses to the afternoon accident called 911 to report that the truck did not stop and continued onto eastbound Highway 580. The call went to the California Highway Patrol, whose officers eventually stopped the truck described by witnesses in Dublin, about 12 miles away.

Alameda County sheriff's officials say the truck probably would have been stopped a lot sooner if two deputies traveling on I–580 just in front of the truck had known about the downed officer.

But they never heard about it. The CHP broadcast did not transmit on their radios.

''We don't need the 9/11 Commission report to tell us interoperability is a major concern,'' Robert Maginnis said.

Mrs. BOXER. Mr. President, I hope and pray the vote on this amendment is bipartisan. This amendment is paid for. It does not add to the deficit. It makes a choice between a frill of outside consultants coming in to tell management how to run the show.

If the administration is not happy with who is running the show, fire those people and get somebody else. But do not spend 70 million bucks of the hard-earned taxpayer money, when these working men and women who are our first responders, who are our heroes, who we rely on, are telling us they are one step above tin cans and a string to communicate.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. I yield the floor.

Mr. REID. Mr. President, I appreciate very much the Senator from California offering her amendment.

I want the Senator from California to recognize that Senator BYRD and I talked a little bit today about interoperability radios. At that time, I indicated I had met with all the sheriffs and law enforcement officers of the 17 counties of the State of Nevada. Every one of them lamented the fact—whether it is the fire departments in Clark County, the most populous city, Las Vegas, sheriff's department, or in Henderson, the second largest city in Nevada—departments cannot talk to each other.

I said this morning I think it costs approximately $6 million or $7 million to take care of that, but that was from memory and I was wrong. My staff heard me say that and, of course, got the correct figures.

In the city of Las Vegas alone, it will cost $40 million to take care of their problem; for the city of New York, $400 million. We have in this bill $20 million to take care of radio interoperability. It is important we increase that to $70 million plus the $20 million.

Mrs. BOXER. It is $30 million in the bill and we increase it by $70 million for $100 million.

Mr. REID. So we have $100 million. That would do a lot. A lot that needs to be done is simply planning and designing how we will do that.

My point is, these are problems that are very difficult to take care of but they have to be done because you cannot have a situation such as we had in New York City where the people were dying in those towers because they could not talk to each other.

Mrs. BOXER. Will the Senator yield for a question?

Mr. REID. I am happy to yield for a question.

Mrs. BOXER. Wouldn't my friend agree that we are now saying to our first responders all across the country, regardless of where they are, whether they are in Oregon, whether they are in Mississippi, whether they are in Nevada, whether they are in New Hampshire or whether they are in California, are we not saying to them that they, in essence, have to respond to an attack on our homeland that is, in fact, part of the war on terror? Are we not telling them when 9–1–1 is called at a local level, regardless of the crisis, if it is attached to terrorism, it is, in fact, a national attack?

Mr. REID. The Senator from California is absolutely correct. It is a national attack.

In the Senate I have something called a BlackBerry. My staff in Las Vegas can contact me on this. Whether it is Carson City, Reno, my staff up here in the Capitol, my staff in the Hart Building, they can contact me on this. There is a low vibration, I pick it up, read what they have to say, and I can communicate back with them—yes, no, let's do it later or a longer message.

We have the ability to communicate in the Senate.

It is important for us to be able to communicate. As the Senator knows, we came together as Members of Congress quite a few years ago. Back then faxes did not work very well. But now we have so many different ways to communicate with each other. It seems to me if we can communicate the way we do, our first responders should be able to communicate.

The Senator has made a small step toward a big problem, an important step but it is not one to break the bank.

Mrs. BOXER. We pay for it.

Mr. REID. We sent to Iraq last year—and I also mentioned this to Senator BYRD earlier—in supplemental appropriations—meaning appropriations over and above the normal appropriations we do, last year we sent a first supplemental of $69 billion and the second was $87 billion. Couldn't we spend $70 million on my State in Nevada and California?

Mrs. BOXER. I say to my colleague, in an attempt to get some votes from the other side of the aisle, we actually found an offset. We are not adding; we are cutting out a part of this bill that deals with an outside consulting contract to bring people in on human resources development.

As I said to my friend, if this administration does not think they have the right management in place that can handle their human resources, then they should get rid of them and get new people. But the fact is, they are spending in this bill $70 million on fancy-dressed outside consultants who eat in the best restaurants in town, while the least we could do is put that off and let the management do their job there and use this funding to help our people on the ground.

Does my friend agree this is a time when we cannot really afford frills, that we need to spend the money where it is most needed, in the hands of our first responders?

Mr. REID. The Senator is absolutely right. We will have, as soon as this vote is called, a simple majority vote. That is all it will take now.

Mrs. BOXER. That is right.

Mr. REID. Today, we have had supermajority votes because there have been points of order because there have not been offsets. I, of course, would vote for this amendment whether it had an offset or not because it is so important. I appreciate this amendment.

When we send our people to battle in Iraq and Afghanistan and other places, they have the ability to communicate with each other. That is modern warfare. But with modern firefighting, police work, as with other first responders, they do not have that same benefit. That is certainly something they should have.

I hope this amendment is adopted. I hope our friends on the other side of the aisle will recognize how important this is. It is just the evidence we need to do more. As I say to my friend from California, this is a step in the right direction. We need to do a lot more. I certainly hope this amendment is adopted. I hope it is by an overwhelming margin.

Mr. JEFFORDS. Mr. President, I express my strong support for the amendment offered by Senator BOXER to provide $70 million to our Nation's first responders for interoperability.

In the days following 9/11, interoperability became one of my chief concerns. I was appalled that our first responders did not have the tools they need to communicate with each other. I know that some progress has been made in distributing funds to States and localities to develop interoperable communications plans and to purchase interoperable equipment. However, I continue to be dissatisfied with the levels of commitment and funding dedicated to this critical need by this administration. It is clear that the Congress needs to take a leadership role to ensure that our first responders are adequately equipped to deal with future disasters, whether caused by terrorism or natural weather events. I urge my colleagues to support additional funding for interoperability.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the distinguished Senator from California——

Mr. REID. Mr. President, will the Senator yield?

Mr. COCHRAN. I am happy to yield to the Senator.

AMENDMENT NO. 3608

Mr. REID. Mr. President, we have gotten approval from the Judiciary Committee on the very fine amendment offered by the Senator from Tennessee.

Mr. COCHRAN. Mr. President, I am happy to have that information from the distinguished leader. Previously

the Senator from Tennessee offered an amendment. We had set that amendment aside to see if it could be cleared on both sides. We are glad it has been cleared on both sides.

Mr. President, I ask unanimous consent that we call up the Alexander amendment.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3608) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3609

Mr. COCHRAN. Mr. President, I now ask unanimous consent that we return to the Boxer amendment.

The PRESIDING OFFICER. The Boxer amendment is pending.

Mr. COCHRAN. Mr. President, as I understand the amendment of the distinguished Senator from California, she proposes to add $70 million to a grant program account that provides funds for State and local governments for a variety of purposes. The purposes include a strategy for dealing with homeland security issues, including training and exercises, equipment, including interoperable communications equipment and technical assistance, and may not be used for construction activities. The amount of money in that account in the bill is $2,845,081,000. Her amendment would add $70 million to that amount and earmark that $70 million for interoperable equipment only.

Now, just looking at what this does to one State—let's just pick out California, coincidentally—funds have been made available to the State of California under this grant program for State and local governments in excess of $680 million since fiscal year 2002. The State of California can use that money for interoperable communications. They can use it for other things. I do not know exactly what they are using the money for, but I assume they are using some of it for interoperable communications, as they are authorized to do, as they are permitted to do.

But what is a concern is to shut down a new management system that is being developed by the Department to make the Department more efficient, to make it operate more effectively, to take all that money, prohibit the use of any of that money, and add it to this other account. It seems to me it is second-guessing the decision made by the full Committee on Appropriations, and our subcommittee in particular.

When we analyzed the request from the Department of Homeland Security, there was a request for $102.5 million for a program to develop a new pay system, performance management, managerial training, to modernize the human resource system of the Department of Homeland Security.

Our staff conferred closely with the Department, asked questions about what this would do, how important was it, and went through the drill. We also had an opportunity to review our staff's assessment of it. The committee decided to approve $70 million of that $102 million request. The work is now underway. The work is to develop and put this in place. It would be a big mistake at this point to take that $70 million and shift it to another program, where we already provide a substantial amount of money, as I said, $2.8 billion, for these grants to State and local governments, and then to earmark some parts of that just for interoperable communications equipment. The point was to leave these judgments up to State and local entities, not to, as a U.S. Congress person or a Senator, make these decisions for the States.

California has plenty of money in this account to buy a lot of interoperable communications equipment if they want it, if they need it. But to make a judgment as to how they should use the money now and earmark certain parts for specific functions is beyond our ability to really make the decisions and make them in a correct way that serves the final goal, the objective of an improved national homeland security program.

So we are strongly opposed to the adoption of this amendment. We think it would be a mistake. It may sound good to some, but it does not make any sense to this Senator. The subcommittee has worked closely with the Department to understand the need for the human resources system. It has helped determine the level of spending to allow the Department to move forward with this system. We concluded the funding included in the bill is necessary for the Department to be able to move forward with a pay-for-performance system.

I do not have anything else to say about the amendment. It is offset. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from North Carolina (Mrs. DOLE), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 45, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—46

Alexander	Domenici	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Roberts
Bennett	Fitzgerald	Santorum
Bond	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Snowe
Chafee	Gregg	Specter
Chambliss	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Talent
Collins	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeWine	McConnell	

NAYS—45

Baucus	Durbin	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	McCain
Bingaman	Graham (FL)	Mikulski
Boxer	Harkin	Murray
Breaux	Hollings	Nelson (FL)
Brownback	Inouye	Nelson (NE)
Byrd	Jeffords	Pryor
Cantwell	Johnson	Reed
Carper	Kennedy	Reid
Conrad	Kohl	Rockefeller
Daschle	Landrieu	Sarbanes
Dayton	Lautenberg	Schumer
Dodd	Leahy	Stabenow
Dorgan	Levin	Wyden

NOT VOTING—9

Akaka	Corzine	Kerry
Campbell	Dole	Nickles
Clinton	Edwards	Smith

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I understand we may have an amendment to be offered by the Senator from Iowa at this time.

Mr. REID. Senator HARKIN is in the building and he should be here momentarily.

Mr. COCHRAN. There are Senators who have indicated an intention to offer other amendments. We are reviewing some at this time. We hope to be able to accept some of these amendments. We appreciate the cooperation of all Senators today. We have made excellent progress on the bill. We have taken up a number of amendments and voted on them and we hope to be able to complete action on this bill on Tuesday evening. We hope it is not late Tuesday evening. So we are making every effort to organize our effort and encourage those who do have amendments to please let the committee know about the amendments. We have an identified list that is in order, and for those who intend to offer amendments, the sooner they can get us copies of those amendments, the sooner we may be able to let them know whether we can accept them or suggest modifications that could be acceptable.

We would like to cooperate with all Senators in moving the bill along with dispatch. We do not see any need to delay the Senate and to cause us to be in late tonight or tomorrow. We know

some Senators have plans for travel and we are hoping we can take up another amendment or two tonight and then be able to work on other parts of the bill tomorrow as well. I thank my colleagues for their cooperation with the committee.

I understand the Senator from Iowa is on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3612

Mr. HARKIN. Mr. President, I ask that my amendment, which is at the desk, be called up on behalf of myself and Senator BIDEN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself and Mr. BIDEN, proposes an amendment numbered 3612.

Mr. HARKIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore the maximum percentage of hazard mitigation contributions that may be made for a major disaster)

At the appropriate place, insert the following:

SEC. ___. HAZARD MITIGATION.

Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the second sentence by striking ''7.5 percent'' and inserting ''15 percent''.

Mr. HARKIN. Mr. President, I thank the chairman for giving me this time to lay my amendment down and discuss it for a few minutes. It is a very simple amendment. It has to do with FEMA, the Federal Emergency Management Agency's postdisaster Hazard Mitigation Grant Program. For colleagues who may not be familiar with the postdisaster Hazard Mitigation Grant Program, this is money that is sent by FEMA to the States following disasters such as floods, tornadoes, or hurricanes that have affected so many of our constituents this year. The assistance follows, and it is in addition to the immediate disaster assistance for cleanup and reconstruction. This money is for hazard mitigation. It is used to reduce the likely devastation of future disasters by buying out flood-prone property or by flood-proofing, stabilizing buildings or other structures, building hurricane shelters, seismic retrofits for earthquake or shock absorption, and for drainage improvements.

This money helps to reduce what it is going to cost us in the future for other disasters, so it saves lives and it saves money in the long run. These moneys are in addition to the moneys that go out for immediate reconstruction.

In 1993, I and some other Senators led an effort here to ensure that the grants would provide an additional 15 percent in FEMA money for whatever was provided for both in public and individual assistance. So it has been at 15 percent since 1993. In 2003, that percentage was cut in half, to 7.5 percent. The bill before us today leaves that lower funding level in place. This is totally inadequate. Let me give some examples.

Following the Midwest floods of 1993, it became apparent that the then-level of mitigation disaster assistance, which was at 10 percent, which was in the original Federal law, was not enough. Again, as I said, I and other Senators worked to increase this from 10 percent to 15 percent. Keep in mind, that 10 percent was in the original law.

In 2003, that percentage was reduced to 7.5 percent. Since we increased that to 15 percent, there has been tremendous success in reducing disaster risk in many communities all over the Nation. Many communities in the Midwest that suffered flood damage in 1993 saw a major reduction in applications for emergency aid for damage due to subsequent floods, thanks to these hazard mitigation grants.

One example I have, and I have many, is in Louisa County, IA. They have a floodwall that was designed to protect against a 500-year flood. But when this levee is damp for an extended period of time, the water seeps through and damages property. In the flood of 1993, 275 homes were damaged; 200 residents were evacuated. It was not feasible just to go in and demolish all these houses. They have a lack of affordable housing in that area. But luckily, with these mitigation funds, a local entity stepped in, used the hazard mitigation funding to move and refurbish the salvageable houses, and to protect them from future flooding.

This repeated itself in 2001, but because we had used the hazard mitigation funds we avoided more than $1.2 million in losses that would otherwise have occurred. How do we know that? Because that is what occurred almost 10 years earlier in the flood of 1993. That is what we were just talking about in terms of money. But I remind my colleagues that these savings do not include the noneconomic heartbreak, stress, and trauma that goes along with losing your home, family pictures, all you have worked for, overnight. That is why I was so dismayed to see the 15-percent level reduced to 7.5 percent in the 2003 VA–HUD appropriations bill.

Some colleagues may have concern about amending the Stafford Disaster Relief Act on an appropriations bill that we have before us. I assure you, this amendment only restores a cut that was made in a previous appropriations bill.

Also, for my colleagues who may not be here but may be watching this on their sets in their office, I also want to note that the House has already passed this restoration. The House of Representatives has already restored the hazard mitigation funds from 7.5 percent to 15 percent. So, again, as we have seen what has happened, especially the devastation we have had in Florida, we really do need to make sure we have not only the funds to respond but to mitigate in the future.

I hope Florida is spared another hurricane, but we know that hurricanes will hit Florida sometime in the future. That is just where the hurricane track goes.

I want to read a quote from the Wall Street Journal on August 16 of this year from Frank Reddish, the Dade County emergency management coordinator, referring to Hurricane Charley:

> Anyone looking at this can clearly see that Charley was a pretty good terrorist. He did a much better job than al-Qaida ever could.

I am all for doing everything I can to protect our country against terrorism. But we also must protect against future floods, hurricanes, tornadoes, earthquakes. One of the best ways we do that is through hazard mitigation; to do things that will prevent the kind of damage that will occur in these future catastrophes. So think about it as combating terrorism. We don't wait until the terrorists strike. We do things beforehand. That is what hazard mitigation is for, to protect us beforehand. Don't just wait until the event occurs but let's go ahead and invest in making sure our houses, our facilities, our public utilities and others are, to the best extent possible—after they have been damaged in a catastrophe—to make sure they have the funds necessary so if such a catastrophe strikes again, they will not be subject to such terrible losses.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, as I understand the amendment proposed by the distinguished Senator from Iowa, it would change the percentage by which mitigation funds are calculated to be due from the Federal Emergency Management Agency. The Disaster Relief Fund, which we replenished with a supplemental appropriations bill just yesterday with the approval of $2 billion of new money, is an example of the stress that has been placed on this fund because of recent disasters in Florida and elsewhere. To refresh the memory of Senators, the program involves a disaster relief and mitigation funding program. The Disaster Relief Fund provides individual assistance to those who have been displaced from their homes in disasters.

It helps pay for food, shelter, and other emergency needs. FEMA—the Federal Emergency Management Agency—administers this program after a disaster. As I understand, approval of the amendment would increase the funds FEMA has to pay out of the Disaster Assistance Fund. I am, frankly, not clear in my own mind exactly how this works, but I am advised this is

going to have the net effect of more than doubling the Federal obligation in disaster assistance. Every State that is declared by the President to be eligible for disaster assistance has its damages assessed and becomes eligible for mitigation money. I am told the fund that pays for mitigation benefits is like buying out homes which are in flood-prone areas or building retaining walls to help in the event of the next disaster. These are important efforts to undertake so future disasters will not result in the same kind of damage and will be mitigated or lessened, reduced. The Federal Emergency Management Agency calculates that 7½ percent over and above the amount of Federal disaster assistance it has provided and gives that money to States.

In the past 2 years and in this year's Homeland Security appropriations bill, there is another form of mitigation funding which is available to States called the Pre-Disaster Mitigation Fund administered by FEMA, to which States can submit competitive applications to receive mitigation funding before a disaster strikes. Any State, regardless of it having been designated a Presidential disaster, can submit a request and have it judged on its merits.

We have attempted to balance the various kinds of disaster assistance available to victims and available to States in this bill. We support the President's effort to offer assistance to communities before and after disaster strikes. It allows communities to raise risk awareness to help reduce the Nation's disaster losses through better mitigation planning, and the implementation of plan and cost-effective measures. We think at this point it is not the responsible course of action to double the formula and increase the amount States are going to be permitted and can claim from FEMA and not increasing the amount of money that is available to FEMA to pay out the money. This is language change. It is actually bill language. It is authorizing language on an appropriations bill. It doesn't belong on this bill. It should be considered first by the Environment and Public Works Committee, the committee that has legislative jurisdiction of these programs. I understand that committee has a bill that has been sent over to the House that deals with this issue. We should await the advice and counsel and action of the authorizing committee before we act on this proposal.

Because of those reasons, I urge the Senate to reject this amendment. I think it is clearly authorizing language, and it will be my intention—I don't want to cut off the right of any Senator to speak—to move to table the Harkin amendment and ask for the yeas and nays. But I will refrain from doing so until I am assured that Senators who want to speak on the amendment have a right to do so.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Alaska.

Mr. STEVENS. Mr. President, I commend the managers of the bill for the way this bill is proceeding. But I want to make a plea to the Senate. We have been informed that the FBI, the Customs Service, the Immigration Service, and other portions of the Homeland Security Department are running short of money, as so many agencies are concerned with the problems of homeland security now. I consider this bill to be the second most important bill before our Appropriations Committee. We finished the Department of Defense bill which is the first bill. It was the bill to fund those who are serving in uniform abroad when we have forces involved in wartime circumstances. We did act on the Defense bill before the last recess. We are going to be in a period next week which is a very confusing period. It is a period justifiably recognizing a Jewish holiday that is coming up, but it is a situation I think that requires us to consider the time factor on this bill.

I am rising tonight to tell the Senate that it is my hope we will finish this bill by next Tuesday. If we get this bill passed by the Senate next Tuesday night, we can get it to the House and we can get conferees appointed and the various conference staff who are not involved with the holiday we are going to observe will be able to work on the bill. I hope we can get this bill to the President before the end of this month. September 30 is the end of this fiscal year. These agencies need this money. The agencies of the Homeland Security Department need this money by October 1.

I plead with the Senate to recognize the time factor and cooperate with the managers of the bill. It is entirely possible for us to finish this bill by next Tuesday as far as I can see.

I again congratulate particularly my good friend, the chairman of the subcommittee, for the way this bill is being handled.

But please consider the effect of not getting this bill passed in time for the money being available on October 1. A continuing resolution will have to be before us sometime next week, but it will continue the Department of Homeland Security at the existing level. This bill represents an increase in money for various agencies in the Department of Homeland Security, and that money is necessary by October 1. It is a security matter now. It is not a matter of adopting a resolution for departments that can operate for at least a month or so on the continuing resolution. This committee cannot and should not operate on a continuing resolution. I urge the Senate to help us get this bill passed by next Tuesday night.

I thank the Senator for yielding the time.

Mr. COCHRAN. Mr. President, I thank the chairman of the full committee, my friend from Alaska, Senator STEVENS, for his kind comments about managing this bill. I appreciate his urging also that this bill be completed on Tuesday. We think that can be done. We think with the cooperation of the Senate it will be done.

I am now advised the amendment of the Senator from Iowa does contain general legislation, and because of that a point of order might be sustained under rule XVI. Therefore, I raise a point of order under rule XVI that the amendment constitutes general legislation on an appropriations measure and is not in order.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

Mr. COCHRAN. Mr. President, the Senator from Virginia has an amendment. This may be a good time for him to offer that.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, at the direction of the Senator from Mississippi, Senator COCHRAN, I ask unanimous consent to call up amendment 3610.

The PRESIDING OFFICER. Is there objection to the Senator calling up his amendment? Without objection, it is so ordered.

AMENDMENT NO. 3610

Mr. COCHRAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself and Mr. WARNER, proposes an amendment numbered 3610.

Mr. ALLEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Director of the Federal Emergency Management Agency to conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage from floods and other natural disasters)

At the appropriate place, insert the following:

SEC. ___. INVESTIGATION OF SHOCKOE CREEK DRAIN FIELD, RICHMOND, VIRGINIA.

As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage in that area from floods and other natural disasters.

Mr. ALLEN. Mr. President, I offer this amendment on behalf of myself and also my colleague, Senator WARNER from Virginia.

This amendment has to do with directing the Director of Federal Emergency Management Agency to conduct an investigation of the Shockoe Creek drain field in Richmond in order to prevent future damage from floods and other natural disasters. This amendment does not call for any additional spending.

Many Members may not be aware that, less than a week ago, remnants of Tropical Storm Gaston pounded the

Richmond area with rain and flooded many areas, leaving eight people dead. This storm dumped more than a foot of rain on the Shockoe Bottom area of Richmond, the oldest historic part of Richmond. The flood waters rose about 8 feet in 15 to 20 minutes, finally leaving about 20 blocks of the low lying bottom swamped in up to 10 feet of muddy runoff.

In this area of very old brick buildings, most thought they were protected from the James River flooding by a flood wall. What actually happened was the rising waters came from the land side down Church Street, as opposed from the river side and flooded this whole Shockoe Valley watershed.

I was there Monday and saw these business owners who were trying to shovel and take out buckets of mud and disinfecting their shops. It is a lot of work. At least 150 families had to leave homes that were declared uninhabitable. The floods destroyed over 35 various small businesses that had invested and renovated a lot of the old historic structures. There were 25 restaurants out of business that are going to have to clean up and disinfect and will need health certificates to reopen. Dozens and dozens of businesses are condemned, most of them condemned because of wrecked electrical systems. Actually, several buildings were even demolished. It will take a great deal of work, a great deal of patience, and a great deal of risk-taking for this wonderful historical area that had been recently renovated and rejuvenated to actually come back to life again.

Most of the people, all but one, did not have flood insurance because the insurance folks and the lenders all figured with a flood wall you do not have to worry. One in particular, Sosie Hublitz, owner of the Kitchen Table, had to shut down because of the terrible flooding at her restaurant. All her life savings went into opening the business, plus $200,000 in loans. She still owes half of that and is worried about getting deeper in debt. Hublitz didn't have flood insurance.

So there will be added costs. I am sure the insurers and the lenders will have added concerns before future investments can be made.

The most encouraging aspect was the spirit of the people in this painstaking process, as tedious and tough as it is to be cleaning all that mud out, worrying about the mold and the bacteria, yet they still have a great spirit.

These folks were concerned about such an act occurring again, with so much rain falling that quickly. This Shockoe area has a drainage system designed to prevent this problem. In the 1920s, a 27-foot culvert was put in underground to replace Shockoe Creek. Obviously that did not do the job in 2004.

The point of all of this is to help out these folks in this natural basin, this historical basin, for one of the oldest cities in the United States, to see if this is an adequate drainage system in the likelihood that such rainfall would occur again. Sometimes when there are floods—and we see this same thing in the mountain areas—after there is a flood, the river beds end up being so filled with rocks and debris that it takes less rain the next time for those rivers or those creeks to leave their banks.

One of the things we really must do, and it makes a great deal of sense to me, is to determine whether this 27-foot culvert that conducts the water from the Shockoe Valley into the James River a few hundred yards to the south actually is sufficiently adequate for that area. It does serve as a stormwater drain. It has worked well since the 1920s. Clearly, attention should be focused on this culvert and the basin drainage system.

The people have amazing spirit. They will keep fighting. But it is important not only to help them—and the Small Business Administration is doing a great job, as is FEMA and all the folks at the local and State level—but beyond making sure they clean up and disinfect and get back on their feet and get their businesses back running, we think it is very important that we direct steps toward preventing any future tragedies or disasters. I'm sure the Corps of Engineers will undoubtedly be involved when FEMA coordinates this effort.

We have introduced this amendment, Senator WARNER and myself, directing FEMA to conduct an investigation in the Shockoe drain field to prevent future damage from flood and natural disasters. This is a very logical, appropriate way to plan for the future and prevent such damage and all the costs of repair.

I thank my colleagues for listening. I thank my colleagues for also passing the supplemental for FEMA earlier this week which will also help the Small Business Administration take care of those not only in Florida but also Virginia and others who have been harmed by these disastrous floods and storms.

I urge my colleagues to support this amendment. The people of Virginia will appreciate it. I know the folks at FEMA will also do the right job in the analysis of the Shockoe Valley.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. COCHRAN. Mr. President, I commend the distinguished Senator for his explanation of his bill and for his initiative in calling attention to the needs of the area of his State in need of special attention from Federal agencies, particularly designing some way to help make sure this kind of disaster does not occur—if it is possible to do that—with engineering changes or other mitigation efforts, particularly in the Richmond area which was so seriously devastated and damaged recently by flooding.

We think the Senator has a good suggestion and we are willing to recommend the Senate adopt this amendment on a voice vote.

The PRESIDING OFFICER. The Senator from Virginia had requested the yeas and nays; does he wish to withdraw that request?

Mr. ALLEN. I am happy for it to be passed on a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COCHRAN. Mr. President, I have been advised that the other side wants to look at the amendment. I am happy for anyone who wants to look at the amendment to look at it. It was very coherently explained by the Senator from Virginia.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COCHRAN. Mr. President, I have been advised that the other side wants to look at the amendment. I am happy for anyone who wants to look at the amendment to look at it. It was very coherently explained by the Senator from Virginia.

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. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRAGEDY AND ATROCITIES THAT OCCURRED IN BESLAN, RUSSIA

Mr. TALENT. Mr. President, I believe it is safe to say that later on in the evening the Senate will consider and I am certain approve a resolution of support and solidarity with the Russian people over their recent tragedy and atrocities that have occurred in Beslan. I am privileged to have the opportunity to cosponsor that resolution, and I congratulate the leaders on both sides of the aisle because I believe it will be cleared.

I know it is not the desire of the chairman that we have a lengthy debate on it, and I certainly understand that.

All of our hearts break at what happened, and although we have seen terrorists at low points before, to hold hundreds of children hostage for days, to deprive them of food and water, to terrorize them, to ignore their pleas for mercy, to shoot them in the back when they are trying to escape when it can achieve no possible end, is a level of depravity I do not believe I ever witnessed in my lifetime.

Like all who watched the horrific coverage of the school hostage situation in Russia last week, I was shocked by the images of frightened children and their parents inside the gymnasium of School Number One, surrounded by several hooded hostage-takers and plastic explosives hanging from basketball hoops. On September 1, more than 1,100 parents, students, and

teachers who had gathered for the first day of school were taken hostage by approximately 30 terrorists who had rigged the school with explosives. On September 3, Russian troops and the Beslan hostage-takers exchanged gun fire, a bomb exploded collapsing the roof of the school, the terrorists began killing the hostages, and massive loss of life ensured. This horrendous terrorist action left at least 335 people dead, many of them children, as well as hundreds more severely wounded and over 200 unaccounted for, who are most likely dead.

I join my colleagues, Senators DASCHLE, FRIST and SANTORUM, in condemning this despicable terrorist act and in expressing our condolences to the Russian people and in particular to those families who lost their loved ones in the Beslan school tragedy. We commend the continuing efforts of the U.S. Government in providing humanitarian and medical assistance to the people of the Russian Federation.

The terror last week at the school in Beslan is the same face of evil we saw in the U.S. on September 11. The terrorists held children, parents and teachers hostage for more than 2 days without food, water or medicine. Without conscience or mercy, the terrorists shot children in their backs as they fled for safety. These killers seek to terrorize the entire civilized world. They have no regard for human life, even the lives of children. Today, America stands together with the Russian people more resolved than ever to win the war against terrorism.

I know the Senate will vote unanimously for the resolution. I am confident that because of incidents such as this in Beslan and around the world, Americans and civilized people everywhere will draw increased resolution to lead and win the war against terrorism that has really become a war of civilization against barbarians, like those who committed these atrocities.

I thank the Senate for giving me a moment to give my remarks.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. I ask unanimous consent that the Allen amendment be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3615

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mrs. CLINTON, and Mr. CORZINE, proposes an amendment numbered 3615.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses)

On page 13, between lines 18 and 19, insert the following:

GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses, $100,000,000.

On page 2, line 17, strike $245,579,000 and insert ''$175,579,000''.

Mr. SCHUMER. Mr. President, this amendment, which I am told, for my colleagues' benefit, will not be voted on tonight but will be voted on at some point late Monday afternoon, is a very important amendment. It deals with truck security.

As we go forward in the war on terrorism, we learn more and more. One of the things we have learned only in the last 6 months is that the preferred method of destruction of al-Qaida is truck bombs. They have used these bombs in the past, but we were given a new sense of urgency about al-Qaida's use of truck bombs from intelligence that has been picked up in the last 6 months and subsequently made public.

Truck bombs, unfortunately, can create tremendous destruction. We saw that in Oklahoma City. At the same time they are very easy to put together. Ammonium nitrate, which can easily be made into an explosive device, is readily available. Then all you need is a truck filled with ammonium nitrate or some other kind of hazardous material and that truck can cause huge amounts of destruction.

In our brave new post-9/11 world, we have to guard against all forms of terrorism. It is not sufficient to say because on 9/11 the terrorists struck through the air that we can ignore other ways they might seek to hurt us. That means we have to tighten security at the ports and on the rails. It also means we have to look at truck security. Unfortunately, probably of all the areas where terrorists might hurt us, we are doing the least in terms of truck security. We pay some lipservice to it, but I am not aware of very much the Department of Homeland Security is doing at all in terms of defending us against truck security.

One may ask: What can be done? For one thing, we can put some limitation on how ammonium nitrate, especially in large amounts, is distributed. That is not the purpose of this amendment. I might be introducing further legislation in that regard. But second, we can be much more careful about trucks, particularly trucks that carry hazardous materials.

Let me say that right now we do virtually nothing. Only a few months ago, a truck with hazardous material was found missing in Pennsauken, NJ, neighboring the State of New York. They still haven't found the truck. Perhaps the truck was lost. Perhaps more likely it was stolen. But God forbid someone who might be part of a terrorist organization took that truck and is lying in wait to do something that would be terrible and despicable.

Of course, we know a truck bomb struck the people in Oklahoma. It was used by McVeigh. This is not something we are unaware of. Truck bombs have been used by al-Qaida in other parts of the world. Again, I underscore the fact that trucks are sort of the preferred method of terrorism for al-Qaida.

We have lots of these trucks available in America. According to the 1997 Census of Interstate Commerce, 740,000 hazardous material shipments travel each day by truck in America. In the United States, 50,000 trips are made each day by gasoline tankers, many of which hold as much fuel as a Boeing 757. They often end with a late-night delivery to a deserted gas station. Experts say that trucks carrying chemicals such as ammonium nitrate, chlorine, or cyanide form even a more deadly risk. Imagine if al-Qaida or another terrorist organization took 10 of these trucks, parked them near a large, tall building in 10 of our largest cities and exploded them all at once, something that would hardly be inconceivable right now. The amount of lives lost might even, God forbid, exceed those lost on 9/11, and fear would descend across this country.

We have to be doing more. In December of 2002, almost 2 years or more than a year and a half ago, I called on Federal officials to rectify this problem. The first thing that I asked be done is that background checks for truck drivers certified to carry hazardous materials be undertaken. The TSA announced it would do so on May 2, 2003, 5 months later. But despite this progress, much more work needs to be done. There are two particular areas that we think greatly need improvement. Those are the things we are asking for tonight.

The first is tracking technology for trucks. It is very easy. You can buy a car and pay a couple hundred bucks more and have a GPS system which tells exactly where the vehicle is. Wouldn't it make sense that every truck carrying hazardous material was required to have such a GPS system? That would mean if the truck were stolen, if the truck were taken to a far different location than where it should be and the company wished to find out where it was, we could find it in a minute.

Ironically, a country far less developed than ours requires this for all its trucks—Brazil. There is a GPS system on every one of its trucks. In fact, the companies that do it there do it not to combat terrorism but, rather, to deal with theft. They actually make money.

The point is this is feasible. It works. It is simple. It is hardly pie in the sky. It probably costs about $200 to install in each truck. I would be happy, if once TSA started implementing this for individual truck drivers who might feel that $200 is too much, even though a rig costs much more than 100 times that, to have the Federal Government pay, although we don't provide that in our legislation. We do require that any truck carrying hazardous material have a GPS system installed. There are many companies that want to put this in place but are waiting until Government rules are in place. Thus far there are no Government rules.

Second, there ought to be a HAZMAT database. Just as we plot the path of thousands of planes in general aviation and commercial aviation and where they go and we know that if they are off course, something is awry and our air traffic control system deals with that, we should do the same for hazardous materials.

The bottom line is, any truck with a hazardous material would simply file a little plan as to where it was going and what deliveries it was making. And then again, if the truck was stolen or went off course, we would know. In Brazil they have a system when the truck goes too far off course, the truck stalls and can't be driven.

We could actually do that here and the money that we are providing would be within the ambit of the Homeland Security Department to do just that. But with this database, if a truck carrying hazardous material would be off course, we would know, and there would be a much greater chance that some kind of action could be taken before the truck was used for terrorism.

As for the background checks of those certified to carry hazardous materials, again, I have been pushing the TSA to do this. They have said they are going to do it. They have delayed it several times, and they have not completed doing it yet. But we urge them to do that as well.

The hour is late. I don't want to hold up you or the President of the Senate or other colleagues. People will have the weekend to read this legislation. Again, it is a rather small amount of money, $100 million. We do offset it. We take money from the human resources account—the same $100 million—so this doesn't increase costs. The bottom line is very simple: On truck security, a lot more must be done.

The amendment I have will help move us in that direction. This is a danger that we face in this country, which we have done virtually nothing about, and we could be moving, for a rather small amount of money, toward making ourselves far more secure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. We appreciate the Senator from New York bringing this to the attention of the Senate. We know there is a tracking system in effect—but we are not sure it is as inclusive as he suggests we need it to be—for trucks that carry hazardous material. They try to keep up with that. They have a system in place. We are glad to have the chance to review this suggestion, and we will do that and hope the Senate will withhold action on this amendment tonight, and we can call it up tomorrow, or later, whatever the leaders end up deciding we will do in terms of further action on this bill.

We are at a point where I think we are close to winding up the action on this bill today. We have had a full day of activity. A number of amendments have been presented and voted on. We appreciate the cooperation of all Senators in letting us know the identity of the amendments that were to be offered. We are going to continue to work hard to get this bill finished by sometime on Tuesday of next week. That is our goal, and I think we will be able to achieve that goal.

One item we hope to be able to clear has been presented to the Senate by the Senator from Virginia, Mr. ALLEN, related to a survey in the State of Virginia on a mitigation issue surrounding flooding in the Richmond area. It is my hope that we will be able to get that passed, if we can, by a voice vote tonight, and then maybe go out if there is no further business.

I yield to my friend from Nevada.

AMENDMENT NO. 3610

Mr. REID. Mr. President, it is my understanding that the leadership wants the Schumer amendment to be one of the votes we are going to have Monday evening. Also, it is my understanding, having spoken to the manager of the bill and his staff, that the Federal Emergency Management Agency and the Office of Management and Budget have reviewed amendment No. 3610, offered by the Senator from Virginia, and they have both said that the Federal Emergency Management Agency would be in a position to conduct an investigation of this creek drainfield in Richmond, VA; and this has been signed off on by FEMA, as I have indicated, and also by the OMB.

That being the case, even though on our side maybe there are people who think this is not something that is normally done, if FEMA and OMB signed off on it, which they have, we would be wasting the Senate's time by having a vote on it. That having been said, I say there is no further debate on this side.

Mr. COCHRAN. Mr. President, I ask that we agree to the Allen amendment on a voice vote.

The PRESIDING OFFICER. Without objection, the amendment will be made pending.

Without objection, the amendment is agreed to.

The amendment (No. 3610) was agreed to.

Mr. ALLEN. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. COCHRAN. I am happy to do that.

Mr. SCHUMER. Can we agree that my amendment will be voted on on Monday afternoon when we resume voting?

Mr. COCHRAN. I think that is the understanding.

Mr. REID. Through the Chair to the Senator from New York, as I indicated, members of the leadership are lining up votes for Monday and, in all likelihood, the Senator's would be the first vote. We don't have a unanimous consent agreement to that effect but——

Mr. COCHRAN. That is consistent with my understanding of the schedule as well.

Mr. SCHUMER. Thank you.

Mr. REID. Mr. President, we have done about all we can do tonight. That is my understanding. I say to the manager of the bill that tomorrow, it is my understanding, there is an amendment to be offered by the majority. I cannot remember by what Senator, but someone told me about it.

Mr. COCHRAN. Mr. President, the distinguished majority leader, Senator FRIST, intends to offer an amendment tomorrow morning. So we will have that before the Senate.

Mr. REID. On this side, Senator CORZINE is willing to offer an amendment, Senator LAUTENBERG is willing to offer one, and maybe the distinguished Democratic leader will be ready to offer one. Whenever we come in, there will be opportunities to offer these amendments. It is my understanding that the Senate is not going to stay until a late hour. If those amendments are offered, we will have plenty to do Monday night, unless there is some agreement on amendments.

Mr. COCHRAN. Mr. President, I think this is a good plan. The Senate has done good work today. I think the outline the Senator from Nevada has given us is a thoughtful way to handle the bill. We will be here tomorrow morning and continue to make progress on the bill. We will be ready to cooperate with all Senators to the fullest extent possible.

Mr. SCHUMER. Will the minority whip yield for a question?

Mr. REID. Yes, I am happy to yield.

Mr. SCHUMER. I didn't hear exactly what has been said about the plan. There was another amendment Senator CLINTON and I were going to offer. I was going to cover it this evening, but she could not be here because of the illness of her husband.

Mr. REID. I say to the Senator, there will be an opportunity to offer other amendments next week. He is on the list.

Mr. SCHUMER. Thank you, Mr. President.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for morning business for debate only, with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GARRETT LEE SMITH MEMORIAL ACT

Mr. SMITH. Mr. President, I ask unanimous consent that the Chair now lay before the Senate the House measure to accompany S. 2634, the Garrett Lee Smith Memorial Act.

There being no objection, the Presiding Officer (Mr. CHAMBLISS) laid before the Senate the following message from the House of Representatives:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask whether there be objection to proceeding to the measure at this time.

The PRESIDING OFFICER. The message is before the Senate.

Mr. SMITH. I ask, then, unanimous consent that the Senate concur in the House amendment, 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.

Mr. SMITH. Mr. President, this is a much happier day for me than it was 1 year ago. A year ago yesterday, my son, Garrett Lee Smith, took his life. Today it is his birthday, and today my heart is not filled with sadness but with joy because the Congress of the United States has acted with near unanimity, an overwhelming vote in the House of Representatives, Republicans and Democrats alike, and for a second time now the Senate, without objection, 100 strong, Republican and Democrat alike, has acted not as partisans but as Americans on an issue that afflicts families all over our land, the issue of mental health, of depression among our youth that often, too often, even at epidemic levels, can lead to suicide.

This has been for me a very long and difficult year. I am grateful for the support of family and friends and, especially here now, my colleagues. I had many thoughts in mind when this occurred because I was raised to believe that no success can compensate for failure in one's home. And when my son took his life, I felt the ultimate failure. Yet I have come to learn from colleagues, some of them, like the leader, medical experts, others like MIKE DEWINE, who has suffered much in his family through the loss of a daughter; PETE DOMENICI, who has helped me to understand the lethal nature of mental illnesses, and so many more.

I have been buoyed up and strengthened sufficient to carry on my public responsibility and try to find from the loss of my son some new meaning in his life. Today the Congress has acted on his birthday. My wife Sharon and I are profoundly thankful to all of you. What we have done today is to pass a bill that will enable the States, encourage the States, incentivize the States to have youth suicide prevention programs to, with parental permission, give testing to identify, under the strictest of privacy, those children who may have a predisposition toward depression and suicide.

We have given the incentive to the States to set up college backstops, counseling, intervention measures, to help where this epidemic is most acutely felt, and that is on American college campuses. We are setting up a national repository of information through SAMSHA, where the best ideas from the 50 laboratories that are the 50 United States can be brought together and shared so intervention can be more effectively made to save more of America's sons and daughters.

When this bill left the Senate, I thought it was in perfect form. But I learned something about a bicameral legislature in working with my colleagues in the House. They made it better. They had many good suggestions. And I feel it appropriate to say that while some I am entirely in agreement with and others I would have preferred not be there, I support the bill as it has come from the House of Representatives.

I owe a great deal of thanks to some specific individuals. If you will bear with me, Mr. President, I would like to thank some of them and also note for those colleagues who may be concerned about parental notification precedence that the House was willing to put in there provisions that this tougher parental notification is applicable just to this bill and in no way affects No Child Left Behind legislation.

I need to say thank you to some very significant people without whom this bill would not have passed. First, I want to thank Chairman JOE BARTON, the Congressman from Texas, who chairs the House Commerce Committee. I say to all the world, and particularly his constituents, he is a man of his word. He had tremendous pressure on him not to proceed with this, but he gave me his word. He is good for it. He worked with me. He demanded much of me. We gave much. But under considerable pressure he stood up against it and made this to pass.

To Speaker HASTERT and Leader DELAY, thank you for your permission, thank you for making this happen, allowing it to happen, and also being good to the commitments that were made to me and other colleagues and to the White House.

I thank my House sponsors, Congressman BART GORDON of Tennessee, Coach TOM OSBORNE of Nebraska. Coach OSBORNE knows something of young people and their struggles. He was wonderful to work with. DANNY DAVIS, of Illinois, spoke eloquently about this bill on the Senate floor last evening. My own Congressman, GREG WALDEN, who helped to shuttle this through the House, I am profoundly thankful to him. I also note EARL BLUMENAUER and PATRICK KENNEDY of Rhode Island were particularly helpful to me in passing this legislation. I am grateful to them.

Senator SANTORUM—they call him a Pope over there—is regarded in very exalted terms and a term of affection. He was unusually helpful in helping me to make my way through the House membership and to get this passed.

Leader FRIST, this would not happen without you. At every turn you have been there for me and helped me to get through this year. JUDD GREGG, the chairman of our committee, with jurisdiction, was wonderful to make this possible and happen in the Senate. MITCH MCCONNELL, your staff, Leader FRIST's staff, were very helpful. They went the extra mile back and forth from the House to Senate Chambers time and again for me. I thank the staffs of all of these people who worked so hard.

Senator DODD and Senator KENNEDY have been unusual champions of this issue, and issues of mental health. They have been wonderful guides. Senator JACK REED of Rhode Island helped to author a major provision.

HARRY REID, the Democratic whip, has been a stalwart and counseled me to take this and do that. I say to him, thank you, sir, for your help and your understanding of the issue of suicide.

I thank Leader DASCHLE as well because without his understanding that this was not partisan this would not have happened. I am grateful to Leader DASCHLE.

I mentioned MIKE DEWINE. MIKE is behind me and will speak to this issue. If you could package goodness in human form, it would look like MIKE DEWINE.

I think most significantly for me has been the woman who sits to my right, Catherine Finley, who is a person of talent, tenacity, and temperament sufficient to take a stand-alone bill, in a very short period of time, pass it through the Senate, the House, and back through the Senate again. I am

eternally in her debt. And my wife joins me in those sentiments.

Finally, I thank George W. Bush, the President of the United States, and his staff at the White House, who have been with me from the beginning and who have urged me on time and again to get this done and to get it to him. He has understood that this issue is part and parcel about being compassionate and being conservative. I thank the President of the United States.

In closing, Mr. President, I would like to read a letter that I think says more eloquently than I can why this legislation is so necessary and why it has the prospect of doing so much good. I received this letter from a student at George Washington University in Washington, DC. She urged passage of this bill. Her name is Miss Meredith Jessup of Sturgis, MI. She wrote this:

This past year I arrived in Washington, DC with a new educational landscape set before me, convinced that I was equipped with the essential skills I would need to survive college. But I was in no way prepared when my close friend and neighbor committed suicide by jumping to his death from his dorm window.

The story that unfolded was his personal narrative of his fight with depression and his constant feelings of worthlessness. He openly wrote about how he had planned his own suicide and about the frightened ideas of acting out his plans. This young, brilliant person, never seen without a smile on his face, had been secretly battling severe depression for a year. None of his friends had had a clue and he had never shared this with his family.

He was depressed and confused and I was scared and utterly unprepared to know how to keep my friend alive. I was never sure why he had chosen to confide this to me, but he made me promise to keep his confidence. In the following days I convinced him to accompany me to the university counseling service.

Two weeks later I received another desperate call from him, he was contemplating death at the dorm. I convinced him to begin walking to meet me and we went to the hospital emergency room. As I sat in the hospital waiting room, tears streaming down my face, I prayed that the hospital would admit my shattered friend for emergency counseling and intervention. I was not a professional; friendship was the only tool I could use to try to help him and as I sat at his bedside I grabbed his hand and told him how I was proud of his courage.

On Sunday, April 18, 2004, a week after his discharge from the hospital, he called my cell phone once again. This time his voice was barely recognizable, laden with sadness. He called from his dorm room, four doors down from mine. ''I don't want anyone to worry about me,'' he said. ''When you wake up tomorrow, I want you to forget about anything that happened today.'' As he kept repeating these lines over and over again, it hit me like a load of bricks. He was going to commit suicide. ''Good-bye . . . '' rang in my ears as he hung up his phone.

I repeatedly tried to call his phone and pounded on his door. Then the sound of emergency sirens flooded in from open windows, and a harsh reality set in. He had jumped from the balcony of his fourth floor window. My friend was dead at 19 and I hadn't been able to save him.

Perhaps his condition was beyond anyone's help—friend, family or trained professional. Perhaps there was more that could have been done. In his case, however, we will never know. The only thing for us to do after a tragedy like this is to work to ensure others who are struggling do not face the seemingly hopeless situation he had found.

On this, the three-month anniversary of my friend's death, I am writing to thank you for championing the issue of youth suicide prevention. I am writing to thank you for your courageous efforts to help people struggling like my friend. I applaud the courage it took for you to stand before your Senate colleagues and reopen the emotional wounds that are just below the surface from the suicide of your own son.

These wounds are all too familiar to me in the death of my friend. He was one of five students of The George Washington University to die this last school year in suicides or preventable acts. Perhaps the Garrett Lee Smith Memorial Act is a way that I can help others who are struggling on my campus. This piece of legislation and the opportunities it presents provide a way to create something good out of so many tragedies. What I could not do for my friend perhaps can be accomplished in an educational outreach and counseling protocol program I plan to propose for GW, seeking funding through your legislation.

I would like to personally thank you and other members of the United States Senate for taking up this initiative to help prevent suicide among America's youth. I would also like to encourage members of the House of Representatives to pass the Garrett Lee Smith Memorial Act. By instituting the grant program for America's universities, I hope to be a part of alleviating the nation's third leading cause of death among young people. It's the least I can do to honor the memory of my friend. Our country cannot afford to lose to depression the character and the substantial talents of young people like him.

With that, I thank my colleagues for supporting this historic act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, let me congratulate but mostly thank my friend and colleague from Oregon. We would not be here tonight without him. It is true many people worked on this bill, but he is the one who got us here. No one but my friend knows how many people he talked to and what he had to go through to get us to this point. I think everyone on this floor knows it could not have been done without our colleague. He did it. He did something that no one else could have done.

Our friend, my friend, suffered the worst tragedy—he and his wife Sharon—that any couple, any family can suffer; that is, to lose a child. They took that tragedy and resolved that they would do something so other families would not suffer as they have suffered.

I say to my friend that neither he nor anyone else in this Chamber will ever know what families will be spared because of the action taken by the House and Senate and because of his hard work.

But the one thing we do know is, there will be many families who will be spared what he and Sharon fought through. For that, we all should say thank you. There will be many children out there who will not lose their lives, many families who will not suffer.

This bill is a wonderful, living tribute to their son Garrett Smith. If we do our job, not only this year, not only this moment, but in the years ahead in properly funding this, it will remain year after year after year a wonderful living tribute to him. It will remain also a living tribute to all the young children who have lost their lives over the years.

I thank my colleague. On behalf of all the people and families who will be spared and all the children whose lives will be saved—and we will never know who they are—he has done something that is very wonderful. He has taken his sorrow and grief, taken the position God has given him and the people of his State have given him and has made something wonderful out of it. It is, in fact, a wonderful tribute to his son, a tribute to the love he has for his son.

I yield the floor.

Mr. KENNEDY. Mr. President, I am proud to join my colleagues Senators GORDON SMITH, CHRIS DODD, MIKE DEWINE and JACK REED in support of the Garrett Lee Smith Memorial Act. I thank them all for their tireless efforts to see this legislation enacted.

I especially thank Senator SMITH for his courage in helping us understand this rising problem that for so long has been misunderstood. The legislation we are passing today is an important first step we must take—we know we must take—to help our troubled young people contemplating suicide.

Youth suicide affects us all. And while we also understand that no words can heal the deep pain or replace the great loss of an anguished child we love, we know we can do better. We can work to prevent the kind of debilitating despair that leads young person to end their lives and to let them know that there are other options. There are people out there who care. You are not alone.

Make no mistake, we are truly in the middle of an epidemic of teen suicide. Suicide is now the third leading cause of death among adolescents. And while the years of lost potential and productive living are never really captured in the statistics, we know the death of a young person has a devastating and long-lasting effect on family, friends, and the whole community.

To the youth of America this bill has a simple message—help is on the way. We have heard your pleas for help and we are acting. And it is particularly important at a time when cash-strapped States are cutting funds for many vital services.

This legislation will give grants to States to develop youth suicide prevention programs in settings ranging from schools to foster care homes to juvenile justice settings, to substance abuse and mental health treatment and prevention centers. It gives States the flexibility to target resources and set goals. It gives priority to funding entities with experience delivering these kinds of services and ensures that 85 percent of every dollar spent goes toward direct

prevention efforts—toward saving lives.

It is appropriate that we are passing this legislation just as millions of our young people are headed off to college for another semester. We know that college is a place where young people can expand their horizons and learn so much about themselves and the world around them. It is a time of great opportunity, but also a time of great challenge for many young people. Away from home for the first time, with new and enormous pressures to succeed, many struggle with feelings of depression, which in the most extreme cases lead to thoughts of suicide.

Thanks to the efforts of Senator DODD, this legislation will increase the presence of counseling programs on college campuses across the country. It will allow colleges to conduct education seminars, operate life-saving hotlines, train other students to recognize and counsel their struggling peers, and link colleges and universities that do not have mental health services with health care providers that can help.

The program authorized under this bill recognizes that colleges and universities have a role to play in funding prevention efforts, and so does the Federal Government. For every dollar a school contributes to the health and well-being of their students, we contribute the same. It is the right thing to do, and it will save lives at campuses across the country.

This legislation will also create a new national center to monitor, coordinate and assist our national suicide prevention efforts. This national coordinating mechanism is long overdue and it will make a world of difference.

This bill will not solve the issue of youth suicide, but it represents real progress. We still have so much more to do to see that no child falls through the cracks, and that mental illnesses receive the same insurance coverage and quality of care as physical illnesses.

But today we move forward with the Garrett Lee Smith Act, knowing that we will have made a brighter tomorrow for many of our young people.

Mrs. DODD. Mr. President, I believe that the legislation before us tonight—the Garrett Lee Smith Memorial Act—represents a positive step towards finding concrete, comprehensive and effective remedies to the epidemic of suicide in our Nation's young people. I intend to support this legislation, and I would like to thank my friend and colleague, GORDON SMITH, for all his tireless work and commitment in seeing this legislation through.

By authorizing $82 million over 3 years, this bill seeks further to support the good work being done on the community level, the State level, and the Federal level with regards to youth suicide early intervention and prevention in four principal ways.

First, it establishes a new grant initiative for the further development and expansion of youth suicide early intervention and prevention strategies and the community-based services they seek to coordinate in schools, mental health programs, substance abuse programs, foster care systems, juvenile justice systems, and other youth support organizations.

Second, it authorizes a dedicated technical assistance center to assist States, localities, tribes, and community service providers with the planning, implementation, and evaluation of these strategies and services.

Third, it establishes a new grant initiative to enhance and improve early intervention and prevention services specifically designed for college-aged students.

And fourth, it creates a new interagency collaboration to focus on policy development and the dissemination of data specifically pertaining to youth suicide.

In July, the Senate took up this important bill and showed its commitment to reduce the public and mental health tragedy of youth suicide by passing it unanimously. I hoped at that time that the House would see this strong example of bipartisanship and follow suit.

Regrettably, the House sent back the legislation containing a controversial provision authored by a small group of House Members with rather extreme views that has the potential actually to harm, rather than help, suicide prevention and suicide awareness efforts.

Simply put, this provision sets a new precedent by erecting and mandating broad and ambiguous parental consent measures across all ''school-based programs'' and non-medical services in our nation's schools—the very places where most children who are prone to suicidal tendencies first seek help. These measures are stigmatizing, untried, unproven, and arguably most importantly—undefined.

I am afraid that because of the ambiguity of this provision, we cannot know what ''prior written, informed consent'' really means, what ''school-based programs'' will require this consent, or what emotional state a child must be in to be considered for ''emergency'' care.

I am also afraid that because of this provision, we may not be able to guarantee that the services this bill funds will be made available to all children who need them. We may not be able to guarantee that a child who is being abused by parents or guardians—an unfortunate occurrence that's unacceptably common in our country—will be able to obtain the appropriate mental health services he or she might desperately need without the consent of that very same parent or guardian.

Nevertheless, the strengths of this bill outweigh its weaknesses. The Garrett Lee Smith Memorial Act is an important first step towards recognizing the causes of this public and mental health tragedy and supporting innovative and effective public and mental health initiatives that reach every child and young adult in this country—compassionate initiatives that given them encouragement, hope, and above all, life.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in this body, occasionally we have such moments we share as colleagues, and they are probably more rare than any of us would like. The rarity is really centering around what we have heard, and that is a juxtaposition, a coming together of probably the deepest pain and sorrow and sadness with a real celebration, manifested in part by the birthday of Garrett Lee Smith, but also the celebration and accomplishment that can only be accomplished on the floor of the Senate, working with the House, working with the President of the United States, where a piece of legislation is passed and you know it is going to affect scores of lives, hundreds of lives, and directly and indirectly thousands of lives of people we will never see, faces we will never see, but who will be touched in a way that is most powerful, and that is allowing them to lead fulfilling lives and not be captured by tragedy which, without this legislation, unfortunately today, where we are, would occur.

It is that oneness of humanity, of the ups and the downs, but the goodness that comes out of it that this bill represents. The comments by both Senator SMITH and Senator DEWINE reflect it so well.

Senator SMITH thanked so many of the people. I think it is very useful to do because it allows them to be thanked, but more importantly for others to see how hard it is, even with legislation that we know will save lives and do good, to pass legislation in this body and in the House. It takes a lot of people working together, unselfishly, to produce a beautiful product such as has been passed minutes ago.

The act itself reaches out to a population we know is going through the most dynamic changes at any stage in life, as the population travels through adolescence, meeting changes and challenges, leaving certain securities and insecurities of their past and being struck day in and day out. And up until passage of this bill, there was simply not help there, or it was not there when somebody reached out. The wonderful thing this bill does, through referral networks, through programs to raise awareness of teen suicide and youth suicide, until we have a program that trains faculty and others to respond when a student does reach out, things will simply not change. That is what this bill does.

I want to in particular say thank you to our colleague Senator GORDON SMITH. This is painful. This is a real triumph, which is the celebratory part, but it is a difficult moment for him, for Sharon, for his family. As he mentioned, it has been a year and a day ago since the death of his son Garrett. But

since that time, working through the grief and the sorrow and the sadness and the loss that can't even be described in words, he and Sharon have consistently and eloquently and passionately spoken about not their own needs but the needs for others, others who they don't know but who they know exist, both today and tomorrow, those who suffer in some shape or form from some type of mental illness. No one can bring back a life that has been lost, but as those of us who have worked with our colleague Senator SMITH and who have watched and who have observed, he has helped teach us that through this process lives can be saved.

It touches home to many of us. This particular bill addresses this sort of youth suicide, teen suicide. And those of us who have kids that age—my three boys are 18, 19, and 21 years of age—as Senator SMITH mentioned, in that age group, suicide is the third leading cause of death. Thirty thousand people die each year as a result of suicide. That is one person every 17 minutes. Suicide has touched Senator SMITH and his family personally, other Members of this body. You don't realize how many people it touches, as we have discussed before, until something tragic like this happens. But it touches people throughout this body, indeed throughout the country.

This legislation helps turn those tragedies into direct assistance to the benefit of others. This bill addresses suicide when it occurs at the most tragic time of one's life. That is in those years where one is leaving, going through the teen years and adolescence and moving on to those years of the prime of their life. We know, though, that with help and response, prevention occurs and lives are saved. There are early detection, early prevention strategies, all of which this bill allows for the first time in legislation to come alive. That is what the legislation is all about. It is about helping those who are at risk, who may or may not show symptoms or signs, but it helps bring those to the surface with an appropriate response that will change the course that has been so tragic in so many people's lives.

In closing, the Garrett Lee Smith Memorial Act is a fitting tribute to Garrett Smith and the love his family has for him. Senator SMITH has fought for its passage not only as a Senator but as a caring father. It has passed this body unanimously, exactly as it should have.

I yield the floor, celebrating and in closing saying, happy birthday, Garrett Lee Smith.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I say to my friend and colleague from Oregon, congratulations on turning a tragedy into a triumph. Garrett would have been indeed proud of his father.

I yield the floor.

Mr. REID. Mr. President, this is a kind of celebration. I congratulate Senator SMITH for his devotion to a cause. I also want Senator SMITH to know how much Landra and I—and I say this without reservation—benefited from the funeral of their son. It is something Landra and I talked about because GORDON and Sharon, from the very beginning, didn't hide the fact their son had taken his own life. I have been to funerals where there have been suicides involved and that is something you don't talk about. They did it openly. Every speaker there talked about Garrett, what a fine young man he was, and what a shame it was he took his own life. Our going to that funeral has benefited us in so many different ways, because we grew spiritually as a result of going to that funeral. There is nothing else we could have done that day that was more important.

Let me say to my friend GORDON SMITH, this is a time for celebration. But I say that we have to continue to work on this issue. This is an authorization bill. We need the appropriators to feel as we do and put money into this project. As good as this is—and we could never appropriate money unless we authorize it—this will be relatively meaningless unless we can get the appropriators to put money into this program, so there can be grants and moneys to work for this dread disease.

So, Mr. President, I ask that the Senate here assembled have a moment of silence, not only for Garrett Smith, which is the purpose of our being here tonight, but for the 31,000 people who during the last 12 months in America have taken their own lives. Garrett is the person who is a focal point of this calamity that is facing our country today. But because of the work of GORDON SMITH, we are going to be able to move beyond this. Hopefully, in the years to come, this will be a number that won't be increasing but decreasing.

I ask unanimous consent that the Senate take a moment of silence at this time on behalf of Garrett Smith and the thousands of people who have died as a result of the taking of their own lives.

The PRESIDING OFFICER. The Senate will observe a moment of silence.

[Moment of silence.]

Mr. REID. Thank you, Mr. President. I yield the floor.

Mr. FRIST. 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF NEVADA ''TOP COPS''

Mr. REID. Mr. President, I rise today to express my congratulations to Officers Gary Casper, Clint Malburg, and Jim Mitchell and Sergeant Rick Servoss on their selection for the National Association of Police Organizations' Top Cops Awards.

The State of Nevada owes a great debt of gratitude to these brave police officers, and to all other law enforcement officers who keep our communities safe.

On August 19, 2003, a sudden storm caused dangerous flash flooding in the Las Vegas Valley. Sergeant Servoss and Officers Casper, Malburg and Mitchell, all members of the Las Vegas Metropolitan Police Department Search and Rescue team, were deployed to help residents escape the flood waters.

Seven people were trapped in life-threatening situations, stranded on top of their vehicles. Battling 60 mph winds and power lines, Sergeant Servoss and Officer Casper maneuvered the team's helicopter only feet above the roaring water. Suspended by a cable and winch operated by Officer Mitchell, Officer Malburg retrieved the trapped individuals. The team even saved four Las Vegas firefighters when rushing waters overtook their fire engine.

I recently had the opportunity to meet with Officers Casper and Mitchell. That meeting reminded me how important it is to express our appreciation to police officers and other first responders. These people put their lives on the line every day to protect our homes and communities. They will tell you that they are just doing their—jobs but we must never forget that they are heroes.

When I attended law school, I worked as a U.S. Capitol Police officer to support my family. Today I still feel a bond with those who protect our communities. I am so grateful for the dedication and heroism of these brave men. Please join me in thanking them for their courageous efforts.

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 March 19, 1999 in San Francisco, CA, three men were charged with suspicion of aggravated assault after they allegedly yelled anti-gay epithets and assaulted a man.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WAR ON PROLIFERATION

Mr. KYL. Mr. President, I ask unanimous consent that the column ''An All-Out War on Proliferation'' by Undersecretary of State John Bolton, which appeared in Tuesday's Financial Times of London, be printed in the RECORD. This piece clearly articulates the Bush administration's aggressive approach to stopping the proliferation of weapons of mass destruction. The success of U.S.-led nonproliferation and counterproliferation efforts over the last 4 years shows strong U.S. leadership on a global scale. It is also an illustration of just what we are able to accomplish through U.S.-led multilateral, concrete action, rather than through inefficient bureaucracies and toothless treaties.

I congratulate Undersecretary Bolton for his outstanding piece, and I strongly recommend it to my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Financial Times, Sept. 7, 2004]

AN ALL-OUT WAR ON PROLIFERATION

(By John Bolton)

Some supporters of ''multi-lateralism'' prefer to talk about its glories in the abstract rather than take action in the here and now. The Bush administration's non-proliferation policies fall into the latter category. Rather than rely on cumbersome treaty-based bureaucracies, this administration has launched initiatives that involve co-operative action with other sovereign states to deny rogue nations and terrorists access to the materials and knowhow needed to develop weapons of mass destruction (WMD). Our policies show that robust use of the sovereign authorities we and our allies possess can produce real results.

The Bush administration is reinventing the non-proliferation regime it inherited, crafting policies to fill gaping holes, reinforcing earlier patchwork fixes, assembling allies, creating precedents and changing perceived realities and stilted legal thinking. The frontlines in our non-proliferation strategy must extend beyond the well-known rogue states to the trade routes and entities engaged in supplying proliferant countries. This can properly be described not as ''non-proliferation'', but as ''counter-proliferation''. To accomplish this, we are making more robust use of existing authorities, including sanctions, interdiction and credible export controls. Most importantly, we have taken significant steps to improve co-ordination between sovereign states to act against proliferators.

As we learned from the unravelling of the clandestine nuclear weapons network run by A.Q. Khan and from the Libyan WMD programme, proliferators employ increasingly sophisticated and aggressive measures to obtain WMD or missile-related materials. They rely heavily on front companies and illicit brokers in their quest for arms, equipment, sensitive technology and dual-use goods.

In his September 2003 speech to the United Nations General Assembly, George W. Bush proposed that the Security Council pass a resolution calling on member states to criminalise WMD proliferation, enact export controls and secure sensitive materials within their borders. The resulting Security Council Resolution 1540, unanimously adopted, achieved the president's goals. Rather than requiring years negotiating treaties and creating elaborate institutions, Resolution 1540 rests on the notion that sovereign states are responsible for writing and implementing laws closing the loopholes exploited by black market WMD networks.

Among the most prominent of this administration's counter-proliferation innovations is the Proliferation Security Initiative (PSI). We say that PSI is ''an activity, not an organization,'' in this case an activity designed to halt trafficking in WMD, their delivery systems and related materials. In developing PSI, our main goal has been a simple one: to enable practical cooperation among states to help navigate this increasingly challenging arena. The initiative focuses on enhancing states' operational capabilities in the intelligence, military and law enforcement arenas. More than 60 countries gathered in Poland just over a month ago to mark PSI's one-year anniversary—and some notable successes. The interception, in cooperation with the UK, Germany and Italy, of the BBC China, a vessel loaded with nuclear-related components, helped convince Libya that the days of undisturbed accumulation of WMD were over, and helped unravel A.Q. Khan's network.

Another important administration initiative is the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, launched by the Group of Eight at its June 2002 summit. Here again, this effort relies on the commitments of sovereign states acting separately and in concert to secure sensitive materials. Like PSI, the Global Partnership is an activity, not an organisation. The G8 Leaders and 13 additional partners have pledged to raise up to Dollars 20bn (Pounds 11.3bn) over 10 years for projects to prevent dangerous weapons and materials from falling into the wrong hands.

The US already has non-proliferation projects under way not only in Russia but in Ukraine, Kazakhstan, Uzbekistan, Georgia and other former Soviet states, as do other Global Partnership countries. We recently began assistance in Iraq and Libya and are encouraging our partners to undertake their own projects in such states. At Sea Island this year, the G8 agreed to use the Global Partnership to coordinate activities in these areas.

This administration is working to make up for decades of stillborn plans, wishful thinking and irresponsible passivity. We're already late, but we are no longer bystanders wringing our hands and hoping that somehow we will find shelter from gathering threats. We are no longer lost in endless international negotiations whose point seems to be negotiation rather than decision, and no longer waiting beneath the empty protection of a reluctant international body while seeking grudging permission to take measures to protect ourselves.

Mr. Bush has begun laying the foundation for a comprehensive, root-and-branch approach to the mortal danger of the proliferation of instruments intended for our destruction. We are determined to use every resource at our disposal—using diplomacy regularly, economic pressure when it makes a difference, active law enforcement when appropriate and military force when we must.

We are just at the beginning, but it is an extraordinary beginning. Not only are we meeting this ultimate of threats on the field, we are advancing on it, battling not only aggressively, but successfully. And so we must, for the outcome of this battle may hold nothing less than the chance to survive.

BACK TO SCHOOL AND THE NO CHILD LEFT BEHIND ACT

Mr. FEINGOLD. Mr. President, as the Senate returns from its August recess this week, students, teachers, and school personnel across Wisconsin and around the country are settling in for a new school year.

Each new school year brings with it the promise of things to come. Students will embark on new educational paths, with new subjects and teachers and, in some instances, new classmates. Some students are entering school for the first time, while others are beginning their middle or high school careers. And some are embarking on their senior years in high school and are preparing to make the transition into the next phase of their lives. All of these students, and their parents, are facing new challenges and new opportunities. We owe it to them to provide the resources promised by the Federal Government to support our States and local school districts.

Throughout our Nation's history, the education of our children has been viewed as a largely local and State responsibility, and the Federal Government has wisely left decisions affecting our children's day-to-day classroom experiences up to the schools, districts, school boards, and State education agencies that bear the responsibility for—and most of the cost of—educating our children. Historically, when the Federal Government has stepped in, it has been to ensure that children receive an equal opportunity for a good education by protecting the rights of all children and by providing additional resources for schools and for such related activities as teacher training.

Impact Aid, which was enacted in 1950 and is one of the oldest Federal education programs, helps local school districts to defray the costs of educating ''federally connected'' students, such as those who live on Federal land, which is not included in the local property tax base that funds elementary and secondary education. The National Defense Education Act of 1958, which was enacted in response to the Soviet launch of the Sputnik satellite, provided funding to improve math, science, and foreign language instruction in our elementary and secondary schools.

The landmark Elementary and Secondary Education Act of 1965, of which the No Child Left Behind Act is the most recent reauthorization, provided funding to support the education of disadvantaged students. That same year, Congress enacted the Higher Education Act, which has helped to provide millions of Americans with the assistance they need to pursue post-secondary education.

Also in 1965, the Office of Economic Opportunity created ''Project Head Start,'' the predecessor of the current Head Start program, which is administered by the Department of Health and Human Services. Since its inception, Head Start has improved opportunities for low-income preschool children and their families by providing a comprehensive approach to addressing the

educational, nutritional, psychological, and other needs of these children and their families.

The Individuals with Disabilities Education Act of 1975 mandates that a free appropriate public education be provided to all children and promises that the Federal Government will pay 40 percent of the cost of educating children with special needs. Our public schools' efforts to serve students with disabilities are a hallmark of our national commitment to a free public education for all children. Since IDEA was enacted, public schools have helped students with disabilities to become more self-sufficient, to prepare for employment, and to learn the skills they will need to lead productive lives. America's public schools have led the way toward the full integration of individuals with disabilities into our national life.

The Federal Government has a long history of supporting local and State governments in their effort to provide a high quality public education for each child. I support these efforts, which rightly respect the importance of maintaining local control of education. For that reason, I opposed the No Child Left Behind Act, NCLB, which the President touts as one of his top domestic achievements.

While I think we all agree that schools should be held accountable for results, I and many Wisconsinites oppose the testing-centered mandates in the NCLB. I support some aspects of this law, such as funding for reading education and after-school programs. I opposed this legislation, however, because it takes decisions regarding the frequency of testing out of the hands of local school districts and states and mandates that students be tested in reading and math in grades 3–8 beginning with the 2005–2006 school year. This top-down, one-size-fits-all approach to testing is not good for Wisconsin students or schools. Washington does not know best when it comes to making decisions such as this. And it is troubling that the results of these tests are central to determining whether a school, district, or State is considered to be ''in need of improvement'' or ''failing'' academically.

It is also troubling that the corresponding Federal sanctions for schools deemed to be ''in need of improvement'' or ''failing'' will actually take badly needed money from those very schools. And these sanctions are being imposed despite the fact that the Federal Government has not provided the resources to help these school succeed that were promised by the No Child Left Behind Act.

The President has called the No Child Left Behind Act ''the most important Federal education reform in history.'' I respectfully disagree with the President's assessment of this law, the effects of which are beginning to reverberate throughout Wisconsin and throughout the country. As I travel around Wisconsin each year to host listening sessions in each of our 72 counties, I hear time and again from frustrated teachers, administrators, parents, and others about the negative effect that NCLB is having on education in Wisconsin.

I began to hear such comments more than three years ago when the President first proposed his education initiative, and this drumbeat of concern has increased as my constituents continue to learn first-hand what this new law means for them and for their students and children. While Wisconsinites support holding schools accountable for results, they are concerned about the focus on testing that is the centerpiece of the President's approach.

In response to these concerns, I introduced with Senator JEFFORDS and others the Student Testing Flexibility Act, which would allow States and school districts that are meeting their adequate yearly progress, AYP, goals to waive the additional layer of testing required by NCLB, thus allowing them to maintain their existing testing programs. In addition, this bill would allow States to keep the Federal money allocated for developing and administering these new tests and to use that money to help those schools and districts that are not meeting their AYP goals. I am pleased that this legislation is supported by a wide range of Wisconsin and national education groups.

In addition, earlier this year I sent with some of my colleagues a letter to the chairman and ranking member of the Health, Education, Labor, and Pensions Committee requesting that the committee have a series of hearings on how the ongoing implementation of the NCLB is affecting schools and districts. We asked that these hearings focus on issues that are being raised by our constituents, including: the unique circumstances of rural and smaller school districts; the long-term effects that meeting the one-size-fits-all AYP provisions will have on students, schools, and school districts; the concern and likelihood that nearly all public schools may not be able to meet the goal of 100 percent proficient scores on reading and math tests by the 2013–2014 school year, even if those schools show a steady increase in student achievement each year; the NCLB sanctions structure; the effect that Federal funding that is well below the agreed-upon authorization levels for crucial programs such as Title I and special education is having on schools' ability to meet NCLB and State standards; the need for additional Federal funding for professional development, recruitment and retention, and for additional training for paraprofessionals, so that States and school districts can comply with requirements for having highly qualified teachers and paraprofessionals; the toll that preparation for the new federally mandated tests is having on, and will have on, the ability of teachers to spend time on innovative and exciting approaches to instruction and assessment, the instruction time available for non-tested subjects, such as social studies, art, music, and physical education, the strength of State academic standards, and the morale of students and educators; the ongoing efforts to align the NCLB and IDEA; the unique challenges that the accountability provisions pose for students with limited English proficiency; and the implementation of the supplemental services provisions, including implications for Federal civil rights law.

It is critically important that we understand the practical effect of the NCLB on the everyday classroom experiences of students and teachers. I have heard from many educators who are already seeing a narrowing of curricula and increased teaching to the test in preparation for the federally mandated tests in reading and math. One of the purposes of public education is to ensure that students have a well-rounded curriculum that gives them the skills that they need to succeed in life. I remain concerned that the approach encapsulated in the NCLB will produce a generation of students who know how to take tests, but who don't have the skills necessary to become successful adults. Test-taking has a place in public education, but it should not be the role of the Federal Government to tell schools how and when to require tests.

As an editorial that appeared earlier this week in the Appleton Post-Crescent so correctly points out, ''the more testing schools must do, the more time is taken from education that doesn't involve passing a test. And the more testing schools have to do—in the name of no child being left behind—the greater the chance that your child could be left with a less complete education.''

And, I am particularly disturbed that this appears to be only the tip of the testing iceberg. The President has said that he plans to propose even more federally mandated testing if he is reelected. Specifically, the President said, ''[a]s we make progress, we will require a rigorous exam before graduation.'' If this proposal were to be enacted, it would mean that students would be taking federally mandated tests in 8 of their 13 years of their elementary and secondary years.

And that's not just 8 tests. Beginning next year, students in grades 3–8 will take annual reading and math exams, which totals 12 tests over a student's career. In addition, the Federal Government requires that students be tested in reading and math in one high school grade, which is two more tests, for a total of 14. Beginning in the 2007–2008 school year, NCLB also requires that students be tested in science three times during their school careers (once in each of grades 3–5, 6–9, and 10–12). That's three more tests, for a new total of 17 federally mandated tests. And if the President's new plan for a mandatory high school exit exam is enacted,

you can add one more test, bringing the total to 18 federally mandated tests over 13 years of school.

And this total does not include testing programs already in place at the State level, many of which have been thrown into disarray as States struggle to amend their existing tests to comply with the new NCLB requirements. Wisconsin currently tests students in reading in grade three through the Wisconsin Reading Comprehension Test, and in reading/language arts, math, science, and social studies in grades four, eight, and ten with the Wisconsin Knowledge and Concepts Examinations. And this is in addition to regular classroom tests and quizzes and tests given at the district level by many of the 426 school districts in my state. And then, for those students hoping to go to college, there is the pre-SAT, the SAT, the ACT, and on and on.

The Wisconsin Legislature enacted a requirement for a high school graduation test in 1997. But that test, which was to be required of all students beginning with those in the graduating class of 2003, was delayed for one year due to State budget constraints, and was subsequently delayed for an additional 2 years for that same reason, pushing the requirement from the class of 2003 to the class of 2006.

Last year, as part of the State's 2004–2005 budget, the Wisconsin Legislature repealed the State graduation test, which many parents and educators in my State opposed and vigorously fought against for many years. Now it appears that the President wants to reinstate this requirement on the students of my State—and to impose it on the other 24 States that don't currently have such a test—over the will of the Wisconsin Legislature. And with States still unsure of the actual cost of the NCLB-mandated testing and little in the way of Federal funds to develop and implement it, another Federal testing requirement could bend the already dire budget situations in many States and school districts to the breaking point.

According to a new report from the Center on Education Policy, CEP, 20 States now require high school exit exams, and another five will require such tests by 2009. I support the right of State legislatures and local school districts to determine the frequency with which students are tested, including whether to require a high school exit exam. When I was a member of the Wisconsin legislature, I supported legislation that created statewide tests for the students of my State. But I opposed the extra layer of federally mandated tests piled onto students and teachers with the enactment of the No Child Left Behind Act, and I will oppose any proposal for a federally mandated high school exit exam.

Students, teachers, and schools are more than a test score, and education should be a well-rounded experience that is not narrowly focused on students passing a test to help their schools avoid being sanctioned by the Federal Government. Standardized tests measure where a particular student is at a particular day and time. These tests do not make allowances for outside factors such as test anxiety, illness, worry about a troubled home situation, or the fact that the child taking the test may not have eaten that day. To measure the performance of a school and its teachers and students on two test scores per grade does a disservice to these same students, teachers, and schools.

I will continue to monitor the effect of the No Child Left Behind Act on Wisconsin students, and I hope that the debate on this law, both in my State and nationally, will result in meaningful changes to this deeply flawed law that will ensure that each child is given the opportunity to succeed and that each school has the resources necessary to give these students that opportunity.

I ask unanimous consent to print the above-referenced editorial in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Appleton Post-Crescent, Sept. 8, 2004]

TOO MANY TESTS MEAN DIMINISHED EDUCATION

A quarter-million kids in Wisconsin will spend part of this school year studying for and taking standardized tests.

In the next school year, that number will nearly double, as tests mandated by state government—pushed by the federal No Child Left Behind Act—expand to include more grade levels and more subjects.

There will be more time needed to take tests, and to prepare students to take the tests. And it's all being done to test . . . the schools.

Sure, the kids are the ones taking the tests, but ultimately it's the schools' performance that's being graded. No school wants to be deficient in its test results because, under No Child Left Behind, there may be consequences.

But with more testing on the way—and more classroom time devoted to the tests—what's going to happen to our kids' education? What won't our kids be learning because they'll be studying for more tests?

This year, third-graders have reading tests and fourth-, eighth- and 10th-graders have reading, language arts, math, science and social studies tests. Next year, those tests will remain, but third-graders will add a math test and fifth-, sixth- and seventh-graders will have reading and math tests.

It can be argued that standardized tests show our children are learning. But what are they learning? How to pass one particular test, which tests one particular subject and is geared toward one particular style of learning?

It also can be argued that schools must be accountable and standardized tests are the best way—if flawed—to ensure accountability. But, the more testing schools must do, the more time is taken from education that doesn't involve passing a test.

And the more testing schools have to do—in the name of no child being left behind—the greater the chance that your child could be left with a less complete education.

RANDY JENSEN: NATIONAL SECONDARY PRINCIPAL OF THE YEAR

Mr. CRAPO. Mr. President, I am pleased by the education received by children in my home State of Idaho. Our teachers are caring, administrators are dedicated, and our schools are effective. The preparation for life and for further learning that I received in Idaho classrooms during my youth has served me well throughout the years

Today, I am especially pleased to honor Randy Jensen, the Principal of William Thomas Middle School in American Falls, ID, who has been selected as the National Secondary Principal of the Year. For nearly 20 years, Mr. Jensen has worked to make William Thomas a welcoming and supportive environment for students and staff. His commitment to communication, teamwork and proactive problem solving is well recognized by parents and members of the community, and has now been recognized by his colleagues at the national level.

Mr. Jensen correctly states that middle school is ''a tumultuous time in the lives of young people, so those of us who know and love them must be their advocates.'' Mr. Jensen has been just that: an effective advocate for Idaho students. It is altogether fitting that he should be recognized and honored. So today, I offer my congratulations and best wishes to Randy Jensen, National Secondary Principal of the Year.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

GLOBAL HEALTH AND PROTECTION AGAINST BIOTERROR ATTACKS

• Mr. AKAKA. Mr. President, I rise today to express my concern that we need to do much more and do it much sooner to address the threat posed by Avian influenza and other infectious diseases.

The Avian influenza outbreaks that occurred in late June 2004 indicate that the virus is becoming more pathogenic and more widespread according to World Health Organization, WHO, officials. In addition, this virus has crossed the species barrier, moving from infected chickens or ducks directly into humans in three documented outbreaks since 1997.

I am most troubled, however, by a warning from WHO officials that the virus may acquire the ability to spread easily from human to human, and thus, trigger a global influenza pandemic. According to the Centers for Disease Control and Prevention, CDC, an influenza pandemic could cause an estimated 89,000 to 207,000 deaths, 314,000 to 733,000 hospitalizations, and cost from $71–$167 billion in the United States alone. We cannot afford to take this threat lightly.

The so-called bird flu is deadly to humans. It killed 24 out of 35 people who

contracted it from chickens in Thailand and Vietnam earlier this year. In July an additional three were killed in Vietnam. This fatality rate is in the same range as the Ebola virus which is considered one of the most virulent viral diseases known to man.

Lack of effective treatment options for Avian flu contribute to its lethality. Creating an effective vaccine for the Avian influenza virus is extremely difficult. The virus is so deadly that a vaccine cannot easily be grown in eggs, the usual method of production. Other vaccine production methods are being studied, but the required extensive safety tests for a new vaccine mean that large scale vaccine distribution is not feasible in the near term.

Equally disturbing is that only one drug is currently believed effective to treat Avian flu, an antiviral medicine called Tamiflu which helps only if taken within one to two days of developing symptoms of the disease.

The WHO recently decided Tamiflu should be included in regional stockpiles to be distributed at the first sign of a new influenza virus spreading among humans. Unfortunately, if a pandemic of Avian flu were to occur now, the manufacturer of Tamiflu could not produce enough of the drug to meet the huge demand that would occur, and there is no generic substitute.

In light of these very limited treatment options, we should heed the WHO's warning and take aggressive steps to prevent a pandemic from occurring while at the same time increasing our preparedness to respond to all public health emergencies by developing a global defense system against the outbreak of diseases, including those resulting from terrorist attacks.

On July 31, 2003, I introduced S. Res. 208 to address this concern. The resolution seeks to improve American defenses against the spread of infectious diseases by calling for improvements in global disease surveillance capabilities because the early warning of a disease outbreak is key to its identification, the quick application of countermeasures, and the development a cure.

The recent Presidential Directive 10, ''Biodefense for the 21st Century,'' observes that many bioterror attacks could initially mimic naturally occurring diseases and potentially delay recognition of an attack. This is another important reason why I believe that the United States must strengthen its ability to detect diseases before they cross our borders. To pursue this initiative, I along with Senators BINGAMAN, DODD, DURBIN, FEINSTEIN, INOUYE, LEAHY, LEVIN, LIEBERMAN, MURRAY, and SARBANES sent a letter to President Bush urging his support for global health issues at the 2004 Group of Eight, G–8, Summit. Our letter underscored the need for better disease surveillance and reporting systems which are inclusive of all public health emergencies of international concern.

I am pleased that the G–8 committed to take steps to expand and initiate new biosurveillance capabilities to detect bioterror against humans, animals, and crops; improve bioterrorism prevention and response capabilities; increase protection of the global food supply; and respond to, investigate, and mitigate the effects of alleged uses of biological weapons or suspicious outbreaks of disease.

The administration followed the G–8 summit with the August release an updated draft of the 1978 Pandemic Influenza Response and Preparedness Plan for 60 days of public comment. This plan outlines the administration's proposed national strategy for preparing and responding to an influenza pandemic. Developing a strategy is good and the administration is to be commended for its concern, but far better would be committing more resources now to programs that have already been identified as critical to our preparedness.

For example, the administration's fiscal year 2005 budget request, which cuts public health preparedness for State and local governments by more than $105 million and hospital preparedness funding at the Health Resources and Services Administration by $39 million, seriously calls into question the administration's commitment to ensuring that U.S. citizens are protected from bioterrorist events and other public health emergencies.

I commend the President and the G–8 for expressing support for global health issues, but words and plans are not enough. We need action and we need action now. We must act together to reduce the grave threat that biological weapons and naturally occurring infectious diseases pose to the safety and security of the world.

Adoption of S. 427, the Agriculture Security Assistance Act, and S. 430, the Agriculture Security Preparedness Act, which I introduced in 2003 to help protect our Nation from an agroterror attack, would be a good first step for the United States as we strive to live up to the promises made to our G–8 partners. S. 427 would assist states and communities in responding to threats to the agriculture industry by providing funding for biosecurity grants to farmers and community planning activities. S. 430 would enable better interagency coordination within the federal government as it works to plan and respond to a threat to American agriculture.

We should also ensure that the National Security Council, and the Departments of State, Homeland Security, and Health and Human Services have the funding and support they need to fully implement the commitments made at the 2004 G–8 summit. CDC's fiscal year 2005 budget request for global disease detection shows an increase of $27.5 million over the fiscal year 2004 budget. However, this funding increase comes at the expense of other important public health initiatives. We should not be robbing Peter to pay Paul when it comes to the health and safety of our Nation.

We must take action to increase WHO's global disease surveillance capability, including supporting their effort to revise the International Health Regulations by expanding the scope of required disease reporting to include all public health emergencies of international concern. An April 2004 Government Accountability Office, GAO, report on emerging infectious diseases, ''Asian SARS Outbreak Challenged International and National Responses,'' GAO–04–564, noted that the response by governments in SARS-affected countries was hindered by inadequate disease surveillance systems, poor communication, ineffective leadership, insufficient public health capacity, and limited resources.

While the International Health Regulations provide the legal framework for global infectious disease control, WHO's Global Outbreak Alert and Response Network, GOARN, is the primary mechanism by which WHO mobilizes technical resources for the investigation of and response to disease outbreaks of international importance. The SARS outbreak was the first time that the GOARN network was activated on such a large scale for an international outbreak of an unknown emerging infectious disease. During the SARS outbreak, GOARN's human resources were stretched to capacity. GOARN experienced difficulty in sustaining the response to SARS over time and getting the appropriate experts out into the field.

These difficulties in responding to and containing the SARS outbreak demonstrate the urgent need to strengthen our ability to respond to global health emergencies. For example, the CDC reported that if the United States had experienced many SARS cases during the global outbreak, CDC might not have been able to make as many of their staff available to assist GOARN. In light of this, the implications of a bioterror event or an influenza pandemic are chilling. The SARS outbreak sickened 8,089 people causing 774 deaths in 2003, and an influenza pandemic is estimated by CDC to affect 10 times as many people.

CDC's fiscal year 2005 budget request for global disease detection is $50 million. This figure is not adequate when one considers that the SARS outbreak alone cost Asian economies $11 billion to $18 billion and resulted in losses of 0.5 percent to 2 percent of total output. If we multiply that by 10 for an influenza pandemic, the numbers are staggering. If we act now to increase funding for these programs, we have a chance to help prevent such a tragic situation from happening. By helping the world cope with infectious disease outbreaks we not only increase global public health, but help ensure the health and safety of the American people as well.●

ADDITIONAL STATEMENTS

CONGRATULATIONS TO BUDDY BUTLER AND NIKKI HENSLEY

● Mr. BUNNING. Mr. President, I wanted to take this opportunity to congratulate a Kentucky couple, Buddy Butler and Nikki Hensley. They were recently picked to receive a ''Destination Wedding'' by viewers of NBC's Today Show. They competed for the free wedding package against three other couples, and were selected to receive a celebrity wedding, which will be broadcast on television.

The couple met in June of 2003, however, soon after Buddy was shipped off for a six-month tour to Iraq. Buddy joined the U.S. Army after the tragic events of 9/11 determined to help his country. He was just back from Korea when he met Nikki at a cousin's wedding. The couple remained faithful to each other during Buddy's deployment and decided to marry upon his return from Iraq.

Couples such as Buddy and Nikki are the basis for good family values in our country. I wish them luck with their celebrity wedding in November and hope for them a strong marriage in the future. Kentucky is proud of them and will be watching their big day.●

DR. CECIL L. ''CHIP'' MURRAY

● Mrs. BOXER. Mr. President, today I wish to honor the Rev. Dr. Cecil L. ''Chip'' Murray, who is retiring after 37 years of distinguished service with the First African Methodist Episcopal Church of Los Angeles.

Dr. Murray is a man of great passion and vision who has inspired his congregation to go ''beyond the walls'' of the church to help the broader community. Under his leadership, volunteers from First AME Los Angeles have changed thousands of lives for the better.

When Dr. Murray was first assigned to First AME in 1977, his new church family had 300 active members. Today the congregation has more than 18,000 members. Led by Dr. Murray, the church ministry fills the sanctuary with an awe-inspiring spiritual worship service that draws people of all faiths from far and wide.

While tending to his congregation's spiritual needs, Dr. Murray has also led them to look beyond the walls of the church at those less fortunate than themselves. Each member of the congregation is asked to join one of 40 task forces addressing community needs such as health, homelessness, substance abuse, emergency food and clothing, general and specialized housing, tutoring, employment services, and entrepreneurial training.

As he heads into a well-deserved retirement, Dr. Murray will receive accolades and appreciation from a grateful congregation and community. I wish to join them in expressing my deep appreciation for his great life's work and my very best wishes for the future. I am sure that even in retirement, Dr. Murray will continue to work wonders and inspire others for many years to come.●

NATIONAL ASSISTED LIVING WEEK

● Mr. WYDEN. Mr. President, next week, September 12 through 18, is the tenth annual National Assisted Living Week. The theme this year is ''Caring for Our Heritage,'' and encourages residents, families, staff and the community to share their heritage as a means of understanding the diverse backgrounds that form a community and our Nation.

Beginning annually on Grandparents' Day, this honorary week spotlights the role played by assisted living professionals in caring for the nearly one million of our Nation's elderly and disabled. Assisted living provides a homelike environment in which individuals who do not need the level of care provided by nursing homes receive help in order to continue to live independently. The need for this approach will only grow as our Nation ages. I am pleased that my State of Oregon has been a leader in developing the assisted living concept. Caregivers in assisted living are central to this evolution in care and are key to assuring its success by providing support to both residents and families.

National Assisted Living Week was created in 1995 by the National Center for Assisted Living. This year, for the first time, it is being celebrated in conjunction with the American Association of Homes and Services for the Aging and the Assisted Living Federation of America. National Assisted Living Week emphasizes the importance of this service which has grown 50 percent nationally in the last 5 years.●

HONORING RICHARD E. ''DICK'' KIPPER

● Mr. HARKIN. Mr. President, I wish to pay tribute to Richard E. ''Dick'' Kipper, an extraordinary leader in the fight against Alzheimer's disease. In November, Dick will complete his term as National Board Chair of the Alzheimer's Association, a position he has held for two years and which caps nearly a decade of commitment to the cause of creating a world without Alzheimer's disease.

Like so many others, Dick joined the fight against Alzheimer's after the disease touched his family. Dick lost his beloved father to Alzheimer's. But because of his efforts, future generations will be better off.

Dick has played a vital part in helping the Alzheimer's Association achieve its strategic goals of advancing research, enhancing care and support and raising public awareness. He has logged thousands of miles traveling across the country and devoted countless hours on behalf of the Alzheimer's Association. Here are just a few of his accomplishments.

Dick Kipper first joined the Alzheimer's Association's National Board in 1996 and quickly rose through the ranks to assume significant leadership positions. He chaired the National Board's Development Committee, was elected vice-chair of the National board, and served on the board's Diversity and Inclusion, Finance and Chapter Committees. He also spearheaded the effort to mobilize the board and chapters in support of the Association's ''billion dollar research goal.''

Under Dick's guidance, the Alzheimer's Association has led the fight for increased research funding and launched a new campaign to change the way people think about Alzheimer's disease. Last year, the Association dedicated nearly $16 million to its peer-reviewed research grants program and initiated a ''Research Roundtable'' partnership with pharmaceutical companies to develop strategies for generating and sharing new information designed to accelerate progress in research. In July of this year, the Alzheimer's Association sponsored the 9th International Conference on Alzheimer's Disease and Related Disorders, the largest gathering of Alzheimer researchers in history. More than 4,200 scientists from around the world shared findings from 2,000 studies showcasing the newest treatment advances in Alzheimer's disease and steps toward prevention. Dick's advocacy for increased research funding has also brought him to Washington each spring for the last three years to lobby Congress to increase federal funding for Alzheimer's research to $1 billion.

Helping caregivers and family members understand that they are not alone in the fight against Alzheimer's disease and that there is hope on the horizon are other signature accomplishments of the Alzheimer's Association under Dick's leadership. In February, the Alzheimer's Association revealed a new brand identity, a redesigned website and its ''Maintain Your Brain'' campaign to educate Americans about Alzheimer's disease. The Association also established a new advisory council to address critical issues related to prevention, diagnosis and imaging, disease progression, and improved treatments. Dick's leadership was instrumental in guiding the Alzheimer's Association through these projects.

In addition to being an outstanding leader in the Alzheimer community, Dick is also an accomplished businessman. In 1967 he co-founded AFSA Data Corporation, a student loan servicing company. After Fleet Financial Group acquired AFSA in 1986, Dick served as chairman of the board and chief executive officer. At his retirement in 1990, the company employed more than 1,000 people and had annual revenues that exceeded $65 million. He also was co-owner, president and CEO of Major Legal Services, a multimillion-dollar

document acquisition, process server and court reporting service company headquartered in San Francisco. And, he is a board member of The Guggenheim Group, L.L.C., a venture capital and financial management firm.

I salute Dick Kipper for his tireless efforts to help those with Alzheimer's and to create a brighter future without this disease.●

GREEN MOUNTAIN AUDUBON NATURE CENTER

● Mr. LEAHY. Mr. President, this Saturday, the Green Mountain Audubon Nature Center in Huntington, VT will celebrate its 40th anniversary.

In 1964, Mrs. Christine Hires of Philadelphia, offered the 150-acre Vermont farm she had owned since 1940, to the newly formed Green Mountain Audubon Society. Mrs. Hires' dream was to keep the land open to visitors and in its natural condition. An open house was held on September 19 and 20 of that year. The Green Mountain Audubon Nature Center was established.

Since 1964, the center has grown to 255 acres of varied habitat including hardwood forest, cedar swamp, beaver pond, meadows, pristine stream and river edge. The original farmhouse and barn are currently used as office and program space for Audubon Vermont. The center also includes a sugar house, the ''Clubhouse'' for summer camps and programs and a full-scale replica of an Abenaki longhouse.

Annually, nearly 15,000 visitors enjoy the nature trails, bird and other wildlife watching as well as a variety of environmental education programs the center is known for. Some 4,500 children and adults take part in educational programs led by Audubon teacher-naturalists each year.

I want to congratulate Green Mountain Audubon on 40 years of bringing people closer to nature through environmental education, natural resources stewardship, its citizen science efforts and, of course, sound conservation advocacy. This weekend's celebration will honor the oldest operating nature center in Vermont and the many individuals who have contributed to its success. Well done.●

GEORGIA'S 116TH AIR CONTROL WING

● Mr. MILLER. Mr. President, today I rise to honor Georgia's 116th Air Control Wing (ACW) based at Robins Air Force Base. This week, the wing will be awarded the Spaatz Trophy, which recognizes the Nation's most outstanding Air National Guard unit.

For those of you who do not know, the Spaatz Trophy is named for General Carl Spaatz, the first chief of staff of the independent Air Force and is presented annually to the overall outstanding Air National Guard flying unit. Selection of the winner is based on unit combat readiness during the reporting year and the unit's performance with respect to all other Air Guard flying units. More than 90 flying units from across the Nation are eligible to compete.

I would like to point out that this year's winner is no ordinary Air Force wing. The 116th ACW made history 2 years ago when it became the first blended unit ever in the Air Force—kicking off an historic transformation of our fighting force. The wing is comprised of both Air National Guardsmen members of the Active Duty Air Force, and is commanded by a member of the Georgia Air Guard—General Tom Lynn.

Further, the 116th ACW is the only Air Force unit operating the E–8C Joint Surveillance Target Attack Radar System, Joint STARS, which is the most advanced airborne ground surveillance and battle management system in the world.

During 2003, the year for which this award is presented, the 116th ACW completed the largest deployment in its history as it supported Operations Iraqi Freedom and Enduring Freedom and flew more than 5,000 combat hours. This outstanding achievement occurred just months after the wing's historic transformation.

It is a great honor to win the Spaatz Trophy, and this award further illustrates the hard work taking place by the extremely talented members of the 116th ACW. I would like to extend my heartfelt congratulations to General Tom Lynn and all the members of the 116th Air Control Wing.●

MESSAGE FROM THE HOUSE

At 2:12 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, with an amendment:

S. 2634. An act to amend the Public Health Services Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes.

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–8953. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Strategic Plan for Fiscal Years 2004–2009; to the Committee on Environment and Public Works.

EC–8954. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Lit of Approved Spent Fuel Storage Casks: NAC–MPC Revision'' (RIN3150–AH50) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8955. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Minnesota; Sulfur Dioxide; United Defense'' (FRL#7794–5) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8956. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plan; Connecticut; Carbon Monoxide Maintenance Plan Updates; Limited Maintenance Plans'' (FRL#7801–2) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8957. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plan; Utah; Revisions to New Source Review Rules'' (FRL#7791–7) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8958. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Isodecyl Alcohol Ethocyxlated (2–8 Moles) Polymer with Choromethly Oxirane: Tolerance Exemption'' (FRL#7368–3) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8959. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Wyoming Restructuring and Renumbering of Wyoming Air Quality Standards and Regulations'' (FRL#7784–8) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8960. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Illinois'' (FRL#7784–6) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8961. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; State of Alaska; Fairbanks Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes'' (FRL#7792–3) received on August 18, 2004; to the Committee on Environment and Public Works .

EC–8962. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL#7790–6) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8963. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL#7788–5) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8964. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and designation acting officer for the position of Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection

Agency, received on July 26, 2004; to the Committee on Environment and Public Works.

EC–8965. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Chief Financial Officer, Environmental Protection Agency, received on July 26, 2004; to the Committee on Environment and Public Works.

EC–8966. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of General Counsel, Environmental Protection Agency, received on July 26, 2004; to the Committee on Environment and Public Works.

EC–8967. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Approval of Three Shot Types—Tugnsten-Bronze, Tungsten-Iron, and Tungsten-Tin-Bismuth—as Nontoxic for Hunting Waterfowl and Coots'' (RIN1018–AT32) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8968. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Jersey; Emission Statement Program'' (FRL#7788–6) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8969. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Lamar and Steamboat Springs'' (FRL#7784–9) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8970. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Washington; Central Puget Sound Carbon Monoxide and Ozone Second 10-Year Maintenance Plans'' (FRL#7792–5) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8971. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Printing, Coating, Dyeing of Fabrics and Other Textiles'' (FRL#7797–6) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8972. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propamocarb Hydrochloride; Pesticide Tolerance'' (FRL#7368–8) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8973. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propanoic Acid; Pesticide Tolerance'' (FRL#7358–4) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8974. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propiconazole; Time-Limited Pesticide Tolerances'' (FRL#7352–1) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8975. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Joint Counterpart Endangered Species Act Section 7 Consultation Regulation'' (RIN0648–AQ69) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8976. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–8977. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Superfund Five-Year Review Report to Congress-FY2003''; to the Committee on Environment and Public Works.

EC–8978. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Interim Enforcement Policy Regarding the Use of Alternate Dispute Resolution'' received on August 11, 2004; to the Committee on Environment and Public Works.

EC–8979. A communication from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting, pursuant to law, a report on the results of the assessment of the general conditions of confirmed disposal facilities in the Great Lakes; to the Committee on Environment and Public Works.

EC–8980. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Revised Medical Criteria for Evaluating Skin Disorders'' (RIN0969–AF29) received on August 6, 2004; to the Committee on Finance.

EC–8981. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Statutory Options'' (RIN1545–BA75) received on July 23, 2004; to the Committee on Finance.

EC–8982. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Reduced Maximum Exclusion of Gain from Sale or Exchange of Principal Residence'' (RIN1545–BB02) received on July 23, 2004; to the Committee on Finance.

EC–8983. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: Telecommunications—Taxation of Universal Service Fees'' (UIL:61.40–01) received on July 23, 2004; to the Committee on Finance.

EC–8984. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—June 2004'' (Rev. Rul. 2004–91) received on July 23, 2004; to the Committee on Finance.

EC–8985. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Remedial Action for Tax-Exempt Bonds'' (TD 9150) received on July 23, 2004; to the Committee on Finance.

EC–8986. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Model 457 Plan Provisions'' (Rev. Proc. 2004–56) received on July 23, 2004; to the Committee on Finance.

EC–8987. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Definitions'' (RIN1545–BD43) received on July 23, 2004; to the Committee on Finance.

EC–8988. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—May 2004'' (Rev. Rul. 2004–81) received on July 23, 2004; to the Committee on Finance.

EC–8989. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Notice: Request for Comments on Tax Treatment of Credit Default Swaps'' (Notice 2004–52) received on July 23, 2004; to the Committee on Finance.

EC–8990. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Like-Kind Exchanges Using Qualified Exchange Accommodation Arrangements'' (Rev. Proc. 2004–51) received on July 23, 2004; to the Committee on Finance.

EC–8991. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Health Savings Account—Additional Q and A's'' (Notice 2004–50) received on July 23, 2004; to the Committee on Finance.

EC–8992. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Allocation and Apportionment of Deductions for Charitable Contributions'' (TD9143) received on July 23, 2004; to the Committee on Finance.

EC–8993. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 43 Inflation Adjustment'' (Notice 2004–49) received on July 23, 2004; to the Committee on Finance.

EC–8994. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Marginal Production Rates'' (Notice 2004–48) received on July 23, 2004; to the Committee on Finance.

EC–8995. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''TD Entry of Taxable Fuel'' (RIN1545–BD29) received on July 23, 2004; to the Committee on Finance.

EC–8996. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''TD Entry of Taxable Fuel'' (RIN1545–BD29) received on July 23, 2004; to the Committee on Finance.

EC–8997. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004'' (Notice 2004–56) received on July 23, 2004; to the Committee on Finance.

EC–8998. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''TD9146: Section 179 Elections'' (RIN1545–BD35) received on July 23, 2004; to the Committee on Finance.

EC–8999. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Deemed Corporate Election for Electing S Corporations'' (TD9139) received on July 23, 2004; to the Committee on Finance.

EC–9000. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Domestic Asset/Liability and Domestic Investment Yield Percentages for 2003'' (Rev. Proc. 2004–55) received on July 23, 2004; to the Committee on Finance.

EC–9001. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Time and Manner of Making Section 163(d)(4)(b) Election to Treat Qualified Dividend Income as Investment Income'' (TD9147) received on July 23, 2004; to the Committee on Finance.

EC–9002. A communication from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Port Limits of Chicago, Illinois'' (CBP Dec. 04–24) received on August 11, 2004; to the Committee on Finance.

EC–9003. A communication from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Time Limit of Admission of Certain Mexican Nationals'' (RIN1651–AA60) received on August 11, 2004; to the Committee on Finance.

EC–9004. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Filing Claims Under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act'' (RIN0960–AF39) received on August 6, 2004; to the Committee on Finance.

EC–9005. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Old Age, Survivors and Disability Insurance; Coverage of Residents in the Commonwealth of the Northern Mariana Islands (CNMI); Coverage of Ministers, Members of the Clergy and Christian Science Practitioners'' (RIN0960–AG01) received on August 6, 2004; to the Committee on Finance.

EC–9006. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the manufacture abroad of significant military equipment in Canada and Australia; to the Committee on Foreign Relations.

EC–9007. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–9008. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles and defense services sold commercially under a contract in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–9009. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–9010. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–9011. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–9012. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed sale of defense articles or defense services in the amount of $100,000,000 or more to Hungary; to the Committee on Foreign Relations.

EC–9013. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles or defense services in the amount of $50,000,000 or more to France and Brazil; to the Committee on Foreign Relations.

EC–9014. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment valued at $14,000,000 or more to Thailand; to the Committee on Foreign Relations.

EC–9015. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment consisting of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Kazakhstan; to the Committee on Foreign Relations.

EC–9016. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–9017. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–9018. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to the export of armored personnel carriers (APCs); to the Committee on Foreign Relations.

EC–9019. A communication from the Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to a review of programs and projects of the International Atomic Energy Agency (IAEA); to the Committee on Foreign Relations.

EC–9020. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to various conditions in Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC–9021. A communication from the Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to efforts made by certain international organizations to employ an adequate number of Americans during 2003; to the Committee on Foreign Relations.

EC–9022. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9023. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9024. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report that the export to Iraq of flashbang distraction, smoke and riot control grenades, and infrared laser sights for exclusive use by Iraqi authorities for internal security operations is in the national interest of the United States; to the Committee on Foreign Relations.

EC–9025. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report that the export to Iraq of certain surveillance equipment is in the national interest of the United States; to the Committee on Foreign Relations.

EC–9026. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Iran Nuclear Proliferation Prevention Act of 2002; to the Committee on Foreign Relations.

EC–9027. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the 2nd Quarter of Fiscal Year 2004''; to the Committee on Governmental Affairs.

EC–9028. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2004 Revenue Estimate in Support of the Insurance of $280 Million in Revenue Bonds''; to the Committee on Governmental Affairs.

EC–9029. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Contract Awarded by the Water and Sewer Authority was Poorly Monitored and Managed''; to the Committee on Governmental Affairs.

EC–9030. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenue and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2005''; to the Committee on Governmental Affairs.

EC–9031. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the Board's inventory of inherently governmental and commercial activities; to the Committee on Governmental Affairs.

EC–9032. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC–9033. A communication from the Acting Assistant Secretary for Policy, Planning, and Preparedness, Department of Veterans' Affairs, transmitting, pursuant to law, a report of the inventory of commercial activities, which are currently being performed by Federal employees for calendar year 2003; to the Committee on Governmental Affairs.

EC–9034. A communication from the Executive Associate Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office's report of competitive sourcing efforts for fiscal year 2003; to the Committee on Governmental Affairs.

EC–9035. A communication from the Acting Secretary, Commission of Fine Arts, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing competitions in FY 2003; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. ALEXANDER, Mr. HAGEL, Mr. LEAHY, Mr. DEWINE, and Mr. COLEMAN):

S. 2781. A bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; to the Committee on Foreign Relations.

By Mr. SUNUNU:

S. 2782. A bill to reform social security by establishing a Personal Social Security Savings Program; to the Committee on Finance.

By Mr. FEINGOLD:

S. 2783. A bill to clarify conditions for the interceptions of computer trespass communications under the USA–PATRIOT Act; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Mrs. DOLE, and Mr. SESSIONS):

S. 2784. A bill to promote freedom and democracy in Vietnam; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2785. A bill to amend title 4 of the United States Code to prohibit the double taxation of telecommuters and others who work at home; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. Res. 420. A resolution recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. MCCONNELL, and Mr. LOTT):

S. Res. 421. A resolution expressing outrage at the recent terrorist atrocities in Beslan, Russian Federation, and condolences to the families of the victims; considered and agreed to.

ADDITIONAL COSPONSORS

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 1368

At the request of Mr. REED, his name was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1368, supra.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1902

At the request of Mr. REED, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1902, a bill to establish a National Commission on Digestive Diseases.

S. 2190

At the request of Mr. INHOFE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2190, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person.

S. 2203

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2203, a bill to provide assistance to combat HIV/AIDS in India, and for other purposes.

S. 2302

At the request of Mr. CONRAD, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2395

At the request of Mr. CONRAD, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. FITZGERALD), the Senator from Illinois (Mr. DURBIN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2395, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 2466

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2466, a bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2491

At the request of Ms. CANTWELL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2491, a bill to amend the Public Health Service Act to promote and improve the allied health professions.

S. 2520

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2520, a bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

S. 2526

At the request of Mr. BOND, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2592

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2592, a bill to provide crop and livestock disaster assistance.

S. 2602

At the request of Mr. DODD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Alaska (Mr. STEVENS) 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. 2657

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2657, a bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2671

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2731

At the request of Mr. LAUTENBERG, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2731, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 2741

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 2741, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2754

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2754, a bill to amend the Social Security Act to protect social security cost-of-living adjustments (COLA).

S. 2756

At the request of Mr. ALLARD, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2756, a bill to extend a certain high priority corridor in the States of Colorado, Nebraska, South Dakota, and Wyoming.

S. 2761

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2761, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers, ranchers, and fishermen, and for other purposes.

S. CON. RES. 127

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Con. Res. 127, a concurrent resolution expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

S. RES. 271

At the request of Mr. COLEMAN, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Maine (Ms. COLLINS) 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. 311

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 387

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Res. 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

S. RES. 392

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. LEAHY) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 392, a resolution conveying the sympathy of the Senate to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

AMENDMENT NO. 3578

At the request of Mr. BAUCUS, the names of the Senator from Washington (Ms. CANTWELL), the Senator from North Dakota (Mr. DORGAN), the Senator from North Dakota (Mr. CONRAD) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3578 intended to be proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3590

At the request of Mr. FITZGERALD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 3590 intended to be proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3593

At the request of Mr. FITZGERALD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 3593 intended to be proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. ALEXANDER, Mr. HAGEL, Mr. LEAHY, Mr. DEWINE, and Mr. COLEMAN):

S. 2781. A bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2781

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 ''Comprehensive Peace in Sudan Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) JEM.—The term ''JEM'' means the Justice and Equality Movement.

(3) SLA.—The term ''SLA'' means the Sudanese Liberation Army.

(4) SPLM.—The term ''SPLM'' means the Sudan People's Liberation Movement.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note), and in the Machakos Protocol of 2002, is in grave jeopardy.

(2) Since 1989, the Government of Sudan has repeatedly engaged in and sponsored orchestrated campaigns of attacking and dislocating targeted civilian populations, disrupting their ability to sustain themselves, and subsequently restricting assistance to those displaced in a coordinated policy of ethnic cleansing and Arabization that is most recently evident in the Darfur region of Sudan.

(3) In response to 2 decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a final countrywide peace, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any discussion with regard to its ongoing campaign of ethnic cleansing in the region of Darfur.

(5) It was not until the international community expressed its outrage, through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 of July 30, 2004, that the Government of Sudan agreed to engage in talks to bring peace to the Darfur region.

(6) According to the Government of the United States and United Nations officials, the Government of Sudan has engaged in an orchestrated campaign, with the assistance of its Arab Sudanese proxy militia, the

Janjaweed, to remove a significant part of the ethnically African population from North Darfur, West Darfur, and South Darfur, Sudan.

(7) The United Nations High Commissioner for Human Rights identified ''massive human rights violations in Darfur perpetrated by the Government of Sudan and the Janjaweed, which may constitute war crimes and/or crimes against humanity''.

(8) Evidence collected by international observers in the Darfur region between January 2003 and September 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, from both air and ground, that has destroyed African Sudanese villages, killing and driving away its people, while Arab Sudanese villages have been left unscathed.

(9) As a result of this coordinated campaign, which Congress has declared to be genocide, reports indicate tens of thousands of African Sudanese civilians killed, the systematic rape of thousands of women and girls, the destruction of hundreds of Fur, Masalit, and Zaghawa villages and other ethnically African populations, including the poisoning of their wells and the plunder of crops and cattle upon which they sustain themselves.

(10) According to the United Nations High Commissioner for Refugees, 1,400,000 people have been displaced in the Darfur region of Sudan, of whom over 200,000 have been forced to flee to Chad as refugees.

(11) The Government of Sudan conducted aerial attack missions and deadly raids across the international border between Sudan and Chad in an illegal effort to pursue Sudanese civilians seeking refuge in Chad.

(12) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted humanitarian and human rights workers' access to the Darfur area, primarily through bureaucratic and administrative obstruction in an attempt to inflict the most devastating harm on those displaced from their villages and homes without any means of sustenance or shelter.

(13) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region—

(A) is estimated to be causing 500 deaths each day; and

(B) is projected to escalate to 2,400 deaths each day by December 2004, so that even a best-case scenario will likely result in the death of more than 320,000 people between April 1, 2004 and December 31, 2004.

(14) The Government of Chad served an important role in facilitating the Darfur humanitarian cease-fire (the N'Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the 2 opposition rebel groups in Darfur (the JEM and the SLA) although both sides have violated it repeatedly.

(15) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees even though such assistance has adversely affected their own means of livelihood.

(16) The cooperation and inclusion of all Sudanese is essential to the establishment of peace and security throughout all of Sudan.

(17) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in Darfur, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(18) Despite the threat of international action expressed through United Nations Security Council Resolution 1556 of July 30, 2004, the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over Darfur.

SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) ACTIONS TO ADDRESS THE CONFLICT.—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if the principles of the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004, negotiated with the SPLM, apply to all of Sudan and to all of the people of Sudan, including the Darfur region;

(2) the parties to the N'Djamena Agreement (the Government of Sudan, the SLA, and the JEM) must meet their obligations under that Agreement to allow safe and immediate access of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the conflict in Darfur;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, develop a plan similar to that described in section 10 of the Sudan Peace Act to provide assistance to the areas of Sudan to which United States access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the Darfur crisis;

(5) the United States Ambassador-at-Large for War Crimes should travel to Chad and the Darfur region immediately to investigate war crimes and crimes against humanity to develop a more accurate portrayal of the situation on the ground and to better inform the report required in section 11(b) of the Sudan Peace Act;

(6) the United States and the international community should—

(A) provide all necessary means to assist in the immediate deployment of a contingent of 4,200 African Union forces as recommended by the United Nations and to sustain such forces; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(7) the President should use all means to facilitate a comprehensive solution to the conflict in Sudan, including by directing the United States Permanent Representative to the United Nations to pursue a resolution of the United Nations Security Council that—

(A) condemns the actions of the Government of Sudan in engaging in an orchestrated campaign of ethnic cleansing in Darfur;

(B) calls on the Government of Sudan to cease support of ethnic cleansing and the killing of innocent civilians, disarm the Janjaweed militias, prevent such militias from harassing and killing civilians, and ensure immediate access for all humanitarian assistance to all areas of Darfur;

(C) calls on all parties to the conflict in the Darfur region to permit unimpeded delivery of humanitarian assistance directly to Darfur, in particular to allow such assistance to cross directly from countries that border Sudan;

(D) calls on the Government of Sudan to provide all assistance possible, including release of its strategic food reserves, to respond to the Darfur crisis;

(E) calls on the international community, particularly those countries with strong economic ties to Sudan, to expedite the provision of humanitarian assistance to Darfur;

(F) authorizes the African Union Mission in Sudan (AUMIS) now deploying to the Darfur region of Sudan, and calls for the expansion of such force, and extension of the force's mandate to include protection of civilians;

(G) establishes an international commission of inquiry to examine the actions and accountability of those responsible for war crimes and crimes against humanity in the Darfur region; and

(H) confirms the right of all displaced Sudanese to return to their villages under safe and secure conditions;

(8) an international commission of inquiry should be established to conduct an investigation of atrocities in the Darfur region and to preserve evidence of atrocities for use in the prosecution of those responsible for war crimes and crimes against humanity;

(9) sanctions should be imposed on the assets and activities of those Sudanese Government officials and other individuals that are involved in carrying out the policy of ethnic cleansing in the Darfur region;

(10) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including Darfur; and

(11) Presidential Proclamation 6958 issued November 22, 1996, which suspends entry into the United States of members of the Government of Sudan, officials of that Government, and members of the Sudanese Armed Forces, should continue to remain in effect and be strictly enforced.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

''SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

''(a) AUTHORIZATION OF APPROPRIATIONS.—

''(1) HUMANITARIAN ASSISTANCE.—There is authorized to be appropriated to the President for assistance to address the humanitarian and human rights crisis in the Darfur region and its impact on eastern Chad, pursuant to the authority in section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292), $200,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

''(2) ADDITIONAL ASSISTANCE.—Subject to subsections (b) and (c), there is authorized to be appropriated to the President, for assistance for Sudan upon the conclusion of a North-South peace agreement, $100,000,000 for fiscal year 2005 in addition to any other funds otherwise available for such purpose.

''(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) or (2) are authorized to remain available until expended, notwithstanding any other provision of law other than the provisions in this section.

''(b) REQUIREMENT FOR CERTIFICATION.—The assistance authorized under subsection (a)(2) may be provided to the Government of Sudan only if the President submits the certification described in subsection (c).

''(c) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—The certification referred to in

subsection (b) is a certification submitted by the President to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

''(1) ensure that the armed forces of Sudan and any associated militias are not attacking civilians or obstructing human rights monitors or the provision of humanitarian assistance;

''(2) demobilize and disarm militias supported or created by the Government of Sudan;

''(3) allow full and unfettered access for the provision of humanitarian assistance to all regions of Sudan, including Darfur; and

''(4) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan.

''(d) SUSPENSION OF ASSISTANCE.—If, on a date after the President submits the certification described in subsection (c), the President determines that the Government of Sudan—

''(1) has ceased taking the actions described in such subsection, the President shall immediately suspend the provision of any assistance to such Government until the date on which the President certifies that the Government of Sudan has resumed taking such actions; or

''(2) has not shown good faith in working to establish sustainable peace in all parts of Sudan, including but not limited to the Darfur region, the President may suspend all assistance until such time as these expectations are met.''.

(b) REPORTING REQUIREMENT.—Section 8 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended in the first sentence by striking ''Sudan.'' and inserting ''Sudan, including the conflict in the Darfur region.''.

SEC. 6. OTHER RESTRICTIONS.

(a) BLOCKING OF ASSETS.—On the date that is 120 days after the date of enactment of this Act, if the President has not submitted the certification described in subsection (c) of section 12 of the Sudan Peace Act, as added by section 5, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(b) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Division D of Public Law 108–199; 118 Stat. 143) shall remain in place until the President makes the certification described in subsection (c) of section 12 of the Sudan Peace Act, as added by section 5.

SEC. 7. REQUIREMENT FOR REPORT.

(a) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on the planned United States response to a comprehensive peace agreement for Sudan.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) a description of the planned United States response to a modified peace process between the Government of Sudan and the SPLM that would account for the implementation of a peace in all regions of Sudan, in particular Darfur; and

(2) a contingency plan for extraordinary humanitarian assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

(c) FORM OF REPORT.—The report required by subsection (a) may be submitted in classified form.

SEC. 8. TECHNICAL CORRECTION.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by striking ''Organization of African Unity'' and inserting ''African Union''.

Mr. BIDEN. Mr. President, today Senator LUGAR and I, along with several other colleagues, introduce a bill that is designed to increase pressure on the government of Sudan to stop its campaign of genocide in Darfur.

There is now—at least in the U.S. Government—no dispute that genocide has occurred in Darfur. The Congress so stated by resolution in July. Today, in testimony to the Committee on Foreign Relations, the Secretary of State affirmed that ''genocide has been committed in Darfur'' and that the Government of Sudan and the janjaweed militia bear responsibility for it.

The situation in Darfur is dire. As many as 50,000 black Africans have been killed. Sexual violence is routinely used as a weapon by the Sudanese-sponsored janjaweed militia. Over a million people are displaced from their homes. And, because the Sudanese government refused to allow unrestricted access to war-affected populations at the onset of this crisis—a crisis of the government's making—hundreds of thousands of people are likely to die by the end of the year.

Unless we act quickly and decisively to stop the violence in Darfur, history is going to judge us harshly for our lack of action. It may already be too late to avoid the condemnation of future generations.

On July 30, following UN Secretary General Kofi Annan's visit to Sudan, the United Nations Security Council passed resolution 1556. The resolution was, in my view, inadequate. It provided an arms embargo and travel ban against the janjaweed, but did little to pressure the very government sponsoring the militia. The resolution provided only a vague threat to apply the sanctions to the government of Sudan if it failed to take certain steps, including ending all restrictions on humanitarian workers, investigating and punishing human rights abuses, immediately beginning disarmament of the janjaweed, and resuming talks with the rebels. Sudan was given 30 days to comply.

Sudan has not satisfied the conditions for the resolution. On September 2, the Secretary General's Special Representative to Sudan reported to the Security Council that the government of Sudan has not taken any steps to disarm the janjaweed or improve security of internally displaced persons.

The administration's response was to propose a new draft UN resolution yesterday. Unfortunately, this resolution only delays a decision about whether or not to impose sanctions for another 30 days. It does not label what is happening in Khartoum as genocide, although it does call upon the Secretary General to establish a commission of inquiry into violations of international humanitarian law and human rights. It does not call for a chapter 7 peacekeeping mission in Darfur, and it does not call for an expansion of the mandate of the African Union Mission in Sudan.

I believe the Congress must do its part to pressure the government of Sudan, and to provide additional tools to the Administration.

On July 21, Senator DEWINE and I introduced S. 2705, which was aimed at pressuring the government of Sudan to fulfill commitments it made to the UN. On July 22, the chairman of the Committee on Foreign Relations, Senator LUGAR, also introduced a bill on Sudan, S. 2720. It had the same objective, though its provisions were different from the Biden-DeWine bill in several respects.

Over the recess, the chairman and I worked together to develop a joint bill. I believe it is important that the committee speak with one voice on the genocide in Darfur. I also recognize that this late in the congressional session, most legislation will require unanimous consent to pass. So I hope our joint effort will prove successful.

The bill we introduce today authorizes $200 million in humanitarian assistance for Darfur. It holds out the promise of $100 million in assistance for Sudan in connection with a peace agreement between the government and rebels in the south, but only if the President certifies that Khartoum takes demonstrable steps that it has stopped attacking civilians, disarmed the janjaweed and allowed unfettered access to Darfur for humanitarian workers. If the President cannot make this certification within 120 days, the bill requires that the President block the assets of senior members of the government of Khartoum.

The bill does not go as far as I would have liked. The Biden-DeWine bill provided additional resources to implement a north-south peace agreement as an incentive to the Khartoum government, and it provided for additional sanctions, including those sanctions already set forth in the Sudan Peace Act. But I have agreed to join with the chairman to take this intermediate action.

I want to make clear that this bill should only be considered a first step. If the tragedy in Darfur continues, and if Khartoum continues to ignore the demands of the international community that it cease the violence in Darfur, I intend to introduce stronger legislation next year.

Today the Secretary of State spoke clearly, for all the world to hear—genocide has occurred in western Sudan. Hundreds of thousands of lives are on the line. We cannot say we were not warned. We cannot say we did not know. We cannot say that we lacked the means to respond. We are obligated, by the Genocide Convention and our collective conscience, to act to assist the people suffering and to prevent further violence. Immediate support for the African Union is necessary, but

not sufficient to respond to the situation in Darfur. In addition, we need to press for a UN resolution that authorizes a multilateral force with a mandate to protect civilians. We also should look outside Africa for military and logistical assistance, rather than relying solely on the African Union.

What is occurring in Darfur is a travesty. Our response has not been commensurate with the suffering there. It is imperative that the United States and the international community increase assistance to the displaced, and increase pressure on the government of Sudan to take action.

By Mr. FEINGOLD:

S. 2783. A bill to clarify conditions for the interceptions of computer trespass communications under the USA–PATRIOT Act; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased to introduce the Computer Trespass Clarification Act of 2004, which would amend and clarify section 217 of the USA–PATRIOT Act. Section 217 addresses the interception of computer trespass communications. This bill would modify existing law to more accurately reflect the intent of the provision, and also protect against invasions of privacy.

Section 217 was designed to permit law enforcement to assist computer owners who are subject to denial of service attacks or other episodes of hacking. The original Department of Justice draft of the bill that later became the PATRIOT Act included this provision. A section-by-section analysis provided by the Department on September 19, 2001, stated the following:

> Current law may not allow victims of computer trespassing to request law enforcement assistance in monitoring unauthorized attacks as they occur. Because service providers often lack the expertise, equipment, or financial resources required to monitor attacks themselves as permitted under current law, they often have no way to exercise their rights to protect themselves from unauthorized attackers. Moreover, such attackers can target critical infrastructures and engage in cyberterrorism. To correct this problem, and help to protect national security, the proposed amendments to the wiretap statute would allow victims of computer attacks to authorize persons ''acting under color of law'' to monitor trespassers on their computer systems in a narrow class of cases.

I strongly supported the goal of giving computer system owners the ability to call in law enforcement to help defend themselves against hacking. Including such a provision in the PATRIOT Act made a lot of sense. Unfortunately, the drafters of the provision made it much broader than necessary, and refused to amend it at the time we debated the bill in 2001. As a result, the law now gives the government the authority to intercept communications by people using computers owned by others as long as they have allegedly engaged in some unauthorized activity on the computer, and the owner gives permission for the computer to be monitored.

Only people who have a ''contractual relationship'' with the owner allowing the use of a computer are exempt from the definition of a computer trespasser under section 217 of the PATRIOT Act. Many people—for example, college students, patrons of libraries, Internet cafes or airport business lounges, and guests at hotels—use computers owned by others with permission, but without a contractual relationship. They could end up being the subject of government snooping if the owner of the computer gives permission to law enforcement.

My bill would clarify that someone who has been given permission to use a computer by the owner or operator of that computer is not a computer trespasser. It would bring the existing computer trespass provision in line with the purpose of section 217 as expressed in the Department of Justice's initial explanation of the provision. Section 217 was intended to target only a narrow class of people: unauthorized cyberhackers. It was not intended to give the government the opportunity to engage in widespread surveillance of computer users without a warrant.

We don't know, of course, whether such surveillance is taking place. Unless criminal charges are brought against someone as a result of such surveillance, there would never be any notice at all that the surveillance has taken place. The computer owner authorizes the surveillance, and the FBI carries it out. There is no warrant, no court proceeding, no opportunity even for the subject of the surveillance to challenge the assertion of the computer owner that some unauthorized use of the computer has occurred.

The Computer Trespass Clarification Act would modify the computer trespass provision to protect against abuse, while still maintaining its usefulness in cases of denial of service attacks and other forms of hacking.

First, it would require that the owner or operator of the protected computer authorizing the interception has been subject to ''communications activity that threatens the integrity or operation of such computer.'' In other words, the owner has to be the target of some kind of hacking.

Second, the bill would clarify that to be excluded from the definition of computer trespasser, a person who has permission to use a computer does not need to have a contractual relationship granting that permission.

Third, the bill limits the length of warrant-less surveillance to 96 hours. This is twice as long as is allowed for an emergency wiretap. With four days of surveillance, it should not be difficult for the government to gather sufficient evidence of wrongdoing to obtain a warrant if continued surveillance is necessary.

In addition, the bill would require the Attorney General to annually report on the use of Section 217 to the Senate and House Judiciary Committees. Section 217 is one of the provisions that is subject to the sunset provision in the PATRIOT Act and will expire at the end of 2005. We in the Congress need to do more oversight of the use of this and other provisions of the PATRIOT Act in order to evaluate their effectiveness.

The computer trespass provision now in the law as a result of section 217 of the PATRIOT Act leaves open the possibility for significant and unnecessary invasions of privacy. The reasonable and modest changes to the provision contained in this bill preserve the usefulness of the provision for investigations of cyberhacking, but reduce the possibility of abuse. We must continually seek to balance the need for effective tools to fight crime and terrorism and the civil liberties of our citizens. The Computer Trespass Clarification Act strikes the right balance and I urge my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2783

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 ''Computer Trespass Clarification Act of 2004''.

SEC. 2. AMENDMENTS TO TITLE 18.

(a) DEFINITIONS.—Section 2510(21)(B) of title 18, United States Code, is amended by—

(1) inserting ''or other'' after ''contractual''; and

(2) striking for ''for access'' and inserting ''permitting access''.

(b) INTERCEPTION AND DISCLOSURE.—Section 2511(2)(i) of title 18, United States Code, is amended—

(1) in clause (I), by inserting after ''the owner or operator of the protected computer'' the following: ''is attempting to respond to communications activity that threatens the integrity or operation of such computer and requests assistance to protect rights and property of the owner or operator, and''; and

(2) in clause (IV), by inserting after ''interception'' the following: ''ceases as soon as the communications sought are obtained or after 96 hours, whichever is earlier, unless an interception order is obtained under this chapter, and''.

(c) REPORT.—The Attorney General shall annually report to the Committees on the Judiciary of the Senate and the House of Representatives on the use of section 2511 of title 18, United States Code, relating to computer trespass provisions as amended by subsection (b).

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2785. A bill to amend title 4 of the United States Code to prohibit the double taxation of telecommuters and others who work at home; to the Committee on Finance.

Mr. DODD. Mr. President, I am pleased to rise today, together with my colleague Senator LIEBERMAN, to introduce The Telecommuter Tax Fairness Act of 2004.

The Telecommuter Tax Fairness Act of 2004 will put an end to an outdated

legal doctrine that unfairly penalizes thousands of workers in Connecticut and in other States throughout the country whose only offense is that they sometimes work from home.

Technology has changed the way business is conducted in America. With the use of cell phones, lap-top computers, email, the Internet, mobile networking, and many other telecommunication advancements of the 21st century, Americans have a greater flexibility in where they can work without compromising productivity. Many citizens now choose to work from home or alternative offices when their physical presence is not necessary at their primary place of work.

Telecommuting provides enormous benefits for businesses, families, and communities. It helps businesses lower costs and raise worker productivity. It reduces congestion on our roads and rails, and in so doing it lowers pollution. It helps workers better manage the demands of work and family. And last but not least, it can mean lower income taxes.

Yet, the many benefits to workers of telecommuting are today placed in jeopardy because of current law in New York. Today, New York State requires that workers pay income tax on income even if it is not earned in the State through their ''convenience of the employer'' rule. While there are several States that have the ''convenience of the employer'' rule, no other State applies it with the same rigor as New York.

New York's ''convenience of the employer'' rule requires that by working for a New York employer, all income earned from that employer must be declared in New York so long as the worker ''could'' perform his or her duties in New York. A worker for a New York employer who works part-time from home in Connecticut or another State is still subject to taxation by New York on 100 percent of his or her income. At the same time, the work done by that worker in a State outside New York is subject to taxation by that State.

This unfairly subjects many workers who telecommute from their homes or from satellite offices outside of New York to a double tax on that part of the income earned from home. According to Connecticut's Attorney General, thousands of Connecticut residents alone are affected by this unfair double taxation.

This potential for double taxation is not only unfair, but it is an incentive for workers not to telecommute, when what we should be doing is providing an incentive to encourage telecommuting.

Legislation is needed to protect these honest workers who deserve fair and equitable treatment under the law. The Telecommuter Tax Fairness Act of 2004 does this specifically by preventing a state from engaging in the current fiction of deeming a nonresident to be in the taxing State when the nonresident is actually working in another State. In doing so, it will eliminate the possibility that citizens will be double-taxed when telecommuting.

Establishing a ''physical presence'' test—as this legislation would do—is the most logical basis for determining tax status. If a worker is in a State, and taking advantage of that State's infrastructure, the worker should pay taxes in that State.

Some suggest that the double-taxation quandary can easily be fixed by having other States provide a tax credit to those telecommuters. However, why should Connecticut, or any other State, be required to allow a credit on income actually earned in the State? If a worker is working in Connecticut, he or she is benefiting from a range of services paid for and maintained by Connecticut including roads, water, police, fire protection, and communications services. It's only fair that Connecticut ask that worker to help support the services that he or she uses.

This is not just an issue which deals with a small group of citizens from one small State. Rather, this is an issue which affects workers all over the country. It will only grow more pressing as people and businesses continue to seek to take advantage of new technologies that affect the way we live and work.

I hope our colleagues will favorably consider this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2785

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 ''Telecommuter Tax Fairness Act of 2004''.

SEC. 2. PROHIBITION ON DOUBLE TAXATION OF TELECOMMUTERS.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following new section:

''§ 127. Prohibition on double taxation of telecommuters and others who work at home

''(a) PHYSICAL PRESENCE REQUIRED.—

''(1) IN GENERAL.—In applying its income tax laws to the salary of a nonresident individual, a State may only deem such nonresident individual to be present in or working in such State for any period of time if such nonresident individual is physically present in such State for such period and such State may not impose nonresident income taxes on such salary with respect to any period of time when such nonresident individual is physically present in another State.

''(2) DETERMINATION OF PHYSICAL PRESENCE.—For purposes of determining physical presence, no State may deem a nonresident individual to be present in or working in such State on the grounds that such nonresident individual is present at or working at home for the nonresident individual's convenience.

''(b) DEFINITIONS.—As used in this section—

''(1) STATE.—The term 'State' includes any political subdivision of a State, the District of Columbia, and the possessions of the United States.

''(2) INCOME TAX.—The term 'income tax' has the meaning given such term by section 110(c).

''(3) INCOME TAX LAWS.—The term 'income tax laws' includes any statutes, regulations, administrative practices, administrative interpretations, and judicial decisions.

''(4) NONRESIDENT INDIVIDUAL.—The term 'nonresident individual' means an individual who is not a resident of the State applying its income tax laws to such individual.

''(5) SALARY.—The term 'salary' means the compensation, wages, or other remuneration earned by an individual for personal services performed as an employee or as an independent contractor.

''(c) NO INFERENCE.—Nothing in this section shall be construed as bearing on—

''(1) any tax laws other than income tax laws,

''(2) the taxation of corporations, partnerships, trusts, estates, limited liability companies, or other entities, organizations, or persons other than nonresident individuals in their capacities as employees or independent contractors,

''(3) the taxation of individuals in their capacities as shareholders, partners, trust and estate beneficiaries, members or managers of limited liability companies, or in any similar capacities, and

''(4) the income taxation of dividends, interest, annuities, rents, royalties, or other forms of unearned income.''.

(b) CLERICAL AMENDMENT.—The table of sections of such chapter 4 is amended by adding at the end the following new item:

''127. Prohibition on double taxation of telecommuters and others who work at home.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 420—RECOMMENDING EXPENDITURES FOR AN APPROPRIATE VISITORS CENTER AT LITTLE ROCK CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE TO COMMEMORATE THE DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL

Mr. PRYOR (for himself and Mrs. LINCOLN) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 420

Whereas the United States recognizes that in September 1957, 9 young students changed the course of American history by claiming the right to receive an equal education;

Whereas Ernest Green, Elizabeth Eckford, Jefferson Thomas, Terrence Roberts, Carlotta Walls, Minnijean Brown, Gloria Ray, Thelma Mothershed, and Melba Pattillo, known as the ''Little Rock Nine'', and their parents had the courage necessary to break the bonds of prejudice and desegregation and venture onto the world stage, with full knowledge of the perils and complexities inherent in their endeavor;

Whereas despite their effort to enroll at Little Rock Central High School and receive an education, the Little Rock Nine were met with severe adversity;

Whereas Little Rock Central High School became not only a crucial battleground in

the struggle for civil rights, but symbolic of the United States Government's commitment to eliminating separate systems of education for African-Americans and Caucasians;

Whereas the enrollment of the Little Rock Nine was recognized by Dr. Martin Luther King, Jr. as such a significant event in the struggle for civil rights that he attended the graduation of the first African-American from Little Rock Central High School;

Whereas the sacrificial accomplishments that were made in September 1957 have continuing benefits for the United States today;

Whereas the United States will always revere the accomplishments that 9 young high school students made by showing the Nation and the world that ''all men are created equal'' and the rule of law is paramount in the democracy of the United States;

Whereas the Little Rock Nine were forced to obtain the blessings of liberty that are inherent in the United States Constitution through the intervention of the judicial branch and executive branch of the United States Government;

Whereas existing visitor facilities at Little Rock Central High School are inadequate, resulting in limited opportunities for citizens to learn about civil rights and our Nation's heritage; and

Whereas the legislative branch of the United States Government has the opportunity to appropriately commemorate the legacy that these heroic individuals left by fully funding the design and construction of an informative memorial: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the courage displayed by the Little Rock Nine should be commemorated as an example of American sacrifice through extreme adversity;

(2) Congress should fully fund the design and construction of a visitor center at Little Rock Central High School National Historic Site; and

(3) the new facilities should open by September 2007 in order to commemorate the 50th anniversary of the historic events that occurred at Little Rock Central High School.

Mr. PRYOR. Mr. President, this year marks the 50th anniversary of Brown v. The Board of Education of Topeka, Kansas, easily one of the most significant legal decisions in American history. But today I want to talk about another anniversary that is rapidly approaching, and that is an anniversary that flows directly from the Brown decision. I am speaking of the Little Rock Central High desegregation crisis which occurred in 1957. The 50th anniversary will be here in a couple of years, 2½ years, in 2007.

I come to the floor today to speak on behalf of the so-called Little Rock Nine and to share their story of determination and opportunity. I come to the floor also to urge my colleagues to join me in this effort to help fully support the planned Little Rock Central High Museum and Visitors Center and get it back on track so it will be up and running to host the 50th anniversary of the Little Rock Central High crisis.

Let me remind my colleagues that it is just as important today that we spend time understanding the civil rights struggle and the civil rights movement in this country as it was in 1957. I am thrilled to have the support, the encouragement, and the assistance of the Congressional Black Caucus chairman, Elijah Cummings.

As you know, Brown did not erase the hatred and the prejudice that Black families face in this country. One of the most dramatic examples of that occurred on September 24, 1957, when President Dwight Eisenhower ordered Federal troops to Little Rock, AR, to allow nine Black children to attend the all-White Little Rock Central High School.

In fact, if one looks back on 1957, the two largest world news stories that year were Sputnik and the events surrounding Central High School in Little Rock. The Little Rock Nine changed the course of American history by claiming their right to receive an equal education.

These students were Ernest Green, Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls Lanier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair, and Melba Pattillo Beals.

Of her experience, Melba Pattillo Beals recalls:

> I had to become a warrior. I had to learn not how to dress the best, but how to get from that door to the end of the hall without dying.

These are very serious times. Another one of the Little Rock Nine, Ernest Green, explains why the Little Rock Nine sacrificed their innocence for a chance at a better education. He said:

> We wanted to widen options for ourselves and later for our children.

Well, Mr. Green went on to become the first black student to graduate from Arkansas Central High. He later served as Assistant Secretary of Housing and Urban Affairs under President Jimmy Carter and as vice president of Lehman Brothers.

Without his courage and determination and those of the Little Rock Nine in 1957, those opportunities would never have been available to him.

Turning opportunity into achievement is what civil rights pioneer Daisy Bates had in mind for the Little Rock Nine when she encouraged them to do the unthinkable. As a story, Little Rock Central High has all the elements of a great story, starting with the premise in the Declaration of Independence where it says all men are created equal.

Those words, penned by Thomas Jefferson, resonate throughout American history, but in 1954 the U.S. Supreme Court came down with the Brown decision where it said that separate but equal is not constitutional, and we need to change our American educational system ''with all deliberate speed.''

There was a Governor in my State who was committed to States rights, and he was determined to stop any changes at Little Rock Central. There was a President who was seeing his duty as one of having to enforce Federal law even against a State's will. There was a nation torn apart by race and searching for a new and sound public policy and public philosophy for civil rights for all Americans. There was a city, a State, and a region that got caught up in the events, and the emotions ofttimes, and there were dozens of local leaders who were working at odds and at cross-purposes, many with their own personal and political agendas, some trying to build and some trying to destroy.

Then, of course, in the center of the hurricane there were the nine black children, showing superhuman courage, facing incalculable odds but striking a severe blow at one of the worst injustices in American history.

I recommend to my colleagues that if they want to read more about this crisis, they can read Harry Ashmore's history of Arkansas, or Roy Reed's ''Faubus.'' Both give an excellent coverage.

Little Rock Central High School today is a symbol. It at the same time symbolizes the best and the worst in American history. It simultaneously stands as a living monument to our dark past and to our bright future. It also stands for progress because Little Rock Central High School has been a remarkable school since 1957. It is consistently acknowledged as one of the best American high schools that we have in this country today.

In fact, I had the privilege in the late 1970s of attending Little Rock Central High School. I think I am the only Member of Congress who actually went to that school. I am very proud of being there and proud of all of the things that school stands for.

Little Rock Central High was designated as a unit of the National Park Service in 1998. In fact, in 2002 more than 24,000 people visited this historic site. They expect probably 60,000 by the year 2007. Unfortunately, the interim visitors center is only 500 square feet. One can slice it or dice it however they want to say it, but it is simply too small to house the significant history there and tell all the stories. In fact, if it was jam packed, it would only have room for about 35 people.

I was there for the 40th anniversary of the Central High crisis when President Bill Clinton and Governor Mike Huckabee symbolically opened the door for the Little Rock Nine. We are going to have another commemoration in 2007, the 50th anniversary of the crisis. I want to invite my colleagues to help join me in making sure we get the extra $5.8 million necessary to make this museum and visitors center a reality.

The last thing I would like to say is it took nine young high school students to prove to our Nation that all men are created equal and that the rule of law is paramount in democracy of the United States. Today, children all over America have the right to learn because of the courage and sacrifice the Little Rock Nine made, and I am here today asking for my colleagues to help us all recognize what

the Little Rock Nine did and acknowledge them by allowing this visitors center to be built.

I am submitting a resolution as we speak, and I ask my colleagues to sign on if they would like to. Also, I ask unanimous consent that Senator LINCOLN be added as the first original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 421—EXPRESSING OUTRAGE AT THE RECENT TERRORIST ATROCITIES IN BESLAN, RUSSIAN FEDERATION, AND CONDOLENCES TO THE FAMILIES OF THE FAMILIES

Mr. DASCHLE (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. MCCONNELL, and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

Whereas on Wednesday, September 1, 2004, a group of approximately 30 terrorists took control of School No. 1, located in Beslan, North Ossetia, Russian Federation, and held approximately 1,200 Russians hostage;

Whereas the terrorists reportedly infiltrated the school and stockpiled weapons and explosives during the ongoing renovation of the school;

Whereas the terrorists held the captives for more than 50 hours, and denied the captives, including the children, access to food, water, and medicine;

Whereas the terrorists rigged the school with explosives, including a large bomb in the center of the gymnasium where the hostages were being held, and strapped suicide bombs to themselves;

Whereas children, parents, and teachers who attempted to flee, or to assist the hostages that attempted to escape, were shot by the terrorists;

Whereas on September 3, 2004, Russian troops and the Beslan hostage-takers exchanged gun fire, a bomb exploded that collapsed the roof of the school, the terrorists began killing the hostages, and massive loss of life ensued;

Whereas this horrendous terrorist action left more than 300 people dead, many of them children, as well as hundreds more who are severely wounded or unaccounted for;

Whereas the Russian people, as a result of this and other attacks in recent weeks, have experienced incredible loss and are experiencing immense grief as they begin the process of burying their loved ones killed by the actions of these terrorists; and

Whereas the United States has sent medical supplies and has offered its moral support to the Russian people in response to the terrorist attack at School No. 1: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms this despicable act;

(2) expresses its condolences to the Russian people and in particular to those families who lost loved ones in the Beslan school tragedy; and

(3) commends the efforts of the United States Government to provide humanitarian and medical assistance to the people of the Russian Federation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3594. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table.

SA 3595. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3596. Mrs. MURRAY (for herself, Mr. NELSON, of Florida, Mrs. CLINTON, Mr. SCHUMER, Ms. MIKULSKI, Mr. KENNEDY, Mrs. BOXER, Ms. CANTWELL, Mr. GRAHAM, of Florida, Ms. LANDRIEU, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3597. Mr. BYRD (for himself, Mr. LEAHY, Mr. REID, Mrs. CLINTON, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. LIEBERMAN, Mr. KENNEDY, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, supra.

SA 3598. Mr. ENSIGN (for himself, Mr. BOND, Mr. REID, Mr. KYL, Mr. CORNYN, Mrs. HUTCHISON, Mr. CORZINE, Mr. NELSON, of Florida, Mr. CHAMBLISS, Mr. MILLER, Mr. GRAHAM, of Florida, Mr. BURNS, Mr. ROBERTS, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. CLINTON, Mr. WARNER, Mr. DURBIN, Ms. LANDRIEU, Mr. CAMPBELL, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3599. Mr. ALEXANDER (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3600. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3601. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3602. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3603. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3604. Mr. DODD (for himself, Ms. STABENOW, Mr. KENNEDY, Mr. LEVIN, Mr. DASCHLE, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, supra.

SA 3605. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3606. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3607. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) proposed an amendment to the bill H.R. 4567, supra.

SA 3608. Mr. ALEXANDER (for himself, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, Mr. ALLEN, Mr. BUNNING, Mr. SCHUMER, and Ms. LANDRIEU) proposed an amendment to the bill H.R. 4567, supra.

SA 3609. Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. REID, Mr. LEVIN, Mrs. CLINTON, Mr. ROCKEFELLER, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, supra.

SA 3610. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3611. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3612. Mr. HARKIN (for himself and Mr. BIDEN) proposed an amendment to the bill H.R. 4567, supra.

SA 3613. Mr. VOINOVICH (for himself, Ms. SNOWE, Mr. HARKIN, Mr. DEWINE, Mr. FEINGOLD, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3614. Ms. COLLINS (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3615. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, supra.

TEXT OF AMENDMENTS

SA 3594. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 7, strike ''not to exceed 10 percent of''.

SA 3595. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Of the amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading ''AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT'', $5,000,000 shall be available for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel.

SA 3596. Mrs. MURRAY (for herself, Mr. NELSON of Florida, Mrs. CLINTON, Mr. SCHUMER, Ms. MIKULSKI, Mr. KENNEDY, Mrs. BOXER, Ms. CANTWELL, Mr. GRAHAM of Florida, Ms. LANDRIEU, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. The total amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading ''STATE AND LOCAL PROGRAMS'' is hereby increased by $300,000,000. Of such total amount, as so increased, $1,500,000,000 shall be available for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security, of which $450,000,000 shall be available for port security grants.

SA 3597. Mr. BYRD (for himself, Mr. LEAHY, Mr. REID, Mrs. CLINTON, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. LIEBERMAN, Mr. KENNEDY, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland

Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

TITLE VI—ADDRESSING KNOWN VULNERABILITIES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES

For an additional amount for ''Customs and Border Protection, Salaries and Expenses'', $100,000,000, to remain available until September 30, 2006, of which not less than $50,000,000 shall be for purchase and deployment of radiation portal monitors, and not less than $50,000,000 shall be for staffing at the northern border in fulfillment of the USA PATRIOT Act and the Enhanced Border Security Act.

IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For an additional amount for ''Immigration and Customs Enforcement, Salaries and Expenses,'' $11,000,000, to remain available until expended, for detentions and removals.

FEDERAL AIR MARSHALS

For an additional amount for the Federal Air Marshals, $50,000,000.

TRANSPORTATION SECURITY ADMINISTRATION AVIATION SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration related to aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $100,000,000, to remain available until expended, for activities related to screening passengers and carry-on baggage for explosives.

TRANSPORTATION SECURITY ADMINISTRATION MARITIME AND LAND SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration related to maritime and land transportation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $4,000,000, for hazardous materials security grants.

UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements,'' $324,000,000, to remain available until September 30, 2009, for the Integrated Deepwater Systems program.

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

STATE AND LOCAL PROGRAMS

For additional amounts for ''State and Local Programs,'' $665,000,000: Provided, That of the amounts made available under this heading: $440,000,000 shall be for discretionary grants for use in high-threat, high-density urban areas as determined by the Secretary of Homeland Security; $125,000,000 shall be for port security grants; and $100,000,000 shall be for grants for interoperable communications equipment.

SECURITY ENHANCEMENTS FOR HIGH-RISK NONPROFIT ORGANIZATIONS

For discretionary assistance to non-profit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) determined to be at high-risk of international terrorist attack, $50,000,000.

MASS TRANSIT AND RAIL SECURITY

For necessary expenses related to mass transit, freight and passenger rail security grants, including security grants for AMTRAK, a backup communications facility for the Washington Area Metropolitan Transit Authority, security upgrades for various rail tunnels, research and development of rail security methods and technology, capital construction, and operating requirements, $350,000,000.

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for ''Firefighter Assistance Grants,'' $46,000,000, to remain available until September 30, 2006.

EMERGENCY PREPAREDNESS AND RESPONSE

FIREFIGHTER HIRING GRANTS

For activities authorized by section 34 of The Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $100,000,000, to remain available until expended.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

ASSESSMENTS AND EVALUATIONS

For an additional amount for ''Assessments and Evaluations'', $200,000,000, to remain available until September 30, 2006, of which $100,000,000 shall be available for chemical facility security improvements; of which $100,000,000 shall be available for grants to States, municipalities, or intermunicipal or interstate agencies for security improvements to address known vulnerabilities to water systems.

SA 3598. Mr. ENSIGN (for himself, Mr. BOND, Mr. REID, Mr. KYL, Mr. CORNYN, Mrs. HUTCHISON, Mr. CORZINE, Mr. NELSON of Florida, Mr. CHAMBLISS, Mr. MILLER, Mr. GRAHAM of Florida, Mr. BURNS, Mr. ROBERTS, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. CLINTON, Mr. WARNER, Mr. DURBIN, Ms. LANDRIEU, Mr. CAMPBELL, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 10, line 25, strike ''$1,437,460,000'' and all that follows through ''presence'' on page 11, line 3, and insert the following: ''$1,512,460,000 shall be for baggage screening activities, of which $210,000,000 shall be available only for procurement of checked baggage explosive detection systems and $75,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $796,890,000 shall be for airport security direction and enforcement presence, of which $217,890,000 shall be available for airport information technology''.

SA 3599. Mr. ALEXANDER (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SA 3600. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. (a) The Secretary of Homeland Security, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation, an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship for the Bureau of Citizenship and Immigration Services described in section 451(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 271(f)(2)).

(b) The United States Citizenship Foundation is authorized to solicit, accept, and make gifts of money and other property and to apply for status as an organization described in section 501(c)(3) of the Internal Revenue code of 1986 and exempt from taxation under section 501(a) of such Code.

(c) The Chief of the Office of Citizenship for the Bureau of Citizenship and Immigration Services, or such other official of the Department of Homeland Security as the Secretary of Homeland Security may direct, shall serve as a nonvoting member of the board of directors of the United States Citizenship Foundation and as the primary liaison between the Department of Homeland Security and the Foundation.

(d) For necessary expenses for the establishment of the United States Citizen Foundation, $100,000, to remain available until September 30, 2006.

SA 3601. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 4, insert ''*Provided further*, That each State, upon determining how grant funds provided under this heading will be allocated among units of local government within the State, shall notify each United States Senator and Member of Congress representing that State of such determination before making any public announcement of such grant allocations to units of local government:'' after ''Homeland Security:''.

SA 3602. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, between lines 13 and 14, insert the following:

SEC. 101. (a) Not later than 180 days after the end of fiscal year 2005, the Secretary of Homeland Security shall submit a report to Congress that describes the articles, materials, and supplies acquired by the Department of Homeland Security during fiscal year 2005 that were manufactured outside of the United States.

(b) The report submitted under subsection (a) shall separately indicate—

(1) the dollar value of each of the articles, materials, and supplies acquired by the Department of Homeland Security that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total funds spent by the Department of Homeland Security on goods manufactured within the United States compared with funds spent by the Department of Homeland Security on goods manufactured outside of the United States.

(c) The Secretary of Homeland Security shall make the report submitted under this section publicly available to the maximum extent practicable.

SA 3603. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Congress finds that (1) there is a disproportionate number of complaints against the Transportation Security Administration for alleged violations of equal employment opportunity and veterans' preference laws as those laws apply to employment of personnel in airport screener positions in the Transportation Security Administration, and (2) there is a significant backlog of those complaints remaining unresolved.

(b)(1) Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the personnel policies of the Department of Homeland Security that apply to the employment of airport screeners in the Transportation Security Administration, particularly with regard to compliance with equal employment opportunity and veterans' preference laws.

(2) The report under this subsection shall include an assessment of the extent of compliance of the Transportation Security Administration with equal employment opportunity and veterans' preference laws as those laws apply to employment of personnel in airport screener positions in the Transportation Security Administration, a discussion of any systemic problems that could have caused the circumstances giving rise to the disproportionate number of complaints described in subsection (a), and the efforts of the Secretary of Homeland Security and the Under Secretary for Border and Transportation Security to eliminate the backlog of unresolved complaints and to correct any systemic problems identified in the report.

(3) In conducting the review necessary for preparing the report, the Comptroller General shall examine the experience regarding the airport screener positions at particular airports in various regions, including the Louis Armstrong New Orleans International Airport.

SA 3604. Mr. DODD (for himself, Ms. STABENOW, Mr. KENNEDY, Mr. LEVIN, Mr. DASCHLE, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, line 17, strike ''$2,845,081,000'' and insert ''$11,552,000,000''.

On page 21, strike lines 14 through 20 and insert the following:

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a), to remain available until September 30, 2006, $4,000,000,000, of which $3,000,000,000 shall be available for necessary expenses for programs authorized by section 33 of such Act and $1,000,000,000 shall be available for necessary expenses for programs authorized by section 34 of such Act: *Provided,* That not to exceed 5 percent of the amount provided for the programs under each such section shall be available for program administration.

On page 22, line 3, strike ''$180,000,000'' and insert ''$660,000,000''.

On page 28, line 21, strike ''$181,440,000'' and insert ''$690,994,000''.

On page 39, between lines 5 and 6, insert the following:

SEC. 515. The total amount appropriated by title III for the Office of the Under Secretary for Emergency Preparedness and Response under the headings ''PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY'', ''ADMINISTRATIVE AND REGIONAL OPERATIONS'', and ''PUBLIC HEALTH PROGRAMS'' is hereby increased by $2,845,766,000.

SEC. 516. The Secretary of the Treasury shall take such action as is necessary to reduce benefits provided by the Economic Growth and Tax Relief Reconciliation Act of 2001 to individuals with an adjusted gross income of $1,000,000 or more that will result in an increase in revenue sufficient to offset the increased funding provided for the first responder and other programs by this amendment.

SA 3605. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 15, strike the period and insert the following: ''*Provided further,* That before a Federal agency approves a liquefied natural gas marine terminal, the Protective Security Division of the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security shall conduct a field assessment of the vulnerability of the proposed terminal site and devise a buffer zone protection plan for the proposed terminal and associated coastal waterways.''.

SA 3606. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 2, strike the period and insert ''*: Provided further,* That of the total amount provided, not less than $4,750,000 shall be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107–210; 116 Stat. 988 et seq.).''.

On page 8, line 18, strike the period and insert ''*: Provided further,* That of the total amount provided for, not less than $4,750,000 shall be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107–210; 116 Stat. 988 et seq.).''.

SA 3607. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 25, lines 6 and 7, strike ''$2,151,000,000, to remain available until expended'' and insert ''$2,221,000,000 to remain available until expended, of which $70,000,000 is designated by Congress as an emergency requirement under section 502(c) of H. Con. Res. 95 (108th Cong.) and shall be made available for a grant to the American Red Cross for disaster relief, recovery expenditures, and emergency services in response to Tropical Storm Bonnie, Hurricane Charley, and Hurricane Frances''.

SA 3608. Mr. ALEXANDER (for himself, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, Mr. ALLEN, Mr. BUNNING, Mr. SCHUMER, and Ms. LANDRIEU) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SA 3609. Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. REID, Mr. LEVIN, Mrs. CLINTON, Mr. ROCKEFELLER, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, line 17, strike ''$2,845,081,000'' and all that follows through line 22, and insert the following: ''$2,915,081,000, which shall be allocated as follows:

''(1) $970,000,000 for formula-based grants and $470,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714), of which $70,000,000 shall be used by States, units of local government, local law enforcement agencies, and local fire departments to purchase or improve communication systems to allow for real-time, interoperable communication between State and local first responders: *Provided,* That the amount appropriated under title I for the Human Resources Account of the Office of the Under Secretary for Management shall be reduced by $70,000,000: *Provided further,* That''.

SA 3610. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. INVESTIGATION OF SHOCKOE CREEK DRAIN FIELD, RICHMOND, VIRGINIA.

As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall

conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage in that area from floods and other natural disasters.

SA 3611. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Notwithstanding any other provision of law, the fiscal year 2004 aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000 and the total amount appropriated by title II under the heading ''CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES'' is hereby reduced by $1,000,000.

SA 3612. Mr. HARKIN (for himself and Mr. BIDEN) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. HAZARD MITIGATION.

Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the second sentence by striking ''7.5 percent'' and inserting ''15 percent''.

SA 3613. Mr. VOINOVICH (for himself, Ms. SNOWE, Mr. HARKIN, Mr. DEWINE, Mr. FEINGOLD, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 17, strike ''$245,579,000'' and insert ''$221,579,000''.

On page 13, line 18, strike ''$534,852,000'' and insert ''$508,852,000''.

On page 19, line 12, strike ''$25,000,000'' and insert ''19,000,000''.

On page 22, line 3, strike ''$180,000,000'' and insert ''$236,000,000''.

SA 3614. Ms. COLLINS (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 22, strike the colon and insert the following: '', of which $50,000,000 shall be used for grants to identify, acquire, and transfer homeland security technology, equipment, and information to State and local law enforcement agencies:''

SA 3615. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

Purpose: To appropriate $100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses.

On page 13, between lines 18 and 19, insert the following:

GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses, $100,000,000.On page 2, line 17, strike $245,579,000 and insert ''$175,579.000''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 15, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, September 21st, 2004 at 10 a.m. in Room SD 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of Karen Alderman Harbert, to be an Assistant Secretary of Energy for International Affairs and Domestic Policy and John S. Shaw, to be an Assistant Secretary of Energy for Environment, Safety and Health.

For further information, please contact Judy Pensabene or Colin Hayes of the Committee staff at (202) 224–4971.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 22, 2004, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by an oversight hearing on the Contributions of Native American Code Talkers in American Military History.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 9, 2004, at 9:30 a.m., in open session to receive testimony on the Investigation of the 205th Military Intelligence Brigade at Abu Ghraib Prison, Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 9, 2004, at 2:30 p.m., in open session to receive testimony on the report of the independent panel to review Department of Defense Detention Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 9, 2004, at 2 p.m. to conduct a hearing on ''Examining the Impact of the Sarbanes-Oxley Act and Developments Concerning International Convergence.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 9, 2004 at 9:30 a.m. to hold a hearing on Sudan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup on Thursday, September 9, 2004 at 10:00 a.m. in Dirksen Senate Office Building, Room 226. The agenda is attached.

Agenda

I. Nominations:

Claude A. Allen, to be U.S. Circuit Judge for the Fourth Circuit; David E. Nahmias, of Georgia, to be United States Attorney for the Northern District of Georgia; Ricardo H. Hinojosa, to be Chair of the United States Sentencing Commission; Michael O'Neill, to be a Member of the United States Sentencing Commission; Ruben Castillo, to be a Member of the United States Sentencing Commission; William Sanchez, to be Special Counsel for Immigration-Related Unfair Employment Practice.

II. Legislation:

S. 1635, L–1 Visa (Intracompany Transferee) Reform Act of 2003, Chambliss;

S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards;

S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer;

H.R. 1417, To amend title l17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges Act of 2003, Smith-TX, Berman-CA, Conyers-MI;

S. 2204, A bill to provide criminal penalties for false information and hoaxes relating to terrorism Act of 2004, Hatch, Schumer, Cornyn, Feinstein;

S. 1860, A bill to reauthorize the Office of National Drug Control Policy Act of 2003, Hatch, Biden, Grassley;

S. _____ Department of Justice reauthorization bill;

S. 2195, A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors Act of 2004, Biden, Hatch, Grassley, Feinstein;

S.J. Res. 23, A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated Act of 2003, Cornyn, Chambliss.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Cheri Rolfes of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING OUTRAGE AT THE TERRORIST ATROCITIES IN BESLAN, RUSSIA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 421, which was submitted earlier today by Senators DASCHLE, TALENT, FRIST, and SANTORUM.

The PRESIDING OFFICER. The clerk will state the resolution by title.

A resolution (S. Res. 421) expressing outrage at the recent terrorist atrocities in Beslan, Russian Federation, and condolences to the families of the victims.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 421

Whereas on Wednesday, September 1, 2004, a group of approximately 30 terrorists took control of School No. 1, located in Beslan, North Ossetia, Russian Federation, and held approximately 1,200 Russians hostage;

Whereas the terrorists reportedly infiltrated the school and stockpiled weapons and explosives during the ongoing renovation of the school;

Whereas the terrorists held the captives for more than 50 hours, and denied the captives, including the children, access to food, water, and medicine;

Whereas the terrorists rigged the school with explosives, including a large bomb in the center of the gymnasium where the hostages were being held, and strapped suicide bombs to themselves;

Whereas children, parents, and teachers who attempted to flee, or to assist the hostages that attempted to escape, were shot by the terrorists;

Whereas on September 3, 2004, Russian troops and the Beslan hostage-takers exchanged gun fire, a bomb exploded that collapsed the roof of the school, the terrorists began killing the hostages, and massive loss of life ensued;

Whereas this horrendous terrorist action left more than 300 people dead, many of them children, as well as hundreds more who are severely wounded or unaccounted for;

Whereas the Russian people, as a result of this and other attacks in recent weeks, have experienced incredible loss and are experiencing immense grief as they begin the process of burying their loved ones killed by the actions of these terrorists; and

Whereas the United States has sent medical supplies and has offered its moral support to the Russian people in response to the terrorist attack at School No. 1: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms this despicable act;

(2) expresses its condolences to the Russian people and in particular to those families who lost loved ones in the Beslan school tragedy; and

(3) commends the efforts of the United States Government to provide humanitarian and medical assistance to the people of the Russian Federation.

Mr. REID. Mr. President, if I may take a moment at this late hour, I reflect back on the relations between the Soviet Union and United States. One day—I don't remember the exact day—they had a book out there, and there was someone from the Russian Embassy here, and Senators walked out there and wrote their heartfelt feelings about what had taken place in Russia. I was so moved by that. The man who was there from the Embassy was speaking very broken English, but he was so glad we were there. I was so glad to be able to write in that book, recognizing the tremendous progress that has been made between the United States and Russia.

I applaud the leader for submitting this resolution. We have come such a long way. We stand in this war on terror with former enemies who are now our friends. Again, I applaud and commend the leaders for bringing this forth. This will be sent to the Russian Government so they will know the Senate's sentiments representing the United States, and that we speak for all Americans. We send our condolences for the brutal acts of these evil men in taking the lives of children and many other innocent people.

Mr. FRIST. I very much appreciate the comments made by the assistant Democratic leader, especially in light of the real tragedy that played out before our eyes not too long ago, several days ago.

The resolution we passed is a resolution that addresses the brutal terrorist attacks that occurred in Beslan, Russia. We all, through this resolution, offer our condolences to the families who have lost loved ones, and the people of Russia who continue to mourn beside them.

It was only last week we all watched as terrorists took control of that School No. 1 in Beslan, Russia, a small southern town near the Chechen border, and the horror, the slaughter that went on, as 1,200 students, teachers, and parents—because it was the first day of school—were held hostage and were denied food and medicine and water. In the horrific video, we saw individuals trying desperately to escape and they were simply shot. During the final massacre itself—and it was a massacre—we saw the fear and desperation in people's faces. It captured this war on terror that we talk about a lot; it captured the face of terrorism.

The Beslan massacre stands as the most monstrous, most despicable act of terrorism since the catastrophic events of 9/11. More than 300 people, many of whom were children, were murdered, and, as we know, hundreds more were critically wounded and missing. If there was any doubt, there is no doubt any more. Our enemy is willing to commit any barbarity to achieve its twisted aims. Our enemy is capable of shooting toddlers and destroying a schoolhouse, lacing it with bombs. As we saw on 9/11, our enemy rejoiced in the murder of innocent people.

The purpose of the resolution is to express the ache in our hearts for the Russian people, for those dark days they must endure, and it also reflects the importance of us renewing our commitment to resolve to defeat these forces of terror and to strengthen our determination to crush those who would bring calamity upon the civilized world.

I want to commend President Bush for his compassion and steadfastness as he reaches out to President Putin and the Russian people in their hour of need, providing appropriate assistance and moral support from all of us, from the American people, as the Russian people bury their dead and search for meaning amid what is incomprehensible horror. We stand by them as reflected in the resolution. America is with the Russian people, and together we will eventually defeat terrorism.

AUTHORIZING PRESIDENT TO AWARD GOLD MEDAL TO MARTIN LUTHER KING AND WIDOW CORETTA SCOTT KING

Mr. FRIST. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further

consideration of S. 1368 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. 1368) to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that my name be added as a cosponsor to this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1368) was read the third time and passed, as follows:

S. 1368

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

SECTION 1. FINDINGS.

Congress finds that—

(1) Reverend Doctor Martin Luther King, Jr. and his widow Coretta Scott King, as the first family of the civil rights movement, have distinguished records of public service to the American people and the international community;

(2) Dr. King preached a doctrine of nonviolent civil disobedience to combat segregation, discrimination, and racial injustice;

(3) Dr. King led the Montgomery bus boycott for 381 days to protest the arrest of Mrs. Rosa Parks and the segregation of the bus system of Montgomery, Alabama;

(4) in 1963, Dr. King led the march on Washington, D.C., that was followed by his famous address, the ''I Have a Dream'' speech;

(5) through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964, and the Voting Rights Act of 1965;

(6) despite efforts to derail his mission, Dr. King acted on his dream of America and succeeded in making the United States a better place;

(7) Dr. King was assassinated for his beliefs on April 4, 1968, in Memphis, Tennessee;

(8) Mrs. King stepped into the civil rights movement in 1955 during the Montgomery bus boycott, and played an important role as a leading participant in the American civil rights movement;

(9) while raising 4 children, Mrs. King devoted herself to working alongside her husband for nonviolent social change and full civil rights for African Americans;

(10) with a strong educational background in music, Mrs. King established and performed several Freedom Concerts, which were well received, and which combined prose and poetry narration with musical selections to increase awareness and understanding of the Southern Christian Leadership Conference (of which Dr. King served as the first president);

(11) Mrs. King demonstrated composure in deep sorrow, as she led the Nation in mourning her husband after his brutal assassination;

(12) after the assassination, Mrs. King devoted all of her time and energy to developing and building the Atlanta-based Martin Luther King Jr. Center for Nonviolent Social Change (hereafter referred to as the ''Center'') as an enduring memorial to her husband's life and his dream of nonviolent social change and full civil rights for all Americans;

(13) under Mrs. King's guidance and direction, the Center has flourished;

(14) the Center was the first institution built in honor of an African American leader;

(15) the Center provides local, national, and international programs that have trained tens of thousands of people in Dr. King's philosophy and methods, and claims the largest archive of the civil rights movement; and

(16) Mrs. King led the massive campaign to establish Dr. King's birthday as a national holiday, and the holiday is now celebrated in more than 100 countries.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King, in recognition of their service to the Nation.

(b) DESIGN AND STRIKING.—For the purpose of the presentations referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary of the Treasury shall strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the costs of the duplicate medals and the gold medal (including labor, materials, dies, use of machinery, and overhead expenses).

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

SPORTS AGENT RESPONSIBILITY AND TRUST ACT

Mr. FRIST. I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 361 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 (H.R. 361) to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has agreed by unanimous consent to pass H.R. 361, the Sports Agent Responsibility and Trust Act, SPARTA. The bill would help to protect amateur athletes from exploitation by sports agents. I commend Congressman TOM OSBORNE for his tireless work on this legislation and his ongoing commitment to ensuring that amateur athletes are treated with fairness and dignity.

This legislation is needed because State and Federal penalties for agents who engage in dishonest practices to lure athletes to sign contracts are seen by many groups as weak. For example, misconduct such as secret payments to amateur athletes, undisclosed payments to family or friends of athletes, unrealistic promises, pressure placed on the athletes, and even blackmail often go unpunished despite the severe damage that their practices cause to our country's amateur athletes.

Under SPARTA, sports agents would be prohibited from providing false or misleading information, making false promises, or providing anything of value to amateur athletes or their families. Each violation of SPARTA would be deemed an unfair or deceptive act or practice under the Federal Trade Commission Act, FTCA. SPARTA would authorize civil actions by the Federal Trade Commission, State attorneys general, and educational institutions against violators.

In addition, SPARTA would serve as a Federal backstop for an ongoing effort by the National Collegiate Athletic Association, NCAA, college coaches, university presidents, and athletic directors to promote at the State-level legislation developed by the National Conference of Commissioners on Uniform State Laws to regulate the business practices of sports agents. The legislation, titled the Uniform Athlete's Agent Act, UAAA, would require that sports agents be registered with the States in which they operate, and provide uniform State laws addressing their conduct and practices. To date, the legislatures of 29 States and two territories have passed the UAAA, but no similar Federal standard exists.

We must protect our youth from the predatory practices of those who do not share their best interests. This bill represents a positive step toward protecting amateur athletes and I thank my colleagues for their support in its passage.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 361) was read the third time and passed.

ORDERS FOR FRIDAY, SEPTEMBER 10, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its

business today, it adjourn until 9:30 a.m. on Friday, September 10. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders, the Senate then resume consideration of Calendar No. 588, H.R. 4567, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MOMENT OF SILENCE

Mr. FRIST. For the information of all Senators, tomorrow before we proceed to our regular business the Senate will observe a moment of silence in further remembrance of the events of September 11, 2001. The anniversary of those tragic events is not tomorrow, but on Saturday when the Senate will be out of session. Therefore, we will remember the anniversary during tomorrow's session. I therefore ask unanimous consent that immediately following the prayer and the pledge tomorrow, the Senate then observe a moment of silence to further remember the events of September 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Following those remarks, the Senate will resume consideration of the Homeland Security appropriations bill. There will be no rollcall votes tomorrow; however, a number of Senators will be here to offer and debate their amendments. I do encourage all Senators who wish to offer amendments tomorrow to contact the bill managers as soon as possible. It is our intention to complete action on this bill early next week, and rollcall votes will occur on Monday afternoon. We will have more to say about next week's schedule tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:15 p.m., adjourned until Friday, September 10, 2004, at 9:30 a.m.

EXTENSIONS OF REMARKS

HONORING THE 40TH ANNIVERSARY OF THE REDWOODS COMMUNITY COLLEGE DISTRICT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 40th anniversary of the founding of the Redwoods Community College District in Humboldt County, California.

On January 14, 1964 citizens of Humboldt County gathered, with strong community support, to establish the Redwoods Community College District. College of the Redwoods enabled residents of the North Coast of California to begin their academic journey with an outstanding curriculum which prepared them to meet their educational goals.

On June 11, 1966, College of the Redwoods graduated its first class. Today the college serves students in Humboldt, Trinity, coastal Mendocino and Del Norte Counties providing 107 degree and certificate programs.

College of the Redwoods meets the needs of students for transfer preparation and career training. It provides skilled workers for local businesses and assists in regional economic development efforts. College of the Redwoods serves over 10,000 individuals each year and is a valued asset to the community.

The Redwoods Community College District is committed to maximizing the success of each student with an exceptional faculty and a diversity of courses so that each student can achieve appropriate educational outcomes and develop an appreciation for life-long learning. In partnership with other local agencies, the college provides enrichment to the community and enhances the economic vitality of the Redwood Coast of California.

College of the Redwoods is ably served by the dedication of its faculty and staff, President, Dr. Casey Crabill, and by its Board of Directors.

Mr. Speaker, it is appropriate at this time that we recognize the Redwoods Community College District on the occasion of its 40th anniversary.

A SALUTE TO JAMES MOODY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. CONYERS. Mr. Speaker, as Dean of the Congressional Black Caucus, and Chairman of the Jazz Forum and Concert, which occurs during our Foundation's Annual Legislative Conference, I rise today to salute the lifetime achievements of one of the most distinguished artists in American music history, James Moody. Just a few years ago, in 1998, James Moody received the prestigious Jazz Masters Award from the National Endowment of the Arts. The following biography, found on Moody's own web page, chronicles a career of accomplishment deserving of such high recognition, and of this body's thoughtful attention and respect:

For nearly four decades, saxophone master James Moody has serenaded lovers with his signature song Moody's Mood for Love; an improvisation on the chord progressions of I'm in the Mood for Love.

Born in Savannah, Georgia on March 26, 1925, and raised in Newark, New Jersey, James Moody took up the alto sax, a gift from his uncle, at the age of 16. Within a few years he fell under the spell of the deeper more full-bodied tenor saxophone after hearing Buddy Tate and Don Byas perform with the Count Basie Band at the Adams Theater in Newark, New Jersey.

In 1946, following service in the United States Air Force, Moody joined the seminal bebop big band of Dizzy Gillespie, beginning an association that—on stage and record, in orchestras and small combos—afforded a young Moody worldwide exposure and ample opportunity to shape his improvisational genius. Upon joining Gillespie, Moody was at first awed, he now admits, by the orchestra's incredible array of talent, which included Milt Jackson, Kenny Clark, Ray Brown and Thelonius Monk. The encouragement of the legendary trumpeter-leader, made its mark on the young saxophonist. His now legendary 16–bar solo on Gillespie's Emanon alerted jazz fans to an emerging world-class soloist.

During his initial stay with Gillespie, Moody also recorded with Milt Jackson for Dial Records in 1947. One year later he made his recording debut as a leader on James Moody and His Bop Men for Blue Note.

In 1949 Moody moved to Europe where in Sweden he recorded the masterpiece of improvisation for which he is renowned, Moody's Mood for Love.

Returning to the States in 1952 with a huge ''hit'' on his hands, Moody employed vocalist Eddie Jefferson. Also, working with him during that period were Dinah Washington and Brook Benton.

In 1963 he rejoined Gillespie and performed off and on in the trumpeter's quintet for the remainder of the decade.

Moody moved to Las Vegas in 1973 and had a seven year stint in the Las Vegas Hilton Orchestra, doing shows for Bill Cosby, Ann-Margaret, John Davidson, Glen Campbell, Liberace, Elvis Presley, The Osmonds, Milton Berle, Redd Foxx, Charlie Rich, and Lou Rawls to name a few.

Moody returned to the East Coast and put together his own band again—much to the delight of his dedicated fans. In 1985, Moody received a Grammy Award Nomination for Best Jazz Instrumental Performance for his playing on Manhattan Transfer's Vocalese album thus setting the stage for his re-emergence as a major recording artist.

Moody's 1986 RCA/NOVUS debut Something Special ended a decade-long major label recording hiatus for the versatile reedman. His follow-up recording, Moving Forward showcased his hearty vocals on What Do You Do and his interpretive woodwind wizardry on such tunes as Giant Steps and Autumn Leaves.

Music is more than a livelihood to Moody, so much so that portions of Sweet and Lovely, dedicated to his wife, Linda, figured prominently in the saxophonist's wedding ceremony on April 3, 1989. As well as being on the album, Gillespie was best man at the wedding for his longtime friend. The bride and groom walked down the aisle to Gillespie's solo on Con Alma then everyone exited the church to the vamp on Melancholy Baby. As their first act of marriage Linda and James Moody took communion accompanied by the groom's recording of Sweet and Lovely. In 1990, Moody and Gillespie received a Grammy Award Nomination for their rendition of Gillespie's Get the Booty, which showcases scatting at its best. Moody returns the soprano sax to his woodwind arsenal on Honey, his nickname for his wife, Linda, and Moody's last recording for RCA/NOVUS.

On March 26th, 1995 Moody got the surprise of his life with a birthday party in New York. It was an evening of historical significance for Jazz with many guest stars and Bill Cosby as the emcee. It can be heard on Telarc's recording, Moody's Party—James Moody's 70th, Birthday Celebration, Live at the Blue Note.

In 1995 Moody's Warner Bros. release of Young at Heart, was a tribute to songs that are associated with Frank Sinatra. With an orchestra and strings, many people feel this is among the most beautiful of all James Moody recordings.

Moody's follow-up recording for Warner Bros., was called Moody Plays Mancini. It showcased Moody on all of his horns and flute.

Moody's most recent recording Homage (for Savoy Records) features music especially composed for him by Herbie Hancock, Chick Corea and Joe Zawinul, among others.

Whether Moody is playing the soprano, alto, tenor, or flute, he does so with deep resonance and wit. Moody has a healthy respect for tradition, but takes great delight in discovering new musical paths, which makes him one of the most consistently expressive and enduring figures in modern jazz today. To quote Peter Watrous of the New York Times, ''As a musical explorer, performer, collaborator and composer he has made an indelible contribution to the rise of American music as the dominant musical force of the twentieth century.''

ON THE JULY 29, 2004, OPENING CEREMONY OF THE INTERNATIONAL CHILDREN'S GAMES AT THE SLOVENIAN CULTURAL GARDEN AND HONORING SLOVENIAN PROFESSOR METOD KLEMENC

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. KUCINICH. Mr. Speaker, I rise in commemoration of the International Children's Games being held in Cleveland this year. I also recognize the Games' founder, Professor Metod Klemenc of Celje Slovenia, who will be honored at the Slovenian Cultural Gardens in a ceremony to open up this year's Games.

I cannot think of a more appropriate person to honor in conjunction with the Games than Professor Klemenc, nor a better place to recognize the International Children's Games and Professor Klemenc than at the Slovenian Cultural Garden in Cleveland.

Metod Klemenc organized the first International Children's Games on June 5, 1968, in Celje. Born in Ljubljana, Slovakia, 70 years ago, Professor Klemenc is the spiritual father of these Games whose simple goal was bringing school age children from different nations to better understand one another. A Slovenian sports instructor, Professor Klemenc explained: ''My childhood suffered from the 2nd World War. It destroyed my family. Since I—within my possibilities—wanted to create a better world based on friendship, sports seemed to be one of the best means to bring together young people from different countries. Therefore you need willpower and friends who are enthusiastic about sports, and who are willing to give up their spare time.''

The Cleveland Cultural Gardens consist of 23 individual gardens, including the Slovenian Garden. The Gardens are an important part of the Cleveland's history, reflecting the ethnicities and cultures that were instrumental in the city's development. The symbolic meaning of the gardens is that people of diverse backgrounds, lifestyles, traditions, and religions can exist side by side in peace and harmony with the freedom to exercise their beliefs and cultures. Built in the 1920s and 1930s, these gardens stood for the unity among all people of all nations, and to this day remain a unique embodiment of that purpose.

Mr. Speaker and colleagues, it is appropriate to open up the International Children's Games in Cleveland at a place in Cleveland that stands for international brotherhood and peace. And among these gardens, it is my pleasure to recognize the role Slovenians have played in building Cleveland, the Cleveland Cultural Gardens, and the International Children's Games. I ask you to join me in honoring Professor Klemenc, the founder of the International Children's Games.

IN HONOR OF THE CHRISTIAN CHILDREN'S PARADE AND MULTICULTURAL FESTIVAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Christian Children's Parade and Multicultural Festival, which celebrated its 26 annual parade on Saturday, August 14, 2004, in Jersey City, New Jersey.

The Christian Children's Parade and Multicultural Festival is a wonderful opportunity to unite the community. For 26 years, the event has brought together family and friends to celebrate and encourage the spiritual development of Jersey City's youth.

This year's event was dedicated to remembering those lost during the September 11, 2001 attacks. The Jersey City community lost 37 residents on that tragic day. The parade and festival were a fitting tribute to the victims, which honored their memory and acknowledged not only the strength of the community, but also the surviving families and friends.

I would like to extend a special recognition to the Reverend Jose C. Lopez, the president of I.C.A.P., Inc., and his staff for all of their hard work and dedication in organizing this worthwhile event and making it a reality. Additionally, I extend my appreciation to the Jersey City Department of Cultural Affairs for sponsoring the festival and parade.

Today, I ask my colleagues to join me in honoring the Christian Children's Parade and Multicultural Festival for its years of service and contribution to the youth of Jersey City, New Jersey.

ON THE PASSING OF FORMER RAMSEY COUNTY COMMISSIONER HAL NORGARD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. McCOLLUM. Mr. Speaker, I rise today to honor a dear friend of mine, former Ramsey County Commissioner Hal Norgard.

Hal Norgard passed away on the morning of August 8th while I was traveling with a congressional delegation in Iraq.

Hal was a wonderful man and friend. He was a man of boundless energy and a great heart. Most of all, I remember him as a person who loved his community like it was his family—because it was for him.

Hal's work on the Ramsey County Board helped so many people, most of whom will never know how this very special man worked so hard to provide them with the opportunities they needed to improve their lives.

Hal was a friend, leader, volunteer, director, developer, teacher, and coach. Everyone who knew him loved him. I have many fond memories of him. We all have our own Hal story.

Hal, I will always remember you for your selfless service.

Hal, I will miss you.

CELEBRATING 25TH ANNIVERSARY OF ''A TASTE OF POLONIA''

HON. RAHM EMANUEL

OF ILLILNOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. EMANUEL. Mr. Speaker, I am honored to rise on behalf of more than 111,000 of my constituents who are of Polish descent in the Fifth Congressional District of Illinois on Chicago's northwest side. It is my privilege to recognize the 25th anniversary of one of the most celebrated cultural events and the pride of the Polish-American community in Chicago—A Taste of Polonia.

This year's anniversary event was held over Labor Day Weekend and featured hundreds of Polish handicrafts and artistic exhibitions, musical performances and other cultural displays. An abundant variety of Polish cuisine, including some of my personal favorites—kielbasa and pierogi—were enjoyed by tens of thousands of Chicagoans, including many who don't have Polish-American background but nonetheless wanted to join in the celebration and appreciate such an extraordinary assortment of food, music and art unique to ''A Taste of Polonia''.

Mr. Speaker, I also salute the Copernicus Foundation, a leading advocate for Polish-Americans in Chicago and throughout the country. The Foundation is a shining example of dedication to promoting our city's ethnic pride. It has hosted a variety of cultural, educational and civic programs, town meetings, political debates, live theater performances, concerts and films. It has been home to the Polish Film Festival in America since 1987. The Foundation has proven time and again its commitment to showcasing the many cultural and civic achievements of Polish-Americans and ensuring that they continue to flourish as demonstrated by its sponsorship of ''A Taste of Polonia''.

Today, it is especially important to reaffirm our appreciation and respect for Polish culture, particularly as the United States and Poland broaden a mutual partnership in the global economy and in fighting the global war against terror. Our special relationship with Poland exemplifies our mutual commitment to democratic ideals of liberty and human rights.

Mr. Speaker, ''A Taste of Polonia'' is a source of great pride for Polish-American citizens living in Chicago and indeed across the State of Illinois. I invite my colleagues to attend this celebration in the future and again congratulate all those who contributed toward another successful and joyous celebration of our city's Polish heritage.

JOHN MILLER, AMBASSADOR-AT-LARGE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. WOLF. Mr. Speaker, I submit for the RECORD the speech made on September 7 by John Miller, Ambassador-at-Large for the Office to Monitor and Combat Trafficking in Persons. I hope that you find it compelling.

Thank you, Mr. Secretary. Thank you so much for your kind words, and even more for

your inspiring words on modern-day slavery. I believe you are the first Secretary of State to call trafficking in persons by its true name: modern-day slavery. Without your leadership, and the leadership of President Bush, we would never have made the progress we celebrate today.

And thank you, Under Secretary Paula Dobriansky. You first raised my name for this position and gave me the opportunity to work on one of the premier human rights issues of the 21st century.

I see some colleagues and former colleagues from the Congress here today. They have come even though Congress does not start the fall session until later today. Congressman Frank Wolf, whose counsel led me to take this position. Senator Sam Brownback and Congressman Chris Smith. But for their work and the work of Paul Wellstone and Sam Gedjenson there would not be the Trafficking Victims Protection Act and the office I head. Senator Chuck Schumer, who is taking a leadership role on this issue. Congressman Diane Watson, who flew from California to be here, and Congressman Barney Frank. And my former colleagues Barbara Kennelly and Linda Smith.

And thanks also to the many senators and congressmen who sent personal representatives: Senators Lugar, Durbin, Clinton, and Cantwell, Majority Leader DeLay, House Committee on International Relations Chairman Hyde, and Congressmen Barton, Gallegly and Sherman, Kolbe and Coble, Pitts and Saxton, Dunn and Pryce, Lantos and Sherman.

My thanks also to the many in the executive branch who have come—the large contingent from the White House and National Security Council, including my friends Elliot Abrams and Michael Gerson. And my thanks to the many colleagues from so many agencies who have worked together on the Senior Policy Operating Group on human trafficking at the direction of the President. And, of course, my thanks to all those who have come from the various parts of the State Department, including my own office.

Marking the growing importance of modern-day slavery around the world I also want to recognize and show appreciation for the attendance of the ambassadors from countries such as Sweden, Benin, Kazakhstan, Cambodia, Nigeria, Indonesia and the Philippines, and diplomats from other nations such as Bangladesh, Mexico and Ukraine.

And, last but not least, I want to thank my son, Rip, for coming all the way from Seattle.

When I came back here to Washington 18 months ago I knew little about modern-day slavery. I am indebted to many citizens, public servants and NGOs who worked on the issue long before me and took the time to tutor and encourage me. To all of you, I say thanks.

What is this issue we call modern-day slavery? Last week I gave a keynote speech at the new National Underground Railroad Freedom Center in Cincinnati. We discussed the differences between slavery in the 19th century and the 21st century. Today, we do not have government-sanctioned slavery based on color; today, more often we have slavery based on gender and age. Today, the slavery is not just on plantations and in homes; it is in factories and armies as well, and especially in brothels. But the slave masters use the same tools today as the earlier slave masters: kidnapping, fraud, threats and beatings, all aimed at forcing women, children, and men into labor and sex exploitation. And slavery once again reaches into every country in the world. We had a grim reminder of this in our own country today with a Washington Post story on convictions of two kidnappers who put women into forced prostitution.

Who are these victims that bring us here today? Who are the individuals whose bodies and souls have suffered?

I picture the victims I have met in my travels. Tina, a teenage Indonesian farm girl lured and forced into domestic servitude in Malaysia. Lord, a Laotian youngster, beaten, tortured and forced to work in an embroidery factory in Thailand. Katya, a Czech teenager lured to Amsterdam with a promise of a restaurant job, her passport seized, her 2-year-old daughter threatened so she would service 10 and 15 men a day in a brothel. And so many more. . . .

These are the individuals who make up the millions held in slavery within countries or trafficked across international borders.

These are the individuals used by organized crime to make billions of dollars every year so we now, incredibly, speak of the drug trade, the arms trade—and the people trade.

But today is not about bleakness and despair in the human rights, health and public stability challenges we face. Today is about progress and hope. What a group we have here today. Yes, President Bush and Secretary Powell have taken the lead, but in this election season of conflict it is a tribute to the power of this issue that we have here today a coalition of Democrats and Republicans, a coalition ranging from feminists to evangelical Christians, all of us committed to ending this scourge. The NGOs in this room have done so much to pass laws, to jail the traffickers and to heal the afflicted.

You have inspired the public servants here, particularly the staff of the Trafficking in Persons Office. We are a small office in a big department, but what an office! Spurring programs and news media coverage around the world, putting out this report that has helped spur almost 3,000 convictions of traffickers across the globe last year, spur scores of anti-trafficking in persons laws, and spur debates leading to law enforcement and victim protection actions from Guyana to Bangladesh to Japan. To every person who works in the Trafficking in Persons Office, thanks.

But all that is prologue. What can all of us working together do in the future?

First, let's start with language. Back in the time of the Underground Railroad, owners talked about ''field hands,'' but they were describing slaves. Today, words like ''laborers'' and ''sex workers'' are often used to describe modern-day slaves. We must try to stop that.

Second, we can continue focusing on the source countries that supply slaves. We can do this by increasing education efforts that warn potential victims. We can support economic alternatives for victims. We can set up more shelters to help the victims. And we can help stamp out corruption and throw the traffickers in jail. Just as faith-based groups were the leaders in setting up the Underground Railroad, we now need faith-based, feminists, and community groups to take the lead.

Third, we must focus more on the demand for slaves. The slave victims may start out in poorer countries, but they often end up in wealthy destination countries in Europe, Asia and North America. That's where the market is. The slavery in earlier centuries existed because of the demand of sugar plantations in Brazil and the Caribbean, the demand of tobacco and cotton farms in the American south. The Secretary of State said at the President's Interagency Task Force on Human Trafficking that we cannot ignore demand today. That means smashing the forces of organized crime in destination as well as source countries; it means education directed at those who create and make up the market.

And when we talk about demand, we must also talk, as President Bush did at the U.N. last fall, about child sex tourism, a major force behind child sex slavery. Yes, child sex tourism may go on in distant lands, but the pedophiles come from wealthy countries. More countries need to pass laws such as the Protect Act passed on a bipartisan basis by the Congress and signed by President Bush in April 2003. That law strengthened law enforcement's ability to prosecute and put in jail predators back home, no matter where in the world they commit this repulsive crime.

Fourth, we must continue to highlight the issue by putting out reports such as the Justice Department's Assessment of U.S. Government Activities to Combat Trafficking in Persons and the Secretary of State's annual Trafficking in Persons Report.

Fifth, we can urge that law enforcement anywhere not just prosecute the victims but go after the perpetrators and exploiters.

Sixth, we must insist on abolition. As Hugh Thomas documents in his History of the Atlantic Slave Trade, in the 19th and earlier centuries, many well-meaning citizens said, ''We can't end the slave trade; let's get better ventilation on the slave ships; let's get better mats and wooden beds and more rations and improve the health of the slaves.'' The Dutch government back then even boasted how clean and neat and well managed their slave ships were. When English critics visited the English slave ships, the slave masters had the slaves sing and dance to convince the visitors to go back and tell Queen Elizabeth that the slaves were happy and there of their own consent. And the slave trade went on.

Today victims, often fearful, tell visitors they are fine and happy. Well-meaning people say, ''We can't end slavery, so let's get better ventilation in slave factories; let's get condoms into the brothels.'' These measures are good and will help the victims, but they won't end the victims' slavery. We cannot lose sight of that goal.

Last, we can encourage the news media to report on modern-day slavery and praise them when they do. Increased public awareness can lead to many good things.

We all know this struggle will be a long one.

But so was the struggle in the early 19th century led by William Wilberforce in the British Parliament. And long was the struggle of the American abolitionists like Frederick Douglass and Harriet Beecher Stowe and Levi Coffin that took decades. We need their dedication and energy and patience.

This is a struggle that goes back to the book of Exodus that I took the oath on where the Lord told Moses to tell pharaoh to, ''Let my people go so they can serve me.''

This is a struggle that goes back to the Declaration of Independence with its call for the ''inalienable rights of life, liberty and the pursuit of happiness.''

In some ways our struggle is easier than the one facing the 19th century abolitionists. We do not have to violate laws to help the victims as the early abolitionists did.

When Wilberforce first raised the slavery issue, another member of Parliament asked, ''What right do you have to impose British values on the world?'' Well, today, while some governments may look the other way, no government officially supports slavery and almost all have signed international covenants recognizing that freedom must prevail.

I remember visiting Eastern Europe after the fall of the Iron Curtain and receiving the thanks of so many. In the decades ahead I want America to earn and merit the thanks of those who languish in slavery today. I believe America is great when she is good. We are called on—again—to move towards the abolition of slavery in every country, including our own.

There is so much for all of us to do today. Yes, this is a struggle. But as the great Frederick Douglass said, ''If there is no struggle, there is no progress.'' We can all be part of the 21st-century abolitionist movement. And like our forbearers, we will be victorious!

God bless all of you for your friendship and support in this struggle. Thank you.

IN HONOR OF MAJOR DAVID L. BAYLOR

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Major David L. Baylor, upon his retirement from the Delaware State Police after 22 years of public service. His dedication to safety and to the security of all Delawareans is to be commended.

A native of Wilmington, Delaware, Major Baylor graduated from St. Mark's High School in 1978 and went into the United States Navy, before graduating from the Delaware State Police Training Academy in 1982. In later years, he earned his Bachelor's degree in Criminal Justice from Wilmington College and his Master's degree in Business Administration/Technology Management from the University of Phoenix. He is also a graduate of the FBI National Academy and the Pennsylvania State University Police Executive Management Course.

During his distinguished career, Major Baylor held several positions within the police force, and was a member of the Executive Protection Unit, where he helped to protect me when I was Governor. In fact, it was during this time that I realized just how popular Major Baylor is in the local community. Whenever we were in the car together, it was not uncommon for people to wave and honk their horns. For a while I thought they were greeting me, but eventually Major Baylor assured me that, in fact, he knew them and they were actually acknowledging him.

In addition to his impressive service in the Delaware State Police, Major Baylor has spent countless volunteer hours as a member on the Board of Directors of several organizations in Delaware. Such groups as the Bear/Glasgow Boys and Girls Club and the Delaware Mentor Program have benefitted greatly from his efforts.

Mr. Speaker, as one who has worked closely with Major David Baylor, I am confident that he has served our State well over his distinguished career. He is a fine representative of the First State and I look forward to hearing more about his future accomplishments.

TEXTILES AND APPAREL CHINA SAFEGUARD ACT H.R. 5026

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. LEVIN. Mr. Speaker, yesterday, several colleagues and I introduced legislation that would create a comprehensive plan to address the impending crisis in the U.S. textiles and apparel industry. An explanation of this bill for the RECORD follows.

SUMMARY

H.R. 5026, the Textiles and Apparel China Safeguard Act, creates a comprehensive program to respond to the WTO-mandated expiration of textiles and apparel quotas at the end of 2004. Foreseeing within the expanded trade resulting from China's WTO accession the potential negative impact on the U.S. and world markets from quota expiration, the Clinton Administration negotiated the right for the United States to use a special safeguard against imports of textiles and apparel products from China. Despite 345,000 U.S. jobs lost in the textiles and apparel industry since 2001, and estimates of hundreds of thousands more after quotas expire, the Bush Administration has failed to actively implement the special safeguard or to create a comprehensive approach to the issue.

The Textiles and Apparel China Safeguard Act is critical for the U.S. textiles and apparel industry and the 700,000 U.S. jobs it supports. The Act ensures active enforcement of the special safeguard against imports from China and creates a comprehensive approach to the impending crisis. The Act has three key elements. Specifically, it would:

(1) direct the President to make two changes to the overly restrictive rules issued by the Bush Administration to implement the China safeguard so that the safeguard will be meaningful for the U.S. textiles and apparel industry;

(2) direct the President to use the special China safeguard to negotiate a comprehensive agreement by immediately entering into formal consultations with China over textiles and apparel imports that threaten to disrupt the American market; and

(3) enforce aggressively U.S. rights under the special China safeguard by imposing restraints on imports if China does not agree on a mutually acceptable solution.

BACKGROUND AND EXPLANATION

On January 1, 2005, quotas on textiles and apparel products are scheduled to expire for WTO Members. Textiles and apparel industry analysts predict that China will dominate global textiles and apparel production when that happens. In the United States, some analysts expect China to capture over two-thirds of the U.S. market and, according to the World Bank, capture as much as 50 percent of total global production—a dramatic increase from its current 17 percent share.

China's dominance in the U.S. market will have serious direct adverse consequences domestically. It will also be devastating for many poorer developing countries that will lose their U.S. market share to China, including U.S. preference partners in Central America and sub-Saharan Africa. The impact on these countries will be another blow to the U.S. industry because many of the U.S. preference partners are heavily integrated with the U.S. industry, including use of significant amounts of U.S. textiles in the apparel they export.

The textiles and apparel industry is among the largest U.S. manufacturing industry (in terms of employment, with a total of around 700,0000 workers), yet to date the Bush Administration has failed to take any significant steps to address this major trade event.

As part of China's WTO accession package, the Clinton Administration created a special safeguard applicable to imports of textiles and apparel products from China. This special China safeguard gives the United States the right (1) to enter into consultations with China to create a more stable market, (2) to negotiate restraints on textiles and apparel imports with China, and (3) to impose restraints on an annual basis if China does not agree and the imports are causing or threatening market disruption.

CHANGING OVERLY RESTRICTIVE REGULATIONS

The Bush Administration issued regulations in May 2003 implementing the special safeguard. Those rules, however, are overly restrictive, severely constraining the safeguard and making it effectively unavailable for large segments of the U.S. industry and its workers. First, the regulations do not clearly provide the right to bring a ''threat'' case. In other words, the U.S. industry and its workers will have to wait until after imports from China have already caused injury—often irreparable injury—before they can bring a successful case. Second, the regulations are written in a way that significantly constrains the U.S. right to respond to market disruption from China. In many cases, Chinese imports cause market disruption not by competing directly with U.S. production, but because they supplant production that would have used inputs made by U.S. industry. In both cases, the injury to the U.S. industry and its workers is the same—lost orders and lost jobs—yet the current regulations do not provide clearly a right to use the safeguard to prevent the second kind of market disruption.

The Textiles and Apparel China Safeguard Act directs the President to rescind the restrictive interpretation of the textiles and apparel safeguard implementing regulations and replace them with regulations that:

(A) make clear that the U.S. industry and workers will not have to wait until after Chinese textiles and apparel imports have caused injury, but may use a threat case to preempt injury; and

(B) make clear that a safeguard may be imposed for market disruption that harms the U.S. industry and workers when Chinese imports displace production that uses inputs made by the U.S. industry.

In this way, the Textiles and Apparel China Safeguard Act will allow the United States to take full advantage of its rights under the special China textiles safeguard and make this safeguard a more useful tool for the U.S. industry and its 700,000 workers.

CREATING A COMPREHENSIVE APPROACH FOR IMPORT-SENSITIVE PRODUCTS

Given the significant adverse impact expected on the U.S. textiles and apparel industry and its workers from immediate and wholesale elimination of textiles and apparel quotas—some estimates predict hundreds of thousands of U.S. jobs will be lost if nothing is done—a more comprehensive approach is needed. The Textiles and Apparel China Safeguard Act provides this comprehensive approach.

The Act directs the President, in effect, to negotiate a comprehensive bilateral textiles and apparel agreement with China, as allowed under the terms of China's WTO accession agreement. The special China safeguard allows China and any WTO Member to negotiate bilaterally ways to address market disruption caused by Chinese textiles and apparel. Significantly, the accession agreement does not place any limitations on the content of such settlements. The open-ended nature of the settlement provision in the safeguard provides the basis of negotiating a comprehensive textiles and apparel agreement with China. The Textiles and Apparel China Safeguard Act directs the President to negotiate such a comprehensive agreement on all products still subject to quotas.

If China is not willing to come to terms on a comprehensive agreement, the Act directs the President to invoke the import restraints provided for under the safeguard across the board for all products eligible for the safeguard, as the United States has the right to do under the terms of China's WTO accession agreement.

GARRETT LEE SMITH MEMORIAL ACT

SPEECH OF

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. DOOLITTLE. Mr. Speaker, I rise today to explain why I voted against S. 2634, the Garrett Lee Smith Memorial Act, which authorizes $82 million over three years for federally funded suicide intervention, prevention and treatment programs in public schools.

I most certainly empathize with those who have lost a loved one as a result of suicide. Many of us have been affected by this particularly painful form of tragedy, whether directly or indirectly. We need to do whatever it takes to reduce the number of suicides occurring each year in our Nation, and help the suffering realize that taking their own life is never the right answer. However, ''whatever it takes'' does not mean we take the role of suicide prevention out of the hands of friends and family and local health care providers and into the hands of the poorly-suited federal bureaucracy. Those contemplating suicide do not need help from the government—they need help from those who know them by name.

Mr. Speaker, no one can argue that this bill came before the House with anything other than good intention. Unfortunately, good intention doesn't always translate into good legislation. This bill costs taxpayers $82 million over 3 years and creates two new Federal programs and a new technical assistance center, with virtually no mechanism to measure effectiveness or actual benefit of new services. Don't our loved ones deserve better, more direct care than that?

I think absolutely they do, and so do the experts:

In a December 2001 study published by the Journal of the American Medical Association (JAMA) entitled ''Suicide in Teenagers'' researchers concluded that ''Suicide awareness programs in schools . . . have not been shown to be effective either in reducing suicidal behavior or in increasing help seeking behavior.'' Additionally, Dr. David Shaffer, an expert in the field of suicide prevention states: ''My research at Columbia University, supported by grants from the Centers for Disease Control, suggests that case finding that involves giving lessons or lectures about suicide, either to encourage suicidal students to identify themselves or to teach other students or teachers how to identify the suicidal teacher is not effective and in some instances may even undermine protective attitudes about suicide.''

Mr. Speaker, I voted against this well-intentioned but misguided bill out of compassion for those contemplating suicide who deserve love, support and treatment. Those who know them best and want the very best for them are the ones living with them, not inside the beltway.

TRIBUTE TO WIGGSY SIVERTSEN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. LOFGREN. Mr. Speaker, today (Mr. HONDA, Ms. ESHOO and I) rise to recognize the achievements of Wiggsy Sivertsen, Director of Counseling for San Jose State University and co-founder of Bay Area Municipal Elections Committee (BAYMEC), a four county Lesbian, Gay, Bisexual and Transgender (LGBT) political action group celebrating 20 years of civil rights advocacy. Wiggsy is retiring from BAYMEC this year.

Wiggsy is currently the Director of Counseling Services and a visiting Professor in the Sociology Department at San Jose State University where she has been employed for the past 36 years. She is a graduate of Stephens College, San Jose State University and received her Master's degree from Tulane University in Social Work.

Wiggsy became involved in addressing the problems of discrimination against gays and lesbians when she was fired from a position when the organization found out about her lesbianism. She has dedicated her entire professional life educating the public about the LGBT communities and fighting for their rights and the rights of all ''at risk'' communities.

BAYMEC was founded to educate and inform, and has raised its concerns with countless elected officials; lobbied Sacramento and the state on AIDS and LGBT civil rights; and worked with police, fire department, governmental, organizational, and a variety of community groups to further equality for LGBTs. BAYMEC continues to lobby for hate crime legislation, transgender issues, domestic partnership rights and civil unions, and to bring LGBT sensitivity to the forefront in the domestic violence field.

Wiggsy has founded two other advocacy organizations: Advocates for Lesbian, Gay & Bisexual Youth, which provides legal representation for gay, lesbian and bisexual youth who are discriminated against in the school system, and Open Mind Network, Inc. (OMNI), which is dedicated to educating organizations about lesbian, gay and bisexual people.

Wiggsy has received the American Civil Liberties Union ''Don Edwards Defender of Constitutional Liberty Award.'' She has also been named to the ''The Millennium 100, Pillars of their Communities'' by the San Jose Mercury News, and received the California State Special Recognition Award For Service to the Lesbian and Gay Community.

We wish to thank Wiggsy Sivertsen for her tireless and loyal service to the cause of civil rights, and particularly the LGBT community. Though we will all miss her leadership in BAYMEC, the work of BAYMEC will move forward. Until all people are treated with dignity and respect, none of us can truly be free.

PERSONAL EXPLANATION

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. FLAKE. Mr. Speaker, I respectfully request the opportunity to record my position on rollcall votes 422 and 423. I was regrettably absent from the chamber on September 7th during the rollcall votes. Had I been present, I would have voted ''yea'' on rollcall 422 and ''yea'' on rollcall 423.

50TH ANNIVERSARY OF BERT'S BURGER BOWL

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. UDALL of New Mexico. Mr. Speaker, it is with great pleasure that I rise today to celebrate the 50th anniversary of a true Santa Fe landmark: Bert's Burger Bowl. Last month I joined with thousands of New Mexicans to celebrate this milestone as well as their claim to fame—the invention and commercial serving of one of New Mexico's famous foods, the green chile cheeseburger.

Staff t-shirts at Bert's boast, ''Since 1954: One Location Worldwide.'' To stay in business that long, Bert's is doing something right. This is the home of the greatest green chile cheeseburger in the world—a claim that is not easily contested—perhaps best known for allowing their customers to have a burger their way or not at all.

The current owners of Bert's Burger, Fernando and Debra Olea, decided to change their prices on August 17 to 1950s prices as a way to thank their loyal customers. By the time the day was done, thousands of New Mexicans had lined up for 35-cent green chile burgers, 19-cent crinkle cut fries and 10-cent soft drinks. Incredibly, between 10:30 a.m. and 2:45 p.m., Bert's served 2,000 burgers with only eight people working.

Bert's Burger Bowl, one of the last independently owned drive-in restaurants, was founded in 1954 by Bert Burtram, a World War II veteran, who operated the business 11 years before selling it to Fred and Barbara DeCastro. The Oleas bought Bert's in 1991 on the condition nothing be changed.

The most popular item on the menu has been and will remain No. 6—a chile/cheese burger. The eatery also serves burritos, Frito pies, fried chicken, chicken gizzards and chicken livers. Bert's is also known for its freshly made lemonade and limeade, as well as the cherry-lime drink and French Coke made with a dash of vanilla. Loyal customers, who dine under umbrellas on a sun-drenched patio overlooking Guadalupe Street, have kept Bert's in business all these years.

For the last half century, Bert's Burger Bowl has held a special place in the hearts of northern New Mexico residents and tourists. During the recent celebration, I met scores of people who told me their first job was at Bert's. Santa Fe Mayor Larry Delgado and his lovely wife Angie recalled how their very first date was at Bert's. Another customer reminded me that the establishment served as a backdrop for the 1971 movie ''Two Lane Blacktop.'' For 50 years, Bert's has meant so much to so many.

As the only member of the New Mexico congressional delegation to serve on the House Small Business Committee, I know the important contribution enterprises like Bert's make to our economy. I salute Fernando and Debra and their employees for their hard work and dedication. It was truly my honor to join with them on this milestone. My best wishes for another 50 years of success.

IN HONOR OF JOEL ''FRANK'' TOLLER OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFONRIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize my good friend Frank Toller, an extraordinary citizen from my hometown of St. Helena, California, who has devoted his life to public service. He is being honored today for his contributions to the community.

In 1997 Frank was elected to serve as mayor of St. Helena, California. In that same year he co-founded the law firm of Toiler & Novak LLP. He served as mayor until 1999, when he then moved to the position of Vice Mayor. He served as Vice Mayor until 2003.

Frank has been involved in other community activities as well, including spending 15 years as a Little League coach. Between 1980–1991 he was a St. Helena Unified School District Trustee, serving twice as board chair. He is also a member of the Community Foundation of the Napa Valley and a Rotary Foundation board member. In June 2004, he organized the Maria project which provides financial assistance to a deserving female Hispanic student who wishes to attend the Engineering program at UC Davis.

A highly regarded member of the Napa Valley community, Frank Toller was born in Waseca, Minnesota. Frank Toller received his B.A. in Political Science from the University of San Francisco in 1961. In 1968 he graduated from USF law school. He is a loving father to two children, Joel and Chelsea. He is an outdoor enthusiast who loves fishing and hiking.

The St. Helena Chamber of Commerce is recognizing Frank Toller for his outstanding contributions to the community, at the 2004 Citizen of the Year dinner on Saturday, August 21, 2004.

Mr. Speaker and colleagues, Frank Toller is a dedicated public servant who has made many great contributions to our community. It is appropriate that we honor him today.

A SALUTE TO ANDY BEY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. CONYERS. Mr. Speaker, as Dean of the Congressional Black Caucus, and Chairman of the Jazz Forum and Concert, which occurs during our Foundation's Annual Legislative Conference, I rise today to salute the lifetime achievements of one of the most distinguished artists in American music history, Andy Bey. Earlier this year, Bey was named the Jazz Journalist Association's 2004 Male Vocalist of the year.

The following biography, found on Bey's own web page, chronicles a career of accomplishment deserving of such high recognition, and of this body's thoughtful attention and respect:

Born in 1939, the Newark, NJ native was a genuine child prodigy as a pianist and singer, garnering appearances at the famed Apollo Theater and on television's Spotlight On Harlem and The Star Time Kids, sharing stages with the likes of Louis Jordan, Sarah Vaughan and Dinah Washington, before he turned 18. He then formed a vocal trio alongside his sisters Salome and Geraldine and embarked for Europe; Andy & The Bey Sisters were celebrated regulars at The Blue Note in Paris and other venues in Europe from the late 1950s into the early 1960s, when they returned to the U.S. and continued to perform and record (for RCA and Prestige) until the trio disbanded in 1966.

For the two decades thereafter, Bey recorded and performed with such notables as McCoy Tyner, Lonnie Liston Smith, Thad Jones/Mel Lewis, Eddie Harris and others. He was featured vocalist on Gary Bartz's acclaimed Harlem Bush Music projects and for an extended period with Horace Silver, including Silver's The United States of Mind album sequence. In 1991, Bey returned to Europe to teach vocal instruction in Austria; he remained there until 1993, when he returned to the States to record his ''comeback album,'' accompanied only by his own piano, called Ballads, Blues & Bey.

One of the great unsung heroes of jazz singing, Andy Bey is a commanding interpreter of lyrics who has a wide vocal range and a big, rich, full voice. Bey enjoys a following that swears by him; nonetheless, he isn't nearly as well known as he should be.

The release of Ballads, Blues & Bey in 1996, and his subsequent Shades of Bey, recorded with Bartz, Victor Lewis, Peter Washington and other jazz notables and released in 1998, heralded Bey's ''renaissance'' in the business he's been in for nearly five decades. Which leaves Bey somewhat bemused: ''I never went away, actually. I don't know about this renaissance. '' It's . . . well, it's new in a sense, but it's not like I left the business.''

Bey has continued to make his presence felt in the jazz arena with the release of Tuesday's in Chinatown in 2001, and his latest outing earlier this year on Savoy entitled American Song.

IN HONOR OF AGNES FRONCKOWIAK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Agnes Fronckowiak of Slavic Village, as she gathers with family and friends to commemorate her September 4th birthday, 90 years young, and as lively as ever.

With family central to her life, Mrs. Fronckowiak and her late husband, Casimir, raised 4 children, and taught them the significance of family, faith and giving back to the community. Today, these close family ties continue on with each new generation, as Mrs. Fronckowiak is blessed with grandchildren and great-grandchildren.

Beyond caring for her family, Mrs. Fronckowiak has been an involved member of the community, and continues to dedicate her time and talents in service to others, efforts which are reflected throughout Slavic Village. She was a long-time member of the Immaculate Heart of Mary Parent Teacher Union and held the position of President of the St. Stan's Golden Agers for nearly 25 years. As an active member of the Golden Agers, Mrs. Fronckowiak plans and organizes senior trips and events. Her energy, agility and joy for living serve as a significant example that life's possibilities and joys abound for each of us, regardless of our age.

Mr. Speaker and Colleagues, please join me in honor of Mrs. Agnes Fronckowiak, as we gather together to celebrate her 90th birthday. Mrs. Fronckowiak continues to be an inspiration to everyone in her life—especially to her family and friends. Her loyalty, friendship, convictions, boundless energy, and good works are invaluable gifts that she gives freely, and her dedication has uplifted the neighborhoods, churches and schools of Slavic Village. We wish her many blessings of continued health and happiness today, and all days to follow.

IN HONOR OF EDWARD B. PULVER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the memory of Mr. Edward B. Pulver for his outstanding and tireless commitment to the people of Hudson County and his dedication to the trade unions. Mr. Pulver will be memorialized on Thursday, September 9, 2004 by the City of Jersey City, New Jersey as they unveil 'Edward B. Pulver Way' in a ceremony at the corner of Washington and Dudley Streets in Jersey City, New Jersey.

A native of Jersey City, who lived in Bayonne for 35 years, Mr. Pulver was a voice for working men and women for more than five decades. He began sailing on railroad tugs in the New York/New Jersey harbor in the late 1940s, and became active in the Seafarers International Union (SIU) when the fleet he helped to organize chose to affiliate with the organization's Inland Boatman's Union. In 1990, Mr. Pulver became the vice president of the Seafarers International Union of North America, while simultaneously heading the SIU's office in Jersey City. Additionally, Mr. Pulver was the president and a founding member of the Hudson County Central Labor Council, and served on the state AFL–CIO executive board as Secretary-Treasurer.

Mr. Pulver founded many organizations and belonged to numerous community and civic groups, including the National Executive Board of the Labor Council for Latin American Advancement and the Hudson County (N.J.) Economic Development Corporation. He served as president of the Hudson County Society for the Prevention of Cruelty to Animals for 16 years. Additionally, he served on the board of directors for the Hudson County School of Technology, as well as for Saint Francis Hospital and Christ Hospital.

Considered a godfather to the Filipino community, Mr. Pulver was a member of the Order of the Knights of Rizal, raised funds for several Filipino organizations, and brought thousands of Filipino-Americans to an annual three-day conference in Piney Point, Maryland at his personal expense for almost a decade. He also served as executive vice president of the Filipino and Americans As One organization, was the cofounder of the Philippine American Friendship Committee (PAFCOM), and was instrumental in organizing the first Philippine American Friendship parade. He also served as the first Grand Marshall of PAFCOM.

A member of America's greatest generation, Mr. Pulver was a U.S. Army veteran who served our great nation in Germany during World War II.

Mr. Pulver is survived by five daughters, two brothers, 10 grandchildren and seven great grandchildren.

Today, I ask my colleagues to join me in honoring Edward B. Pulver: a seaman, labor rights organizer, philanthropist, community activist, father, grandfather, great-grandfather and friend. Mr. Pulver, we will miss your kindness, but your memory will live on in the hearts and minds of everyone you have touched with your generosity and friendship.

HONORING THE 367TH ENGINEER BATTALION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. MCCOLLUM. Mr. Speaker, almost every Member of Congress has constituents who are honorably serving overseas in Afghanistan or Iraq. Many are regular military personnel, while others are serving in the National Guard or Reserves. They are all to be commended and thanked for their dedicated service to our nation.

Today I would like to recognize the service of one particular group of Minnesota soldiers in the 367th Engineer Battalion. The 367th Battalion is currently serving in Afghanistan where they are helping to clear Afghanistan's minefields of the millions of explosive devices left over from decades of conflict. Donning body armor, protective boots and face shields, the men and women of the 367th canvass the countryside looking for unexploded ordnance and other remnants of past battles in Afghanistan. Their work is dangerous and difficult, but they are doing a tremendous job.

All too often, the hard work of our military personnel in Afghanistan is overlooked and unknown to the American public. Unfortunately, many remarkable stories, like the story of the 367th Battalion, are never told.

I am pleased that a local paper in Minnesota has highlighted the work of the 367th and put the article on the front page. I mailed this article to the soldiers of the 367th in Afghanistan, so they are reminded that the families they protect back home in Minnesota are thinking of them and are thankful for their service. I would like to include this article ("A delicate and dangerous job"—July 7, 2004) in the RECORD following my remarks.

The reconstruction of Afghanistan will take many years and require a sustained U.S. commitment. Much more work needs to be done before the Afghan people can truly begin rebuilding their lives and providing for their children and families. I am proud that men and women from all across Minnesota—including those of the 367th Battalion—are playing an important role in this process.

[From the Star Tribune, July 6, 2004]

A DELICATE AND DANGEROUS JOB

(By Sharon Schmickle)

BAGRAM AIR BASE, AFGHANISTAN.—Inviting the danger that Afghans dread every day, Sgt. Gary Feldewerd manipulated a control panel inside his armored cab and started slapping the ground with chains in search of land mines and other unexploded weapons.

As the resulting dust plume drifted, Feldewerd, from New Munich, Minn., saw that the flail had uncovered a mortar shell and a battered explosives box.

The work that Feldewerd and other Army reservists in Minnesota's 367th Engineer Battalion are doing to help clear Afghanistan's minefields came too late to save Parwana Meer's right leg and Gulmarjan's life.

Gulmarjan, 13, was herding goats near his village, Lalander, in May. One goat strayed off the path. The boy ran to fetch it. And suddenly, his lower body exploded in a cloud of red vapor, his cousin said. A pile of stones marks where his family buried what was left of his remains.

Meer, also 13, was cooking rice in her family's mud and stone house near Bagram when an explosion shattered one of her legs below the knee and severely burned the other.

Sitting by her bed at a U.S. Army field hospital in June, her brother told a story that is all too familiar in this war-ravaged land where weapons continue to kill and maim long after the clashing armies have left.

Meer and her family returned this year to the village they had fled when it became a battleground between the Taliban and rival northern tribes, Naseer Meer said. What the villagers didn't know is that the retreating Taliban forces had booby trapped their houses—in the Meers' case, planting a mine under the kitchen's dirt floor.

Such tragedies are everyday occurrences in Afghanistan, one of the world's most heavily mined nations. Blasts from land mines and other ordnance kill or maim dozens of people every month.

No one knows how much unexploded military junk remains strewn around Afghanistan. By any estimate, there are more than 10 million explosive devices in a space the size of Texas, said Maj. Paul Mason of the Australian Army. He coordinates the Minnesota battalion's mine-clearing projects under the United Nations' larger effort in Afghanistan involving work by military and civilian groups from many nations.

CHILDREN VULNERABLE

In Afghanistan, where women have been secluded, three out of four victims are male. The blasts have been most deadly for children, however, because their vital organs are closer to the explosions. And children are more likely than adults to pick up strange objects. Especially tempting were toy-like "butterfly mines" the Soviets dropped from aircraft.

Most of the mines uncovered in Afghanistan were laid by Soviet forces and their supporters from 1979 to 1992, according to Human Rights Watch. But the United States provided mines to anti-Soviet mujahedeen fighters in the 1980s.

The United States is not known to have used anti-personnel land mines since the Gulf War in 1991. Still, it is sharply criticized by groups working to rid the world of land mines because it hasn't signed a mine ban treaty, ratified by 142 other nations, including Afghanistan.

Beyond mines, cluster bombs are a major concern because they scatter explosives that often lie in wait rather than going off on impact. Many remnants of the bombs the U.S.-led forces dropped during 2001 and 2002 were designed to deactivate after a set period, Human Rights Watch said, but critics aren't satisfied that the feature works.

The United States has paid for a good share of the land mine removal in Afghanistan, along with European nations, Japan and Canada.

Despite the global cooperation, no one expects Afghanistan to be mine-free anytime soon.

To understand why, join the Minnesota teams as they clear a patch of land near Bagram Air Base. The area is to be used for military operations now and eventually turned over to the Afghan people.

THE HYDREMA

Climbing into the Hydrema, the mine-clearing vehicle, is like getting into the cab of a construction crane, except instead of a long arm, this beast has a turntable holding a steel blast shield and a 72-chain flail. The cab's windshield is pocked and battered by blasts. The last battalion to use these machines set off an anti-tank mine. It blew out an engine and rear axle, but the soldier inside the armored cab survived.

There will be no stepping out of the cab, Feldewerd orders. Sometimes, he'll scramble over the top of the Hydrema to handle a problem. Feldewerd is operating one of three Hydremas working together to clear a lane just over 3 yards wide.

Bounce. Jolt. Slap. Slap. Slap.

Each of the 30-inch chains is spun into the ground with a force of 2,000 pounds per square inch. The dust is so blinding that Feldewerd has no idea what's being unearthed. The other two Hydrema operators spot for him. As the dust clears, they see an artillery casing from a tank round and a lot of other debris that may or may not blow up.

Whenever possible, the soldiers try to spot explosives without detonating them. When Feldewerd saw the mortar shell, he fixed its location with a global positioning device and reported it to explosives teams for disposal.

Since beginning work in late April, the Minnesota battalion and a private contractor working with the troops at Bagram and another airfield near Kandahar have uncovered hundreds of bombs, a dozen anti tank mines and more than 200 anti-personnel mines. They also have unearthed a well-fortified Soviet fighting position with a steel roof that was covered by dirt.

Scary stuff? Maybe. But Feldewerd is a study in cool control.

"I like the minefields," he said. "Mostly because there isn't anybody out here bothering you."

Indeed.

Once the heavy equipment operators have flailed a safe lane through a minefield, they hand off to a team that works the ground much like archeologists on a dig, probing and sifting dirt cupful by cupful. Except, of course, relics here are more volatile than dinosaur bones. This is slow, dusty work, much of it done while crawling or lying belly down.

Sgt. Steven Tyler from Sleepy Eye, Minn., is training others to use a device that resembles a beachcomber's metal detector. Only this gadget also has ground-penetrating radar capable of sizing up objects as deep as 8 inches.

Because this ground is littered with metal shrapnel and trash as banal as old sardine tins from Soviet mess kits, a metal detector alone would give so many false positives that the job would never get done, Tyler said. Further, some mines are mostly plastic and give only a weak hum on the metal detector.

"Ground-penetrating radar is a lifesaver out here," said Tyler, who learned to clear mines in Korea in 1988 and took extra training at Fort Leonard Wood in Missouri before deploying to Afghanistan. More than 100 troops are getting their first hands-on intensive training here in the minefields.

Donning body armor, protective boots and face shields, they work in pairs to clear branches off the safe lane. First the soldiers check a patch of soil for visible debris, then scan it with the metal detector/radar gizmo, marking suspicious spots. Finally, they get down on the ground and gingerly dig around the marked spots with a probe and garden trowel.

The hard-packed dirt is not helpful. A little heft behind the probe is needed to break the soil. Push too hard, though, and there's a danger of setting off a blast. The point is not to blow anything up but to mark the hot stuff for explosives teams.

Inching forward hour-by-hour, the manual detection teams clear criss-crossing lanes through the field, leaving large patches in between.

NEXT STEP: CANINES

Now come the dogs, pacing each uncleared patch, nose to the ground. They belong to RONCO Consulting Corp., a Virginia-based contractor working with the Minnesota battalion. The military also owns dogs the troops will use after the teams are trained.

The dogs are trained to smell explosives, plastics and metals, said Joel Murray, RONCO's program manager, and to signal a find by sitting in a certain way and looking at a handler. Trust between dog and handler must be unshakable, Murray said, and it takes months of training to develop.

''You have to trust the dog because you have to walk through the areas the dog has proofed,'' Murray said.

Even so, the soldiers use a two-dog test before they trust a patch of land. And they're careful to work under conditions that are ideal for the dogs—never when the wind is behind the dogs or when the dogs are tired.

When a dog makes a hit, the manual detection team follows through to size up and carefully uncover the find.

Mine-clearing has become one of Afghanistan's largest industries since the United Nations began coordinating the effort in 1990. The work has been paced by fits and starts because Afghanistan has been so politically volatile.

During the 1990s, the Taliban and other warring factions raided de-mining project offices, seizing equipment and assaulting staff members. Operations were sharply curtailed in 2001 as it became clear the United States would attack Taliban and Al-Qaida forces in response to the Sept. 11, 2001, attacks.

Since then, insurgents have plagued mine-removal teams. Last year, the United Nations suspended operations in eight provinces because of threats against workers. Assailants who ambushed their vehicle, shot and killed four U.N. de-miners in Farar Province in February, the Associated Press reported.

MANY CASUALTIES

Despite the attacks, there is little doubt that most Afghans are deeply thankful for the effort. Almost every family has suffered the casualties seen at an orthopedic clinic in Kabul run by the International Committee for the Red Cross. Nine in 10 of the workers and most of the patients are mine victims, said the director, Najmuddin, who like many Afghans goes by a single name.

He lost both of his legs 22 years ago while hauling sand from a riverbed near Kabul. His truck hit a land mine, knocking him unconscious for five days. When he woke, his life seemed to be over at age 18. After five empty years at home, he found the Red Cross clinic and a new life.

''I got prosthetics and they pushed me to walk,'' he said.

Deeply grateful, Najmuddin volunteered to work for the clinic for free. Instead, the clinic hired him and educated him as a physical therapist. In the 16 years since then, Najmuddin has seen a heartbreaking parade of mine victims: ''I have seen many who lost one leg to a mine, then hit another and lost the second leg. I have seen one man who survived a third encounter. His wheelchair hit a mine, and he lost a hand and an eye.''

For land mine victims, this clinic offers physical rehabilitation—new feet, legs and hands, along with lessons in using them. It also provides social rehabilitation, from processing the emotional horror of the blast to learning work skills.

Like Najmuddin, everyone has a story. Paranaz Spandyar, a 12-year-old wisp of a girl with haunting eyes, believed the pasture where she was herding goats had been cleared of mines. It wasn't. She lost her left leg below the knee in April.

Abjalal Hormat was a soldier when he lost a leg 12 years ago.

Fahim, 15, was walking near an abandoned Soviet checkpoint last year when a blast took one leg and severely burned the other, damaging his nerves. He dropped out of school after fifth grade.

Nasir, also 15, took one step off a well-worn walking path in his village in Parwan Province and lost one leg above the knee.

These are the lucky ones, Najmuddin said. They survived.

Any rewards the Minnesota troops gain from mine-clearing come from a sense of duty and humanitarianism. They get hazard pay for being in Afghanistan, a war zone, but nothing extra for hunting mines. Many of them will leave Afghanistan with skills they don't expect to use in the mine-free Midwest.

Specialist Douglas McLellan from Carlton, Minn., joked that the proof of his expertise will be going home in one piece: ''Ten fingers and 10 toes, that's my résumé.'' Seriously, McLellan said, the mines are ''all the proof I need that the work we're doing here is important.''

HONORING VICTORY GARDENS THEATER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Victory Gardens Theater of Chicago for their twenty-eight memorable seasons of excellence and artistic achievement on the occasion of the world premiere of The Family Gold by Annie Reiner.

Since 1974 Victory Gardens Theater has flourished in its mission to support some of Chicago's most talented playwrights. In only a few years time, the theater became a major staple of the Illinois performing arts community, producing such successes as Stacy Myatt's The Velvet Rose.

In 1977, Dennis Zacek was recruited as the theater's new Artistic Director. Nationally renowned for his 150 productions, Zacek quickly moved the theater in many new innovative and creative directions, meriting the prestigious 1997 Sidney R. Yates Arts Advocacy Award.

Over the years, the Victory Gardens Theater has allied with several established production companies, most notably the Body Politic Theatre, as well as emerging groups including MPAACT, Roadworks Productions and Remy-Bumppo. These collaborations have brought to Chicago the finest and most imaginative on-stage productions available. Featured playwrights have included Steve Carter, whose drama Pecong went on to productions in London, Newark, Minneapolis and San Francisco, and James Sherman, whose Beau Jest went on to become the longest-running show in the history of the Lambs Theatre in New York and has subsequently been translated into four different languages and performed in eight countries.

In 2001, the Victory Gardens Theater was globally honored with the Tony Award for its continuous level of artistic achievement in the development of playwrights and their work.

Mr. Speaker, I am proud of the high level of creative writing and acting consistently produced by the Victory Gardens Theater. I join with the people of Chicago in congratulating Victory Gardens Theater on their numerous achievements both on and off the stage, and wish them continued success with The Family Gold and all of their future productions.

HONORING MARGRIT BIEVER MONDAVI

HON. MIKE THOMPSON

CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. THOMPSON of California. Mr. Speaker I rise today to honor my good friend Margrit Biever Mondavi, a woman whose name is synonymous with good food, fine wine and great art the world over.

Mr. Speaker, we in the Napa Valley know that wine and food, like music and art, are sensory experiences meant to be savored. When these elements are combined, the result can be a masterpiece. We owe much of our appreciation to Ms. Mondavi's pioneering efforts in uniting these elements and in sharing her vision with us.

She joined the Robert Mondavi Winery in 1967 and created a showplace for artists, musicians, great chefs and winemakers. She also paired cooking classes with fine wine in the Great Chefs of France and the Great Chefs of American series at the winery. This internationally respected culinary series is now simply known as Great Chefs at Robert Mondavi Winery.

In 2003 she and her daughter Annie Roberts, the Executive Chef at Robert Mondavi Winery, earned the ''Best in the World'' distinction at the Gourmand World Cookbook awards for their collection of recipes and stories, ''Annie & Margrit: Recipes and Stories from the Robert Mondavi Kitchen.''

With her husband Robert Mondavi, whom she married in 1980, Margrit realized another dream with the opening in 2001 of COPIA, the American Center for Wine, Food and the Arts in downtown Napa. This was followed the same year with a gift to the University of California at Davis to seed the Robert Mondavi Institute for Wine and Food Science and the Robert and Margrit Mondavi Center for the Performing Arts.

Ms. Mondavi was also instrumental in rebuilding the original 18th Century Opera House in Napa and helped raise funds to restore this community treasure.

As a working artist herself, Margrit Biever Mondavi has created a line of home accessories for the Mondavi Winery. She is also an accomplished linguist and often translates her husband's speeches when they travel the world together promoting wine, food and the arts.

Mr. Speaker, Margrit Biever Mondavi is one of a kind, a pioneer and a visionary who has taught us all to love life a little bit more and to embrace the richness of our culture. Napa County is honoring our First Lady of wine, food and the arts for her many accomplishments and it is appropriate that we also recognize her here today.

DOCUMENTING THE ATROCITIES IN DARFUR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. WOLF. Mr. Speaker, the State Department also released today a report titled, ''Documenting Atrocities in Darfur.'' The report documents over 1,100 interviews with refugees in Chad.

The report says that in over ¾ of the attacks, the Government of Sudan was directly involved and that the attacks were systematic and widespread.

I submit for the RECORD a copy of this report.

The evidence of the atrocities which have been committed is now clear. It is now time for the international community to act. There is now the chance to stop genocide in its tracks. We must keep pressure on Khartoum. The people living in the camps have little time left. Many are already gone.

The international community must come together to save lives. We must not fail the people of Darfur.

Again, I commend the administration for documenting the horrific evidence of genocide. The U.S. has spoken the truth. The international community must now do the same. There is little time to waste.

DOCUMENTING ATROCITIES IN DARFUR

[State Publication 11182, Released by the Bureau of Democracy, Human Rights, and Labor and the Bureau of Intelligence and Research September 2004]

SUMMARY

The conflict between the Government of Sudan (GOS), and two rebel groups that began in 2003 has precipitated the worst humanitarian and human rights crisis in the world today. The primary cleavage is ethnic: Arabs (GOS and militia forces) vs. non-Arab villagers belonging primarily to the Zaghawa, Massalit, and Fur ethnic groups. Both groups are predominantly Muslim.

A U.S. Government project to conduct systematic interviews of Sudanese refugees in Chad reveals a consistent and widespread pattern of atrocities committed against non-Arab villagers in the Darfur region of western Sudan. This assessment is based on semi-structured interviews with 1,136 randomly selected refugees in 19 locations in eastern Chad. Most respondents said government forces militia fighters, or a combination of both had completely destroyed their villages. Sixty-one percent of the respondents witnessed the killing of a family member, 16 percent said they had been raped or had heard about a rape from a victim. About one-third of the refugees heard racial epithets while under attack. Four-fifths said their livestock was stolen; nearly half asserted their personal property was looted. This assessment highlights incidents and atrocities that have led to the displacement of large portions of Darfur's non-Arabs.

An Atrocities Documentation Team, assembled at the initiative of the US Department of State's Bureau of Democracy, Human Rights and Labor (DRL), conducted interviews in Chad in July and August. The team was primarily composed of independent experts recruited by the Coalition for International Justice (CIJ), and also included experts from the American Bar Association (ABA), DRL, and the State Department's Bureau of Intelligence and Research (INR) as well as the US Agency for International Development (USAID). INR was responsible for compiling the survey data and producing the final report. USAID met the costs of the CIJ and ABA.

HUMANITARIAN CRISIS

As of August 2004, based on available information, more than 405 villages in Darfur had been completely destroyed, with an additional 123 substantially damaged, since February 2003. Approximately 200,000 persons had sought refuge in eastern Chad as of August, according to the UN High Commissioner for Refugees (UNHCR); the UN Office for the Coordination of Humanitarian Affairs reports another 1.2 million internally displaced persons (IDPs) remain in western Sudan. The total population of Darfur is 6 million. The lack of security in the region continues to threaten displaced persons. Insecurity and heavy rains continue to disrupt humanitarian assistance. The UN World Food Program provided food to nearly 940,000 people in Darfur in July. Nonetheless, since the beginning of the Darfur food program, a total of 82 out of 154 concentrations of IDPs have received food, leaving 72 locations unassisted. Relief and health experts warn that malnutrition and mortality are likely to increase as forcibly displaced and isolated villagers suffer from hunger and infectious diseases that will spread quickly among densely populated and malnourished populations. The health situation for the 200,000 refugees in Chad is ominous. The U.S. Centers for Disease Control and Prevention estimate that one in three children in the refugee settlements in Chad is suffering from acute malnutrition and that crude mortality rates are already well above emergency threshold levels (one per 10,000 per day).

HUMAN RIGHTS CRISIS

The non-Arab population of Darfur continues to suffer from crimes against humanity. A review of 1,136 interviews shows a consistent pattern of atrocities, suggesting close coordination between GOS forces and Arab militia elements, commonly known as the Jingaweit (Janjaweed). (''Jingaweit'' is an Arabic term meaning ''horse and gun.'')

Despite the current cease-fire and UN Security Council Resolution 1556, Jingaweit violence against civilians has continued (cease-fire violations by both the Jingaweit and the rebels have continued as well). Media reports on August 10, 16, and 19 chronicled GOS–Jingaweit attacks in Western Darfur. In addition to their work on the survey, the interviewers had the opportunity to speak with newly arrived refugees who provided accounts that tended to confirm press reports of continuing GOS participation in recent attacks. Refugees who fled the violence on August 6 and 8 spoke with the team, providing accounts consistent with media reports: joint GOS military and Jingaweit attacks; strafing by helicopter gunships followed by ground attacks by the GOS military in vehicles and Jingaweit on horseback; males being shot or knifed; and women being abducted or raped. Respondents reported these attacks destroyed five villages. Multiple respondents also reported attacks on the IDP camp of Arja.

The UN estimates the violence has affected 2.2 million of Darfur's 6 million residents. The GOS claims it has been unable to prevent Jingaweit atrocities and that the international community has exaggerated the extent and nature of the crisis. The GOS has improved international relief access to IDPs in Darfur since July, but problems, including lack of security and seasonal rains, have hampered relief programs. Survey results indicate that most Sudanese refugees state that Jingaweit militias and GOS military forces collaborate in carrying out systematic attacks against non-Arab villages in Darfur.

ETHNOGRAPHIC BACKGROUND

Darfur covers about one-fifth of Sudan's vast territory and is home to one-seventh of its population. It includes a mixture of Arab and non-Arab ethnic groups, both of which are predominantly Muslim (see map, p. 6). The Fur ethnic group (Darfur means ''homeland of the Fur'') is the largest non-Arab ethnic group in the region. Northern Darfur State is home to the nomadic non-Arab Zaghawa but also includes a significant number of Arabs, such as the Meidab. Sedentary non-Arabs from the Fur, Massalit, Daju, and other ethnic groups live in Western Darfur State. The arid climate and the competition for scarce resources over the years have contributed to recurring conflict between nomadic Arab herders and non-Arab farmers, particularly over land and grazing rights. Various ethnic groups have fought over access to water, grazing rights, and prized agricultural land as desertification has driven herders farther south.

POLITICAL AND MILITARY CONFLICT

Ethnic violence affected the Darfur region in the 1980s. In 1986, Prime Minister Sadiq al-Mahdi armed the ethnic-Arab tribes to fight John Garang's Sudanese People's Liberation Army (SPLA). After helping the GOS beat back an SPLA attack in Darfur in 1991, one of these Arab tribes sought to resolve ancient disputes over land and water rights by attacking the Zaghawa, Fur, and Massalit peoples. Arab groups launched a campaign in Southern Darfur State that resulted in the destruction of some 600 non-Arab villages and the deaths of about 3,000 people. The GOS itself encouraged the formation of an ''Arab Alliance'' in Darfur to keep non-Arab ethnic groups in check. Weapons flowed into Darfur and the conflict spread. After President Bashir seized power in 1989, the new government disarmed non-Arab ethnic groups but allowed politically loyal Arab allies to keep their weapons.

In February 2003, rebels calling themselves the Darfur Liberation Front (DLF) attacked GOS military installations and the provincial capital of A Fashir. The DLF complained of economic marginalization and demanded a power sharing arrangement with the GOS. In March 2003, the DLF changed its name to the Sudan Liberation Movement/Army (SLMIA), intensified its military operations, unveiled a political program for a ''united democratic Sudan,'' and bolstered its strength to some 4,000 rebels. The Justice and Equality Movement, with fewer than 1,000 rebels, was established in 2002 but has since joined the SLM/A in several campaigns against GOS forces.

The GOS has provided support to Arab militiamen attacking non-Arab civilians, according to press and NGO reports. Refugee accounts corroborated by US and other independent reporting suggest that Khartoum has continued to provide direct support for advancing Jingaweit. Aerial bombardment and attacks on civilians reportedly have occurred widely throughout the region; respondents named more than 100 locations that experienced such bombardment (see map, p. 8). The extent to which insurgent base camps were co-located with villages and civilians is unknown. The number of casualties caused by aerial bombardment cannot be determined, but large numbers of Darfurians have been forced to flee their villages. According to press and NGO reports, the GOS has given Jingaweit recruits salaries, communication equipment, arms, and identity cards.

CURRENT INTERNATIONAL RESPONSE

On July 30, 2004, the UN Security Council adopted Resolution 1556, which demanded that the GOS fulfill commitments it made to

disarm the Jingaweit militias and apprehend and bring to justice Jingaweit leaders and their associates; it also called on the GOS to allow humanitarian access to Darfur, among other things. The UN placed an embargo on the sale or supply of materiel and training to non-governmental entities and individuals in Darfur. The resolution endorsed the African Union deployment of monitors and a protection force to Darfur. It requested the Secretary-General to report on GOS progress in 30 days and held out the possibility of further actions, including sanctions, against the GOS in the event of non-compliance.

The Security Council has expressed its deep concern over reports of large-scale violations of human rights and international humanitarian law in Darfur. The main protection concerns identified by the UN and corroborated by the Atrocities Documentation Team include threats to life and freedom of movement, forced relocation, forced return, sexual violence, and restricted access to humanitarian assistance, social services, sources of livelihood, and basic services. Food security has been precarious and will probably worsen as the rainy season continues. Many displaced households no longer can feed themselves because of the loss of livestock and the razing of food stores.

Relief agencies' access to areas outside the state capitals of Al Junaynah, Al Fashir, and Nyala was limited until late May. Visits by UN Secretary-General Annan and Secretary of State Powell in June 2004 brought heightened attention to the growing humanitarian crisis. As a result, the GOS lifted travel restrictions and announced measures to facilitate humanitarian access. Nonetheless, serious problems remain, specifically capacity, logistics, and security for relief efforts. USAID's Disaster Assistance Response Team and other agencies have deployed additional staff to increase emergency response capacity.

REFUGEE INTERVIEWS—SURVEY RESULTS

The Atrocities Documentation Team conducted a random-sample survey of Darfurian refugees in eastern Chad in July and August 2004. The team interviewed 1,136 refugees, many of whom had endured harsh journeys across the desolate Chad-Sudan border.

A plurality of the respondents were ethnic Zaghawa (46 percent), with smaller numbers belonging to the Fur (8 percent) and Massalit (30 percent) ethnic groups. Slightly more than half the respondents (56 percent) were women. (See map, p. 6, showing ethnicity of respondent refugees.)

Analysis of the refugee interviews points to a pattern of abuse against members of Darfur's non-Arab communities, including murder, rape, beatings, ethnic humiliation, and destruction of property and basic necessities. Many of the reports detailing attacks on villages refer to government and militia forces, preceded by aerial bombardment, acting together to commit atrocities. Respondents said government and militia forces wore khaki or brown military uniforms. Roughly one-half of the respondents noted GOS forces had joined Jingaweit irregulars in attacking their villages. Approximately one-quarter of the respondents said GOS forces had acted alone; another 14 percent said the Jingaweit had acted alone. Two-thirds of the respondents reported aerial bombings against their villages; four-fifths said they had witnessed the complete destruction of their villages. Sixty-one percent reported witnessing the killing of a family member. About one-third of the respondents reported hearing racial epithets while under attack; one-quarter witnessed beatings. Large numbers reported the looting of personal property (47 percent) and the theft of livestock (80 percent).

Most reports followed a similar pattern:

(1) GOS aircraft or helicopters bomb villages.

(2) GOS soldiers arrive in trucks, followed closely by Jingaweit militia riding horses or camels.

(3) GOS soldiers and militia surround and then enter villages, under cover of gunfire.

(4) Fleeing villagers are targets in aerial bombing.

(5) The Jingaweit and GOS soldiers loot the village after most citizens have fled, often using trucks to remove belongings.

(6) Villages often experience multiple attacks over a prolonged period before they are destroyed by burning or bombing.

When describing attacks, refugees often referred to GOS soldiers and Jingaweit militias as a unified group; as one refugee stated, ''The soldiers and Jingaweit, always they are together.'' The primary victims have been non-Arab residents of Darfur. Numerous credible reports corroborate the use of racial and ethnic epithets by both the Jingaweit and GOS military personnel; ''Kill the slaves; Kill the slaves!'' and ''We have orders to kill all the blacks'' are common. One refugee reported a militia member stating, ''We kill all blacks and even kill our cattle when they have black calves.'' Numerous refugee accounts point to mass abductions, including persons driven away in GOS vehicles, but respondents usually do not know the abductoes' fate. A few respondents indicated personal knowledge of mass executions and gravesites.

A subset of 400 respondents were asked about rebel activity in or near their villages. Nearly nine in 10 said there was no rebel activity before the attack. Nine percent noted rebels were in the vicinity; 2 percent said the rebels were present in their villages. The overwhelming majority (91 percent) said their village was not defended at all against the attack. One percent asserted their village had been successfully defended and another 8 percent cited an unsuccessful defense.

Respondents reported ethnic tensions in the region had risen over the past few years. For example, markets in which non-Arabs and Arabs had previously interacted have become segregated, and almost all villages are now said to be ethnically homogenous. According to many of the interviewees, GOS soldiers and Jingaweit attacked villages because of their non-Arab populations; men of fighting age have been abducted, executed, or both; and women and girls have been abducted and raped.

REFUGEE INTERVIEWS—SURVEY METHODOLOGY

This report is based on results from personal interviews conducted by three teams between July 12 and August 18, 2004. DRL, USAID, and the Coalition for International Justice jointly designed the questionnaire in conjunction with other NGOs. INR provided technical assistance on questionnaire design and survey methodology. The teams used a semi-structured interviewing approach that permitted the refugees to give the broadest possible accounts of the events they had experienced. The interviews were conducted in 19 locations in eastern Chad, including UNHCR camps and informal settlements.

Refugees were selected using a systematic, random sampling approach designed to meet the conditions in Chad. Interviewers randomly selected a sector within a refugee camp and then, from a fixed point within the sector, chose every 10th dwelling unit for interviewing. All adults were listed within the dwelling unit, and one adult was randomly selected. This methodology ensures the results are as representative as possible in light of refugee conditions. Interviews took place in private, with only the refugee, a translator, and the interviewer present.

Several characteristics of the survey must be underscored. First, accounts of atrocities may be dated, depending on when the individual refugee fled his or her village. Second, the data may actually undercount the extent of atrocities because mass attacks often leave few survivors. Third, most respondents come from villages within 50 miles of the border in Western Darfur and Northern Darfur States. Fourth, it is very likely that rapes are underreported because of the social stigma attached to acknowledging such violations of female members of one's family.

The results are broadly representative of Darfurian refugees in Chad but may not be representative of internally displaced persons still in Darfur because they were not included in the sample. A margin of error for this sample cannot be calculated because of the lack of accurate demographic information about the refugee camps and settlements. The methodology was designed to achieve as broadly representative a sample as was feasible under the prevailing conditions. Dates of events reported by refugees frequently utilized the Islamic calendar; these dates were then converted to dates on the Gregorian calendar. (See map, p. 6, showing interview locations.)

The field data for the 1,136 interviews were compiled using a standardized data entry process that involved the collection and coding of detailed information from each refugee respondent's set of answers. The researchers then used a statistical program to aggregate the data and analyze the results.

IN HONOR OF PETER OAKLEY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to recognize the achievements of Peter Oakley upon his success at the Senior British Open in Northern Ireland. A six-time Delaware Open champion, he finished one-stroke ahead of Tom Kite and Eduardo Romero to secure victory and become the first qualifier to win the Senior British Open in its 18-year history. Mr. Oakley was one of 112 golfers competing for one of the 26 slots available for qualifiers.

A resident of Delaware, Mr. Oakley is both an accomplished area professional golfer, as well as director at ''The Rookery,'' a public golf course which he helped create near Milton, Delaware. Before the Senior British Open, he had competed in seventeen major golf championships, including six Professional Golf Association Championships and three U.S. Opens. Just this year, Mr. Oakley qualified to join his brother David on the European Senior Tour.

In Delaware, Mr. Oakley is one of three six-time Delaware Open champions, with his most recent victory occurring in 2000. His biggest victory, prior to the Senior British Open, was in 1999 when he won the PGA Senior Club Professional Championship. With his victory at the Senior British Open, Mr. Oakley earns a twelve-month exemption which allows him to compete in every event on the Champions Tour.

Mr. Speaker, I commend and congratulate Peter Oakley upon his victory at the Senior British Open. His hard work and love for the game of golf is evident, and I am very proud that he is a Delawarean.

TRIBUTE TO DR. JAMES D. EDOFF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. LEVIN. Mr. Speaker, I rise to honor a distinguished member of the Michigan education community, Dr. James D. Edoff, upon his retirement as Superintendent from the Fitzgerald Public Schools in the City of Warren. He has served in this capacity for twelve of the thirty-five years he has been associated with the district.

Dr. Edoff's exceptional career in education spans a broad range of positions, including teacher in the disciplines of science and mathematics at the elementary, middle and high school levels, high school debate coach, adult education instructor, computer coordinator, Director of Curriculum and Instruction, Assistant Superintendent, and Superintendent.

Dr. Edoff's international experiences include studying, teaching and participating in seminars and symposiums in Wales, the Netherlands, Peoples Republic of China, Germany, Japan, England and Austria. His work has been recognized both locally by the City of Warren in the ''Exceptional Service to the Community'' award and internationally through the Fulbright Memorial Award to study the Japanese educational school system in Japan as a guest of the government of Japan, and the Netherlands Study Fellowship.

His leadership involvement in the community has been extensive and is exemplified by his chairmanship of Creating a Healthier Macomb, an organization dedicated to the medical, economic and spiritual improvement of the community. His interest in career training for students within four public school districts is shown in the position he holds as Chairperson of the South Macomb Technical Education Consortium.

Jim Edoff has been a forceful, persuasive advocate for an equal public education for all students. He has been instrumental in endeavors to meet that goal in a school district that does not possess the fiscal resources that make it easy to achieve. I have been pleased to join him at the numerous noteworthy events including the dedication of the Automotive and Pre-Engineering Technology Institute and the Communication Arts Wing of the High School. His achievements, as well as his leadership approach, have been an inspiration to parents and students, and to me personally.

Mr. Speaker, I ask my colleagues to join me in recognizing this fine individual and thanking him for his dedication to our public education system. He has made a difference in the lives of numerous children and families, and we will miss his regular involvement in our local education community. I wish him good health and happiness in his retirement and much success as he sets out on his next path which I am confident will build on the good deeds of the one which draws to a close at Fitzgerald.

RECOGNIZING THE JAVITS-WAGNER-O'DAY PROGRAM AND PRIDE INDUSTRIES

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. DOOLITTLE. Mr. Speaker, I rise today to recognize a small federal program that is often overlooked as a way to provide employment opportunities for people with disabilities. The Javits-Wagner-O'Day Program, often referred to as JWOD, provides job opportunities to more than 38,000 Americans who have severe disabilities or who are blind. Under the JWOD Program, these Americans are able to secure jobs and job training necessary to receive good wages and benefits and gain greater independence, self-esteem, and quality of life. These individuals enjoy full participation in their community and are able to market the skills they have learned through their work with the JWOD Program into other public and private sector jobs.

The JWOD Program empowers people with disabilities who traditionally face an unemployment rate of 70 percent and rely heavily on social support programs such as welfare and SSI.

In my Fourth Congressional District of California and throughout the nation, PRIDE Industries, through its excellent federal-private sector partnership with NISH, is able to utilize the JWOD Program to create and sustain employment opportunities for people with severe disabilities.

On behalf of the many people with disabilities who provide important services, I salute the important contributions of the JWOD Program and PRIDE Industries headquartered in Roseville, California, and hereby commend all persons who are committed to and work towards enhancing employment opportunities for people with disabilities.

TRIBUTE ON THE 5TH ANNIVERSARY OF MEXICAN HERITAGE PLAZA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. LOFGREN. Mr. Speaker, I rise to acknowledge and commend the Mexican Heritage Plaza/Centro Cultural de San José on its 5th anniversary.

The Mexican Heritage Corporation opened its Mexican Heritage Plaza (MHP) in September 1999 to nurture pride and promote appreciation, interest and awareness of California's Latino cultural heritage.

The Mexican Heritage Plaza/Centro Cultural de San José is in the heart of San José's oldest and largest Mexican-American community. The Plaza's goals are to capture the spirit of the Mexican-American community, to complement neighboring schools by providing educational opportunities, to establish a ''landmark'' gathering place and to provide a center for learning about history and culture. The Mexican Cultural Heritage Gardens and Plaza have become a destination for everyone who lives in or visits the Bay Area.

The complex includes a 500-seat state-of-the-art theater, classrooms, three distinct thematic gardens, a centralized plaza and and La Galeria, a 4,000-square foot exhibition space with two art galleries celebrating the Latino legacy. La Galeria is one of only ten affiliates of the Smithsonian Institution in California.

MHP has launched the annual San José International Mariachi Festival and Conference, a successful education and concern program. Every July, they teach hundreds of children and adults the music and dance that originated in western Mexico. The public is invited to Mariachi Concerts featuring world-renowned musicians, a splendid Mariachi Mass, a procession on Sunday and an outdoor Mariachi Festival at the Plaza.

I can tell you from first-hand experience that I am proud of the leadership, volunteers and network of supporters whose dedication has built the Mexican Heritage Plaza/Centro Cultural de San José into an integral part of the fabric of our local community.

PERSONAL EXPLANATION

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. FLAKE. Mr. Speaker, I respectfully request the opportunity to record my position on roll call votes 424, 425, 426, and 427. I was regrettably absent from the chamber on September 8th during the roll call votes. Had I been present, I would have voted ''aye on roll call 424, and ''no'' on roll calls 425, 426 and 427.

80TH BURNING OF ZOZOBRA

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. UDALL of New Mexico. Mr. Speaker, a 50-foot man stuffed with shredded documents will go up in flames tonight at Fort Marcy Park in Santa Fe. Each year the Kiwanis Club of Santa Fe stages the burning of Zozobra, kicking off the annual Fiestas de Santa Fe on the following Labor Day. Zozobra centers around the ritual burning in effigy of Old Man Gloom, or Zozobra, to dispel the hardships and travails of the past year. Over 30,000 people are expected to attend the 80th anniversary of this celebrated tradition tonight.

Zozobra is the invention of Santa Fe painter Will Shuster, who had the first burning of a 3-foot-high effigy in his back yard back in 1924. His inspiration for Zozobra came from the Holy Week celebrations of the Yaqui Indians of Mexico; an effigy of Judas, filled with firecrackers, was led around the village on a donkey and later burned. A newspaper editor and friend of Schuster's came up with the name Zozobra, which is Spanish for ''the gloomy one.''

The Fiestas celebration began in 1712 to celebrate an expedition by Don Diego de Vargas, who reconquered the territory of New Mexico. Zozobra became part of the Fiestas in 1926, and the Kiwanis club began sponsoring the burning in 1963 as its major fundraiser.

The effigy is a giant animated wooden puppet that waves its arms and growls ominously at the approach of its fate. A major highlight of the pageant is the fire spirit dancer, dressed in a flowing red costume, who appears at the top of the stage to drive away the white-sheeted ''glooms'' from the base of the giant Zozobra. The fire dance was created by Jacques Cartier, a former New York ballet dancer and local dance teacher, who performed the role for 37 years. His dance student, James Lilienthal took over the fire spirit role in 1970 and has continued it for 30 years.

Mr. Shuster constructed the figure of Zozobra until 1964, when he gave his detailed model to the Kiwanis Club to continue the tradition. Over the years the effigy has grown larger, reaching a height of 51 feet. Zozobra is a well crafted framework of preplanned and pre-cut sticks, covered with chicken wire and yards of muslin. It is stuffed with bushels of shredded paper, which traditionally includes obsolete police reports, paid off mortgage papers, and even personal divorce papers.

The festival is so popular that children arrive in the park in the morning to watch Zozobra's assembly. Spectators, who have paid a nominal fee to watch the event, continuously roar, ''Burn him,'' until Zozobra is destroyed. Since 1952, the show has raised over $300,000, which the Kiwanis has used to provide college scholarships and camp fees for physically challenged children.

Mr. Speaker, Zozobra is an annual event families and friends in the community look forward to and a meaningful tradition to northern New Mexico. I ask that my colleagues join with me in honoring the 80th anniversary of Zozobra.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE FORD HOUSE VISITOR CENTER AND MUSEUM

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the Ford House Visitor Center and Museum as it celebrates its 150th Anniversary.

In 1851 Jerome Bursley Ford arrived on the Mendocino Coast and discovered the lumber resources he needed to help build the City of San Francisco. He returned to Mendocino with the equipment and men needed to establish the first sawmill in the area. The town of Mendocino, a quaint New England style village, grew up around the Mendocino Lumber Company. In 1854, Mr. Ford made plans to build a new home from the locally milled lumber for his new bride, Martha Hayes. The newlyweds arrived following their East coast wedding to inhabit the house on July 4, 1854.

The Ford House remained a company home until the lumber company closed in 1938. In the early 1970's, a local artist, Emmy Lou Packard, initiated a community effort to save the coastal headlands on which the house is located, from commercial development. This successful citizen action resulted in the California Department of Parks and Recreation purchasing the house in 1972 and eventually restoring it to its 1870 décor.

In 1984 it opened its doors as the Ford House Visitor Center and Museum. The Museum houses artifacts related to the important historical contribution of the lumber industry to Mendocino. Artist Len Peterson handcrafted a scale model of the village as it was in 1890 and a scale wooden loading chute to illustrate how lumber was loaded onto schooners. There is a room of early logging history including photos and tools. Seasonal exhibits of natural history are also on display.

Mendocino Area Parks Association, a not for profit organization, provides oversight and raises funds for the Ford House. The Center is staffed by volunteers who share their knowledge and enthusiasm with over 22,000 visitors each year.

Mr. Speaker, it is appropriate that we recognize Mendocino Ford House Visitor Center and Museum on the occasion of its 150th anniversary.

A SALUTE TO RON CARTER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. CONYERS. Mr. Speaker, as Dean of the Congressional Black Caucus, and Chairman of the Jazz Forum and Concert, which occurs during our Foundation's Annual Legislative Conference, I rise today to salute the lifetime achievements of one of the most distinguished artists in American music history, Ron Carter. Just a few years ago, in 1998, Ron Carter received the prestigious Jazz Masters Award from the National Endowment of the Arts. The following biography, found on Carter's own web page, chronicles a career of accomplishment deserving of such high recognition, and of this body's thoughtful attention and respect:

Ron Carter is among the most original, prolific, and influential bassists in jazz. With more than 2,500 albums to his credit, he has recorded with many of music's greats: Tommy Flanagan, Gil Evans, Lena Horne, Bill Evans, B.B. King, the Kronos Quartet, Dexter Gordon, Wes Montgomery, and Bobby Timmons. In the early 1960s he performed throughout the United States in concert halls and nightclubs with Jaki Byard and Eric Dolphy. He later toured Europe with Cannonball Adderley. From 1963 to 1968, he was a member of the classic and acclaimed Miles Davis Quintet.

Ron Carter was named Outstanding Bassist of the Decade by the Detroit News, Jazz Bassist of the Year by Downbeat magazine, and Most Valuable Player by the National Academy of Recording Arts and Sciences. In 1993 Carter earned a Grammy award for Best Jazz Instrumental Group, the Miles Davis Tribute Band, and another in 1998 for Call 'Sheet Blues, an instrumental composition from the film Round Midnight. In addition to scoring and arranging music for many films, including some projects for the Public Broadcasting System, Carter has composed music for A Gathering of Old Men, starring Lou Gosset Jr., The Passion of Beatrice directed by Bertrand Tavernier, and Blind Faith starring Courtney B. Vance. Carter also shares his expertise in the series of books he authored, among which are Building Jazz Bass Lines and The Music of Ron Carter; the latter contains 130 of his published and recorded compositions.

Carter earned a bachelor of music degree from the Eastman School in Rochester and a master's degree in double bass from the Manhattan School of Music in New York City. He has also received two honorary doctorates, from the New England Conservatory of Music and the Manhattan School of Music, and was the 2002 recipient of the prestigious Hutchinson Award from the Eastman School at the University of Rochester. Carter has lectured, conducted, and performed at clinics and master classes, instructing jazz ensembles and teaching the business of music at numerous universities. He was Artistic Director of the Thelonious Monk Institute of Jazz Studies while it was located in Boston and, after 18 years on the faculty of the Music Department of The City College of New York, he is now Distinguished Professor Emeritus although, as a performer, he remains as active as ever.

Bass Frontiers, in one of the many statements of acclaim reflected on Carter's web page sums it up and says it all: ''[Carter] has proven through many years of performing and recording why he is a true jazz legend.''

Ron Carter's most recent recording in 2003 was The Golden Striker (Blue Note Records), featuring Mulgrew Miller and Russell Malone. Earlier that same year he released Eight Plus (Dreyfus Records).

IN HONOR AND RECOGNITION OF THE 2004 INTERNATIONAL CHILDREN'S GAMES IN CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. KUCINICH. Mr. Speaker, I rise in honor and recognition of the 2004 International Children's Games, being held for the first time in the United States, in Cleveland, Ohio. I also honor and recognize the Games' founder, Professor Metod Klemenc of Celje Slovenia, who organized the first Children's Games on June 5, 1968.

Professor Klemenc, a peacemaker and visionary, has created a haven of international exchange for the children of the world—a bridge of unity, spanning oceans and mountains, that offers safe passage to children of distant places and distant cultures. His dream springs into motion every year, inspired by competition, sport and games. The International Children's Games gives these child athletes a deeper understanding of children and cultures from faraway lands, and illuminates a simple truth: that our singular hope, humanity, and dreams as children, and as nations, live within all of us.

The International Children's Games, endorsed by the International Olympic Committee, is the only worldwide, athletic event for youth that connects sports with cultural exchanges, educational programs and economic development. Three thousand young athletes will unite with teammates and coaches from across the globe, representing their cities as ambassadors of cultural exchange and good will. I am honored to welcome all the participants, volunteers and organizers of the International Children's Games to Cleveland, Ohio. The blend of cultures that has enriched the City of Cleveland mirrors the diversity of the

athletes that have journeyed here to learn, play, and carry these wonderful memories back to their communities across the seas.

Mr. Speaker and colleagues, please join me to honor, acknowledge and welcome everyone associated with the International Children's Games, especially the young athletes. Embracing the hope and vision of the Games' founder, Professor Metod Klemenc, these Games exist to promote the spirit of friendly competition, teamwork, dialogue and interaction between children all over the world. Let the day begin—let the games start.

IN HONOR OF DANIEL R. MONEZ, NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Daniel R. Monez, who is retiring as Chief of Police of the City of Napa, in California's 1st District. Chief Monez's outstanding contributions and dedication to our community are truly appreciated.

Dan began his career in law enforcement as a part time Police Trainee for the Berkeley Police Department. He fell in love with the profession and in 1971 he was sworn in as a Berkeley Police Officer. He then went on to work in the Solano County Sheriff's Department. In 1987 Dan was hired as Chief of Police for the City of Napa.

During his time as Chief of Police the Department underwent many changes. In 1987 there were only a few computers at the station, now every office has a computer and dispatch is completely automated. Squad cars have been improved and today every patrol car is equipped with mobile data computers. During his tenure the department began the G.R.E.A.T. program, D.A.R.E. program as well as the School Resources Officer program.

Dan has made many contributions to the community outside his official duties in the police department. He was a member of the Greater Napa Kiwanis Club, the Napa County Hispanic Network and was a founding member of the Napa County Safe Schools Foundation and the ''If Given A Chance'' scholarship program. He is also a Board Member for Aldea Children's Services and the Family Support Network. The Board of Supervisors appointed him to the Juvenile Justice Advisory Committee and the Family Violence Prevention Committee.

Dan and his wife Diana have two children, Robert and Mindy. In 2002 Dan and Diane were named the Napa County Volunteers of the Year. Dan has taught criminal justice courses at surrounding colleges and is currently an adjunct faculty member at Napa Valley College. Dan is passionate about acting and has appeared in 11 stage plays.

Mr. Speaker and colleagues, Daniel R. Monez set the standard of dependability, bravery and hard work that should be followed in all communities. His commitment to our community has been shown time and time again. For these reasons and countless others, it is most appropriate that we honor him at the time of his retirement and extend our best wishes to him.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. PORTMAN. Mr. Speaker, yesterday, I was absent attending a previously scheduled commitment and missed the recorded vote on rollcall No. 428, on the amendment offered by Representative HEFLEY to H.R. 5006, the Fiscal Year 2005 Labor, Health and Human Services and Education Appropriations Act.

Had I been present, I would have voted ''no'' on rollcall No. 428.

INTRODUCTION OF A RESOLUTION COMMENDING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND ITS EMPLOYEES FOR ITS DEDICATION AND HARD WORK DURING HURRICANES CHARLEY AND FRANCES

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. EHLERS. Mr. Speaker, today I rise to introduce H. Con Res. 488, a resolution recognizing the hard work and dedication of the employees of the National Oceanic and Atmospheric Administration (better known as NOAA) who provide hurricane forecast and warnings to our citizens. In the past month, the state of Florida was hit by back-to-back hurricanes, a tragedy which has not occurred since 1964. The employees of NOAA worked tirelessly to provide timely and accurate warnings to residents of the affected areas. They remain hard at work even at this moment as another tropical storm, Hurricane Ivan, is heading towards the U.S. coast.

Let me name the various offices in NOAA that contributed to accurate forecasts of Hurricanes Charley and Frances: The National Hurricane Center; The Southern and Eastern Region Weather Forecast offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile and Morristown; The National Ocean Service, which provided help with storm surge prediction; The National Environmental Satellite Data and Information Service, which provided the satellite images we all saw on television; The NOAA Marine and Aviation Operation Hurricane Hunters, who fly planes into the hurricanes to gather data; and The Southeast River Forecast Center, which provided flood predictions

And I would be remiss without acknowledging the additional hurricane reconnaissance missions flown by the Air Force Reserve out of Keesler Air Force Base in Biloxi, Mississippi. Also, I want to acknowledge the work of the local and national media in disseminating NOAA's hurricane forecasts and warnings.

The dedicated employees at these offices worked round the clock, spending days at a time in their offices away from their families and homes that were often directly affected by the hurricanes. I commend these government employees for their service to provide life-saving warnings and information to the people in the hurricane's path and support them as they continue to provide us with critical information during this (and every) hurricane season.

HONORING REVEREND LEE M. SEWARD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a dedicated and righteous South Carolinian on the occasion of his retirement from the ministry after 60 years of distinguished service. Reverend Lee M. Seward will leave his position as the Presiding Elder of the Lancaster District, Columbia Conference of the Seventh Episcopal District of the African Methodist Episcopal Church on September 17, 2004, and he will be sorely missed.

Lee Seward was born one of ten children to Mr. and Mrs. William Seward of Andrews, South Carolina. He grew up in this large family that treasured education and faith, and these virtues shaped his future path.

Reverend Sewards love of learning led him to earn a Bachelor's degree from Allen University in Columbia, South Carolina and a Master's from South Carolina State University in Orangeburg, South Carolina. He pursued further study at the University of South Carolina in Columbia.

In 1967, Reverend Seward was awarded a National Defense Education Act (N.D.E.A.) Fellowship to study Linguistics at Emory University in Atlanta, Georgia. He did his theological training at Dickerson Theological Seminary at Allen University.

In addition to his education, Reverend Seward also learned many of life's lessons during his service in World War II. His commitment to serve his country further manifested itself in his lifelong dedication to education and to his church.

Reverend Seward embarked on a duel career teaching English for 13 years at Roberts High School in Holly Hill, and a combined 12 years teaching at Sanders Middle School and Alcorn Middle School in Columbia, while also serving in the ministry. Eventually the ministry became his primary focus, and he pastored at churches throughout the Midlands and in Charleston.

During his distinguished career, Reverend Seward served as the Presiding Elder of the Columbia District, Kingstree District, Spartanburg District, Georgetown District and Lancaster District for the AME Church in South Carolina. The extensive scope of his ministry is evidence of his extraordinary talent and dedication to his calling.

Reverend Seward, a community activist, is a lifetime Member of the N.A.A.C.P. and has been active in numerous religious and political organizations as well. I number him among my most valued friends and mentors.

He was married to the late Lula Pressley Seward, who was also a good friend and mentor to me.

The two of them had seven children, six boys and one girl. They have three granddaughters, three grandsons, and one great grandson.

Mr. Speaker, I ask you and our colleagues to join me in congratulating Reverend Seward

on his tremendous contributions to the ministry. As a teacher and a minister, he has set a very high standard that I hope future generations will seek to emulate.

CONGRATULATING WHEATLAND TUBE COMPANY FOR THEIR EXCEPTIONAL RECORD IN THE EMPLOYMENT OF VETERANS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to congratulate and acknowledge the Wheatland Tube Company, headquartered in Collingswood, New Jersey, as a recipient of the National Outstanding Employer of Veterans Award from the American Legion and the Disabled Veterans of America. This award was presented on September 1, 2004 at the American Legion's 86th National Convention in Nashville, Tennessee.

The award, given to a select number of firms each year by the 2.7 million member American Legion, is designed to recognize ''an exceptional record in the employment of veterans,'' and committed efforts to give veterans consideration in employment and job training opportunities. Over the past several years, Wheatland has demonstrated considerable dedication to this cause, working closely with the Mercer County, Pennsylvania Career Link program to provide an accessible system through which veterans have access to employment, education and training resources.

No one is more deserving of assistance in securing employment than those brave men and women who give of themselves for the defense of our country. Their training, discipline, and resourcefulness serve as invaluable assets for companies across the country, and I am proud to recognize one such company in my district who has made special and notable efforts in the field. I congratulate the Wheatland Tube Company again and wish them best of luck in their future endeavors in this area and beyond.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall votes No. 422 and 423. If present I would have voted ''yea.''

ASSAULT WEAPONS BAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. MORAN of Virginia. Mr. Speaker, I rise today to draw attention to an issue that has languished here in the House and in the other body.

Ten years ago, Congress, at the urging of then-President Clinton, enacted sweeping reforms in an effort to crack down on crime. 100,000 officers were added to the law enforcement ranks. Background checks and waiting periods to purchase firearms were made mandatory. And perhaps one of the most important pieces in this omnibus anti-crime initiative, the Assault Weapons Ban (AWB), was brought into effect.

These reforms have worked. In the ten years since enactment, crime in the U.S. has gone down dramatically. Firearm deaths have decreased by 25 percent. The use of semi-automatic guns in crimes has lowered by nearly 50 percent.

But on Monday, September 13th, one of the key policies that has made the past decade an anti-crime success story will be dismantled. Despite campaign promises in 2000 that the law would be reauthorized, President Bush has not lifted a finger to save the Assault Weapons Ban. At the same time, the House and Senate Majority Leadership have consistently opposed efforts to bring the bill up for a vote.

Despite this unwillingness to act, the sad fact remains that the banned assault weapons and copycat versions that gun manufacturers issued to legally circumvent the law lead to gun deaths. Assault weapons are being used in one out of every five killings of law enforcement officers in the U.S. These guns have no use for hunters and very limited use for sport shooting. To most people, this is a common sense public safety issue. Polls have consistently shown that nearly three-fourths of the public support extending the AWB.

On Monday, if we lose the assault ban, which appears to be the case barring a legislative miracle, then we will have lost both a symbolic and practical tool in the fight against gun violence in America. Our streets will once again be less safe. Police officers will have a greater reason to worry about their safety, and gangs, terrorists, drug dealers, and criminals of every description will have greater access to weapons enabling their activities and putting the safety of all Americans at risk.

Mr. Speaker, I call on this body to listen to the American public and do its duty to protect the safety of our citizens. The Assault Weapons Ban should be brought up for a vote immediately.

CONDEMNING THE TERRORIST ATTACK IN THE CITY OF BESLAN, RUSSIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. HASTINGS of Florida. Mr. Speaker, the American people were struck with dismay upon hearing that on September 1st, 2004, terrorists seized School No. 1 in the city of Beslan, North Ossetia, Russia and held over 1,000 children, teachers, parents, and school employees hostage.

After 53 hours of unspeakable horror, we saw on TV when the hostage-takers began firing on hostages who were attempting to flee and set off explosions in the compound, and when Russian security forces stormed the school compound.

Tragically, as of September 7, 2004, the official death toll stood at 394, plus the 30 terrorists: 186 children are missing. The North Ossetian health ministry said 156 of the dead were children. More than 700 people needed medical help after the crisis. The regional health ministry said 411 remained hospitalized, 214 of them children.

There is absolutely no justification for such acts, which do not represent the will of the average Chechen, who wants the carnage in the Caucasus to cease.

Mr. Speaker, it is the nature of terrorism that every time one thinks there is a limit to the depths to which terrorists can sink, they contrive even more inhumane atrocities. I am particularly repulsed at the use of children as hostages and the subsequent death of many of them.

Mr. Speaker, I condemn, in the strongest terms, this and previous terrorist attacks on innocent citizens of the Russian Federation, and stand in solidarity with the government and people of Russia in combating the forces of international terrorism.

As memorial services are underway in the city of Beslan and elsewhere in Russia, the people of the United States stand with the people of Russia, and send them their prayers. Also, on behalf of the United States House of Representatives, allow me to offer our sincerest condolences to the victims of the attack and to their relatives.

Daily Digest

HIGHLIGHTS

The House passed H.R. 5006, Department of Labor, HHS, and Education Appropriations Act for Fiscal Year 2005.

The House observed a moment of silence in recognition of the anniversary of the terrorist attacks launched against the U.S. on September 11, 2001.

Senate

Chamber Action

Routine Proceedings, pages S8977–S9045

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 2781–2785, and S. Res. 420–421. **Page S9032**

Measures Passed:

Russian Terrorist Atrocities: Senate agreed to S. Res. 421, expressing outrage at the recent terrorist atrocities in Beslan, Russian Federation, and condolences to the families of the victims. **Page S9043**

Congressional Gold Medal: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 1368, to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement, and the bill was then passed. **Pages S9043–44**

Sports Agent Responsibility and Trust Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 361, to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission, and the bill was then passed, clearing the measure for the President. **Page S9044**

Homeland Security Appropriations: Senate continued consideration of H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, taking action on the following amendments proposed thereto: **Pages S8986–S9020**

Adopted:

Alexander Amendment No. 3608, to prohibit funds from being used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act. **Pages S9008–09, S9013–14**

Allen/Warner Amendment No. 3610, to direct the Director of the Federal Emergency Management Agency to conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage from floods and other natural disasters. **Pages S9016–17, S9019**

Rejected:

Boxer Amendment No. 3609, to appropriate $70,000,000 for grants to States, local governments, and first responders to purchase or improve communication systems to allow for real-time interoperable communication between State and local first responders and to offset this appropriation with a corresponding reduction from the Human Resources Account of the Office of the Under Secretary of Management. (By 46 yeas to 45 nays (Vote No. 172), Senate tabled the amendment.) **Pages S9009–13, S9014**

Pending:

Nelson (FL) Amendment No. 3607, to provide funds for the American Red Cross. **Pages S9006–08**

Schumer Amendment No. 3615, to appropriate $100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses. **Pages S9018–19**

During consideration of this measure today, the Senate also took the following action:

By 43 yeas to 51 nays (Vote No. 169), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget

Act of 1974, with respect to Byrd Amendment No. 3597, to make available funds for certain border and transportation security programs. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S8987–96, S9002–03**

By 41 yeas to 53 nays (Vote No. 170), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Dodd Amendment No. 3604, to increase the amount provided for first responder programs, and to provide offsets. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S8996–S9002, S9003**

By 45 yeas to 49 nays (Vote No. 171), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Murray Amendment No. 3596, to increase the amount available for port security grants by $300,000,000. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S9003–06**

Chair sustained a point of order against Harkin/Biden Amendment No. 3612, to restore the maximum percentage of hazard mitigation contributions that may be made for a major disaster, as being in violation of Rule XVI of the Standing Rules of the Senate which prohibits legislation on an appropriation measure, and the amendment thus fell. **Pages S9015–16**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Friday, September 10, 2004. **Page S9045**

Garrett Lee Smith Memorial Act: Senate concurred in the amendments of the House to S. 2634, to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, clearing the measure for the President. **Pages S9020–23**

Messages From the House: **Page S9029**

Executive Communications: **Pages S9029–32**

Additional Cosponsors: **Pages S9032–33**

Statements on Introduced Bills/Resolutions: **Pages S9033–39**

Additional Statements: **Pages S9028–29**

Amendments Submitted: **Pages S9039–42**

Notices of Hearings/Meetings: **Page S9042**

Authority for Committees to Meet: **Pages S9042–43**

Privilege of the Floor: **Page S9043**

Record Votes: Four record votes were taken today. (Total—172) **Pages S9002–03, S9003, S9006, S9014**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:15 p.m., until 9:30 a.m., on Friday, September 10, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9045.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: TRANSPORTATION, TREASURY, AND GENERAL GOVERNMENT

Committee on Appropriations: Subcommittee on Transportation, Treasury, and General Government approved for full Committee consideration an original bill making appropriations for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2005.

IRAQI PRISONER ABUSE

Committee on Armed Services: Committee concluded a hearing to examine the investigation of the 205th Military Intelligence Brigade at Abu Ghraib Prison, Iraq, after receiving testimony from General Paul J. Kern, USA, Commanding General, United States Army Materiel Command; Lieutenant General Anthony R. Jones, USA, Deputy Commanding General, Chief of Staff, United States Army Training and Doctrine Command; Major General R. Steven Whitcomb, USA, Special Assistant to the Commander, United States Central Command; Major General George R. Fay, USA, Deputy Commander, United States Army Intelligence and Security Command; and Major General Antonio M. Taguba, USA, Deputy Assistant Secretary of Defense for Reserve Affairs, Readiness, Training and Mobilization.

DEPARTMENT OF DEFENSE DETENTION OPERATIONS

Committee on Armed Services: Committee concluded a hearing to examine the report of the Independent Panel to Review Department of Defense Detention Operations, focusing on why prisoner abuse occurred,

how they occurred and lessons learned, after receiving testimony from James R. Schlesinger, Chairman, and Harold Brown, Member, both of the Independent Panel to Review Department of Defense Detention Operations.

IMPACT OF SARBANES-OXLEY ACT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the impact of the Sarbanes-Oxley Act and developments concerning international convergence, focusing on regulations in the United Kingdom and Hong Kong, strengthening corporate governance and internal controls, concerns of small companies, and the changed behavior of audit committees, management, and auditors, after receiving testimony from Paul Boyle, Financial Reporting Council, Sir David Tweedie, International Accounting Standards Board, and Douglas Flint, HSBC Holdings, all of London, United Kingdom; Andrew Sheng, Hong Kong Securities and Futures Commission; Greg Bentley, Bentley Systems, Inc., Exton, Pennsylvania; Arnold C. Hanish, Eli Lilly and Company, Indianapolis, Indiana, on behalf of Financial Executives International; Leonard Moodispaw, Essex Corporation, Columbia, Maryland; and James S. Turley, Ernst and Young, LLP, New York, New York.

SUDAN

Committee on Foreign Relations: Committee concluded a hearing to examine the current situation in Sudan and prospects for peace, focusing on the State Department's investigation of the Darfur crisis, after receiving testimony from Colin L. Powell, Secretary of State.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1635, to amend the Immigration and Nationality Act to ensure the integrity of the L–1 visa for intracompany transferees;

S. 1700, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases;

S. 2396, to make improvements in the operations and administration of the Federal courts;

H.R. 1417, to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges;

S. 2204, to provide criminal penalties for false information and hoaxes relating to terrorism;

S. 1860, to reauthorize the Office of National Drug Control Policy;

S. 2195, to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors;

S.J. Res. 23, proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated, proposed legislation authorizing funds for the Department of Justice; and

The nominations of Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit, David E. Nahmias, to be United States Attorney for the Northern District of Georgia, and William Sanchez, of Florida, to be Special Counsel for Immigration-Related Unfair Employment Practices, both of the Department of Justice, Ricardo H. Hinojosa, of Texas, to be Chair of the United States Sentencing Commission, and Michael O'Neill, of Maryland, and Ruben Castillo, of Illinois, each to be a Member of the United States Sentencing Commission, William Sanchez, of Florida, to be Special Counsel for Immigration-Related Unfair Employment Practices, and Richard B. Roper III, of Texas, to be United States Attorney for the Northern District of Texas.

House of Representatives

Chamber Action

Measures Introduced: 23 public bills, H.R. 5038–5061; 1 private bill, H.R. 5062; and 6 resolutions, H.J. Res. 102; H. Con. Res. 488–489, and H. Res. 761, 763–764, were introduced. **Pages H6996–97**

Additional Cosponsors: **Page H6997**

Reports Filed: Reports were filed today as follows:

H.R. 1151, to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities (H. Rept. 108–673);

H.R. 5041, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005 (H. Rept. 108–674). **Page H6996**

Speaker: Read a letter from the Speaker wherein he appointed Representative Biggert to act as Speaker pro tempore for today. **Page H6903**

Chaplain: Today's prayer was offered by Rev. David O. Jones, Headmaster, Heritage Covenant Schools in Franklin, Tennessee. **Page H6903**

Anniversary of the terrorist attacks of September 11, 2001: The House agreed to H.Res. 757, expressing the sense of the House of Representatives on the anniversary of the terrorist attacks launched against the United States on September 11, 2001, by a yea-and-nay vote of 406 yeas to 16 nays, Roll No. 431. **Pages H6906–21**

The resolution was considered under a unanimous consent agreement reached on Wednesday, September 8.

Moment of Silence in Commemoration of the 9/11 Terrorist Attacks: The House observed a moment of silence to commemorate the anniversary of the terrorist attacks on September 11, 2001. **Page H6921**

Tax Relief, Simplification, and Equity Act of 2003—Motion to Instruct Conferees: The House rejected the Hill 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, by a yea-and-nay vote of 203 yeas to 216 nays, Roll No. 432. The motion was debated yesterday, September 8. **Page H6921**

Suspension—Proceedings Postponed: The House agreed to suspend the rules and pass the following measure which was debated yesterday, September 8:

Garrett Lee Smith Memorial Act: S. 2634, amended, to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, by a ⅔ yea-and-nay vote of 352 yeas to 64 nays, Roll No. 433. **Pages H6921–22**

Agreed to amend the title so as to read: to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental health and behavioral health problems. **Page H6922**

Department of Labor, HHS, and Education Appropriations Act for FY 2005: The House passed H.R. 5006, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, by a yea-and-nay vote of 388 yeas to 13 nays, Roll No. 440. The bill was also considered yesterday, September 8. **Pages H6922–32, H6932–81**

Agreed by unanimous consent to limit the amendments offered and the time for debate on such amendments. **Page H6932**

Agreed to:

Garrett amendment (No. 2 printed in the Congressional Record of September 8) that prohibits funding for the attendance of more that 50 Federal employees at that agency at any single conference occurring outside of the United States; **Page H6946**

Neugebauer amendment that prohibits the use of funds for NIMH to fund grant numbers MH054142 and MH064527; **Pages H6946–51**

Obey amendment that prohibits the use of funds to enforce a Labor Department final rule which went into effect on August 23 regarding overtime protection (by a recorded vote of 223 ayes to 193 noes, Roll No. 434) (earlier a point of order on the amendment was overruled by the Chair); **Pages H6922–32, H6951**

Kildee amendment that prohibits the use of funds for the Secretary of Education to administer or pay any special allowance under sections of the Higher Education Act of 1965 pursuant to provisions of the

regulations of the Department of Education (by a recorded vote of 413 ayes to 3 noes, Roll No. 436); and **Pages H6938–39, H6952–53**

King of Iowa amendment that prohibits the use of funds by the Department of Education in contravention of sections of the Illegal Immigration Reform and Responsibility Act of 1996. **Pages H6964–65**

Rejected:

Tancredo amendment (No. 1 printed in the Congressional Record of September 8) that sought to prohibit the use of funds to pay salaries and expenses of personnel to carry out the section of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 that deals with federal reimbursement of emergency health services furnished to undocumented aliens; **Pages H6939–41**

Hayworth amendment (No. 6 printed in the Congressional Record of September 8) that sought to prohibit the use of funds to enforce a National Labor Relations Board decision dealing with jurisdiction over Indian tribes (by a recorded vote of 185 ayes to 227 noes, Roll No. 435); **Pages H6933–38, H6951–52**

Stark amendment that sought to reduce the funding for General Departmental Management for the Office of the Secretary of Health and Human Services (by a recorded vote of 195 ayes to 216 noes, Roll No. 437); **Pages H6941–42, H6953**

Paul amendment (No. 3 printed in the Congressional Record of September 8) that sought to prohibit the use of funds to create or implement any new universal mental health screening program (by a recorded vote of 95 ayes to 315 noes, Roll No. 438); and **Pages H6942–44, H6953–54**

Hayworth amendment that sought to prohibit the use of funds for the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement (by a recorded vote of 178 ayes to 225 noes, Roll No. 439). **Pages H6958–62, H6976–77**

Withdrawn:

Bordallo amendment that was offered and subsequently withdrawn that sought to prohibit the use of funds to enforce the limitations under section 1108 of the Social Security Act on the amount certified for FY05 with respect to title XIX of the Act with respect to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands; **Pages H6954–58**

Oberstar amendment that was offered and subsequently withdrawn that sought to add a new section to the bill regarding fatal chronic illnesses; **Pages H6962–64**

John amendment that was offered and subsequently withdrawn that sought to increase funding for Disease Control, Research, and Training. **Pages H6965–66**

Point of Order sustained against:

Brown of Ohio amendment that sought to prohibit the use of funds for administrative costs for the collection of monthly premiums under part B of the Medicare program for months in a year at monthly premium rates that exceed the monthly premium rates for months in the previous year; and **Pages H6944–45**

Ramstad amendment that sought to increase funding for Substance Abuse and Mental Health Services. **Pages H6945–46**

H. Res. 754, the rule providing for consideration of the bill was agreed to yesterday, September 8.

Committee Election: Agreed to H. Res. 762, electing Representative Alexander to the Committees on Agriculture and Transportation & Infrastructure. **Page H6981**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, September 13 for Morning Hour debate. **Page H6983**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 15. **Page H6983**

Amendments: Amendment ordered printed pursuant to the rule appears on page H6998.

Quorum Calls—Votes: Four yea-and-nay votes and six recorded votes developed during the proceedings of today and appear on pages H6920–21, H6921, H6921–22, H6951, H6951–52, H6952–53, H6953, H6953–54, H6976–77, and H6980–81. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:20 p.m.

Committee Meetings

FINAL REPORT INDEPENDENT PANEL TO REVIEW DOD DETENTION OPERATIONS

Committee on Armed Services: Held a hearing on the Final Report of the Independent Panel to Review Department of Defense Detention Operations. Testimony was heard from the following officials of the Panel: James R. Schlesinger, Chairman; and Harold Brown, member.

ABU GHRAIB PRISON FACILITY—INVESTIGATION OF MILITARY INTELLIGENCE ACTIVITIES

Committee on Armed Services: Held a hearing on the investigation of military intelligence activities at Abu Ghraib prison facility. Testimony was heard from the following officials of the Department of the Army: GEN Paul J. Kern, USA, Appointing Officer; LTG Anthony R. Jones, USA, Lead Investigator; and MG George R. Fay, USA, Investigating Officer.

EXAMINING PROFESSIONAL BOXING

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled ''Examining Professional Boxing: Are Further Reforms Needed?'' Testimony was heard from Bruce Spizler, Senior Assistant Attorney General, State of Maryland; and public witnesses.

ANTI-DEPRESSANT PEDIATRIC CLINICAL TRAILS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Publication and Disclosure Issues in Anti-Depressant Pediatric Clinical Trials.'' Testimony was heard from Janet Woodcock, M.D., Deputy Commissioner, Operations, FDA, Department of Health and Human Services; and public witnesses.

''G.I. FINANCES: PROTECTING THOSE WHO PROTECT US''

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''G.I. Finances: Protecting Those Who Protect Us.'' Testimony was heard from public witnesses.

DHS-STATE COLLABORATION ON U.S. VISA POLICY

Committee on Government Reform: Held a hearing entitled ''Creating Secure Borders and Open Doors: A Review of DHS-State Collaboration on U.S. Visa Policy.'' Testimony was heard from Janice Jacobs, Deputy Assistant Secretary, Visa Services, Department of State; the following officials of the Department of Homeland Security: C. Stewart Verdery, Jr., Assistant Secretary, Border and Transportation Security Policy and Planning; and Clark Kent Ervin, Inspector General; and Jacquelyn L. Williams-Bridgers, Managing Director, International Affairs and Trade Team, GAO.

BANKRUPTCY JUDGESHIP ACT

Committee on the Judiciary: Ordered reported, as amended, S. 878, Bankruptcy Judgeship Act of 2003.

POTASH ROYALTY REDUCTION ACT

Committee on Resources: Subcommittee on Energy and Mineral Resources held a hearing on H.R. 4984, Potash Royalty Reduction Act of 2004. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following measures: H.R. 3834, Desalination Energy Assistance Act of 2004; H.R. 4775, To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project; H.R. 4893, To authorize additional appropriations for the Reclamation Safety of Dams Act of 1978; and H.R. 5009, To extend water contracts between the United States and specific irrigation districts and the City of Helena in Montana. Testimony was heard from Representatives Davis of Florida and Reyes; John Keys, Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

OVERSIGHT—DELAY REDUCTION EFFORTS AT CHICAGO'S O'HARE AIRPORT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on Delay Reduction Efforts at Chicago's O'Hare Airport. Testimony was heard from Representatives Manzullo and Weller; Marion C. Blakey, Administrator, FAA, Department of Transportation; John Roberson, Commissioner, Department of Aviation, City of Chicago; and a public witness.

BRIEFING—TERRORISM UPDATE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Terrorism Update. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 10, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Foreign Relations: to hold hearings to examine the nominations of Christopher J. LaFleur, of New York, to be Ambassador to Malaysia, and B. Lynn Pascoe, of Virginia, to be Ambassador to Indonesia, 9:30 a.m., SD–419.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, September 10

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 4567, Homeland Security Appropriations.

(Senate will observe a moment of silence as a further remembrance of the events of September 11, 2001.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, September 13

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

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