The House met at 10 a.m.

The Reverend Austin DeLoach, Jr., Pastor, Southside Baptist Church, Lakeland, Georgia, offered the following prayer:

Heavenly Father, I come to You thankful for this great country that You have blessed us to live in. Please keep us ever mindful that freedom only comes with a price and cannot be sustained without responsibility.

Give our Nation wisdom to understand that liberty must be protected in part by laws that are grounded in Your truth.

I come humbly before You today asking You to give this body, the Congress of the United States, wisdom and guidance as they fulfill their call to serve others through public office.

According to Your Word, as written in Romans 13:1, You, Lord, have ordained government and chosen to work through those who serve. So I lift up every man and woman of this Congress to You. Bless their families and the people they represent, that these United States may serve Your purpose to You. Bless their families and the people they represent, that these United States may serve Your purpose in this world, as the book of Esther says, for such a time as this.

I thank You for hearing this prayer and I ask it in Jesus’ name.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. FOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 4837. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4837) "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mrs. Hutchison, Mr. Burns, Mr. Craig, Mr. DeWine, Mr. Brownback, Mr. Stevens, Mrs. Feinstein, Mr. Inouye, Mr. Johnson, Ms. Landrieu, and Mr. Byrd, to be the conferees on the part of the Senate.

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

S. 2279. An act to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes.

FULFILLING AMERICA’S PROMISE

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

Mr. FOLEY. Mr. Speaker, this year we celebrate our 10th anniversary as the governing party of this great Chamber.

In 1994, the Dow Jones industrial average was at 3,834. Today, it is 10,453. Homeownership was at 64 percent. Today it is a record high of 69.2. Violent crime is down. Interest rates are down from 8.5 to 4.42.

Charitable giving among Americans is at its highest, from $150.7 billion in 1996 to over $241 billion now. Bankruptcy rates are down from 17.9 to 2.8. Per capita incomes are growing. Poverty is shrinking. African Americans living in poverty are decreasing and their homeownership is at record highs. Unemployment is down from 6 to 4.4.

These may be dry statistics to some, but they are progress to many Americans, thanks to the direction we have taken this country and this Congress. Yes, America is safer, and I thank the President for standing steadfast against terrorism, against tyranny.

DEMOCRATIC PARTNERSHIP WITH THE AMERICAN PEOPLE

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

Mr. PALLONE. Mr. Speaker, today House Democrats will announce a new partnership with the American people, a partnership that would strengthen six of our Nation’s most important core values. We will put Americans back to work, make health care more affordable, hold polluters responsible for the contamination they cause, give our children the education and development tools they need to have a positive future, and restore fiscal responsibility here in Washington.

Democrats’ new partnership is necessary today because a large majority of Americans have lost faith in Congress. Over the past decade, Republicans have controlled the people’s House and have often strayed from these core American values.

My Democratic colleagues and I have been fighting for these causes for many
years, but this is the first time we are unveiling a partnership with the American people, a promise, if you will, that if the American people put their trust in us and elect a Democratic majority in November, we will work with them as partners to make their lives and our government better.

MARKED GEORGE, CHILDREN AND FAMILIES
A decade ago, the GOP promised to help seniors. Instead, the GOP sent plastic cards to senior citizens and big profits to drug companies. Some contract.

When it comes to the American people, the GOP, like the President, have been AWOL. The contract is null and void. It is time for a new partnership. Come January, we will stand and say, Madam Speaker, as the gentlewoman from California (Ms. PELOSI) becomes the first woman Speaker of the House.

The time is now and it is overdue. It is only 40 days away.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Mr. Simon). Members are admonished to refrain from improper references to the President.

TEN YEARS OF A REPUBLICAN HOUSE

Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Ms. PRYCE of Ohio. Mr. Speaker, in the past 10 years, the Republican majority in this House has created a stronger, safer and more prosperous Nation and we celebrate that today. At the heart of that prosperity stand our Nation’s small businesses.

Under our Republican-led House, the number of small businesses has exploded, most notably female-owned companies. From 1992 to 1997, women-owned firms increased by 16 percent, accounting for a quarter of all small businesses. Today, nearly 40 percent of all small businesses are owned by women, a number that is increasing at double the rate of all U.S. companies.

By cutting red tape and providing tax relief and regulatory reform, House Republicans have made it possible for Americans, women especially, to become independent entrepreneurs. Less time tangled up in red tape and buried in paperwork means more time at home with their children, the ability to hire more workers, even the possibility of opening another store or factory.

Mr. Speaker, the Republican majority understands the tremendous potential of the American entrepreneur. I look forward to the next 10 years, seeing American dreams become realities in our communities across this country.

DEMOCRATS OFFER A DIFFERENT VISION

Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.

Ms. SCHAKOWSKY. Mr. Speaker, perhaps the greatest disservice that the Bush administration and the Republican leadership have inflicted upon the American people is the lowering of expectations of what this great country of ours can be.

As the undisputed superpower of the world and the richest nation in the history of the planet, our opportunity to be a force to advance humankind in all respects is without limit and, one after another, this Nation has squandered those opportunities, leaving more Americans in poverty and without health insurance, breathing dirtier air, fewer with a chance of college, 1,027 dead in a war that has made the United States reviled around the world.

The Democrats are offering today a different vision, inviting all Americans to partner with us and each other in an America built on shared values of prosperity, opportunity and fairness for all, national security, accountability and community.

Together, we can fulfill the great promise and the great hope that is the United States of America.

WELCOMING DAVE AND KELLY KEIM OF BERNE, INDIANA

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

Mr. PENCE. Mr. Speaker, I rise this morning to welcome Dave and Kelly Keim of Berne, Indiana, to our Nation’s capital. They are in town today to stand with many others in this building to oppose embryonic stem cell research.

Why would people come from Berne, Indiana? The answer can be found in their 18-month-old twins, Caroline and Spencer, who are a daily and profound reminder that embryonic adoption should be preferred in the law always over destroying human embryos for stem cell research.

Mr. Speaker, Caroline and Spencer Keim are fully human today, just as they were 18 short months ago when they were in the frozen embryonic stage of their development. They stand today as a living testament to the truth that it would have been morally wrong to destroy their embryonic lives, even for well-intentioned medical research.

Ronald Reagan said it wisely in the year 1984, “We cannot diminish the value of one category of human life, the unborn, without diminishing the value of all human life.”

Mr. Speaker, I welcome Dave and Kelly Keim and their two beautiful twins, Caroline and Spencer, to Washington today, and I thank them for their courageous stand for life in this critical issue of embryonic stem cell research.

DEMOCRATS UNVEIL NEW PARTNERSHIP FOR AMERICA’S FUTURE

Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. BROWN of Ohio. Mr. Speaker, recently the President of the United States of America has worked to expand the power of bureaucrats in Washington.

In Springfield, Missouri, and other places across this Nation, we have watched our communities shrink, their jobs evaporate, Social Security threatened, and health care beyond the reach of 45 million Americans.
States announced a record increase, 17.4 percent, in the premiums that Medicare beneficiaries will be forced to pay, a record not matched in the 38-year history of Medicare. Why this increase? Because of the President’s prescription drug bill, a drug bill written by the insurance industry, written by the drug industry.

Twenty-three billion dollars in direct subsidies go from the pockets of seniors, with their premium increase, into the coffers of the insurance companies. $180 billion dollars extra profits for the already record profitable drug companies.

And this has happened over and over on the House floor: middle of the night votes, literally a bribe offered on the House floor during the passage of Medicare. That is why Democrats are unveiling today the New Partnership for America’s Future to take our country in a new direction, to take our country in a better direction.

JOE LOCKHART SHOULD LEAVE THE KERRY CAMPAIGN

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

Mr. PITTS. Mr. Speaker, CBS has publicly apologized for airing the story on President Bush’s National Guard service which relied on fraudulent documents. The fallout from this story will be felt for a long time. CBS has discredited itself as a news organization.

Some were surprised to learn that the man who produced those forged documents, Bill Burkett, was in contact with the Kerry campaign. A series of e-mails has surfaced showing that Burkett spoke with Max Cleland, an adviser to John Kerry’s presidential campaign about assisting the Democrats with a counter attack on Bush.

Also, a senior adviser to Kerry, Joe Lockhart, said that on the advice of CBS producer Mary Mapes, he spoke with Burkett about Vietnam and the Presidential campaign shortly before the piece aired. Lockhart’s role in this attack is particularly disturbing.

Fraudulent political attacks by anyone are reprehensible. Joe Lockhart is talented and intelligent, but I believe he should excuse himself from the Kerry campaign.

WAR IN IRAQ IS COSTING U.S. LIVES AND DOMESTIC PROGRAMS

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

Ms. WATERS. Mr. Speaker, I am sick and tired of waking up every morning to the news that more men and women are being killed in Iraq. I am as patriotic as anybody, but why are we in Iraq? We have discovered that we were misled. There are no weapons of mass destruction. But our young men and women are dying every day.

At the same time, we are spending $1 billion per week on this war. We are spending $1 billion a week, but we have 44 million Americans without health insurance visiting poverty. We have men and women who work every day but cannot afford to pay rent. Yet this administration is cutting the section 8 program that would support families in their ability to have a house.

What are they doing in education? Far too many dropouts, not only in our inner cities but in our rural areas. This President says, leave no child behind, but it is empty rhetoric. He is not putting his dollars where his mouth is.

RECOGNIZING 10 YEARS OF REPUBLICAN MAJORITY IN U.S. HOUSE

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

Mrs. BLACKBURN. Mr. Speaker, several of us are coming to the well this morning to celebrate the decade since the Republicans gained a majority in this House and helped put America back on the right track.

Today, Americans are paying lower taxes. We have a stronger, more well-trained military, and we fight every day to decrease regulation and to get at the heart of waste, fraud and abuse in our government. None of this, not any of it, would have happened without those passionate patriotic Republicans.

We understand that small businesses are what fuel this economy, so we have worked to help create and expand jobs. We have created health savings accounts, which give Americans more control over their health care dollars, greater choices.

Our historic tax relief has helped push America out of recession and helped to protect the American Dream for future generations. Republicans know that government does not create jobs; small business does. And we celebrate 10 years of success.

TEN YEARS: ADVANCES

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

Mr. STEARNS. Mr. Speaker, Republicans have been in the majority here in the House of Representatives for 10 years now, and a lot has changed. We have helped to free working families from the heavy tax burden, but we need to make our work permanent. We need to make a child tax credit, elimination of the marriage penalty tax and the elimination of the death tax permanent. Only Republicans are committed to doing this.

We have established a more optimistic welfare system that encourages self-sufficiency and has shortened the welfare lines. But there are still families on welfare who want to get off, so there is more work to be done. Only Republicans are committed to doing this.

Since 1994, unemployment rates are lower. Median household income is higher. A greater percentage of Americans are graduating from college. Home ownership rates are higher. And the violent crime rate has decreased.

Mr. Speaker, the numbers prove that American families are better off, much better off with Republicans making the laws.

GOP 10-YEAR ANNIVERSARY

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

Ms. GINNY BROWN-WAITE. Mr. Speaker. Americans celebrate the 10-year anniversary of Republican majority in this House of Representatives. Let us remember that it was President Reagan’s emphasis on security that provided the legacy that we now use as the starting point for the Grand Old Party.

If Congress does not see to it that every American is safe, does anything else matter? Republicans answered this question by strengthening our military, equipping our troops, confronting terrorists on their turf and taking care of our veterans when they return home. From the fall of the Iron Curtain and the demise of communism to the liberation of Iraq and Afghanistan, Republicans have driven policy that has transformed unsafe nations while protecting our own.

Republicans recognize that we do not need to seek a permission slip to defend our Nation and that nothing is more important than a safe, secure America.

HOUSE REPUBLICANS: A PROUD AND POSITIVE 10-YEAR RECORD OF ACHIEVEMENT

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

Mr. WILSON. Mr. Speaker, Americans celebrate the 10-year anniversary of Republican majority in this House of Representatives for 10 years now, and a lot has changed. We have helped to free working families from the heavy tax burden, but we need to make our work permanent. We need to make a child tax credit, elimination of the marriage penalty tax and the elimination of the death tax permanent. Only Republicans are committed to doing this.

We have established a more optimistic welfare system that encourages self-sufficiency and has shortened the welfare lines. But there are still families on welfare who want to get off, so there is more work to be done. Only Republicans are committed to doing this.

Since 1994, unemployment rates are lower. Median household income is higher. A greater percentage of Americans are graduating from college. Home ownership rates are higher. And the violent crime rate has decreased.

Mr. Speaker, the numbers prove that American families are better off, much better off with Republicans making the laws.
declined. And household income has risen substantially. We have reformed welfare, passed the Defense of Marriage Act and promoted quality education in our schools, fulfilling the Reagan revolution.

As a lifelong member of the Republican Party, I have never been prouder of our party. Under the leadership of our Speaker, the gentleman from Texas (Mr. DeLay); the chairman of the Republican Conference, the gentlewoman from Ohio (Ms. Pryce); and our majority whip, the gentleman from Missouri (Mr. Blunt), working with President George Bush, this team will continue to promote America’s families.

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

GOP 10-YEAR ANNIVERSARY

(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. Mr. Speaker, in 10 years of majority, Republicans have made a difference and a difference not by over-legislating but by having confidence and faith in the American people and the American individual.

My Republican colleagues and I believe that it is the individual American and not the government who can best improve their lives. Financial decision-making is best done by the family and not by the Federal government. The taxpayers’ money belongs in the taxpayers’ pockets. They work hard for it, and they know how to spend it best.

Republicans created across-the-board tax cuts for working Americans, giving them a greater chance to spend and to save their money as they deem fit, giving them the freedom to spend and to save their money as they deem fit. The benefits of our tax relief have rolled on to jump-start the economy, with 1.7 million new jobs this past year, with the current unemployment rate lower than the average rates of the 1970s, 1980s and 1990s combined.

Mr. Speaker, in the next 10 years, the Republicans will continue to respect the American individual and, in turn, build on our successes and on the success of this great Nation.

SUPPORT THE PLEDGE

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

Mr. Ryun of Kansas. Mr. Speaker, amidst the controversy surrounding the Pledge of Allegiance, I fear that we have forgotten our Founding Fathers’ true intentions behind the establishment clause in the Constitution. While our Constitution says that the words “under God” violate the establishment cause, our founders actually encouraged this type of religious recognition.

As George Washington said in his farewell address, and I quote, “Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. The mere politician, equal with the pious man, ought to respect and to cherish them.”

Washington encourages us to respect religion, and I think he feared that the government might misapply the establishment clause to things like the Pledge. Even Thomas Jefferson, who advocated the separation between Church and State, articulated this, and I quote, “No Nation has ever yet existed or been governed without religion, nor can be.”

Considering our Founding Fathers’ clear statements, it is hard to say that the Pledge establishes religion or crosses the wall of separation. I urge my colleagues to embrace the founders’ original intent and support H.R. 2028.

REPUBLICAN MAJORITY AND FAMILY HEALTH CARE

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

Mr. Gingrey. Mr. Speaker, in the 10 years of Republican majority in the House, we have always put families first. We recognize that protecting our Nation’s families means in part creating access to better health care, providing affordable prescription drugs to seniors and ensuring the best doctors and care for our children. These are critical and necessary commitments.

In 1994, when Republicans took the majority, many of our citizens were being left behind without access to rapidly developing medical technology. Last year, we passed the most sweeping modernization to Medicare legislation since its creation in 1965. For the first time, doctors now have a prescription drug benefit. Americans know that their parents and grandparents will be taken care of and that they are in safe hands.

We have provided better options to our Nation’s low-income families by making doctors’ appointments and necessary checkups available through community health centers; 15 million families nationwide now have a place to count on for health care through these centers.

America’s families will always receive the best existing health care. Republicans recognize the importance of family health care, and we will continue to recognize it as a top priority in the future.

CELEBRATING 10 YEARS OF REPUBLICAN MAJORITY

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

Mr. Linder. Mr. Speaker, 10 years ago, 25 hearty souls met for 3 hours every week to decide whether we could change the course of America, led by then House Minority Whip Newt Gingrich. We said that if you gave us the authority and the power, we would change the way America works, and we did it with a specific Contract With America; 9 million additional people voted in that election and gave us the opportunity to lead.

We believed that too many people were on welfare, and they deserved an opportunity to get off, so we changed welfare. We balanced the budget paid down debt. Some of that is going by the wayside now with a war to fund, but when we stood before the American people in 1994, we stood for something solid, and we can do it again.

We want to thank the American people for giving us the opportunity. And, Mr. Speaker, I want to thank Newt Gingrich, who would be our Speaker ultimately, for leading us to that majority.

pledge protection

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

Mr. Sam Johnson of Texas. Mr. Speaker, this week we will vote on keeping “one Nation under God” in the Pledge of Allegiance. The Pledge is
under attack, and activists are using wayward judges to chip away at this time-honored tradition. Our national motto is “In God We Trust.” In Texas the people have already spoken. Starting last year, all school districts require students to recite the Pledge to the United States and Texas flags daily.

The bill we have on the floor today is essential to ensuring that the will of the people of Texas is not circumvented by some unelected judge in another city. The sacredness of our country’s morale and heritage, we must keep “under God” in the Pledge. I will just close with God bless America.

THE REPUBLICAN PARTY’S CONSISTENT SUPPORT FOR THE MILITARY

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

Mr. SHIMKUS. Mr. Speaker, one of the reasons why I became a Republican is because of the Republican Party’s consistent support for the military.

Since 2000, base military pay has increased by 29 percent. Mid-grade non-commissioned officers, who represent the core experience and talent in the Armed Forces, have seen their pay increase an average of 35 percent. Congress under Republican control provided $6 billion for repair, maintenance, and operations of the military houses and bases. Congress increased the basic allowance for housing and eliminated servicemembers’ out-of-pocket housing expenses, increased family separation allowance, and increased the amount for imminent danger pay.

I am proud that the Republican Party stands for strong support for the military, and I am sure we will consistently support our men and women serving in dangerous places around the world and their families.

SNOWFLAKES EMBRYO ADOPTION

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

Mr. SMITH of New Jersey. Mr. Speaker, less than 5 minutes ago, I was in a room here in the Capitol filled with children who were frozen embryos, several months—even years ago—who went on to be adopted. The stories of these adopted embryos, with names like Kate and Mike, are compelling. We know of at least 60 children who were once cryogenically frozen but have now gone on to be adopted.

An adoption program called Snowflakes adoption agency that has been promoting this loving adoption option and understand we need to protect these newly created human beings and not steal their stem cells for use in research.

Let me also point out to my colleagues that we often hear the term “spare embryos” in connection with embryonic stem cell research. I hope that we will cease employing that very false term. There is no such thing as a spare embryo. These individuals can be used today; and they are just like any other little boy or girl.

We should put our emphasis, and our research dollars, Mr. Speaker, on adult stem cell research and cord blood stem cell research. This research has no ethical downside. And it has worked. That is where the real breakthroughs are occurring each and every day. Heart repair and myriad other advances are occurring not from embryonic, but from adult—and cord blood stem cells.

10TH ANNIVERSARY OF REPUBLICAN MAJORITY IN CONGRESS

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

Mr. DREIER. Mr. Speaker, what a difference a decade makes. It is true we are marking the 10th anniversary of the Republican majority controlling this institution, and it has been great for the American people.

One issue that is of paramount interest and is often forgotten is the fact that leading up to our having won the majority in 1994, we were dealing with a very tragic generational cycle of welfare. We saw this cycle of dependence continuing on and on and on where people were in fact losing their motivation, losing the kind of incentive that they needed to succeed in life. And when we in 1995, 1996 worked very hard to bring about an end to that generational cycling of welfare, what is that we did? We not only created opportunities for people, but story after story had us telling anecdotal evidence of people saying, I have finally gotten the pride back that was so desperately needed.

So, Mr. Speaker, that is just one example of the kind of success that we have had with our majority, and I hope we can keep working for the American people for years to come.

THE SUDAN

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

Mr. KOLBE. Mr. Speaker, yesterday I returned from a 4-day trip to the Sudan, including mostly into the Darfur region in West Sudan. We visited the camps where the displaced persons are. We visited North Darfur, which is an area under control by the Liberation Movement, the rebel groups.

I am here to report to my colleagues today that unfortunately the attacks on the people of Darfur are continuing by the Janjaweed, that is the militia that has been armed by the government and sent on these missions to destroy and to kill the people there, increasing the huge numbers of displaced persons who are fleeing into these camps. The conditions in these camps are absolutely intolerable. They are living in positive squalor. The world’s humanitarian community is responding in a very positive way, but the conditions continue to grow worse.

TIME FOR A NEW PARTNERSHIP

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

Mr. DeFAZIO. Mr. Speaker, it is 10 years since the Contract on America, the Republican takeover. If people think the country is going in the right direction, then I guess they are doing a great job.

They talk about fiscal responsibility; $600 billion deficit this year. Every penny of the Social Security surplus and trust fund borrowed and spent and replaced with IOUs. We have lower wages, outsourced jobs, unemployed Americans, economic insecurity, and record numbers of uninsured. And they brag about their record on health care, a prescription drug benefit written by and for the pharmaceutical industry at tremendous tax to the taxpayer, subsidies to that industry.

It is time for a new partnership for the majority of Americans, not more government by and for an elite few.

TO CELEBRATE AMERICA

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

Mr. HAYES. Mr. Speaker, I stand today to celebrate with my colleagues the American people. We in the majority have worked hard to empower people to create opportunities, to make jobs, to do things that turn America into a place where people can achieve their dreams. That is what is happening. It is also in stark contrast to the U.N., that sits on their collective duffs while people in the Sudan, Iraq, Afghanistan need help.

So, yes, we do celebrate America today because the majority will stand up and empower the American people to live that American Dream and to be part of making a better, freer, and safer world.
THE REPUBLICAN CONTRACT WITH AMERICA

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

Mr. KINGSTON. Mr. Speaker, 10 years ago the Republican Party put forth the Contract with America, and it was the first time that collectively Members of Congress had put forth an agenda. And certainly the Democrats did not like it, but 10 years later they are trying to do the same thing, and I applaud them. I think it is good to honestly show the folks what their platform is.

Part of our platform, of course, was tax cuts. Does anyone think that we would have had tax cuts had the Democrats stayed in power?

Part of our platform was welfare reform. There were 14 million people on welfare. Today there are about 4 million. Does anyone think that 9 million people would be back in the workplace if it had not been for the Republican Contract with America?

The military spending went from $260 billion to today $419 billion and re-strengthened our military. Does anybody think that would have happened without the Republican Contract with America?

And No Child Left Behind, our landmark education reform bill that put parents back in charge and teachers, not bureaucrats, in Washington. Does anyone think that would have happened without the Republican Contract with America?

These platforms are good. This debate is worth having. We have been in power for 10 years. There is a lot more we need to be doing. We are going to work for tax simplification and more tax reduction, and we need to get better control on spending. Both parties need to do that.

Mr. Speaker, I am proud that we have been in power 10 years and proud of the accomplishments we have had in that period.

CELEBRATING 10 YEARS OF A REPUBLICAN HOUSE

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

Mr. EHLERS. Mr. Speaker, it is a pleasure to join in this celebration today.

I well remember 1994 because I was sworn in during January, 1994, and took my oath of office. Shortly thereafter I wrote an article which was distributed to my party colleagues entitled “How We Can Take the Majority.” What a change has happened since then.

The Contract with America was a genuine brainstorm, a very effective technique; but also it gave guidance for a number of years for what we were to do. And if we compare the condition of the Nation today to the condition of the Nation 10 years ago, it is absolutely amazing what we have accomplished. Much of it has been controversial, but almost all of it has been good.

And I am very pleased with the progress that we have made and the way we will continue to do this country along over these 10 years.

I would also add, Mr. Speaker, I have always been a great believer that good work deserves a reward. And this is a very clear case where the good work of the Republican Party in this Congress deserves a reward of continuing to remain in the majority for another 10 years. We have proved we can do good work. We will continue to do it.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and tabular material on the further consideration of H.R. 5025 and that I may include tabular material on the same.

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

There was no objection.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

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. 5025.

The SPEAKER pro tempore. Pursuant to House Resolution 770 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. 5025.

IN THE COMMITTEE OF THE WHOLE

Mr. Speaker, I am proud that we have been in power 10 years and proud of the accomplishments we have had in that period.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. We on the Committee of the Whole rose on Tuesday, September 21, 2004, amendment No. 2 printed in the CONGRESSIONAL RECORD by the gentleman from Florida (Mr. DAVIS) had been disposed of, and the bill had been read through Amendment No. 1, line 3.

AMENDMENT NO. 12 OFFERED BY MS. WATERS

Ms. WATERS. 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. 12 offered by Ms. Waters:

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

EXCEPTIONS TO CUBAN TRADE SANCTIONS

Amendment No. 12 offered by Ms. Waters:

None of the funds made available in this Act may be used to implement any sanction imposed by the United States on private commercial sales of agricultural commodities (as defined in section 1705(c) of the Agricultural Trade Development and Assistance Act of 1954) or medicine or medical supplies (within the meaning of section 1705(c) of the Cuban Democracy Act) to Cuba (other than a sanction imposed pursuant to agreement with one or more other countries).

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very simple amendment. The United States has a trade deficit. We are not able to sell our goods abroad in the way that we should be able to do it.

Cuba has been literally dying for us to sell them goods. We find this the good sense to open the way for the sale of agricultural commodities, medicine and medical supplies to Cuba, and they are buying, but they have to pay cash on the barrel head. So this amendment would prohibit the use of funds to implement sanctions on private commercial sales of agricultural commodities, medicine and medical supplies to Cuba.

U.S. exports of agricultural products and medical supplies to Cuba have been legal since 2001. However, American farmers and other exporters must maneuver through a myriad of restrictions in order to export these products to Cuba. Exporters are denied access to export assistance, credit guarantees and private contracts. All transactions must be conducted in cash in advance or with financing from third countries. These restrictions make trade with Cuba unnecessarily expensive, bureaucratic and complicated.

The effect of my amendment would be to free exporters from the need to comply with these cumbersome regulations.

The people of Cuba need food and medicine. Their needs have never been greater than they are now, following the devastation caused by Hurricane Ivan. Cuba is one of several islands in the Caribbean ravaged by Hurricane Ivan, and the people of Cuba are trying to recover from the extensive damage caused by this terrible storm.

The people of Cuba are more than willing to purchase food and medical supplies from their American neighbors. American exporters have already exported $210 million in products to Cuba in the first 5 months of this year despite the cumbersome restrictions imposed, and the ability to increase their market share significantly if they are freed from these restrictions.
Mr. LINCOLN DIAZ-BALART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is important that the facts be clear: The sale of agricultural products and medicine to Cuba, even to the regime, is legal. The only requirement is that they have to pay.

Now, I was involved in a negotiation with a number of Members of this House some years back. It was a very detailed and difficult negotiation, but it was a good one. The agreement permitted the sale of agricultural products. The sale of medical products had been legal since 1992. The agreement permitted the sale of agricultural products even to the regime, as I said, Mr. Chairman, as long as they paid.

Now, even the economic interests that do business with the regime have made it clear that they want to be paid. What the discussion is about today is financing for the dictatorship, to make available financing for the dictatorship.

Amendments seem to find their way to this floor, no matter how much repression and torture the Cuban dictator engages in against his people, no matter how the regime imprisons simply for their views, no matter how much he tortures the people whom he imprisons. No matter how many people he even murders because they try to seek freedom, amendments manage to find their way to this floor to reward the tyrant. So now there is one amendment here that seeks to reward the dictator with financing.

What we are saying is, there has really never been a time for dicta- torship for repression and jailing of op- ponents and the murder of opponents. There has never been a time for that. Much less is there a time now, after the dictator has increased repression.

So on the issue of financing, I would simply remind my colleagues again that even those who sell to the dictator wish to be paid. Even those who sell to the dictator have said that they like the fact that they have to be paid, that they know that the dictator owes billions of dollars to people who have offered financing to him from other places of the world. What we do not want is to increase the amount of debt that the dictator owes, this time to Americans, much less to Americans who might then wish to have the tax- payer later bail them out.

The bottom line is that the sale of agricultural products is legal, that the sale of medical products has for a long time been legal, and that the only requirement is that they get paid.

Mr. Chairman, this amendment is really in bad taste, especially when you consider the torture that the political prisoners are being subjected to. Those are the future leaders of the Cuban congress, those are the future leaders of the judiciary and, in fact, the future presidents of Cuba, people who today are languishing in prison being tortured; and we owe at the very least to them not to reward this dicta- torship with financing that even those who sell products are not seeking.

Mr. Chairman, I would simply ask my colleagues to reject this amendment, which is in bad taste and seeks to reward the dictatorship, and remind our colleagues that the sale of medical products even to the regime is legal. The only conditions are that the regime pay.

The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

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

Ms. WATERS. 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 gentle- woman from California (Ms. WATERS) will be postponed.

Amendment offered by Ms. LEE: At the end of the bill (before the short title), insert the following:

Snc. None of the funds made available in this Act may be used by, ad- minister, or enforce the amendments made to paragraphs (a) and (b) of section 515.565 of title 31, Code of Federal Regulations (relating to specific licenses for United States aca- demic institutions and other specific licenses), as published in the Federal Register on June 16, 2004 (69 Fed. Reg. 33772). The limi- tation in the preceding sentence shall not apply to the implementation, administra- tion, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

Amendment offered by Ms. LEE: Mr. Chairman, I offer an amendment.

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

The text of the amendment is as fol- lows:

Amendment offered by Ms. LEE: Pursuant to the order of the House of Tues- day, September 13, 2004, the gentle- woman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentle- woman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is very simple. It prohibits funds in this bill from being used to enforce new reg- ulations promulgated on June 30 that severely restrict and in many cases eliminate opportunities for United States students to study abroad in Cuba.

These new election year regulations take our policy toward Cuba in the exact wrong direction. Many of these regulations are just plain undemo- cratic and punitive, and simply do not make sense for Americans.

Regulations that have already and will continue to deny many American college students the basic opportunity to gain experience, knowledge and in- sight through study abroad in Cuba should not be funded. In fact, not only were many study-abroad programs to
Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is another "re-award Castro" amendment. Reward the firing squads, reward the imprisonment of the opposers. That is what this amendment is all about.

It is already legal to travel. There are 13 legal categories of travel. One of them is for educational purposes. You have to get a license. You get a license. You go, and you do your travel for educational reasons.

So this amendment simply wants to eliminate all of the regulations.

I would say, it is not going to survive the process. We know that. So what is it for? The point of this amendment is to provide another symbolic victory for the dictator, to reward the oppression.

These amendments continue to find themselves on the floor. The reality of the matter is that the facts are pretty clear. As I said before, there are 13 legal categories. One of them is educational travel.

I would simply ask my colleagues to remember those people in the gulag today, those people suffering the full force, the bare repression of that futile totalitarian tyranny.

When they receive these messages at the hands of their jailers of these symbolic amendments, victories that are presented and sometimes passed in the Congress of the United States, how it must make you feel when you are imprisoned. Nevertheless, they continue to resist. They continue to embody the dignity of the Cuban nation, in the totalitarian gulag. They continue, because they are the embodiment of the best of the Cuban nation, the future of Cuba. There are so many men and women in the gulag who deserve such extraordinary respect.

So I would ask my colleagues not to send more messages to them, to the Congress of the United States pass amendments to provide moments of pleasure for the tyrant. Because that is all it is. That is what these amendments do. Unfortunately continue to make themselves here, they reach the floor, that is what these amendments are.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

Let me just respond to my colleague and say, first of all, this amendment is specifically about United States students, American students who want to visit under their educational programs to study abroad. As I said earlier, students are afforded study-abroad opportunities in a variety of countries. They should not be denied the right to pursue their educational opportunities in countries in which they desire to participate.

Secondly, students are our best ambassadors. They are young people who are very patriotic. They care about America. They want to engage in dialogue with students throughout the world, especially in Cuba. And denying them the right to travel, that is a terrible thing, first of all, for our students, but it sets back our foreign policy.

We are talking about creating a global environment of peace and security. How in the world are our future leaders going to understand and relate to countries abroad if they do not have the opportunity to study there? It is a very important initiative, and we should not be using taxpayer dollars to deny United States, American students to travel to Cuba to study.

Under the old regulations, of course, they could go to study. Now they have to stay more than 10 weeks under these regulations. It is ridiculous. It is going to hurt the world go on to pursue education. It is bad for family values. I urge my colleagues to pass this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART. Mr. Chairman, I just want to again clarify that, right now, you can go to Cuba for educational purposes; you just have to get a license. So the only reason for this amendment is to symbolically tell the Castro anti-American dictatorship, terrorist dictatorship, that we like you. That is all this amendment does. Students can go to Cuba if they get a license.

So despite the fact that the Castro regime continues to imprison and despite the fact that the Castro regime has murdered Americans, murdered American citizens, has American blood on his hands, this amendment would just like to give him a nice pat on the back and say, even though Americans can go with a permit, with a license to go to education, go to pur-

dose to Cuba, we want to give you a gift, Mr. Castro. Despite the fact that you murder Americans, we want to give you a gift, and here is a little token gift. Because, again, it is not going to happen. It is not going to pass the process, but we just want to show that we support that anti-American dictator who has American blood on his hands. It is a very sad statement.

But, fortunately, that is the only token gift that ever happens. But, again, that is all this amendment is. It is to show that anti-American dictator, that terrorist 90 miles away, that this amendment supports, still supports that dictatorship. That is all this does. Mr. Chairman.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I think we have made our points. We oppose the amendment strongly.

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

Mrs. JONES of Ohio. Mr. Chairman, I rise in support of the Lee-Rangel-Tubbs Jones
Amendment to H.R. 5025—Transportation, Treasury Appropriations Act for fiscal year 2005. The Lee-Rangel-Tubbs Jones Amendment prohibits the use of funds to enforce new regulations that affect students who study abroad or seek other educational opportunities in Cuba.

America students have become victims of politics, which should not be the intent of U.S. foreign policy. The Office of Foreign Assets Control's (OFAC) purpose is to track terrorist activities, not punish Americans interested in educational exchanges to Cuba.

Members of Congress, especially Members of the Congressional Black Caucus, and the Progressive Caucus, have written and called President Bush and Secretary Powell about the students at the Latin American Medical School (ELAM) and the cuts in general education licenses.

All people-to-people educational travel was eliminated in 2003, which ended thousands of trips by U.S. citizens to Cuba for broader educational purposes each year. Mr. Speaker, these facts make the Lee-Rangel-Tubbs Jones Amendment necessary.

The number of U.S. university-level students receiving credit for study abroad in 2001/02 increased 4.4 percent from the previous year, reaching a record total of 160,920, according to Open Doors 2003, the annual report on international educational opportunities published by the Institute of International Education (IIE) with funding from the State Department’s Bureau of Educational and Cultural Affairs.

Open Doors 2003 indicates that most students continue to study abroad for shorter sojourner programs. These new restrictions prohibit American students from participating in educational programs unless they were organized by the institution in which the students are enrolled. Students would not be allowed to participate in programs organized by other colleges or universities. This would deny students the opportunity to study in Cuba unless their own institution has its own program in Cuba. This unreasonable restriction could prevent thousands of American students from studying abroad in the country of their choice.

Throughout the Cold War, American students studied in the Soviet Union. Many of them went on to become diplomats, scholars and policymakers who used the knowledge they gained to contribute to the development and implementation of U.S. foreign policy. Similarly, many Americans are studying in the People's Republic of China today. There is no reason to treat study in Cuba differently.

Study abroad provides valuable educational experiences for American students and contributes to the development of knowledgeable and informed professionals who can use their knowledge to serve our country in the future. I urge my colleagues to support the Lee amendment and support educational opportunities for American students in Cuba and throughout the world.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. Lee).

The amendment was agreed to.

Amendment offered by Mr. Rangel

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Rangel:

Page 116, insert after line 3 the following new section:

Sec. 647. None of the funds made available in this Act may be used to implement, administer, or enforce the economic embargo of Cuba, as defined in section 4(7) of the National Security and Foreign Policy Act of 1996 (Liberty First Act of 1996), except that the foregoing limitation does not apply to the administration of a tax or tariff.

The CHAIRMAN. Pursuant to the order of the House of Representatives, September 14, 2004, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL). (Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think that in view of the victory that the gentlewoman from California (Ms. LEE) has had, that maybe, just maybe, there is a breath of fresh air entering the House. I mean, we can say, let us stop this punitive approach to Cuba and the Cuban government, and let us start a common sense approach.

The gentleman from Florida makes it appear as though we are rewarding a dictator for not upholding the principles of democracy. None of us here want to do that. Some would say that we have a disregard for the loss of life or the imprisonment of people unfairly, as we all agree is wrong and immoral and indecent, but that is not so. We are not talking about rewarding; we are talking about normalization. We are talking about the United States of America's principles. We are talking about Americans who feel so proud of what we believe in that we do not let any nickel-and-dime dictator prevent us from taking our message to the people, the people in Cuba.

For 40 years, we have taken this nonsensical approach that we are going to punish the Cuban people, deny them access to our markets, deny them financial assistance, notwithstanding the pain and cruel treatment that nature has given to them through hurricanes, notwithstanding the poverty in their country. And we have had this belief on our side, at least some of us on both sides, that the American approach, if properly presented to the people, will prevail; not guns, not bombs and not penalties, but the American approach.

We believe that trading with people is a way for our business people to be ambassadors of the free market system. As the gentlewoman from California (Ms. LEE) said, we believe our kids are better than any ambassadors that come out of the State Department when they talk about life in the United States. We believe our farmers and our business people, they really know how
to talk to these people about doing the right thing. But if what we are saying is that we are afraid of Castro and we are afraid of communism, then I sug-

SIS that we are afraid of Castro and we need to talk to these people about doing the

tion to the amendment, and I yield my-

self the balance of my time.

Mr. Chairman, let me be brief. It is clear

hat this is a very emotional issue. All I can say is that in 1960 when I was shot by the Communist Chinese on the Yalu River in North Korea, I was emotional as well. They told me to get over it.

I do not know how many tens of

ousands of American lives were lost as a result of the Communists in North Vietnam. When the trade agreement came up, they said, Get over it. The families of those that were killed by the Vietnamese government, they objected to trade and they said, Get over it. I would suggest to the gen-

tleman from Florida (Mr. LINCOLN DIAZ-BALART) he has to get over it.

I urge my colleagues to support the Rangel amendment.

The CHAIRMAN. The question is on

hether Cuba is on the right side of the

world. We believe we are powerful enough to bring not Castro down to his knees but the people who are relying on a little assistance from their friends in the United States.

I do not think you have to be Cuban-

American, I do not think you have to

represent Cuban-Americans to under-

stand your position is. But I will tell my colleagues one thing, I would hate to represent a district that had families in Cuba, after this horrific hurricane where people are in real pain economically and socially, and I wanted to give them some money, I wanted to visit, I wanted to see who got hurt, I may have wanted to go to a funeral, but I have to say that my heart, my compassion, my country, we are with you, but because we hate with such vengeance your president who has sur-

ived for 4 years, we will not be able to help. That, I think, is a more difficult position than to say that you are against communism.

Mr. Chairman, I reserve the balance of

my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

A year ago, I was in New York, and I read in the there, the daily called La Prenza, and there was an interview with the gentleman from New York, the author of this amendment. It related to the summary execu-
tions that had just taken place by Cas-

tro of three young black men just a few days before, after they had been ar-

rested by the dictatorship for the crime of trying to come to the United States.

I quote from the gentleman from New York (Mr. RANGEL) a little over a year ago: There is no doubt that the Cuban government can tell me that would interest me and that would convince me to speak to them again. It is totally incredible that a government would justify this type of action. The execution of these people puts an end to any possible discussion that there could have been with the Cuban gov-

ernment.""

Now, I wish, Mr. Chairman, that I could say that there has been some jus-
tice for those summary executions, the murders of these three young men. I wish I could say that the dictator at least had apologized to the grieving family members for their murders.

No, there has been no justice, only increased repression. I showed last night a replica of the punishment box for the best known political prisoner, a physician, Dr. Biscet, who is being held today because he believes in freedom and democracy. After this amendment, I certainly will always recall that it is more important when one truly wants to understand someone to guide oneself by what that person does rather than by what he says.

This, as the gentleman has just stat-

ed, is the “normalization of relations” amendment, the “normalization of rel-

ations with the Cuban dictatorship” amendment.

Now, the charter of the OAS may say of this hemisphere, only representative democracy is legal, legitimate, and the democratic charter of simply 2 or 3 years says that any interruption in the democratic process in this hemisphere needs to be sanctioned. But this amendment, the Rangel amendment, is like 103 con-

tions for 45 years. You can crush labor unions and crush the free press and eliminate and prohibit all political par-
ties and freedom of expression and execute people, including those young black men just a year ago for trying to get to freedom, and imprison them and torture them. And you can kill Amer-

icans, and you can harbor terrorists. And you can harbor fugitives from U.S.

justice, including cop killers from our States here.

You can do all of that. And you will get an amendment that says let us nor-

malize relations. You can continue to harbor terrorists, and you can continue to harbor U.S. felon fugitives who murder U.S. citizens and spy on the United States and disrupt antiterrorism opera-
tions. We will still normalize with you. That is what this amendment is.

So this is very good that this amend-

ment be on the floor today because this is, after all, the debate about economic interest and debate about the coali-
tion of forces that have advocated for the last years for normalization. This is important debate for our colleagues to express themselves on. After 45 years of illegal oppression in this hemi-
sphere, that is the only one where its international law requires representa-
tive democracy, and great strides have been made in recent decades towards compliance with that legal inter-
national law requirement.

This, as the gentleman has just stat-

ed, is the “normalization of relations” amendment, the “normalization of rel-

ations with the Cuban dictatorship” amendment.

Now, the charter of the OAS may say of this hemisphere, only representative democracy is legal, legitimate, and the democratic charter of simply 2 or 3 years says that any interruption in the democratic process in this hemisphere needs to be sanctioned. But this amendment, the Rangel amendment, is like 103 con-

tions for 45 years. You can crush labor unions and crush the free press and eliminate and prohibit all political par-
ties and freedom of expression and execute people, including those young black men just a year ago for trying to get to freedom, and imprison them and torture them. And you can kill Amer-

icans, and you can harbor terrorists. And you can harbor fugitives from U.S.

justice, including cop killers from our States here.

You can do all of that. And you will get an amendment that says let us nor-

malize relations. You can continue to harbor terrorists, and you can continue to harbor U.S. felon fugitives who murder U.S. citizens and spy on the United States and disrupt antiterrorism opera-
tions. We will still normalize with you. That is what this amendment is.

So this is very good that this amend-

ment be on the floor today because this is, after all, the debate about economic interest and debate about the coali-
tion of forces that have advocated for the last years for normalization. This is important debate for our colleagues to express themselves on. After 45 years of illegal oppression in this hemi-
sphere, that is the only one where its international law requires representa-
tive democracy, and great strides have been made in recent decades towards compliance with that legal inter-
national law requirement.

This, as the gentleman has just stat-

ed, is the “normalization of relations” amendment, the “normalization of rel-

ations with the Cuban dictatorship” amendment.

Now, the charter of the OAS may say of this hemisphere, only representative democracy is legal, legitimate, and the democratic charter of simply 2 or 3 years says that any interruption in the democratic process in this hemisphere needs to be sanctioned. But this amendment, the Rangel amendment, is like 103 con-

tions for 45 years. You can crush labor unions and crush the free press and eliminate and prohibit all political par-
ties and freedom of expression and execute people, including those young black men just a year ago for trying to get to freedom, and imprison them and torture them. And you can kill Amer-

icans, and you can harbor terrorists. And you can harbor fugitives from U.S.

justice, including cop killers from our States here.

You can do all of that. And you will get an amendment that says let us nor-

malize relations. You can continue to harbor terrorists, and you can continue to harbor U.S. felon fugitives who murder U.S. citizens and spy on the United States and disrupt antiterrorism opera-
tions. We will still normalize with you. That is what this amendment is.

So this is very good that this amend-

ment be on the floor today because this is, after all, the debate about economic interest and debate about the coali-
tion of forces that have advocated for the last years for normalization. This is important debate for our colleagues to express themselves on. After 45 years of illegal oppression in this hemi-
sphere, that is the only one where its international law requires representa-
tive democracy, and great strides have been made in recent decades towards compliance with that legal inter-
national law requirement.

This, as the gentleman has just stat-

ed, is the “normalization of relations” amendment, the “normalization of rel-

ations with the Cuban dictatorship” amendment.

Now, the charter of the OAS may say of this hemisphere, only representative democracy is legal, legitimate, and the democratic charter of simply 2 or 3 years says that any interruption in the democratic process in this hemisphere needs to be sanctioned. But this amendment, the Rangel amendment, is like 103 con-

tions for 45 years. You can crush labor unions and crush the free press and eliminate and prohibit all political par-
ties and freedom of expression and execute people, including those young black men just a year ago for trying to get to freedom, and imprison them and torture them. And you can kill Amer-

icans, and you can harbor terrorists. And you can harbor fugitives from U.S.

justice, including cop killers from our States here.

You can do all of that. And you will get an amendment that says let us nor-

malize relations. You can continue to harbor terrorists, and you can continue to harbor U.S. felon fugitives who murder U.S. citizens and spy on the United States and disrupt antiterrorism opera-
tions. We will still normalize with you. That is what this amendment is.

So this is very good that this amend-

ment be on the floor today because this is, after all, the debate about economic interest and debate about the coali-
tion of forces that have advocated for the last years for normalization. This is important debate for our colleagues to express themselves on. After 45 years of illegal oppression in this hemi-
sphere, that is the only one where its international law requires representa-
tive democracy, and great strides have been made in recent decades towards compliance with that legal inter-
national law requirement.

This, as the gentleman has just stat-

ed, is the “normalization of relations” amendment, the “normalization of rel-

ations with the Cuban dictatorship” amendment.
The text of the amendment is as follows:

Amendment offered by Mr. OLIVER:

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


Notwithstanding any provision of law, the funds made available under this Act may be used to issue or implement the Department of Transportation's proposed regulation entitled Parts and rules Final rules necessary for Implementation: Certification of Compliance With Federal Motor Vehicle Safety Standards (FMVSSs), published in the Federal Register, Volume 65, Number 53, on March 13, 2002, relating to a phase-in period to bring vehicles into compliance with the requirements of the regulation.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from Massachusetts (Mr. OLIVER) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLIVER).

Mr. OLIVER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, my amendment is a simple funding limitation which says that no funds from this bill can be used to implement a Federal Motor Carrier Safety Standards rule published in the Federal Register on the 19th of March 2002 in so far as it relates to a phase-in period to bring vehicles into compliance with the requirements of the regulation.

The background here is essentially this: current law requires all motor carriers with minor exceptions entering the United States to comply with U.S. safety standards. Under the North American Free Trade Agreement, Mexican trucks were to operate throughout the four border states by 1996 and in all States by the year 2000. Deep concerns were raised about truck safety if that schedule were to be met and audits which were ordered by the Congress by the Transportation Inspector General, Kenneth Meade, in the late 1990s, showed that only a tiny fraction, only 1 percent really, of all trucks were being inspected for safety compliance, and even of those, 50 percent were failing. Driven by those audit results, corroborating the intense safety concerns, Mexican carriers have been limited to shipping to border zone transfer points and trans-shippings by carriers which comply with the U.S. safety requirements.

To fully implement the NAFTA, the administration issued a proposed rule 30 months ago in March of 2002 to establish a process for implementation. Under that rule, all new foreign carriers licensed after the effective date of the rule and all carriers wishing to expand beyond the service area, beyond the border zones after the effective date of the rule, must have certification of testing meeting U.S. safety regulations. But those carriers operating only in the border zone who have 24 months to obtain certification, so that 24 months after promulgation of that March 2002 rule, all motor carriers operating in the U.S. would comply with U.S. safety regulations.

Now, the March 2002 regulation was held up in court actions that went all the way to the Federal Appeals Court for the ninth district and in June of this year, earlier this year, the Supreme Court reversed the appeals ruling unannimously, thereby clearing the last major hurdle to promulgation of the March 2002 rule. Small obstacles remain, but we are close to full implementation.

Mr. Chairman, every one of the foreign carriers operating in the U.S., both in the border zone and beyond, have known for 20 months, Canadian carriers and Mexican carriers, all of them, that this rule was pending and moving towards promulgation. They could and certainly should have gotten all their vehicles certified long before now. It would now be grossly unfair to add another 24 months on top of the already 30 months which has already passed since the proposed rule was published and everyone knew about it to meet the safety regulations which are United States law.

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

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me time.

I rise in opposition to the amendment offered by the gentleman from Massachusetts (Mr. OLIVER). As my colleagues are aware, or should be aware, this is yet another chapter or maybe another page in the book on the implementation of the NAFTA agreement.

NAFTA carries two major provisions, one on market access for transportation; certification of compliance with NAFTA provisions when it comes to trucking transportation: one on market access for transportation services, the other relates to cross border investment in the transportation sector. All three countries that are party to NAFTA, Canada, Mexico and the United States, have successfully implemented the provisions on crossborder investment. It is only the United States that has not implemented its commitment for full border market access in transportation services.

For years now the U.S. has fudged, has reneged on this provision of the NAFTA agreement due to spurious claims and lawsuits linked to purported safety and environmental concerns. That was recognized as being spurious by the United States Supreme Court when in an absolute unanimous decision they threw the lawsuits out of court, allowing the U.S. now to fulfill its NAFTA obligations, all the while achieving high levels of safety in environmental protection that our citizens expect.

Let us review a few facts of this debate. The Department of Transportation is not planning to exempt any Mexican trucks from the underlying motor vehicle standards. The gentleman from Massachusetts (Mr. OLIVER) implied that was the case, that we are talking about the standards. We are not talking about the case for vehicle safety. All Mexican carriers have to certify that their vehicles comply with the core safety standards in order to receive our security. The amendment of the gentleman and the line of argument that he is using is referring to a grace period that is for labeling of trucks that are manufactured 10 or more years ago. It is important for Members to understand that the mere possession of the label or not has nothing to do with actual vehicle safety. All trucks, all trucks, if they have the label or if they do not have the label have to be in compliance with the actual safety standards themselves. I say this explicitly and be more specific. All Mexican trucks will need to meet what are known as the Federal Motor Carrier Safety Regulations, or the FMCSR requirements, in order to operate in the United States. All trucks, it does not matter when they were manufactured, all trucks have to meet those standards in order to operate in the United States. Regardless of whether or not they have a label certifying their manufacturing standard at the time of their production, these trucks are going to be held to a higher, more inclusive standard than is mandated on their operators. Furthermore, these standards measure how their trucks are operating today. That is far more relevant fact than what it was when they were manufactured 2, 5, or 10 years ago.

I urge my colleagues to oppose this amendment. Ten years ago the United States made a commitment to free trade, and it included the transportation sector. If this amendment passes, it once again represents the United States turning its back on its trading partners. It once again says we are really not reliable. When it comes down to it, we will find ways to avoid complying with it.

I would hope my colleagues will say meeting our legal commitments makes a difference and is something that is important. Members should understand that this amendment shrouds itself in the name of consumer protection, but it is really
all about protectionism. We should not pass on the high cost of protectionism to the U.S. consumers once again. Failure to provide market access in this sector means that U.S. consumers using transportation services in North America pay the high cost of protectionism benefiting a small, but highly mobilized, interest group.

I think we know what we are talking about here. We are talking about one special interest group, the Teamsters. For Members who are focused on making sure that the U.S. remains competitive and generates jobs, we need to know that failure of our commitments means that U.S. manufacturers and farmers are going to be hurt.

I urge my colleagues to vote “no” on this amendment.

This issue is not about highway safety. It is not about consumer safety. It is not about the environment. Pure and simple, this amendment is about protectionism.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a member of the subcommittee.

Ms. KILPATRICK. Mr. Chairman, I thank our ranking member for allowing me the 2 minutes.

I am a member of the subcommittee. We did have extensive debate on this issue, but more than that, my district is a border city. We have the largest border crossing in the United States. Meet the same standards that U.S. trucks and buses have to meet in the United States. Meet our standards.

What the Bush administration wants to do is to not have some trucks and buses, some foreign trucks and buses inspected. At a time of terrorism, is that not about the Teamsters? At a time of terrorism, inspection is what all trucks and buses must have. As one who represents thousands of people who live in a border city, I want all the buses and trucks inspected, and do so all the people who live in my area.

As the Bush administration asks for something to be exempted, I think that is wrong. How can we talk about terrorism on one hand and then want to exempt some of the buses and trucks that come into my district and in other border cities around the country?

The Olver amendment would not allow that administrative rule to go into effect. It is simple. It is not hard to understand. Thousands of buses and trucks come into my district every day. We have the largest border crossing in America, with over $1 billion of commerce coming every day. I want all the buses and trucks inspected and inspected thoroughly. I do not want any exempted.

This is a good amendment. We must support it to protect American citizens who deserve our respect.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DREIER), the chairman of the subcommittee.

Mr. DREIER asked and was given permission to revise and extend his remarks.

Mr. DREIER. Mr. Chairman, I rise in strong opposition to this amendment. The free flow of goods, services, ideas and capital is very important, especially in this 21st century economy.

Obviously, we are all concerned about terrorism, but I first came to just referring to the issue on terror. Inspections are a very high priority, and they are a very important part of this issue.

Three years ago, this Congress passed legislation that put into place 22 specific guidelines for the Department of Transportation. We have already exceeded those 22 guidelines, which are very, very important for us to meet, but as my friend the gentleman from Arizona (Mr. KOLBE) said, this is now actually the 11th year since the landmark passage of the North American Free Trade Agreement; and by the way, we need to realize that today we have nearly a third of $1 trillion in cross-border trade between Mexico and the United States, having approved standard of living, the quality of life on both sides of the border.

Obviously, this issue is an important one, but I will never forget a study I saw when I came to the forefront on truck safety. What it found was that there were greater violations when it came to safety on trucks coming from Canada and on trucks that existed right here in the United States. So, what we are seeing is that there were on those coming from Mexico.

So, yes, we want to make sure that we maintain the safety and the security of our roads. The United States. Meet our standards. If we let those unsafe trucks in from Mexico, that number will go up astronomically. We cannot allow that.

This is a safety issue. This is not a trade issue. If they make sure that they comply, they can come into the United States. Meet our standards.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me the time.

The Chairman. The gentleman from Massachusetts (Mr. OLVER) has 7½ minutes remaining, and the gentleman from Oklahoma (Mr. ISTOOK) has 8½ minutes remaining.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me time, and I just want to respond to a couple of things that were said here today.

This does not have anything, let me repeat it, this does not have anything to do with the safety standards of the trucks that are trucks coming inside the borders of the United States. It does not have anything to do with the safety standards of those trucks. It has to do with the labeling. It has to do with when they were manufactured 10 years ago these trucks were assembled, they are usually U.S. trucks, they are assembled perhaps in Mexico or Canada, but they were not being assembled for use in the U.S. market so they do not have the label. It is hard now to go back and get that.

To come into the United States, every single standard that is required of the truck here in the United States has to be met by that truck coming in from Mexico. Antilock brakes, all the different things that are required of trucks here, all those have to be proven, and they have to be on there and exactly in the same way.

This simply has to do with a labeling requirement at the time of assembly of that truck, and in many cases when it took place 10 years ago, that label is not readily available. So they have to go back to the manufacturer and get all the information that is required.
The gentleman said there were 5,000 people killed last year by truck-auto accidents, and I am sure he is correct about that. How many of those people were killed by an uninspected truck coming into the United States from Mexico? How many of those people killed by that truck? Yes, that is required on any truck that is going to be thor-oughly inspected, are going to meet all of the requirements, are going to meet every rule and let them get the label, and get the label. Will they be in fine shape. It will be several months before the rule is signed to keep Mexican trucks out of the United States. It has nothing to do with safety.

The issue is that they could have started the same kind of standards. It is a bogus amendment. It is a protectionism amendment. It is des-igned to keep Mexican trucks out of the United States. It has nothing to do with safety.

Mr. OLVER. Mr. Chairman, I yield myself 30 seconds.

If the gentleman says that this is only about labeling, then they are still going to get that label. The issue is that they could have started getting that label 30 months ago, and it will be several months before the rule can be promulgated in which they can get the label. All are saying is, promulgate the rule and let them get the label, and then they will be in fine shape.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, this is not like the label on a mattress that says, “Do not remove under penalty of law.” This is a meaningful certifi-cation of the manufacturing and the proper equipping of these trucks.

There are trucks operating in Mexico that do not meet U.S. standards, and what is being advocated on that side is a new faith-based safety standard. Why is it faith-based? Be-cause there is no meaningful inspection going on in Mexico. These trucks do not have a certification on the labels, which they say are meaningless, and we do not have the inspectors at the border to inspect them on the way in because they say we cannot afford it. That is where we are.

These trucks will flood into this country. No, there have not been a lot of fatalities involving these trucks because we do not let them go more than 20 miles from our border, but let them go rumbling up I-40 into Oregon and Washington, let drivers who do not have to keep a logbook, they are un-derpaid, operating trucks that do not have the safety equipment of our trucks, and people will die, plain and simple.

Why should there be unequal treat-ment? Why? That is what my col leagues are advocating here. The peo-ple who operate the trucks in the U.S. have to have these labels, which are meaningful. The Canadians have these labels and standards, but these trucks in Mexico, many of which do not meet our standards, do not have the labels.

As the gentleman said, they are all going to get the label. By whom? Answer that question. The Mexicans will not allow Americans into Mexico to in-spect them, the Mexicans are not in-specting them, and we do not have enough people at the border. People will die because of this amend-ment because of unsafe trucks entering our country.

Mr. ISTOOK. Mr. Chairman, I reserve my time to close.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentle man from Massachusetts (Mr. OLVER) very much for the time, and I rise to speak in support of the amend-ment.

It is really just a common-sense amendment that will uphold U.S. cer-tification for trucks to improve safety. I do not think anybody can question my support for trade. Seventy percent of the economy in my district depends on trade. I voted for NAFTA, took a lot of heat for it, but knew it was the right thing to do at the time.

However, if we insist on our trucks being certified, we should insist on others. We have code-sharing for our airlines, and a whole lot fewer people get killed in airplane crashes than on trucks. About 800 commercial drivers die each year in traffic crashes, and roughly 4,900 people die and 130,000 are injured from these large truck acci-dents, and a lot of them occur in my district.

I—5 from Canada to Mexico has most of it in Texas, and I can assure my col leagues that they are killed on those crashes. We see trucks that are not safe, and that is all we are asking for.

Mr. OLVER. Mr. Chairman, I yield 1 ½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, this is not about Mexican trade. This goes to the very issue of safety, besides talk-ing our national sovereignty, our manufac-turing base, the American jobs and Mexican jobs. Look at the data. NAFTA has not improved the safety of our constituents.

The decision by a faceless panel is re-quiring our government to allow haz-ardous trucks access to our roadways. In testimony before the Senate Com-mittee on Science, Senate and Transportation Committee on June 18, 2001, Secretary Mineta stated, “Every Mexican truck, vehicle and driver that seeks authority to operate in the U.S., at the border or beyond, must meet the identical safety and operating standards that apply to the United States.”

That is where it is at. It is a sad day that the Olver amendment is desper-ately needed 3 years later after Mi-neta’s speech, as we cannot count on the Department of Transportation to act appropriately and in the public’s interest by requiring foreign-built trucks and buses from meeting Federal motor vehicle safety standards.

The measure Congress has passed advances our safety and makes further progress towards ensuring trucks on our high-ways meet certain standards. It is not just an issue of fairness. It is a matter of life and death.

The bottom line is, Mr. Chairman, the American people cannot allow this adminis-tration to gut safety regulations or compromise environmental standards in the name of trade. Vote “yes” on the Olver amendment and defend the work of American working families.
It says all of them, as does the rule that is in process say all trucks must meet U.S. safety standards.

What my amendment does say is that we are not going to provide 24 more months after the 30 months that has already passed. I think that is absolutely neutral on the issue of whether they are Canadian, U.S. or Mexican. It is saying, get on with it, promulgate it. They had plenty of time to get their certificate, their label, whatever it is that they needed. They have known for a very long time. Let us get on with it.

Support the amendment so that we can do so.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I agree with the gentleman from Massachusetts and every speaker that has spoken about the need for the safety of trucks on the road. I also agree and will work in conference on this bill to make sure that we do not have an inordinate phase-in period, that we try to use some rationality there.

But let us understand the difference between many of the things that are said and what this amendment actually proposes to do. Now, we heard one speaker talk about how he does not want trucks coming up from Mexico and all the rest. He is talking about how he does not want unsafe trucks entering this country. We have known for a very long time. Let us get on with it.

Chairman. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLIVER).

The question was taken; and the Chairman announced that the yeas appeared to have it.

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

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

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

Mr. Chairman, I would like to ask the gentleman from Oklahoma a question.

We have had five or six amendments adopted, the Van Hollen amendment, the Davis amendment on Cuba, the Lee amendment on Cuba, the Waters amendment on Cuba, the Stenholm amendment on debt ceiling and, I believe, one other. Last year, we had the experience of seeing a good many amendments which had been adopted on this floor to this and several other bills evaporate as soon as they went to conference.

I would like to know whether the gentleman can assure us that he will insist on retaining each of these amendments and will not bring this bill back from conference if these amendments do not stay in the conference this year.

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

Mr. OBEN. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I certainly appreciate the gentleman’s point, and he is well aware that the controversial amendments which relate to Cuba always bring up a lot of heat in the debate in this House. Those amendments are subject to a presidential veto. We have had the message from the White House in the statement of administrative policy, which is very unequivocal in indicating the President would veto the bill over Cuba.

This is why, in past years, the gentleman has certainly seen that amendment, as the gentleman phrases it, evaporate or at least not come through as a bill. We have received an unequivocal message from the White House indicating the President would veto the bill over Cuba.

Mr. ISTOOK. Mr. Chairman, I certainly do not see why I should, especially when House actions, given the arbitrary action of the authorizing committee, have turned this bill into a non-event.

So, at this point, I intend to vote “no,” because I am not going to vote for a bill which effectively cuts more than half the dollar resources out of this bill and which effectively cuts 80 percent of the transportation parts of this bill just because some people in this House happen to think that committee jurisdiction is more important than being responsible.

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

Mr. Chairman, I think it is important that I give a response of sorts to my friend from Wisconsin. We all know that, for parliamentary reasons, there are certain points of order that resulted in certain things being taken from this bill. However, every Member should be aware, and I certainly want to emphasize to the gentleman from Wisconsin, the ranking member of the full committee, everyone is aware that those items relating to transportation funding are going to be reinstated in conference. The conference report will not be subject to the same parliamentary points of order that caused the problem.

So if any Member is concerned about, well, my goodness, what are we accomplishing through this bill, the answer...
Mr. ISTOOK. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding, and let me simply say that I am not only concerned about the Cuba provisions, I am very much concerned with the transportation issues. And I am not about to go on record voting for a bill which has cut these bills, in essence, almost 80 percent below last year. And I am not going to vote for a bill that does not care about funding for transportation or they do not care about funding for transportation needs and projects in their district, there is probably no better way to indicate than by voting against the bill.

Now, I understand the gentleman from Wisconsin. His opposition is not toward funding transportation. I understand he is concerned about the Cuba provisions and whether they will endure in the final report. But to every Member of this body it is important that we advance this bill to the conference with the Senate, which enables us to resolve the parliamentary problems with our own rules to put in the transportation and cut these bills, in essence, almost 80 percent below last year. And I am not about to go on record voting for a bill which has cut these bills, in essence, almost 80 percent below last year's level in terms of transportation items.

I have seen the majority party's campaign committee play games with that too often, and I do not expect to see ads run against Members of the Congress opposed for a project which the majority party itself is asking them to vote for. That has happened too many times for me to be suckered by that one.

Mr. ISTOOK. Reclaiming my time, Mr. Chairman, I reemphasize that this bill is the vehicle for the transportation funding. It goes to the conference with the Senate. The things that were stricken on points of order can then be restored and will be restored. A vote against this bill is a vote against the transportation of concern that is important to every Member. It is important to their States and important to projects in their districts.

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

Mr. CLYBURN. Mr. Chairman, I want to call attention to the important work of the United States Election Assistance Commission and issue my strong support for the $15 million in funding that the Committee on Appropriations has recommended for this year.

Establishing the EAC was delayed in 2003, and because of that, the full commissioners were not appointed until December 2003, so that the EAC was woefully underfunded for fiscal 2004.

Yet despite these obstacles, the four commissioners have worked diligently to ensure timely progress on the election reform that Congress envisioned when it passed HAVA 2 years ago. The EAC commissioners have used their collective commitment, skills, and dedication to disburse to States the $2.3 billion in HAVA payments that was appropriated for fiscal year 2004. At the same time, EAC is working closely with State and local election administrators to make certain they implement the HAVA requirements for Provisional Voting, Voter Identification, Polling Place Signage, and State Administrative Complaint Procedures that must be in place for this year's elections.

Mr. Chairman, these are not abstract provisions. Rather, they are voter reform measures mandated by Congress to ensure that every eligible citizen can register, vote, and know that their vote can be counted in a timely and fair manner and not ghosts and fraud from the November 2 elections, which will be the first Federal election since HAVA was enacted.

Free and fair elections are the heart of our democracy. We do not want to repeat what happened in November, 2000. Yet we jeopardize the quality of our elections if we shortchange the EAC's ability to operate, conduct research, set standards for voting systems, and conduct audits of the HAVA funding that is being paid to States. The H.R. 2565 provides $15 million for the United States Election Assistance Commission. Without this funding, we cannot guarantee full implementation of this landmark act, the Help America Vote Act of 2002.

Mr. OLIVER. Mr. Chairman, reclaiming my time, this year's Transportation and Treasury bill was brought to the floor with great hopes. It had been improved substantially in subcommittee and again in full committee, and improvements have been made, indeed, on the floor of this body last week and yesterday and today.

There were already some serious problems like the Amtrak problem, which we have talked about; the Federal Transit Administration's New Starts program, which we have talked about; and the Tax Law Enforcement program, which we talked about. Those problems remain there. And because of the reasons that my ranking member raised, the full committee has already given the full committee has already given the full committee has already given their blessing where much of the bill has been struck by broad points of order, leaving us with very limited funding, no grants to the States and Federal highway-airport improvement grants; transit formula grants; the highway safety grants, gone. All of that is true.

However, I am going to vote for the bill because the only way and the only place that this bill can be put back together and the serious problems fixed is in the conference. I believe that we are going to have to work very hard within that conference in order to make certain that those funding and those problems are dealt with properly, both in the conference, and I am willing to let the chairman try to do that. I hope that we will be able to rectify enough of those problems in conference that we can produce a bill that will have strong, enthusiastic, bipartisan support. So I will vote for the bill.

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

Mr. Chairman, I appreciate the comments of the gentleman from Massachusetts (Mr. OLIVER). He is certainly correct that the only mechanism to fix the problems with the bill, the parliamentary problems, is moving it to a conference with the Senate, which requires House passage as a prelude to that, and I appreciate that.

I do wish to enter into a colloquy with the gentleman from Texas (Mr. SESSIONS).

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

Mr. ISTOOK. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, from Oklahoma (Mr. ISTOOK) for yielding to me for the opportunity to engage in a colloquy.

As the chairman knows, I have done a great deal of work on waste, fraud, and abuse in the Congress. And in particular, I rise today to discuss the efforts that are underway in our government to address ongoing fraud that is costing our highway trust fund untold sums.

There is a significant problem going on in every State of this great Nation that is not only taking money from desperately needed transportation projects but funding organized crime activities and quite possibly terrorist activities. The issue is not glamorous and it is not dangerous. It is not punishable by high criminal penalties and, therefore, receives little attention. The issue is the fraudulent use of off-road, untaxed diesel fuel as taxable on-road diesel. This type of fraud leads to a profit of nearly 50 cents a gallon in combined Federal and State taxes.

It may not sound like much. Some might say, however, have shown that well over $1 billion a year is lost in tax revenue. In the scope of our national budget, some think $1 billion or $2 billion does not seem like a great amount, and it is not the type of thinking that will ensure the problems like these will ever be resolved.

Fortunately, the Internal Revenue Service has been examining technologies for the past few years that...
The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Chair: A recorded vote has been ordered.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 225, not voting 20, as follows:

[Roll No. 461]

AYES—188

Abercrombie
Allen
Baca
Baldwin
Becerra
Bell
Biggert
Bishop (NY)
Blumenauer
Bono
Boozman
Bowser
Bracker
Bradly (PA)
Brown (OH)
Burdett
Capito
Capuano
Cardenas
Carson (IN)
Carson (OK)
Chabot
Clyburn
Conyers
Costello
Cramer
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeLauro
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Esch
Farr
Fattah
Fleming
Ford
Frank (MA)
Gonzalez
Gordon
Graves
Grijalva
Hagedorn
Halleran
Hefler
Herrera
Himes
Hinojosa
Horn
Hostettler
Hultgren
Hurd
Hyde
Inslee
Jackson (LA)
Jackson (MS)
Jackson (WI)
Jennings
Johnson
Johnson (WI)
Johnson (NY)
Johnson (TX)
Jones (GA)
Jones (NY)
Jones (WA)
Keating
Kildee
Kilpatrick
Kissinger
Kinzinger
Kucinich
Lamar
Langevin
Larsen
Lawson (AZ)
Lawson (WA)
Lelah
Levin
Lewis (GA)
Lipski
LoBiondo
Loeza
Lucas (KY)
Lynch
Mayeux
Maloney
Markey
Matheson
McCaul
Mccarthy (MO)
McCaul (CA)
McCollum
McDermott
McNulty
Meehan
Michaud
Michaud
Miller, George
Milo
Moore
Moran (KS)
Moran (NY)
Napolitano
Neal (MA)
Neumann
Netherlands
Nuehl
Oberstar
Oeller
Office
Osley
Osborne

NOES—225

Ackerman
Ackerman
Akin
Alexander
Andrews
Bachus
Baker
Bauer
Bradley
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Begay
Bilirakis

Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Boyce
Brady (NY)
Brady (TX)
Brown (SC)
Brown (TX)
Brown-Waite
Buehrer
Burgess
Burke
Burns
Burr
Burchett (TN)
Burr (IN)
Bush
Butler
Callahan
Caldwell
Capito
Cardin
Carter
Case
Chabot
Chandler
Chocola
Coble

September 22, 2004

H7346

CONGRESSIONAL RECORD—HOUSE

This bill merits the support of every American. And I thank the gentleman for engaging in this colloquy.

Mr. ISTOOK. Mr. Chairman, reclaiming my time, I believe we will complete debate on this bill after we hear from the chairman of the full committee. I do want to express my appreciation to the staff that has worked so diligently on this: Our chief clerk of the subcommittee, Rich Efford; a member of my personal staff, Kurt Conrad; and also on the subcommittee staff, Cheryl Tucker, Leigha Shaw, Dena Baron, and Kristen Jones. Without them nothing could be accomplished.

This bill merits the support of every Member of this body, and I ask that people support it accordingly and pass it.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to compliment the gentleman from Oklahoma (Mr. Istand) and the gentleman from Massachusetts (Mr. OLIVER), the ranking member, for having brought this bill to a successful conclusion. Despite some parliamentary obstacles that we had earlier in the debate, they have produced, what I think will be, a highly acceptable bill.

I would like to say, Mr. Chairman, this is number 12 of the 13 regular appropriation bills. There is only one more to go to the floor. But I also want our colleagues to know that the Committee on Appropriations had completed work on all 13 bills prior to the August summer work period. So we have been prepared to move the bills as time becomes available to move the floor.

This is a good bill. As I have said, there were some parliamentary problems that I suggested will need to be repaired when we get to conference. And I am being optimistic when I say it will get to conference. We are hoping there will be a conference. We would like to conclude our appropriations business before we break for the election.

I understand why the gentleman from Wisconsin (Mr. OBEN) has suggested that he would vote against this bill.

I am going to vote for it, and I think it is worthy of a ‘yes’ vote.

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

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEN. Mr. Chairman, I would just observe the gentleman said this is a good bill. There is not anything left of this bill except the enacting clause; that is in great shape. Outside of that, it is a hollow shell.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, what is left, I just want to express my disappointment and whatever repairs need to be made will be made in the conference. So I urge the Members to vote against the motion to recommit and for final passage on the bill.

ANNOUNCEMENT BY THE CHAIRMAN

The Chair: The Chair would like to thank the Members’ attention the provisions of clause 1 of rule XVII regarding the wearing of communicative badges on the floor, which has been interpreted to proscribe the wearing of such, and the Chair would request that any Members who are doing so remove them when recognized for debate.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from New York (Mr. RANGEL), the amendment offered by the gentleman from Massachusetts (Mr. OLIVER).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT OFFERED BY MR. RANGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. RANGEL), 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.

Mr. ISTOOK. Mr. Chairman, I would comment on this pilot project, please.

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

Mr. RANGEL. Mr. Chairman, please.

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

Mr. YOUNG of Florida. I yield to the gentleman from Texas.

Mr. OBEY. Mr. Chairman, I thank the gentleman for his diligent work on this issue and others who are also doing so, and I want to thank him for his hard work on behalf of all Americans. And I thank the gentleman for engaging in this colloquy.

Mr. ISTOOK. Mr. Chairman, reclaiming my time, I want to express my appreciation to the staff that has worked so diligently on this: Our chief clerk of the subcommittee, Rich Efford; a member of my personal staff, Kurt Conrad; and also on the subcommittee staff, Cheryl Tucker, Leigha Shaw, Dena Baron, and Kristen Jones. Without them nothing could be accomplished.

This bill merits the support of every Member of this body, and I ask that people support it accordingly and pass it.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to compliment the gentleman from Oklahoma (Mr. Istand) and the gentleman from Massachusetts (Mr. OLIVER), the ranking member, for having brought this bill to a successful conclusion. Despite some parliamentary obstacles that we had earlier in the debate, they have produced, what I think will be, a highly acceptable bill.

I would like to say, Mr. Chairman, this is number 12 of the 13 regular appropriation bills. There is only one more to go to the floor. But I also want our colleagues to know that the Committee on Appropriations had completed work on all 13 bills prior to the August summer work period. So we have been prepared to move the bills as time becomes available to move the floor.

This is a good bill. As I have said, there were some parliamentary problems that I suggested will need to be repaired when we get to conference. And I am being optimistic when I say it will get to conference. We are hoping there will be a conference. We would like to conclude our appropriations business before we break for the election.

I understand why the gentleman from Wisconsin (Mr. OBEN) has suggested that he would vote against this bill.

I am going to vote for it, and I think it is worthy of a ‘yes’ vote.

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

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEN. Mr. Chairman, I would just observe the gentleman said this is a good bill. There is not anything left of this bill except the enacting clause; that is in great shape. Outside of that, it is a hollow shell.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, what is left, I just want to express my disappointment and whatever repairs need to be made will be made in the conference. So I urge the Members to vote against the motion to recommit and for final passage on the bill.
Mr. CUBIN and Mr. OTTER changed their vote from “aye” to “no.”
Mr. EVERETT changed his vote from “no” to “aye.”

So the amendment was agreed to.
The result of the vote was announced as above recorded.

Statement of Mr. BERCERRA: Mr. Chairman, earlier today my floor vote was not recorded on rollcall No. 462, the Olver Amendment to H.R. 5025, the Transportation and Related Agencies Appropriations for FY 2005.

Mr. Chairman, had I voted on the Olver amendment, I would have unequivocally voted “aye” on rollcall vote No. 462.

The CHAIRMAN. The Clerk will read the last three lines.
The Clerk reads, as follows:

This Act may be cited as the “Transportation Transparency, and Independent Agencies Appropriations Act, 2005”.

Ms. MILLER-McDONALD. Mr. Chairman, I want to commend the Transportation...
Appropriation Subcommittee for including in this years Transportation Appropriation bill, $9 million for the hiring and training for the next generation of air traffic controllers.  

As a senior member on the Aviation Subcommittee, we are well aware that air traffic controllers are retiring at a quicker pace than they are being replaced.  

Over 50 percent of the air traffic controller workforce will retire within the next 10 years.  

Industry believes that the Federal Aviation Administration (FAA) must hire 1000 air traffic controllers a year for the next three years to provide the necessary staffing levels and prepare for the wave of air traffic controller retirements.  

Authors and appropriators may disagree on a quite a bit, especially on this bill, but the safety and security of the flying public is an issue we can all agree on.  

This $9 million is a good first step. However, aside from funding we must also strive to train and hire the next generation of air traffic controllers that more accurately represents American society and the flying public.  

By 2003 the following is a breakdown of the percentage of the air traffic controller work force: 18 percent African American; 1 percent Hispanic; 1 percent Asian; and 0 percent Native Americans.  

Unfortunately, these hiring percentages are following an all to familiar pattern that has already been established at the FAA.  

For example, in 2003 the following is a breakdown of the air traffic controller workforce made up of the following percentages of women hiring: 1 percent African American women; 1 percent Hispanic women; 0 percent Asian women; and 0 percent Native American women.  

We have a historic opportunity before us. We are facing a time when we must make unprecedented investments into our air traffic controller workforce.  

I ask this Congress—and this Administration, to make the effort to reach out to women and minorities so that we may revamp our workforce to be a replica of our society as a whole.  

Thank you Mr. Chairman. I look forward to working with you and the Ranking Member on this very important issue as this bill moves to conference with the Senate.  

Mr. CASTLE. Mr. Chairman, I rise today in opposition to this bill. Members of this House chose to strip funding for Amtrak from this bill simply because the necessary agreement could not be reached on a floor rule to consider this legislation that would have protected Amtrak. Since the end of Fiscal Year 2002 when Amtrak was last authorized, Congress has continued to keep its commitment to our nation's rail passengers by funding Amtrak and ensuring that the nations trains continue to operate. We must continue that commitment as Congress continues to debate the right path for Amtrak's future through a reauthorizing bill.  

I am shocked that Members of this House would consider shutting down Amtrak in this manner, when a large majority of Americans favor continuing federal subsidies to Amtrak, and a substantial percentage would increase federal funding so that rail can enhance its service. Fifty-one percent of respondents in an August 2002 Washington Post poll supported keeping Amtrak's funding current levels and twenty percent supported increasing the funding level.  

Mr. Chairman, I request that the House support the $1.2 billion FY 05 level that was recently passed by the Senate Transportation/ Treasury Appropriations Subcommittee. This Senate funding is the amount that Congress appropriated to Amtrak in FY 04 and is well short of the $1.8 billion requested by Amtrak CEO David Gunn to continue his 5-year strategic plan for the railroad. It may not be enough to implement Mr. Gunn's full plan for 2005, but that new funding level is vital to continue to address the acknowledged "backlog" of security and infrastructure needs on the Northeast Corridor—a backlog that threatens the continuation of safe and reliable passenger rail operations in the northeast region. That funding level is also necessary for Amtrak to continue to implement a system wide security plan.  

In a July 17th interview with National Journal, Amtrak President and CEO David Gunn said that if Amtrak were appropriated $900 million in FY 05, the railroad would have to furlough 2,000 maintenance workers and close all major maintenance shops, including those in my home state of Delaware. As the U.S. economy continues to recover, we should not be cutting federal support for Amtrak work that will lead to jobs for our constituents. At the end of his term, the company's annual update of its strategic five-year plan that continues the focus of returning the railroad to a state of good repair.  

The plan addresses problems including aging interlockings, rail ties, bridges, catenary hardware and sets aside capital for major fleet overhauls. The plan will remove most of the immediate safety threats to continued service and vastly improve reliability and on-time performance. By continuing the implementation of Mr. Gunn's five-year plan, we would remove the immediate impediments to daily service on the Northeast Corridor. Amtrak has made real headway in this work and it would be a shame to slow or scale back this effort.  

The National Journal article also detailed that as a result of the management changes during Mr. Gunn's tenure, Amtrak has kept its expenses flat. By contrast, from 1997 to 2001, expenses grew at an average rate of 8.5 percent a year. The company has taken on no additional debt since the federal government's loan in the summer of 2002. Passenger ridership through the first eight months of FY 2004 is 16.2 million, up 6.2 percent over the same period in the latest fiscal year. From February to May of 2004, the railroad has sustained four consecutive months of all time record ridership and load factors, and, through the end of the fiscal year, will exceed 25 million passengers for the first time.  

Mr. Gunn's plan also includes a system wide security plan in the wake of the earlier railroad bombing this year in Spain that killed more than 200 people and injured more than 1,600. The FBI announced earlier this year that they have credible intelligence that the nation's railroads are being targeted for terrorist attack. Amtrak's security plan includes the following: Securing key infrastructure, dispatching and control centers; Emphasizing detection at rail stations and on board trains; Improving train communications and incident command systems. The plan states that "Physical and technological improvements will create layered security countermeasures to address the 'openness' of the Amtrak system in critical areas." Now is not the time to limit Mr. Gunn's resources to harden targets on the railroad's infrastructure, improve passenger safety, and strengthen efforts to facilitate an effective first responder response to a terrorist incident involving Amtrak.  

Mr. Chairman, I understand the budget restraints that the committee is dealing with in crafting this appropriations bill but now is not the time to reduce our support for Mr. Gunn's effort to rebuild Amtrak's aging infrastructure and secure the railroad from potential terrorist attack.  

The CHAIRMAN. Are there further amendments?  

If not, pursuant to the rule, the Committee rises.  

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole on the State of the Union, reported that this Committee of the Whole has had under consideration the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 770, 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 adopted in the Committee of the Whole?  

Mr. HOYER. Mr. Speaker, I ask for a separate vote on the Stenholm amendment trying to contain the national debt.  

The SPEAKER pro tempore. Is there a separate vote demanded on any other amendment? If not, the Chair will put them en gros.  

The amendments were agreed to.  

The SPEAKER pro tempore. The Clerk will designate the amendment on which a separate vote has been demanded.  

The text of the amendment is as follows:  

Amendment:  

At the end of the bill, insert after the last section (preceding the short title) the following new section:  

Sec. 502. None of the funds appropriated by this Act may be used by the Secretary of the Treasury to implement, pursuant to sections 8348(b)(1) and 8348(b)(2) of title 5, United States Code, any suspension of issuance of obligations of the United States for purchase by the Civil Service Retirement and Disability Fund, to implement, pursuant to section 8348(h)(1) and 8348(h)(2) of title 5, United States Code, any suspension of issuance of obligations of the United States for purchase by the Thrift Savings Fund for the Government Securities Investment Trust Fund, or to implement, pursuant to section 8348(b)(1) of such title, any sale or redemption of securities, obligations, or other invested assets of the Civil Service Retirement and Disability Fund before maturity.  

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

RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 404, noes 8, not voting 21, as follows:

(ROLL No. 463)

AYES—404

Mr. OBEY moves to recommit the bill, H.R. 5025, to the Committee on Appropriations with instructions to report the same back to the House promptly with an amendment to restore funding for Payments to Air Carriers, Grants-in-Aid for Airports, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the National Highway Traffic Safety Administration, the Federal Railroad Administration, the Federal Transit Administration, and the Surface Transportation Board and increase funding above the levels in H.R. 5025, as reported, for the Federal-Aid Highways Limitation on Obligations, Grants to the National Railroad Passenger Corporation, new fixed guideway systems, and Grants-in-Aid for Airports.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. In its present form, I certainly am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk reads as follows:

Mr. OBEY moves to recommit the bill, H.R. 5025, to the Committee on Appropriations with instructions to report the same back to the House promptly with an amendment to restore funding for Payments to Air Carriers, Grants-in-Aid for Airports, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the National Highway Traffic Safety Administration, the Federal Railroad Administration, the Federal Transit Administration, and the Surface Transportation Board and increase funding above the levels in H.R. 5025, as reported, for the Federal-Aid Highways Limitation on Obligations, Grants to the National Railroad Passenger Corporation, new fixed guideway systems, and Grants-in-Aid for Airports.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. So, without this motion, this House would have had to flow to each of our States for highways, transit, and start projects, Amtrak and Grants-in-Aid for airports.

It was reported that the House had a motion to recommit the bill, H.R. 5025, to the Committee on Appropriations with instructions to report the same back to the House promptly with an amendment to restore funding for Payments to Air Carriers, Grants-in-Aid for Airports, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the National Highway Traffic Safety Administration, the Federal Railroad Administration, the Federal Transit Administration, and the Surface Transportation Board and increase funding above the levels in H.R. 5025, as reported, for the Federal-Aid Highways Limitation on Obligations, Grants to the National Railroad Passenger Corporation, new fixed guideway systems, and Grants-in-Aid for Airports.

The motion is important because without it we are simply not meeting some of the crucial transportation needs of the country.

Mr. OBEY. I am sure that my friend from Oklahoma, Mr. [Friend's Name], would have agreed with that because of the form of this motion that this bill will effectively be delayed or killed. The fact is, that is not correct. This bill is already dead. This bill is already on the way to the grave. It is about to be abandoned by the Congress.

Without this motion, this House would have had to flow to each of our States for highways, transit, and start projects, Amtrak and Grants-in-Aid for airports.

It was reported that the House had a motion to recommit the bill, H.R. 5025, to the Committee on Appropriations with instructions to report the same back to the House promptly with an amendment to restore funding for Payments to Air Carriers, Grants-in-Aid for Airports, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the National Highway Traffic Safety Administration, the Federal Railroad Administration, the Federal Transit Administration, and the Surface Transportation Board and increase funding above the levels in H.R. 5025, as reported, for the Federal-Aid Highways Limitation on Obligations, Grants to the National Railroad Passenger Corporation, new fixed guideway systems, and Grants-in-Aid for Airports.

The motion is important because without it we are simply not meeting some of the crucial transportation needs of the country.

Mr. OBEY. I am sure that my friend from Oklahoma, Mr. [Friend's Name], would have agreed with that because of the form of this motion that this bill will effectively be delayed or killed. The fact is, that is not correct. This bill is already dead. This bill is already on the way to the grave. It is about to be abandoned by the Congress.

Without this motion, this House would have had to flow to each of our States for highways, transit, and start projects, Amtrak and Grants-in-Aid for airports.

Mr. OBEY. I am sure that my friend from Oklahoma, Mr. [Friend's Name], would have agreed with that because of the form of this motion that this bill will effectively be delayed or killed. The fact is, that is not correct. This bill is already dead. This bill is already on the way to the grave. It is about to be abandoned by the Congress.
If you vote for this amendment, you will be voting to resuscitate the programs that were knocked out because of the willfulness of the authorizing committee last week, and I would urge a 'yes' vote for the proposition.

Mr. ISTOOK. Mr. Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for 5 minutes in his opposition.

Mr. ISTOOK. Mr. Speaker, I very much appreciate the frustration of the gentleman from Wisconsin, and certainly I have a high level of frustration, and many people do, because of the things that on parliamentary procedures were stricken on points of order, because we have so many programs that have not been reauthorized.

However, there is a much better way to fix the problem, and that is to finish the process, pass the bill, move it to conference where we are then able to bring a conference report back before this House that is not subject to these points of order.

Were we to do what the gentleman from Wisconsin seeks, we would only repeat the exercise in frustration. He wants us to take the bill back to committee, pass the bill and could do something on a different bill, but why do we expect the House to take the bill back to committee, pass the bill, move it to conference, then bring a report back before this House that is not subject to these points of order?

Secondly, we have an additional point of order because the gentleman's request, I believe, would push us above the 302(b) allocation which is our share of the budget allocation, and there would be an additional point of order against the bill. We would only repeat the frustration.

What is worse than being frustrated once? Being frustrated twice. That is what the motion to recommit would accomplish, but only the motion to recommit and passing the bill moves it into conference. That is where the problem can and will be fixed.

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

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

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

All of that can be solved by simply having the Committee on Rules this time exercise its duty and report out a rule that protects a rational bill.

Mr. ISTOOK. Mr. Speaker, I appreciate the gentleman's concern, and certainly the Committee on Rules could have done something on the current bill and could do something on a different bill, but why do we expect the Committee on Rules would have any different action?

The only sure course of action to get this bill passed to fund the transportation needs of every Member of this body for their States and also to address the desires that different Members have for their different districts is to pass the bill, move it on to the House-Senate conference where we bring it back, and all those programs are wiped clean because now we are under a different parliamentary process that governs the conference report.

I oppose the motion to recommit. There is no sense in killing the bill. Let us just get it alive so that we can keep transportation moving in the country.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection. The SPEAKER pro tempore. The question is on the motion to recommit; the question was taken; there was no objection.

The vote was taken electronically, and there were—yes 201, nays 210, not voting 22, as follows:

[Roll No. 466]
The SPEAKER pro tempore (Mr. Shimkus) announced that the roll call would be unavailable due to a technical issue at the time the vote was taken.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. Shimkus) announced that the bill was passed.

The Chair may not entertain a request to reconsider a vote on which a recorded vote is ordered, or on which the vote is objected to under clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas or nays are ordered, or on which the vote is objected to under clause 8 of rule XX.

Record votes on postponed questions will be taken later today.

CIVIL WAR SESQUICENTENNIAL COMMISSION ACT

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2449) to establish a commission to commemorate the sesquicentennial of the American Civil War, as amended. The Clerk read as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Civil War Sesquicentennial Commission Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The American Civil War was a defining experience in the development of the United States.
(2) The people of the United States continue to struggle with issues of race, civil rights, the politics of federalism, and heritage which are legacies of the Civil War and Reconstruction.

(3) There is a resurgent of interest in the Civil War that is evidenced by the multitude of publications, exhibits, reenactments, research, Internet and multimedia resources, historic parks, and preservation associations focused on the Civil War.

(4) The years 2011 through 2015 mark the sesquicentennial of the Civil War.

(5) The sesquicentennial of the Civil War presents a significant opportunity for Americans to reflect upon the Civil War and its legacy in a spirit of reconciliation and reflection.

(6) The United States Civil War Center at Louisiana State University, Louisiana, and the Civil War Institute at Gettysburg College, Pennsylvania, have been designated by the Federal government to plan and facilitate the commemoration of the sesquicentennial of the Civil War.

(7) The State of Virginia—

(a) witnessed more Civil War military engagements on its soil than any other State;

(b) hosts more historic sites related to the Civil War than any other State; and

(c) is home to the Pamplin Historical Park and the Museum of the Civil War Soldier and the Virginia Center for Civil War Studies at Virginia Polytechnic Institute and State University, both of which are nationally recognized centers of expertise in the study of the Civil War.

(8) The African American Civil War Museum located in Washington, D.C., is the only museum in the nation dedicated to the study and understanding of the role of African Americans in the Civil War.

(b) Purpose: The purpose of this Act is to establish a Civil War Sesquicentennial Commemoration Commission to—

(1) ensure a suitable national observance of the sesquicentennial of the Civil War;

(2) cooperate with and assist States and national organizations with programs and activities for the observance of the sesquicentennial of the Civil War;

(3) assist in ensuring that any observance of the sesquicentennial of the Civil War is inclusive and appropriately recognizes the experiences and points of view of all people affected by the Civil War; and

(4) provide assistance for the development of programs, projects, and activities on the Civil War that have lasting educational value.

SEC. 3. CIVIL WAR SESQUICENTENNIAL COMMEMORATION COMMISSION.

The Secretary of the Interior shall establish a commission to be known as the Civil War Sesquicentennial Commemoration Commission (hereafter in this Act referred to as the “Commission”).

SEC. 4. COMPOSITION OF THE COMMISSION.

(a) In General.—The Commission shall be composed of 25 members as follows:

(1) Government Members.

(A) Members of the House of Representatives—

(i) 6 individuals with expertise in history;

(ii) 1 individual with expertise in art history, cultural geography, sociology, or a related field;

(iii) 1 individual with expertise in anthropology, cultural geography, sociology, or a related field; and

(iv) 1 individual with expertise in political science, law, history, or a related field.

(B) Members of the Senate appointed by the Majority Leader and the President pro tempore of the Senate, in consultation with the Minority Leader of the Senate.

(C) Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(D) The Archivist of the United States, or the designee of the Archivist;

(E) The Librarian of Congress, or the designee of the Librarian;

(F) The Director of the National Park Service, or the designee of the Director.

(2) Private Members. The Commission shall include—

(A) 2 members appointed by the President from among individuals who are representative of the corporate community; and

(B) 9 individuals, appointed by the President, from among persons who by reason of education, training, and experience, are experts on the Antebellum, Civil War, and Reconstruction eras, including—

(i) 1 individual with expertise in history;

(ii) 1 individual with specific expertise in art history, historic preservation, or a related field;

(iii) 1 individual with expertise in anthropology, cultural geography, sociology, or a related field; and

(iv) 1 individual with expertise in political science, law, history, or a related field.

(3) Nonvoting Members.—

(A) The Chairperson and Vice Chairperson.

(B) The National Museum of African American History and Culture, the Smithsonian Institution, and the Library of Congress.

(C) Individuals with expertise in the humanities.

(D) The Secretary of Labor, or the designee of the Secretary;

(E) the Secretary of the Interior, or the designee of the Secretary;

(F) the Secretary of Education, or the designee of the Secretary;

(G) the Archivist of the United States, or the designee of the Archivist;

(H) the Librarian of Congress, or the designee of the Librarian; and

(I) the Director of the National Park Service, or the designee of the Director.

(b) Terms. —

(1) Initial Meeting.—Not later than 60 days after the date on which all members of the Commission have been appointed, the members appointed under subparagraphs (A) and (B) of section 4(a)(2) shall call the first meeting of the Commission.

(2) Subsequent Meetings.—The Commission shall hold subsequent meetings at the call of the chairperson.

(c) Chairperson and Vice Chairperson. — At the initial meeting, the Commission shall elect a Chairperson and Vice Chairperson from among its voting members.

(d) Quorum. — A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(e) Voting. —

(1) In General.—The Commission shall act only on an affirmative vote of a majority of the voting members of the Commission.

(2) Nomination.—The individuals appointed under subparagraphs (A) and (B) of section 4(a)(1) shall be nonvoting members, and shall serve only in an advisory capacity.

(f) Compensations of Members. — The members of the Commission shall be entitled to compensation at a rate equal to the rate of pay of level 5 of the Executive schedule, or a rate of compensation approved by the President, for each meeting of the Commission and for each day during which they are engaged in the business of the Commission, determined by the Commission.

SEC. 5. GENERAL PROVISIONS.

(a) Meetings. —

(1) Initial Meeting. — Not later than 60 days after the date on which all members of the Commission have been appointed, the members appointed under subparagraphs (A) and (B) of section 4(a)(2) shall call the first meeting of the Commission.

(2) Subsequent Meetings. — The Commission shall hold subsequent meetings at the call of the chairperson.

(b) Chairperson and Vice Chairperson. — At the initial meeting, the Commission shall elect a Chairperson and Vice Chairperson from among its voting members.

(c) Quorum. — A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(d) Voting. —

(1) In General. — The Commission shall act only on an affirmative vote of a majority of the voting members of the Commission.

(2) Nomination. — The individuals appointed under subparagraphs (A) and (B) of section 4(a)(1) shall be nonvoting members, and shall serve only in an advisory capacity.

SEC. 6. DUTIES OF THE COMMISSION.

(a) Activities Related to the Sesquicentennial. — The Commission shall—

(1) plan, develop, and carry out programs and activities appropriate to commemorate the sesquicentennial of the Civil War;

(2) encourage interdisciplinary examination of the Civil War;

(3) facilitate Civil War-related activities throughout the United States;

(4) encourage civic, historical, educational, economic, and other organizations throughout the United States to organize and participate in activities to expand the understanding and appreciation of the significance of the Civil War;

(5) coordinate and facilitate the public distribution of scholarly research, publications, and interpretations of the Civil War;

(6) provide technical assistance to States, local governments, and other organizations to further the commemoration of the sesquicentennial of the Civil War;

(7) develop programs and facilities to ensure that the sesquicentennial commemoration of the Civil War results in a positive legacy and long-term public benefit; and

(8) encourage the development and conduct of programs designed to involve the international community in activities that commemorate the Civil War.

(b) Plans and Reports.

(1) Strategic Plan and Annual Performance Plans. — The Commission shall prepare a strategic plan in accordance with section 5. The Commission shall develop an annual performance plan in accordance with section 1115 of title 31, United States Code, for the activities of the Commission carried out under this Act.

(2) Reports.

(A) Annual Report. — The Commission shall submit to Congress an annual report that contains a list of each gift, bequest, or devise with a value of more than $250, together with the identity of the donor of each such gift, bequest, or devise.

(B) Final Report. — Not later than December 30, 2015, the Commission shall submit to Congress a final report that contains—

(i) a summary of activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

SEC. 7. GRANT PROGRAM.

(a) Grants Authorized. — The National Endowment for the Humanities shall award grants under this section for the uses described in subsection (b).

(b) Use of Grants. — Grants awarded under this section shall be used for appropriate activities relating to the sesquicentennial of the Civil War.

(c) Consideration. — In awarding grants under this section, the National Endowment for the Humanities shall consider—

(i) African American contributions to the history of the United States, including whether the activities of the grant will focus on the role of African Americans in the Civil War.

SEC. 8. POWERS OF THE COMMISSION.

(a) In General. — The Commission may—

(1) solicit, accept, use, and dispose of gifts, bequests, or devises of money or other real or personal property for the purpose of aiding or facilitating the work of the Commission;

(2) appoint any advisory committee as the Commission considers appropriate for the purposes of this Act;

(3) authorize any voting member or employee of the Commission to take any action that the Commission is authorized to take under this Act; and

(4) purchase, lease, or otherwise acquire any real property, supplies, services, and property, and make or enter into contracts, leases, or other legal agreements to carry out this Act (except that any contracts, leases, or other legal agreements entered into by the Commission shall not extend beyond the date of the termination of the Commission); and

(5) use the United States mails in the same manner, degree, and under the same conditions as other Federal agencies.

SEC. 9. PERSONNEL MATTERS.

(a) Compensation of Members. — Members of the Commission, and members of any advisory committee appointed under section 8(a)(2), shall serve without compensation.

(b) Travel Expenses. — Members of the Commission, and members of any advisory committee appointed under section 8(a)(2), shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized by law for an agency in the executive branch of the United States Government under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) Staff. —
In General.—The Chairperson of the Commission may, without regard to civil service laws (including regulations), appoint and terminate an executive director and such additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

Confirmation of Executive Director.—The executive director of the Commission shall be subject to confirmation by the Commission.

Compensation.—(a) In general.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(b) Maximum Rate of Pay.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

d) Detail of Government Employees.—(1) In general.—At the request of the Commission, the head of any Federal agency may detail to the Commission, on a reimbursable basis, any of the personnel of the agency to assist the Commission in carrying out the duties of the Commission under this Act.

(2) Civil Service Status.—The detail of an employee under paragraph (1) shall be without interruption or loss of civil service status or privilege.

(e) Volunteer and Uncompensated Services.—Notwithstanding section 1342 of title 5, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(f) Support Services.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative and support services as the Commission may request.

(g) Procurement of Temporary and Intermittent Services.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at daily rates for individuals which do not exceed the daily equivalent rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(h) FACA Nonapplicability.—Section 14(b) of the Federal Advisory Committee Act (44 U.S.C. App.) shall not apply to the Commission.

(i) Termination.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its report under section 6(b)(2).

SEC. 10. AUDIT OF COMMISSION.

The Inspector General of the Department of the Interior shall perform an annual audit of the Commission and shall make the results available to the public.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—There is authorized to be appropriated to carry out this Act (other than section 7) $200,000 for each of the fiscal years 2006 through 2016.

(b) Grants.—There is authorized to be appropriated $3,500,000 to the National Endowment for the Humanities to provide grants under section 7, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Ose) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. Ose).

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

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

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Government Reform, I am pleased that the House is considering H.R. 2449. This legislation, introduced by the distinguished gentleman from Louisiana (Mr. Baker) creates a commission to commemorate the sesquicentennial of the American Civil War. I rise in strong support of this bill.

Mr. Speaker, perhaps no event shaped the U.S. more than the Civil War. The war was fought over the economic, cultural, and political rivalry between the agrarian South and the industrial North. Though the war was long and dreadful, its outcome preserved the Nation. From South Carolina's secession on December 20, 1860, to General Lee's surrender at Appomattox on April 9, 1865, the Civil War set the course for the next century of this Nation's development.

Mr. Speaker, the Civil War Sesquicentennial Commission will ensure a suitable commemoration of the 150th anniversary of the Civil War. It promises to be inclusive and appropriately recognizes the perspectives and impacts of all people affected by the Civil War.

Specifically, the commission will plan, develop, and carry out programs and activities appropriate to commemorate the Civil War. The commission will annually report to Congress on its work, and by December 30, 2015, the commission will provide to Congress a final report detailing the activities, findings, and recommendations of the commission.

Mr. Speaker, the creation of a Civil War Commission at this point in American history makes it difficult to overlook the similarities between America's current conflict and the war our Nation endured nearly a century and a half ago. In both cases, an immense tragedy forced this Nation to rise up and find the will to preserve the freedom of our Union. However, our current enemy is not ourselves, but terrorist extremists who hate American freedom.

While Americans were split and hostile on the two sides of the Civil War, today, our Nation remains united, behind our military and service personnel who sacrifice everything to protect our Nation from terror.

Mr. Speaker, this commission will provide an exciting and somber look back at perhaps the most important war in our Nation's history. I thank the gentleman from Louisiana (Mr. Baker) for his thorough efforts to commemorate the Civil War.

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

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

H.R. 2449 would establish a Civil War Sesquicentennial Commission to cooperate with and assist States and national organizations with programs and activities to ensure a suitable national observance of the 150th anniversary of the Civil War and to educate Americans about the significance of the war in our national history.

With the issuance of the Emancipation Proclamation in 1863, the Civil War became a war to save the Union and to abolish slavery. The war resulted in the loss of 620,000 lives, the liberation of 4 million slaves, and the ratification of three constitutional amendments that changed the way we define freedom and democracy in this country.

Frederick Douglass moved many free and runaway slaves to enlist in the Union Army and to fight for their freedom when he said, "Once let the black man get upon his person the brass letters U.S., let him get an eagle on his hat and a musket on his shoulder and bullets in his pockets, there is no power on Earth can deny that he has earned the right for citizenship in the United States."

Approximately 180,000 African Americans comprised 45 units served in the Union Army during the Civil War, and many more served in the Union Navy. Although black soldiers proved themselves as reputable soldiers, discrimination in pay and other areas remained widespread.

We as Americans continue to struggle with issues of race, the politics of federalism and heritage. The 150th anniversary of the Civil War would give us an opportunity to reflect collectively on our shared history and our identity as Americans. Many say and many believe that we have a democracy, that we as African Americans, for example, have equal rights. But we must ask what it really means, and even in 2004 we must ask is freedom and equal rights a reality for all Americans.

What we do have, though, is the right to struggle, and the need for struggle is just as important today as it was during the Civil War.

Frederick Douglass was right then and Douglass is right now when he said that "Struggle, struggle, strife and struggle, struggle, strife and struggle, struggle..."

The American Civil War is a critical part of our Nation's history and development. The 150th anniversary of the war should remind us that we have come a long way, that there are still many obstacles and hurdles in our society, and that much work to be done, and in the words of the philosopher, we must remember that freedom is a hard-won...
thing. Each generation must win it, and win it again.

The American Civil War was critical to America’s development as a nation and a democracy. The 150th anniversary of the war is an appropriate time for us to reflect on its legacy and its impact on our lives.

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

Mr. OSE. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Speaker, I thank the gentleman for his courtesy in yielding me time. I rise here today to speak to my appreciation for his good work in bringing this matter to the floor of the House.

Mr. Speaker, the American Civil War was perhaps the most dramatic forging event in our Nation’s history. In a brief period of time, over 600,000 lives were lost. It was immense. But from this incredible event and the huge loss of life, a new nation was forged, with its eye on principle and in practice to afford equal rights to all.

In the course of our history, this Congress has acted with regard to this matter. In years past, in fact, there are two institutions. The United States Civil War Center at Louisiana State University and the Civil War Institute at the Gettysburg College in coming to the appropriate decision for the sesquicentennial celebrations of this event.

It is truly an important, formative event in our Nation’s history. It is a time when no one should be without education and understanding, from it we learn much about ourselves and what makes our Nation as great as it is today.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentleman for yielding me time, and I also thank the chairman of my subcommittee of the Committee on Financial Services for his leadership.

I rise in strong support of this resolution. I have been working with several of my colleagues to organize a Civil War Caucus here in the House of Representatives. Outside this building, just on the West Front, is a statue of General Grant at the very foot of the steps of the Capitol. A few blocks away from that is a statue of General Meade. Beyond that is the Lincoln Memorial, and beyond that in the hills of Arlington is the Custis-Lee Mansion.

What do we remember? Why do we erect statues? Why is this bill important? It is important because the Civil War is really not about the past; it is about our present, it is about our future. It is important because what happened in the Civil War will instruct us in how we meet challenges today.

I serve on the Committee on Armed Services and we are dealing with profoundly difficult challenges around the world, in Iraq, in Korea, Pakistan, the global war on terror. Sometimes those challenges seem almost insurmountable. What the Civil War teaches all of us is that no challenge is insurmountable.

When I think about the military difficulties that we have in the world today, I also think about the 20th of May on Little Round Top in Gettysburg. It was on that hill that just a small group of men were told to remain in place, to hold that hill at all hazards. They were confronted with enemy in front of them, overwhelming numbers, overwhelming numbers of enemy to their left and above them, and still they held that hill. They repulsed attack after attack and when they ran out of ammunition and hope, their leader, Colonel Joshua Chamberlain, ordered the men to fix bayonets and charge. That is surmounting challenge.

What we were taught from that battle on many battlefields, on many boats, in north and south, is that we are a unique and special country. That fight was for us. That fight was for our future. That fight was to teach a lesson that higher principles guide us, that there are things worth fighting for that are even more important than ourselves.

This bill is not about statues, it is not about commemoration, it is not about the past. It is about the country we are today and the country we will be tomorrow.

For that reason, I strongly support this bill and urge its adoption.

Mr. Speaker, I yield myself such time as I may consider.

Mr. Speaker, I will just end by suggesting that the Civil War was the costliest war that this country has ever been engaged in and perhaps one of the most important wars that this country will ever fight. I urge strong support of this resolution.

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

Mr. OSE. Mr. Speaker, I yield myself such time as I may consider.

Mr. Speaker, I want to join my friend from Illinois in his remarks, and I too urge all Members to support the passage of H.R. 2449.

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 2449, as amended.

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

A motion to reconsider was laid on the table.

Hudson-Fulton-Champlain 400th Commemorative Commission Act of 2004

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2528) to establish the Hudson-Fulton-Champlain 400th Commemorative Commission, and for other purposes, as amended.

The Clerk reads as follows:

H.R. 2528

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 “Hudson-Fulton-Champlain 400th Commemorative Commission Act of 2004”.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) The first European exploration of the Hudson River and Lake Champlain and the introduction of steam navigation to maritime commerce were events of major historic importance, both in the United States and internationally.

(2) In 1609, Englishman Henry Hudson, acting in service of the Dutch East India Company, was the first European to sail up the river later named for him in the vessel HALF MOON, and French explorer Samuel de Champlain was the first European to see the lake later named for him.

(3) These voyages were two of the most significant passages in the European exploration and discovery of America, and began two of the earliest contacts in the New World between Native Americans and Europeans.

(4) These explorations led to the establishment of Fort Orange, a Dutch (and later English) settlement of what is now the capital city of the State of New York, and settlement of French Quebec settlements as far south as Lake George. From these early settlements came an influence on the Nation’s history, culture, law, commerce, and traditions of liberty which are present today, and which is constantly reflected in the position of the United States as the leader of the nations of the free world.

(5) In 1807, Robert Fulton navigated the Hudson River from the city of New York to Albany in the steamboat CLERMONT, successfully inaugurating steam navigation on a commercial basis. This event is one of the most important events in the history of navigation. It revolutionized waterborne commerce on the great rivers of the United States, transformed naval warfare, and fostered international relations through transoceanic travel and trade.

(6) The National Park Service owns and operates significant resources in New York related to the early history of the nation and the Hudson River Valley.

(7) In 2002, the State of New York established a Hudson-Fulton-Champlain Commission.

(8) In 2003, the State of Vermont established a Lake Champlain Quadrcentennial Commission.

(b) PURPOSE.—The purpose of this Act is to establish the Hudson-Fulton-Champlain 400th Commemorative Commission to—

(1) ensure a suitable national observance of the 400th anniversary of the landing of Henry Hudson, Robert Fulton, and Samuel de Champlain 2009 anniversaries through
cooperation with and assistance to the programs and activities of New York, New Jersey, Vermont, and the commemorative commissions formed by the States; (2) ensure that Hudson-Fulton-Champlain 2009 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the New York, New Jersey, and Vermont sites; (3) assist in ensuring that Hudson-Fulton-Champlain 2009 observances are inclusive and appropriate to and recognize the diverse Hudson River and Lake Champlain communities that developed over four centuries; (4) facilitate institutional involvement in the Hudson-Fulton-Champlain 2009 observances; (5) support and facilitate marketing efforts for a coin, a commemorative stamp, and related activities for the Hudson-Fulton-Champlain 2009 observances; and (6) assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act: (1) COMMEMORATION.—The term “commemoration” means the commemoration of— (A) the 200th anniversary of Robert Fulton’s voyage in the CLERMONT; (B) the 400th anniversary of Henry Hudson’s voyage in the HALF MOON; and (C) the 400th anniversary of Samuel de Champlain’s voyage.

(2) COMMISSION.—The term “Commission” means the Hudson-Fulton-Champlain 400th Commemoration Commission established by section 4.

(3) GOVERNORS.—The term “Governors” means the Governors of the States of New York, New Jersey, and Vermont.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATES.—The term “States”— (A) means the States of New York, New Jersey, and Vermont; and (B) includes agencies and entities of each such State.

SEC. 4. HUDSON-FULTON-CHAMPLAIN 400TH COMMEMORATION COMMISSION.

(a) IN GENERAL.—The Secretary shall establish and be known as the “Hudson-Fulton-Champlain 400th Commemoration Commission”. (b) MEMBERSHIP.— (1) IN GENERAL.—The Commission shall be composed of 31 members, of whom— (A) 3 members shall be appointed by the Secretary in the composition of the recommendations of the Governors; (B) 13 members shall be appointed by the Secretary, after consideration of the recommendations from the Members of the House of Representatives whose districts encompass the Hudson River Valley and Champlain Valley; (C) States boards shall be appointed by the Secretary, after consideration of the recommendations from the Members of the Senate from New York, New Jersey, and Vermont; and (D) 2 members shall be employees of the National Park Service, of whom— (i) one shall be the Director of the National Park Service (or a designee); and (ii) one shall be an employee of the National Park Service having experience relevant to the commemoration, who shall be appointed by the Secretary.

(E) one member shall be appointed by the Secretary, and shall be an individual knowledgeable of the Hudson River Valley National Heritage Area; (F) 6 members shall be appointed by the Secretary, and shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration; (G) one member shall be the chairperson of any commemorative commission formed by any State; and (H) one member shall be the chairperson of any commemorative commission formed by the United States.

(ii) one shall be the chairperson of the original appointment was made; (A) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.— (i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made. (ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) MEETINGS.— (A) IN GENERAL.—The Commission shall meet— (i) at least twice each year; or (ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) DURATION.—Not later than the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) CHAIRPERSON AND VICE CHAIRPERSON.— (A) The Commission shall elect the chairperson and the vice chairperson of the Commission on an annual basis.

(B) The vice chairperson shall serve as the chairperson in the absence of the chairperson.

(5) QUORUM.—A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(6) VOTING.— (A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the voting members of the Commission.

(B) NONVOTING MEMBERS.—The individuals appointed as (A), (B), (C), and (D) of paragraph (1) shall be nonvoting members, and shall serve only in an advisory capacity.

(7) DUTIES.— (1) IN GENERAL.—The Commission shall— (A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the voyages of Henry Hudson, the first European to sail up the Hudson River, the 200th anniversary of the voyage of Robert Fulton, the first person to use steam navigation on a commercial basis, the 400th anniversary of the voyage of Samuel de Champlain, the first European to discover and explore Lake Champlain, facilitate Hudson-Fulton-Champlain-related activities throughout the United States; (B) coordinate its activities with State commemoration commissions and appropriate Federal Government agencies, including the Departments of Agriculture, Defense, State, and Transportation, the National Park Service with respect to the Hudson River Valley National Heritage Area, and the American Heritage Rivers Initiative Interagency Committee established by Executive Order 13508, dated September 11, 1977; (C) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to participate in the anniversary activities to expand the understanding and appreciation of the significance of the voyages of Henry Hudson, Robert Fulton, and Samuel de Champlain; (D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration; (E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyages of Henry Hudson, Robert Fulton, and Samuel de Champlain; and (G) ensure that the Hudson-Fulton-Champlain 2009 observances provide a lasting legacies and long-term public benefit by assisting in the development of appropriate programs and facilities.

(2) STRATEGIC PLAN AND ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan in accordance with section 306 of title 5, United States Code, and annual performance plans in accordance with section 1115 of title 31, United States Code, for the activities of the Commission carried out under this Act.

(3) REPORTS.— (A) ANNUAL REPORT.—The Commission shall submit to Congress an annual report that contains a list of each gift, bequest, or devise with a value of more than $250, together with the identity of the donor of each such gift, bequest, or devise.

(B) FINAL REPORT.—Not later than September 30, 2010, the Commission shall submit to the Secretary a final report that contains— (i) a summary of the activities of the Commission; (ii) a final accounting of funds received and expended by the Commission; and (iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—The Commission may— (1) solicit, accept, use, and dispose of gifts, bequests, or devises of money or other real or personal property for the purpose of aiding or facilitating the work of the Commission; (2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act; (3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act; (4) procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements made or entered into by the Commission shall not extend beyond the date of the termination of the Commission; (5) use the United States mails in the same manner and under the same conditions as other Federal agencies; (6) subject to approval by the Commission, make grants in amounts not to exceed $20,000 to communities, nonprofit organizations, and commemorative commissions formed by the States to develop programs to assist in the commemoration; and (7) make grants in amounts not to exceed $20,000 to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyages of Hudson, Fulton, and Champlain.

(e) COMMISSION PERSONNEL MATTERS.— (1) COMPENSATION OF MEMBERS OF THE COMMISSION.— (A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member.
as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, inclusive of per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 53 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) DUTY STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) request State services for services of detailed personnel.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept volunteer and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (3 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the States or the National Park Service concerning the commemoration.

(1) TERMINATION.—The Commission shall terminate on December 31, 2010, and shall transfer all documents and materials of the Commission to the National Archives or other appropriate Federal entity.

SEC. 5. AUDIT OF COMMISSION.

The Inspector General of the Department of the Interior shall perform an annual audit of the Commission and shall make the results of the audit available to the public.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $500,000 for each of years 2005 through 2011 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Davis) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. Ose).

Mr. OSE. Mr. Speaker, I unani-

mous consent that all Members may revise and extend their remarks and include extraneous material on H.R. 2528.

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

There was none.

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

Mr. Speaker, I rise in support of H.R. 2528, a bill that creates another important congressional commission. This measure, introduced by the gentleman from New York (Mr. Hinchey), establishes the Hudson-Fulton-Champlain 400th Commemoration Commission.

Mr. Speaker, many outside of the northeast may be unfamiliar with the honorees of the commission, Henry Hudson, Robert Fulton, Samuel de Champlain. But this commemoration aims to raise awareness of their pioneering contributions.

In 1609, Henry Hudson of England was the first European to sail up the river that would later bear his name. That same year, French explorer Samuel de Champlain was the first European to come across the lake that is named after him. Nearly 200 years later, in 1807, Robert Fulton navigated the Hudson River from the city of New York to Albany aboard the steamboat Clermont. This voyage successfully inaugurated steam navigation, and is one of the most important events in the history of navigation.

These three events that occurred on these significant waterways greatly contributed to western expansion across the New World. I know the distinguished Members from New York, New Jersey and Vermont strongly support the establishment of this commission, and as a student of history, I am pleased to join them today in favor of passage of H.R. 2528.

I want to congratulate the distinguished gentleman from New York (Mr. Hinchey) for advancing this legislation.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. Hinchey), the author of this legislation.
up the Hudson River for that observance.

In 1959, Congress created the Hudson-Champlain Celebration Commission to recognize the 350th anniversary and coordinate Federal participation in those commemorative events. New York, New Jersey and Vermont all participated in the anniversaries.

Then-Governor Nelson Rockefeller of New York proclaimed 1959 the Year of History in New York and organized a year-long celebration that included exhibits, performances of music, drama and historic enactments. The Netherlands, Canada, Great Britain and France were all enthusiastically involved.

In 1964, the State of New York established a Lake Champlain Quadricentennial Commission, with the purpose of commemorating the voyages of three explorers.

In 2002, the State of New York established the Hudson-Fulton-Champlain Anniversary Commission, and in 2003, the State of Vermont established a Lake Champlain Quadricentennial Commission.

A Federal commission is important to expand the scope of these State celebrations and organizing a national and indeed an international organization for these celebrations. The commission established by this bill will coordinate educational, cultural and historic projects, while cooperating in assisting the programs and activities conceived by New York, New Jersey and Vermont.

Specifically, the legislation will do the following: It will ensure a suitable national observance of the anniversary throughout the country and assistance to the programs and activities of New York, New Jersey and Vermont.

It will cultivate international involvement in celebration activities and provide opportunities for nations such as the Netherlands, Canada, Great Britain and France to participate.

It will also coordinate the activities of Federal Government agencies such as the Departments of Agriculture, Defense, State, Transportation, as well as the National Park Service, all of which have significant resources in the Hudson and Champlain Valleys.

It will emphasize artistic, patriotic, historical, educational, religious, economic and other organizations throughout the United States to organize and participate in anniversary activities that expand the understanding and appreciation of the significance of these voyages.

It will provide technical assistance to States, localities, nonprofit organizations in the Hudson Valley, the Champlain Valley and Robert Fulton.

As the co-founder of the Hudson River Caucus, I have worked to help realize the full educational, environmental, and economic potential of the Hudson River and its waterfront. The event that will take place in 2009, commemorating the 400th anniversary of Henry Hudson’s voyage, the 200th anniversary of the voyage of Robert Fulton, and the 400th anniversary of the voyage of Samuel de Champlain, will help to achieve these goals. This legislation will celebrate and cherish these significant explorers and voyages, and help ensure historic preservation and increase public awareness for generations to come.

I am happy to support this legislation, and I urge my colleagues to support it.

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

Mr. OSE. Mr. Speaker, I urge my colleagues to pass this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 2538, as amended.

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

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PREPAREDNESS MONTH

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 489) supporting the goals and ideals of National Preparedness Month.

The Clerk read as follows:

H. CON. RES. 489

Whereas Americans can prepare for the unexpected; therefore,

Section 1. (a) Recognizes the importance of National Preparedness Month.

(b) Encourages the public to participate in emergency preparedness activities.

(c) Supports the development of emergency preparedness plans.

Section 2. (a) Supports the development of emergency preparedness plans.

(b) Encourages the public to participate in emergency preparedness activities.

Section 3. (a) Recognizes the importance of National Preparedness Month.

(b) Encourages the public to participate in emergency preparedness activities.

(c) Supports the development of emergency preparedness plans.

Whereas terrorist attacks and other emergencies have, and can again, disrupt hundreds of thousands of lives, resulting in significant numbers of casualties, causing serious damage to buildings and our Nation’s infrastructure, and costing billions of dollars;

Whereas the Department of Homeland Security and other Federal, State, and local entities have been working diligently to prevent, prepare for, respond to, and recover from terrorist attacks and other emergencies;

Whereas all Americans can assist in promoting the Nation’s overall emergency preparedness by preparing themselves and their families for terrorist attacks and other emergencies;

Whereas Americans can prepare for the unexpected, by among other things, assembling an emergency supply kit, developing a family emergency communications plan, and keeping informed about possible emergencies;

Whereas additional information about citizen preparedness can be obtained through the Department of Homeland Security’s Ready campaign, by telephone at 1-800-BE-
CONGRESSIONAL RECORD—HOUSE
September 22, 2004

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 489.

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

There was no objection.

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

As Election Day nears, many Americans feel denyably undernourished about terrorism. Each day brings news of terror warnings at home, terror attacks or other developments abroad and ways the entire world has changed since the international war on terror began. Literally, we can be overwhelmed by the constant bombardment of these frightening updates.

Indeed, since September 11, our Nation has profoundly changed. Homeland security immediately became America’s priority. First responders, military personnel and law enforcement officials have vigilantly defended our homeland against further terrorist attacks. Meanwhile, many Americans want to help shoulder some of the burden in protecting the United States. They may, unfortunately, believe that they can do little more than worry. This resolution intends to increase awareness about how Americans can better prepare themselves and our Nation for terrorist attacks and other emergencies.

Mr. Speaker, this is September, the month in which our Nation was brutally attacked. Consequentially, the Departments of Homeland Security and Education, the American Red Cross and dozens of national organizations have joined together to appropriately designate this month as National Preparedness Month. I join with the distinguished chairman of the House Select Committee on Homeland Security, the gentleman from California (Mr. COX) to support the critical goals of National Preparedness Month.

Mr. Speaker, I thank my colleague, the gentleman from California (Mr. COX) for introducing House Concurrent Resolution 489, and I look forward to his words on the resolution.

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

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

Mr. Speaker, a year after the Department of Homeland Security began its ad campaign to educate the American people on how to prepare for a terrorist attack, a USA Today/CNN/Gallup poll published in March found that most Americans have not heeded the government’s advice by stocking up on food and water, formulating a plan to contact family members and identifying a “safe room.”

This statistic is very troubling, because it demonstrates that the government has not done an adequate job in communicating how important it is to be prepared in the event of an emergency or terrorist attack. Being prepared could mean the difference between life and death.

Establishing a National Preparedness Month will focus the public’s attention on emergency preparedness and help to resolve issues people may have, such as where to go and how to contact family members during an emergency.

As elected officials, we have a responsibility to help protect and to educate our constituents about the threats facing our Nation. H. Con. Res. 489 would help us to do exactly that.

There is no such thing as a perfect plan to protect the American people from an attack, but we can work to make our plan as perfect as possible. While the poll suggests that Americans are not as prepared as we should be, it does serve as a wake-up call.

So I urge my colleagues to take advantage of this opportunity to vote in favor of H. Con. Res. 489 and to help make sure that we are as prepared as a nation as we possibly can be.

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

Mr. OSE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security and the sponsor of House Concurrent Resolution 489.

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

I rise today in support of H. Con. Res. 489, which supports the objectives of National Preparedness Month and commends the Department of Homeland Security for initiating this bold and timely program.

I recently introduced this bill, along with my distinguished colleague, the gentlewoman from California (Ms. HARMAN). Her strong leadership on the Select Committee on Homeland Security on behalf of this measure has contributed significantly to keeping our citizens prepared, informed and protected from the continued threat of terrorism. Since September 11, this Congress has worked hard to improve the security of every town and city across America.

This month, September 2004, more than 80 organizations across the United States in every one of the 56 United States and territories are joining with the Department of Homeland Security to encourage Americans to be prepared in our homes, in our businesses and in our schools.

To secure our communities, to safeguard our neighborhoods and to protect our children.

Every one of us has an important role to play in this effort. We can make emergency communications a priority. We should have emergency kits. We can work with our neighbors to promote public awareness and public preparedness.

As Secretary Ridge has reminded us, national preparedness is not just a 30-day exercise. It is not going to be finished and forgotten. It should be for all of our citizens the renewal of a 365-day, 24-7 effort, a commitment to defeat international terrorism in our own homeland. National preparedness must be a way of life in defense of our home.

The unthinkable happened on September 11, and we are making sure that it never happens again. The Department of Homeland Security is working tirelessly to ensure that our courageous police, firefighters and emergency medical personnel are properly trained and equipped. These first responders must be prepared to respond to terrorist attacks and other emergencies, especially if they involve biological weapons or WMDs.

We have come a long way since 9/11, but as the President tells us time and
again, there is still much more to do to keep America safe. Each and every one of us, as I said, has an important role to play in this effort. By staying informed and active in our communities, we can all help accomplish this.

I commend Secretary Ridge and the Department of Homeland Security for inaugurating National Preparedness Month, which is keeping us all focused on this important goal.

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

Mr. OSE. Mr. Speaker, I urge all Members to support the adoption of House Concurrent Resolution 489, and I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL LONG-TERM CARE RESIDENTS’ RIGHTS WEEK

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution, H. Con. Res. 489.

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

A motion to reconsider was laid on the table.

As we approach that time, I am pleased that the House is considering this resolution.

As the U.S. population grows older, long-term care facilities become increasingly important resources for more American families. These homes provide invaluable services by helping people with the day-to-day care of their elderly loved ones.

Nearly 2 million Americans today live in assisted living homes. These people are not commensurate with the importance of resident of long-term care residents to our everyday lives.

Therefore, it is important that we take the steps necessary to secure the safety, dignity and happiness of our senior citizens.

In 1987, the Federal Nursing Home Reform Act was created as an important first step towards protecting the rights of senior citizens. The act guaranteed seniors the right to self-determination, to be treated with dignity and the right to voice grievances without reprisal. However, much more can be done to educate seniors about their rights.

Creating a National Long-Term Care Residents’ Rights Week is a step in the right direction. One week each year, Americans will be educated about long-term care facilities and the quality of care and the quality of life that our seniors deserve.

Our seniors are a national treasure that should be valued and treated with the utmost respect. There is no question that we are a stronger, safer and more prosperous nation because of the hard work and sacrifice by the generations that have come before us.

We are without doubt in their debt. I support the goals and ideals of National Long Term Care Residents’ Rights Week, and I encourage the President to issue a proclamation that calls upon the people of the United States to observe National Long Term Care Residents’ Rights Week beginning October 3.

We also need to seriously look at what is being done about the pay of individuals who work in nursing homes and especially those at the lower level, as I speak today. I think of my father who is 93 years old and who is probably breathing out his last breath in a facility today, so I have a great deal of concern for those individuals who work in these facilities and who often times are paid wages that are not commensurate with the importance of the work that they do.

I also would like to express appreciation to the gentleman from California (Mr. WAXMAN) for his leadership on this important piece of legislation.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H. Res. 772, a resolution supporting the goals and ideals of National Long-Term Care Residents’ Rights Week and recognizing the importance of residents of long-term care facilities to our everyday lives.

I want to thank Representative TOM DAVIS and Representative DANNY DAVIS for working with me to bring this resolution to the floor in a timely manner. I also want to recognize Representative JOHN McHUGH for joining me in sponsoring this National Long-Term Care Residents’ Rights Week resolution.

Since coming to Congress 30 years ago, one of my top priorities has been improving the health care received by senior citizens and
persons living with disabilities. It is these people whom we honor during National Long-Term Care Residents’ Rights Week, which will begin this year on October 3.

I am especially pleased to be following in the footsteps of the legendary Claude Pepper, who first introduced a resolution in 1981 to designate a Nursing Home Residents Day. As many of you may remember, Claude Pepper was a tireless advocate for the interests of senior citizens and the disabled during his five decades of public service. Since 1980, this commemoration has been broadened to include the interests of persons who live in nursing homes, assisted living facilities, and board and care facilities in the U.S.

A large number of these long-term care residents are members of America’s “Greatest Generation”—those men and women who protected our freedoms in World War II and helped rebuild the world in the post-war years. Our Nation should honor and celebrate these residents, recognize their rich individuality, and reaffirm their rights. These rights include the right to privacy, the right to be treated with dignity; the right to a care plan, the right to voice grievances without fear of reprisal, and the right to vote.

Mr. Speaker, residents of long-term facilities are a vital part of our Nation and they deserve our honor today. I urge the passage of H. Res. 772.

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H. Res. 772, which recognizes the importance of residents of long-term care facilities to the Nation, including senior citizens and individuals living with disabilities. This resolution calls for the week beginning October 3, 2004 to be celebrated as National Long-Term Care Residents’ Rights Week.

We should do all that we can to help senior citizens and individuals living with disabilities maintain their rights and dignity in their daily lives as they strive to participate in the community and make meaningful contributions to our society. Helping them achieve their goals and dreams, and empowering them with the resources they need to lead rewarding lives depend on making sure their rights and benefits are strengthened. The objectives set forth under this resolution are consistent with these laudable goals.

Our nation’s elderly include approximately 1.7 million who are living in 17,000 nursing homes and 1 million living in 46,000 assisted living facilities in the United States. About 160,000 people younger than 65 years of age live in the Nation’s nursing homes. These numbers show the elderly and disabled constitute growing significant segments of our population and that we should recognize their specific needs and challenges and how to best serve their interests. I encourage my colleagues, therefore, to support the goals and ideals of National Long-Term Care Residents’ Rights Week, and I welcome the participation of long-term care advocates as we strive to help those in such facilities lead productive and rewarding lives.

My commitment to our seniors in long-term care facilities and who are cared for by their families is why I introduced “The Elder Justice Act” (H.R. 2490). This bill will elevate problems associated with abuse against seniors to national attention by consolidating existing government functions dealing with the problem in several different federal agencies under a new Elder Justice Office within the Department of Health and Human Services. My legislation will also help States and local agencies combat neglect and exploitation—which is physical, psychological or financial—such as assisting victims and at-risk seniors through “safe havens” and supporting local and state prosecution of abuse perpetrated against the elderly.

Mr. Speaker, we should fulfill our commitment to seniors and disabled Americans. And we must ensure that resolutions like these move forward to demonstrate our obligations to those who need our help. I thank the gentleman from California, Mr. WAXMAN, for introducing this important resolution, and I urge my colleagues to support passage of H. Res. 772.

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

Mr. OSE. Mr. Speaker, I ask that my colleagues support the passage of this important legislation.

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the resolution, H. Res. 772.

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

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS OF THE PRESIDENT SHOULD DESIGNATE SEPTEMBER 11 AS A NATIONAL DAY OF VOLUNTARY SERVICE, CHARITY, AND COMPASSION

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 473) expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion, as amended.

The Clerk read as follows:

Whereas, on that day the immediate and daily events of that day instantly transformed many lives, some through personal loss, and many others through an unfamiliar sense of individual and national vulnerability;

Whereas, on that day the immediate and daily events of that day instantly transformed many lives, some through personal loss, and many others through an unfamiliar sense of individual and national vulnerability;

Therefore, be it the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion in honor of the lives lost on that day and in the spirit of selflessness and unity demonstrated by those who participated in the rescue, recovery, and voluntary service activities that day; and

Whereas the President urges as part of issue a proclamation calling upon the people of the United States to annually observe Patriot Day, September 11, with voluntary acts of service, personal expressions of voluntary service, charity, and compassion toward others.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIES) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

WHEREAS many citizens wish to memorialize September 11 by engaging in personal and individual acts of community service or other giving activities as part of this annual day of recognition and tribute; and

WHEREAS many citizens wish to memorialize September 11 by engaging in personal and individual acts of community service or other giving activities as part of this annual day of recognition and tribute; and

WHEREAS to lose this opportunity to bring people together for such an important end would be a tragedy unto itself: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That:

(1) it is the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion in honor of the lives lost on that day and in the spirit of selflessness and unity demonstrated by those who participated in the rescue, recovery, and voluntary service activities that day; and

WHEREAS to lose this opportunity to bring people together for such an important end would be a tragedy unto itself: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That:

(1) it is the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion in honor of the lives lost on that day and in the spirit of selflessness and unity demonstrated by those who participated in the rescue, recovery, and voluntary service activities that day; and

WHEREAS to lose this opportunity to bring people together for such an important end would be a tragedy unto itself: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That:

(1) it is the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion in honor of the lives lost on that day and in the spirit of selflessness and unity demonstrated by those who participated in the rescue, recovery, and voluntary service activities that day; and

WHEREAS to lose this opportunity to bring people together for such an important end would be a tragedy unto itself: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That:

(1) it is the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion in honor of the lives lost on that day and in the spirit of selflessness and unity demonstrated by those who participated in the rescue, recovery, and voluntary service activities that day; and

WHEREAS to lose this opportunity to bring people together for such an important end would be a tragedy unto itself: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That:

(1) it is the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion in honor of the lives lost on that day and in the spirit of selflessness and unity demonstrated by those who participated in the rescue, recovery, and voluntary service activities that day; and

WHEREAS to lose this opportunity to bring people together for such an important end would be a tragedy unto itself: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That:

(1) it is the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion in honor of the lives lost on that day and in the spirit of selflessness and unity demonstrated by those who participated in the rescue, recovery, and voluntary service activities that day; and

WHEREAS to lose this opportunity to bring people together for such an important end would be a tragedy unto itself: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That:

(1) it is the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion in honor of the lives lost on that day and in the spirit of selflessness and unity demonstrated by those who participated in the rescue, recovery, and voluntary service activities that day; and

WHEREAS to lose this opportunity to bring people together for such an important end would be a tragedy unto itself: Now, therefore, be it
in the past 3 years, this new era can be one of not just security and freedom but compassion and charity as well. I congratulate the gentleman from New York (Mr. King), my distinguished colleague, who will speak in a minute, for having brought forward House Concurrent Resolution 473.

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

Mr. Davis of Illinois. Mr. Speaker, I yield myself such time as I may consume for the gentleman from California (Mr. Davis) to yield me time.

Mr. Speaker, since the tragedy of September 11, volunteerism has experienced a renewed popularity in our country. Government officials, religious leaders, political activists, health professionals and others all have noted the importance of volunteerism and the positive impact it has on families and communities.

It is fitting, therefore, that we designate September 11 as a national day of voluntary service, charity, and compassion.

After September 11, many Americans channeled their fear, anger, sadness, and frustration into volunteerism. Americans joined the military, volunteered with local charities, and contributed to food banks. Our citizens have shown tremendous resolve by using the tragedy of September 11 to help the less fortunate and those in need.

There are many battles won and lost every day in America. These battles are not exclusive to fighting terrorism. There are many ways we can honor those who lost their lives on September 11. We can certainly do it by honoring the legacy of those who died on September 11.

People could donate blood. People could take part in food drives. People could go to distribute food to the poor and to the needy. They can go to veterans hospitals. They could work with senior citizens and help Alzheimer’s patients. They could find a way to show a sense of giving which so prevailed in our country after September 11.

There are many ways we can honor the legacy of those who died on September 11. We can certainly do it by honoring the sense of unity that we had in those days immediately following September 11. When people donated blood, when people raised funds, when people actually went to the site of the World Trade Center to assist the rescue workers who were there. It was just a tremendous sense of national unity.

What I have attempted to do with this resolution is to have the President establish a day which would commemorate September 11. It would bring people to give of themselves. This is not going to be a holiday. We are not talking about giving people time off. We are asking people to go back to that sense of giving and donate their time and their money.

People could donate blood. People could take part in food drives. People could go to distribute food to the poor and to the needy. They can go to veterans hospitals. They could work with senior citizens and help Alzheimer’s patients. They could find a way to show a sense of giving which so prevailed in our country after September 11.

There are many ways we can honor the legacy of those who died on September 11. We can certainly do it by honoring the sense of unity that we had in those days immediately following September 11. When people donated blood, when people raised funds, when people actually went to the site of the World Trade Center to assist the rescue workers who were there. It was just a tremendous sense of national unity.

What I have attempted to do with this resolution is to have the President establish a day which would commemorate September 11. It would bring people to give of themselves. This is not going to be a holiday. We are not talking about giving people time off. We are asking people to go back to that sense of giving and donate their time and their money.

People could donate blood. People could take part in food drives. People could go to distribute food to the poor and to the needy. They can go to veterans hospitals. They could work with senior citizens and help Alzheimer’s patients. They could find a way to show a sense of giving which so prevailed in our country after September 11.

There are many ways we can honor the legacy of those who died on September 11. We can certainly do it by honoring the sense of unity that we had in those days immediately following September 11. When people donated blood, when people raised funds, when people actually went to the site of the World Trade Center to assist the rescue workers who were there. It was just a tremendous sense of national unity.

What I have attempted to do with this resolution is to have the President establish a day which would commemorate September 11. It would bring people to give of themselves. This is not going to be a holiday. We are not talking about giving people time off. We are asking people to go back to that sense of giving and donate their time and their money.

People could donate blood. People could take part in food drives. People could go to distribute food to the poor and to the needy. They can go to veterans hospitals. They could work with senior citizens and help Alzheimer’s patients. They could find a way to show a sense of giving which so prevailed in our country after September 11. For many on the front lines at Ground Zero in particular, 9/11 can never be a distant memory. This would help the less fortunate and those in need.

By working together on a day dedicated to volunteerism, we Americans can create the next defining moment in our history, one marked by generosity, understanding, and compassion. I urge the President to designate officially September 11 as a day of service through which the American people can continue this movement of good will towards others.

Mr. Speaker, I urge unanimous passage of this resolution.

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

Mr. Ose. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Davis), the sponsor of this resolution.

Mr. King of New York. Mr. Speaker, I thank the gentleman from California (Mr. Ose) for yielding me time.

Mr. Speaker, I rise in support of H. Con. Res. 473, and the concurrent resolution, as amended, that I urge the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 473, as amended.

The title of the concurrent resolution was amended so as to read: “A concurrent resolution expressing the sense of Congress that it is appropriate to honor President Roosevelt’s birthday by designating September 11, with voluntary acts of service and compassion.”

A motion to reconsider was laid on the table.
EVA HOLTZMAN POST OFFICE

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5039) 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”.

The Clerk reads as follows:

H.R. 5039

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

SECTION 1. EVA HOLTZMAN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, shall be known and designated as the “Eva Holtzman Post Office”.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5039.

The SPEAKER pro tempore. The request is granted.

The SPEAKER pro tempore. The gentleman from California (Mr. OSE) has been given unanimous consent to take the time of the gentleman from Texas (Mr. DOGGETT), the gentleman from North Carolina (Mr. BUTTERFIELD), the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. WAXMAN), the ranking member, and Denise Wilson, along with the entire staff from the Committee on Government Reform, for moving so quickly in seeing the value of this legislation.

Mr. Speaker, we are here today to honor a great woman, a great community leader and a great American who helped so many people throughout my home State of North Carolina.

Today, Mr. Speaker, we show our appreciation for an extraordinary woman, Eva Holtzman. Ms. Holtzman was the postmaster of a brand new post office in Ridgeway, North Carolina, in her honor. Affectionately called “Ms. Eva” by all who knew her, she loved the town of Ridgeway with all of her heart. She called Ridgeway her home. She lived and worked there her entire life. She reared four children and ultimately was laid to rest in that community.

Ms. Eva was born in 1918 and educated in Warren County public schools, graduating with honors from Norlina High School in rural North Carolina.

Ms. Holtzman was a strong force in the 4-H association, starting a chapter out of her home that eventually had to move to a local church because of its popularity. Her 56-year tenure with 4-H and teaching Sunday school at St. Paul’s Lutheran Church did not go unnoticed when in the year 2000 she was presented with the Jefferson Award for her outstanding and selfless volunteerism by then-Governor Jim Hunt.

Mr. Speaker, Ms. Holtzman was also a dedicated public servant. She worked at the post office for 50 years, 38 of those years as its postmaster. When the Ridgeway Post Office was closed in the early 1960s, Ms. Holtzman refused to let the town live without a post office and built a new one on her own.

Sadly, Eva passed away 3 years ago, leaving behind her beloved post office that she worked so hard to preserve.

As one of her Sunday school students who is now an adult, said, “Everything I learned, I learned because of Ms. Eva.” And when asked why she tirelessly dedicated her life to the citizens of North Carolina, she always said, “It’s just wonderful to be able to do things for others. I just enjoy people.”

Mr. Speaker, while Ms. Eva Holtzman is deserving of far greater accolades, I am sure they will come in time, but it is my great pleasure to offer this legislation on her behalf. I strongly urge this body to pass this bill.

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5039) 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”.

The SPEAKER pro tempore (Mr. LINDBERG). Is there objection to the request of the gentleman from Texas (Mr. DOGGETT)?

There was no objection.

Mr. DOGGETT. Mr. Speaker, I yield back the balance of our time.
Mr. OSE. Mr. Speaker, I ask our colleagues to vote in favor of this resolution, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that we suspend the rules and pass the bill, H.R. 5039. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed. A motion to reconsider was laid on the table.

UNITED STATES POSTAL SERVICE
HENRY JOHNSON ANNEX

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 480) to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the “United States Postal Service Henry Johnson Annex.”

The Clerk read as follows:

H.R. 480

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

SECTION 1. UNITED STATES POSTAL SERVICE
HENRY JOHNSON ANNEX.

(a) REDENOMINATION.—The facility of the United States Postal Service located at 747 Broadway in Albany, New York, and known as the United States Postal Service Carrier Annex, shall be known and designated as the “United States Postal Service Henry Johnson Annex.”

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the United States Postal Service Henry Johnson Annex.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from New York (Mr. MCNULTY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 480, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 480, introduced by the gentleman from New York (Mr. McNULTY), redesignates the Albany postal facility as the Henry Johnson Annex. This legislation honors Sergeant Henry Johnson, a hero of World War I and a native of Albany.

Sergeant Johnson was a member of the Army’s all-black 369th Infantry Regiment, but because black soldiers were unable to fight in American combat units overseas, Sergeant Johnson actually fought on the allied side under the French flag during World War I. For his incredible valor and skill in combat, Sergeant Johnson posthumously earned a Purple Heart, a Distinguished Service Cross and even the greatest French military honor, the Croix de Guerre.

Mr. Speaker, one byproduct of the war on terror has been a renewed and sincere national appreciation for the sacrifices of the men and women in the Armed Forces. This bill, H.R. 480, gives this Congress a chance to publicly acknowledge Sergeant Johnson, a true patriot of America’s past. Sergeant Johnson was a terrific hero of World War I, about whom Americans should never forget.

I am hopeful that this postal facility will soon wear the name of Sergeant Henry Johnson, and I urge the other colleagues to vote in favor.

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

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

Mr. Speaker, I thank our colleague, the gentleman from New York (Mr. McNULTY), for introducing this legislation which was unanimously reported by the Committee on Government Reform on September 15. It enjoys the full support of the entire New York delegation.

Sergeant Henry Johnson, an Albany native, served in the U.S. Army from June 1917 until February 1919. As an African American, he was unable to fight at that time in an American combat unit, and therefore, he became part of what was known as the “Harlem Hell Fighters,” who fought in Europe under the French flag with great courage and distinction.

While on duty, he single-handedly fought off a German raider party of more than 20 troops, and despite numerous wounds, he rescued a fellow soldier from capture and killed several enemy soldiers. As a result of his heroism, as our colleague has indicated, he received numerous medals.

When he returned from Europe to a segregated America, he experienced great difficulty and died unrecognized by his own country in 1929. I truly believe that it is never too late to reward a person for service to their country, and for that reason, I am pleased to join with the gentleman from New York (Mr. McNULTY) and our other colleagues to redesignate the postal facility in Albany after Henry Johnson.

I urge swift passage of this legislation.

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

Mr. DOGGETT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. McNULTY), the author of this legislation.

Mr. McNULTY. Mr. Speaker, I thank my colleague for yielding.

On behalf of the gentleman from New York (Mr. RANGEI), the gentleman from New York (Mr. SWEEENEY) and all of the New York delegation, I am proud to support H.R. 480 which designates the U.S. postal service facility at 747 Broadway in Albany, New York, as the Henry Johnson Annex.

Henry Johnson was a native of Albany, served in World War I, and was an African American who joined the all-black New York National Guard unit, the 369th Infantry Regiment, based in Harlem.

Mr. Speaker, about 400,000 black soldiers served in the Armed Forces at that time. Half were sent overseas, and many were stationed in France. They were not allowed to serve with white soldiers. They were not allowed to fight with American combat units. But the members of the 369th soon proved themselves. They became known as the “Harlem Hell Fighters,” and that was not a name they took for themselves. That was a name given to them by their enemies.

No one personified the bravery of the 369th more than Henry Johnson. On guard duty on May 14, 1918, then-Private Johnson came under attack by a German raider party of two dozen. Despite sustaining 21 wounds, he single-handedly fought off the Germans and rescued one of his buddies . . . with only a rifle and his bare hands. He became the first American of any color—in any conflict—to receive the Croix de Guerre, France’s highest military decoration.

His exploits got newspaper coverage in America and throughout Europe. He was featured in Teddy Roosevelt’s book, “The Rough Riders,” about the U.S. troops who fought in the Spanish-American War. The Army used Johnson’s name and likeness to advertise for war bonds and to recruit minorities into service.

Yet, at that time, despite all he had done, Johnson received no official recognition from his government. None. That recognition came much later.

After the war, Henry Johnson returned to upstate New York and worked on the railroad. He later died penniless on the streets of Albany, New York.

Since integration of the military in 1950, some African American service men and women have been recognized for their gallant service. Recognition of African Americans prior to integration, alarmingly neglected for so many years, had finally begun.

It was not until 1997, Mr. Speaker, that Henry Johnson was posthumously awarded the Purple Heart. I was proud to be there for that ceremony. In 2002, his grave was found in Arlington National Cemetery, not in the pauper’s cemetery outside of Albany where he was believed to be buried. In 2003, at the Pentagon, in an official service, Herman Johnson, the son of Henry Johnson, a distinguished veteran himself, accepted the Distinguished Service Cross, the Army’s number two award, for his Dad.

In 2003, Mr. Speaker, Henry Johnson did all of these things in 1918, and it took until 2003 to award him the Distinguished Service Cross. Many of us
are still disappointed that despite all of the documentation we have given to the Pentagon that he has not received the award that he truly deserves, which is the Congressional Medal of Honor.

Mr. Speaker, today, I want to give public thanks to John Howe, the historian of Albany’s 369th Veterans Association and all of his colleagues who have worked for years and years to get these recognitions for Henry Johnson. I want to thank the gentleman from New York (Mr. RANGEL) and the gentleman from New York (Mr. SWEENEY), both of whom have taken leadership positions in making sure that we correct these injustices of the past, along with Senators CLINTON and SCHUMER who have been stalwart supporters of the effort to award the Congressional Medal of Honor to Henry Johnson.

Mr. Speaker, the cause endures. I thank all of my colleagues today for supporting this bill, but believe me, Mr. Speaker, based on the record, we should be doing a lot more than naming a post office building after Henry Johnson. We have worked hard through the years. We got the Purple Heart and we got the Distinguished Service Cross. We now are the final step and obtain the Congressional Medal of Honor for Henry Johnson.

I thank all the members of our New York delegation, and the many others in the Congress and across this country for staying with us in this battle through the years. In the end, Mr. Speaker, justice shall prevail.

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

Mr. Speaker, I would just ask that our colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. DOGGETT).

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks and in the General Leave.

The Chair recognizes the gentleman from California (Mr. OSE).

MR. OSE. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks and in the General Leave.

The Chair recognizes the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks and in the General Leave.

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks and in the General Leave.

The Chair recognizes the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks and in the General Leave.

Mr. Speaker, I reserve the balance of my time.
Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am here today to honor a survivor, a role model, a real-life American hero and, yes, a proud citizen of the capital city of the Lone Star State of Texas.

The name Lance Armstrong simultaneously strikes fear in the hearts of competitors, hope in the hearts of cancer victims, inspiration for survivors around the world and pride in the hearts of Americans everywhere.

After winning his sixth consecutive Tour de France, the most of any cyclist in the history of this event, we have special reason to celebrate today with this resolution. For the more than 10 million Americans living with cancer, as survivors, Lance Armstrong is a true champion in a very personal and particularly meaningful way.

I believe that we are defined not by our setbacks but by our relentless determination to overcome them. The drive and determination that Lance Armstrong offers particular evidence of the importance of that approach. I remember watching in awe as Lance crossed the finish line after winning the first Tour de France, overcoming a grueling battle with cancer and a grueling battle with France. I was not alone in coming with not just the importance of that moment but with the importance of everything that Lance had accomplished in getting to that point.

While his accomplishments on his bike stand in history, his work as a public health champion right here in the United States Capital, in Austin and throughout the country have assured him a place in the hearts of many who battle cancer and the families and friends who love them. To meet the challenge, to strive to succeed whether in the Tour de France or the fight against cancer, Lance’s work shows us the power of personal perseverance.

After an early career, Lance was stricken with a carcinoma, a life-threatening advanced form of testicular cancer that spread to his lungs and brain. While his own recuperation was still not finished, he began to worry about the impact of the disease on others. The drive and determination that the world got to see on display during the Tour de France was evident to cancer patients and survivors before he wore the yellow jersey on the streets of Paris.

That spirit led him to create the Lance Armstrong Foundation, an organization that has raised millions for cancer research, diagnosis, treatment and after-treatment services. Sales of the group’s distinctive yellow wristbands, wristbands that I have seen around the country, with Lance’s motto, “Live Strong,” can be seen as evidence of the support not only for Lance but for all of those who battle cancer.

Not satisfied with being the best cyclist to beat cancer, Lance set out with the goal of being the best cyclist, period. Five years later, he has shown the world again and again, again and again, that determination, character and perseverance accomplish just that. His accomplishments remind us that for more people there should be life after cancer, and it should be meaningful.

This proud Texan and cancer survivor, public health advocate, Olympian and, now, six time Tour de France champion has captured the imagination and hearts of not only his homestate of Texas, our Nation and the world. I believe it is fair to say that nowhere is the enthusiasm greater than in Austin, where you see yellow bikes everywhere. You see yellow jerseys. You see yellow signs, and that yellow, when it comes to the Tour de France, is a sign of the courage of Lance Armstrong with this historic victory.

Nothing has been more fun for me, Mr. Speaker, in the last few months, than riding the 16 games into 3 a week, a game a day. I do not think anyone can imagine the enormous output of energy required by the laying down of milk or a recreational ride. We can do much more with cycling and to honor Lance by continuing to promote cycling as a wise transportation alternative. We must stay committed to transportation enhancement funding that will allow us to do that and ensure that we have many more people who aspire to the athletic ability of Lance Armstrong but also that, for all the rest of us, there are cycling alternatives as well.

We have gained inspiration from his work, from the work of the Lance Armstrong Foundation, and I am honored to author this resolution that reflects the House of Representatives’ recognition of Armstrong’s many accomplishments, both on and off the bike.

Mr. DOGGETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I rise to join in commending Lance Armstrong on his 6th consecutive victory in the Tour de France. I know that the gentleman from Nebraska (Mr. OSBORNE) recognizes the extraordinary accomplishment that winning the Tour de France represents. This is the world’s greatest athletic endurance contest. No comparison. It would be like compressing the National Football League’s 16 games into 3 a week, a day. We think there are any who could sustain the enormous output of energy required by even the least of the 192 riders who begin each year’s Tour de France.

To win a stage is a great accomplishment. To win the tour is extraordinary. Only five have won five tours. Only two have won five tours consecutively. And only one has won the Tour de France six times consecutively, and that is our America’s Lance Armstrong.

13 million over 13 million dollars this year watched in person the Tour de France. It is the greatest citizens sporting event. No one pays to be on the sidelines, to be in attendance at the Tour de France. There are no tickets. There is no reserved seating. There is no special place. There is no charge. And yet a million people watched the time trial on Alpe d’Huez in which the riders in 9½ miles climb 5,000 feet with 21 switchbacks in a race against the clock and which is in itself probably the most challenging reports event in the history of athletics.

Lance Armstrong, after already riding over 2,000 miles, came within 1...
second of the all-time record time trial climb on Alpe d’Huez, but that was enough to put him in the record books as a cancer survivor, his quick recovery while his struggle in terms of recovering in a battle against cancer to become perhaps the preeminent athlete in the world.

Finally, the point I would make is that Lance Armstrong helps us put a human face on the mode of transportation by cycling. It is not just the most efficient mode of urban transportation ever developed, it is something that is making a difference in the lives and livelihood of people around the country. It is a $6 billion industry. Over 33 million Americans rode their bikes last month, and about half a million get to work every day commuting by bicycle.

Lance by no means least, at a time when we are deeply concerned about an epidemic of childhood obesity, cycling is a simple, common-sense way for young people to become physically fit, while they help protect our environment and learn lifelong health skills.

Mr. DOGGETT. Mr. Speaker, I re-serve the balance of my time.

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

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

Mr. OSE. Mr. Speaker, I yield myself the balance of my time, and I urge Members to support this legislation. Lance Armstrong is a true American hero, and he has proved it not only with his initial victory but five times over.

I urge passage of this legislation.

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

The SPEAKER pro tempore (Mr. LIN-DRN). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the resolution, H. Res. 761.

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

A motion to reconsider was laid on the table.

RECOGNIZING OUTSTANDING EFFORTS OF INDIVIDUALS AND COMMUNITIES WHO VOLUNTEERED OR DONATED ITEMS TO NORTH PLATTE CANTEEN DURING WORLD WAR II.

Mr. FRANKS of Arizona. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 161) recognizing the outstanding efforts of the individuals and communities who volunteered or donated items to the North Platte Canteen during World War II from December 25, 1941, to April 1, 1946, as amended.

The Clerk read as follows:

H. CON. RES. 161

Whereas the beginning of World War II residents of North Platte, Nebraska, received information that members of the Nebraska National Guard from the North Platte area would be traveling through the community of North Platte on a troop train on route to the west coast.

Whereas residents of the North Platte community met the troop train on December 17, 1941, with food and other items for the troops when they arrived at the Union Pacific train station.

Whereas although the troop train carried young men from Kansas instead of members of the Nebraska National Guard, the residents of North Platte presented the young men from Kansas with the food and other items that were donated:

Whereas Rae Wilson, of North Platte, proposed establishing the North Platte Canteen to the North Platte community so residents would greet every troop train that traveled through North Platte and provide the military troops with comforts from home on their way to serve their country during World War II.

Whereas on December 25, 1941, the North Platte Canteen began serving food and other items to the United States military troops traveling across the United States to either the east or west coast before being shipped overseas.

Whereas during World War II, the North Platte Canteen provided food to between 3,000 and 5,000, and up to a maximum of 8,000, uniformed personnel on a daily basis for an approximate total of 6,000,000 personnel from every corner of the Nation.

Whereas individuals from 125 communities in Nebraska, Colorado, and Kansas donated food and money to the North Platte Canteen over its period of operation of approximately 5 years:

Whereas the North Platte Canteen operated strictly with volunteers from local communities, organizations, churches, schools, and other groups and received no Federal assistance for its operation;

Whereas the North Platte Canteen received $337,000 in cash contributions from benefit dances, scrap-metal drives, school victory clubs, donation cans in local businesses, and other groups and individuals who traveled through the Canteen to help maintain the Canteen’s operations over its period of operation.

Whereas the North Platte Canteen during one month alone served over 40,000 homemade cookies, 30,000 hard-boiled eggs, nearly 7,000 cup, loaf, and birthday cakes, and over 2,800 pounds of sandwich meat to serve to uniformed personnel;

Whereas a typical daily meal list may include 175 loaves of bread, 46 pounds of meat, 15 pounds of cheese, 2 quarts of peanut butter, 45 pounds of coffee, 40 quarts of cream, and 500 half-pint bottles of milk;

Whereas the greatest contribution of the North Platte Canteen to the war effort was as a morale booster and a reminder to servicemen of the American values and ideals for which they were fighting; and

Whereas the North Platte Canteen was honored and recognized by the United States military with the War Department’s Meritorious Wartime Service Award; Now, therefore, be it—

Resolved by the House of Representatives (the Senate concurring), That the Congress:

1. recognizes the outstanding efforts of the individuals and communities involved with the North Platte Canteen that served the needs of 6,000,000 military personnel, who traveled through North Platte, Nebraska, on troop trains from December 25, 1941, to April 1, 1946, during World War II; and

2. requests that the President issue a proclamation recognizing the gallant efforts of those who made enormous sacrifices to make the North Platte Canteen a success during World War II.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FRANKS) and the gentleman from California (Ms. DAVIS) each will control 20 minutes.

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

Mr. FRANKS of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration, H. Con. Res. 161.

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

There was no objection.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself the balance of my time as I may consume, and I stand today in support of House Concurrent Resolution 161, sponsored by my good friend and colleague, the gentleman from Nebraska (Mr. OSBORNE). This very appropriate resolution recognizes the true American spirit demonstrated by the people of North Platte, Nebraska, during the Second World War. It is the spirit of unwavering dedication to a cause and noble sacrifice for our troops. This is the American spirit that won the Second World War, Mr. Speaker.

The actions of these Americans to build a community center, a canteen, if you will, for our troops, at their own expense and not at the U.S. Government’s expense exemplifies the generous heart and patriotic resolve of the people of the Great Plains. Their past devotion to our men in uniform is unforgettable, and it is only fitting that when our country is now at war with terrorism that we recognize the efforts of those on the homefront in our history.

I commend the gentleman from Nebraska (Mr. OSBORNE) for his fine work.
with this legislation. Today, we in the United States Congress are honored to express our sincere gratitude to the people of North Platte, Nebraska, and our great friend, the gentleman from Nebraska, and to join him in this fine resolution.

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

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of House Concurrent Resolution 161 introduced by the gentleman from Nebraska (Mr. OSBORNE).

I am very pleased to be here today with my colleague on the House Committee on Armed Services, the gentleman from Arizona (Mr. FRANKS), to recognize the wonderful efforts of the citizens of North Platte, Nebraska, for their support of the troops during World War II.

Mr. Speaker, as I have learned about this, I am amazed to find out how hard the people of North Platte worked to find out about the brave young men that were heading off to battle. Their compassion and the generosity displayed by these fine citizens should be commended as a shining example of kindness for future generations of Americans.

As World War II reached its peak, the canteen was serving 3,000 to 5,000 service members each day. The daily shopping list included 160 to 175 loaves of bread, 100 pounds of meat, 15 pounds of cheese, 25 pounds of butter, 45 pounds of coffee, 40 quarts of cream, 500 half-pints of milk and 33 dozen rolls, along with 18 to 20 birthday cakes given to those celebrating their birthdays.

>This may not sound like much today, but it is truly amazing since many of these individuals and families were donating all of these items while food and other goods were being rationed across the country.

Another thing that struck me was how the North Platte Canteen came into existence. On December 17 of 1941, rumors abounded throughout the town that a train carrying members of the Nebraska National Guard was to arrive. The train did, carrying hundreds of soldiers; but they were not from Nebraska. The troops traveling that day through North Platte were from Kansas. This did not stop hundreds of local citizens from North Platte from greeting the soldiers from out of state and from expressing their deep gratitude.

Of course, North Platte resident Miss Rae Wilson suggested that the town establish a canteen to welcome all the troops traveling through the city so that those heading off to war could have a taste of home on their long journey. The 12,000 citizens of North Platte agreed, and over time clubs and organizations began to contribute voluntarily the good, and pretty soon everyone got together to support the canteen. There were benefit movies and dances, scrap metal drives, and other donations. All contributed to the effort. In all, men, women, and children from over 125 communities, some as far as Colorado and Kansas, worked together to care for the troops during these quick 10-minute train stops.

When the Deserters' Service Men's Canteen in the Union Pacific Railroad Station in North Platte closed on April 1, 1946, almost 55,000 volunteers from 125 communities had served 6 million servicemen and -women.

While other canteens existed across the country during World War II, North Platt's canteen may have been the most famous. We no longer have canteens across the country to support our troops, but American citizens still continue the spirit of charity through their support of USO centers and other organizations around the world.

I urge my fellow Americans to follow in the footsteps of these patriotic citizens and continue their efforts to support our brave servicemembers today.

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

Mr. FRANKS of Arizona. Madam Speaker, I yield 5 minutes to the gentleman from Nebraska (Mr. OSBORNE), the sponsor of this resolution.

As was mentioned, on December 25, 1941, it was rumored that there would be a troop train coming through North Platte, Nebraska and would have a number of North Platte area troops on it. So it being Christmas Day, a great number of residents of the community decided that they ought to go down and meet the train and provide some food and show them they were appreciated on Christmas Day. It turned out that the troops were from Nebraska, as was mentioned earlier, but rather from Kansas. So I guess the citizens of North Platte were a little bit disappointed. But at the same time, they saw the appreciation and they saw the need for this. So Rae Wilson asked the citizens of North Platte to do this for all troop trains.

Many people are not familiar with the geography of Nebraska, but North Platte is a major railroad center. And at the time, most of the trains coming from the East Coast to the West Coast went through North Platte, Nebraska. So this was a massive undertaking.

And from that day, December 25, 1941, through April 1, 1946, a span of about 5 years, the members of North Platte and surrounding communities met every troop train that went through there, and that averaged sometimes as many as 23 trains a day; and this went on day and night. So sometimes the troop train arrived at 3 or 4 o'clock in the morning and yet there were people there to meet them.

As was mentioned earlier, about 55,000 volunteers served in this effort, and this is somewhat notable in that North Platte itself had a population of 12,000. This is a sparsely populated area. So probably the whole population within 100 miles of North Platte did not much exceed the 55,000. So people from northern Kansas, from Colorado, from New Mexico, were involved in this rather massive effort over the time.

It was mentioned what the daily amount of food dispensed was, and I thought I would point out a little bit of what I gave the Members a monthly total. This was documented at one time. It is estimated that each month troops consumed 40,000 cookies, 30,000 hard-boiled eggs, 6,500 doughnuts, 4,000 loaves of bread, 3,000 pounds of meat, 450 pounds of butter, 1,300 pounds of coffee, 1,200 quarts of ice cream, and so on. And as was mentioned earlier, again, this was done during a time of rationing.

Unfortunately, or fortunately, I am old enough to remember that time. And at that time I think the speed limit was 45 miles an hour to conserve gasoline. One could only get so many gallons of gasoline per week. They could not buy an automobile. Butter was rationed. Meat was rationed. So these people were really donating items from their own families’ allotment and using their own gasoline to do this because there was not one dime of Federal money that was involved in this effort. So it was rather interesting.

The other thing that was done in this particular effort was that at that time there were no pay phones around; so if a soldier wanted some family member called, these people would take down the number and they would call the family and say, We met so and so, he is fine, or mail letters and so on. So these things were all very important to the service members.

I wanted to introduce this resolution for two reasons: number one, as we know, many of the veterans of World War II are not going to be with us much longer; and also those who served at the North Platte Canteen, many of them have passed on and a few of them are still left, and they are not going to be with us much longer either. So we wanted to recognize them while there was still time. And this has been certainly memorialized in a book that has been written, a television documentary that was done as well.

And then the second reason was I wanted to simply point out what unity of purpose can accomplish. Right now we are locked in a struggle, and the question is, How unified are we? What direction are we going as a country? And at that time in 1941, December 25, we were certainly not a military power. We certainly were not anywhere near what the Soviet Union at that time would be. Germany and Japan were militarily. And yet within about a year and a half, we became the strongest military in the world; and within 4
Mr. TERRY. Madam Speaker, I thank the gentlewoman for yielding me this time.

I too rise in support of H. Con. Res. 161 and salute the people and the communities that volunteered and donated to North Platte Canteen. I can remember our own canteen in my hometown of Chisholm, Minnesota, in World War II when I was just a youngster.

Mr. FRANKS of Arizona. Madam Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OBERSTAR), co-sponsor of the resolution.

Mr. TERRY asked and was given permission to revise and extend his remarks.

Mr. TERRY. Madam Speaker, I want to compliment the gentleman from Nebraska (Mr. OSBORNE) for introducing this. He represents the North Platte area.

This is such a magnificent piece of our Nebraska history, and it really represents the comradery and spirit of America here. The gentleman from Nebraska (Mr. OSBORNE) had mentioned that even in a town of 12,000 that over the period of the months of this canteen, there were several hundred volunteers who came to help the servicemen and provide them services at this canteen in North Platte.

And this canteen needed all of the support that it could get.

And word spread, literally spread, around the community and all of Nebraska; 125 communities came together to join in this effort. And due to fuel rationing, volunteers often carpooled from nearby communities to North Platte. Cities throughout Nebraska gave, through donations, time, money, supplies, food, meat. And it is really an incredible example of what it means to be an American at that time. The entire community gathered together to support and comfort these troops. Men, women, children all gave their time, money, efforts. Though it may not have been well known throughout the rest of the world, the memory of the North Platte Canteen still glows in the hearts of Nebraskans. In fact, my own press secretary’s mother talks proudly of peeling potatoes as a young child to help her older sisters at the canteen.

On this Memorial Day, let us all remember the sacrifices of those who served our country in every conflict.

Mr. OSBORNE. Madam Speaker, I yield to the gentleman from Nebraska (Mr. OSBORNE) and look forward to hearing from him.

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

As the Gentleman has mentioned, North Platte’s North Platte Canteen still glows in the whole nation’s memory, but really exemplifies the story it represents, the spirit it tells about America.

On this Memorial Day, let us all remember the sacrifices of those who served our country in every conflict.

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

Mr. TERRY. Madam Speaker, I want to thank the gentleman from Nebraska (Mr. OSBORNE) for introducing this. He represents the North Platte area. This is such a magnificent piece of our Nebraska history, and it really represents the comradery and spirit of America here. The gentleman from Nebraska (Mr. OSBORNE) had mentioned that even in a town of 12,000 that over the period of the months of this canteen, there were several hundred volunteers who came to help the servicemen and provide them services at this canteen in North Platte. And this canteen needed all of the support that it could get.

And word spread, literally spread, around the community and all of Nebraska; 125 communities came together to join in this effort. And due to fuel rationing, volunteers often carpooled from nearby communities to North Platte. Cities throughout Nebraska gave, through donations, time, money, supplies, food, meat. And it is really an incredible example of what it means to be an American at that time. The entire community gathered together to support and comfort these troops. Men, women, children all gave their time, money, efforts. Though it may not have been well known throughout the rest of the world, the memory of the North Platte Canteen still glows in the hearts of Nebraskans. In fact, my own press secretary’s mother talks proudly of peeling potatoes as a young child to help her older sisters at the canteen.

So I am here to lend my support for not only this resolution, but for the epitome that it represents, the story it tells about America.

Sometime, particularly during football season, it is unusual for any Kansas town to be here speaking about something good happening in Nebraska, but it is this gentleman from Nebraska (Mr. OSBORNE) tells about an historic event that is still part of people’s lives of Nebraska and how it affected Kansas. In fact, it affected many soldiers across the country who made the trek across Nebraska on the train and stopped in North Platte at the canteen. In fact, the first soldiers that were cared for at the canteen were from my State of Kansas.

The gentleman from Nebraska (Mr. OSBORNE) explained to me one day 4 or 5 months ago, and as he was talking about the sacrifice that those Nebraskans made, those individual farmers, those families, those young men and women, those kids, to try to make a difference in the lives of soldiers who were facing an uncertain future, I could just sense the emotion that the gentleman had for the sacrifice that was made. In fact, it seems to me that tears kind of welled up in the eyes of the gentleman from Nebraska (Mr. OSBORNE).

Again, I think those of us who come from middle America recognize the kind of people that we have the honor to represent, recognize the people who make up the history and tradition of our States and what a difference they make, how much they care.

I am here to join the gentleman from Nebraska in honoring something that happened that was great about middle America, but really exemplifies not only middle America, but all of America, and, most importantly, exemplifies what still goes on in our country today, the concern for our soldiers, sailors, airmen and Marines.

Once again, as our country is calling our men and women in active duty to service in the war on terror, it is an appropriate time for us to recognize those sacrifices and call upon all Americans to serve and sacrifice for the soldiers and families who serve our country so nobly today.
Force Spouses Together and Ready volunteers (STARs), and Marine Key Volunteers (KVs);

Whereas military unit family support volunteers, as Key Volunteers, serve as liaisons between military commands and families, often serving as information conduits between the two groups;

Whereas military unit family support volunteers also connect with military families and local military installations, often leveraging donations and resources to the advantage of the military families;

Whereas military unit family support volunteers provide their services on a voluntary basis, with little public recognition and no financial assistance, and often contribute their own resources to help other military families; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes and honors the military unit family support volunteers of each branch of the Armed Forces who devote their time, talent, and energy in service to the United States and commends military unit family support volunteers for their dedicated contributions to the success of our military operations and the quality of life of members of the Armed Forces and their families.

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

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 486.

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

There was no objection.

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

Madam Speaker, I rise today in support of House Concurrent Resolution 486. This resolution recognizes and honors the service and sacrifice of our military unit family support volunteers, who provide such dedicated support to the members of our Armed Forces and their families.

We are all aware of the tremendous sacrifices our service members make in the defense of the United States. Since September 11, 2001, our 1.4 million active duty service members and 875,000 citizen soldiers, the National Guardsmen and Reservists, have served our nation honorably in the war on terrorism. Many have served in extremely dangerous conditions in Afghanistan and Iraq. Their bravery and sacrifice are an honor to our Nation.

But we must not forget the sacrifices of those whom they have left behind at home. As the poet John Milton said, “Those also serve who only stand and wait.”

The months of separation that military families endure can be filled with anxiety, loneliness and hardship. Life for American military spouses and their families while their loved ones serve overseas. There are doctors appointments, anniversaries, home repairs, holidays, financial problems, graduation, car troubles, birthdays, and in some cases, births. All those joys and trials of life that are shared by a family can become somber days and monumental tasks when one’s partner or parent is missing.

In my congressional district, I am honored by the opportunity to work with many Navy ombudsman and Marine Key Volunteers, or KVs, as they are called. That is why I introduced House Concurrent Resolution 486, because I am constantly amazed by the stories they share with me.

I met one Marine spouse who was facing incredibly difficult circumstances after her husband was deployed to Iraq in June, leaving her with the responsibility of caring for her two sons on her own. In addition to the stress involved with caring for her family, she must also deal with the anxiety that comes when you know your loved one is in harm’s way.

Her husband is fighting the insurgency in some of the most dangerous areas of Iraq. In the notes he writes to her, he describes what it is like to be on the front lines and what it is like to come under fire from insurgents.

Fortunately, this brave young woman was assigned a Key Volunteer who cares deeply and who can relate to her, her KV speaks to her every day to provide comfort and guidance and to offer any other help that she can provide.

Just before the war in Iraq got under way, I heard from a Navy spouse who was 4 months pregnant and her husband was deployed for a 6-month tour. She was new to San Diego and had no family and few friends in the area. She would have to face the remainder of her pregnancy without her husband being there and give birth without him by her side.

However, she was assigned a Navy ombudsman, who went to great lengths to help her. The ombudsman contacted her several times to provide moral support and to offer assistance. She also made herself available 24 hours a day in case this young woman needed medical treatment, guidance or just a friend.

In every unit of our great military, groups of these volunteers gather to help support each other when their husbands and their wives deploy. This powerful network of volunteers that makes up the family support group starts out as a collection of spouses who are thrown together by circumstance and grows into a network of friends and extended family.

This family comes together to shoulder the burden and to share the joys for those coping with the absence of their loved ones.

No one can understand the anxiety and the hardship that deployment brings better than these family support group volunteers, because they too have experienced these hardships. In
many cases, family support volunteers are in the same position as those they seek to help. Their spouses are also deployed into harm’s way, and I know that many of them have gotten involved as ombudsman persons because of some of the trauma that they experienced.

Madam Speaker, I cannot tell my colleagues how deeply honored I am today for the opportunity to recognize American family support volunteers. These brave men and women give selflessly of themselves for no pay and no recognition, and they often contribute their own resources to those in need. They do it for their loved ones. They do it for their community, and they do it for their nation.

Our service members need these dedicated volunteers to help keep the home fires burning so that they can focus on the task of fighting the global war on terror, a task that is more difficult if they are worried about their families back home. Knowing their families have the full support of a dedicated volunteer helps to ease their fears and concerns.

I commend these volunteers who so selflessly serve our armed forces and our Nation. The support they give to our military families is truly invaluable, and our country owes them a large debt of gratitude.

Madam Speaker, I see that there are no further speakers. I am delighted to present this, I look forward to presenting it to the ombudspeople and the key volunteers in the San Diego region, and I know that they will be pleased with this recognition from the United States Congress.

Madam Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

Mr. KLINE. Madam Speaker, I yield myself such time as I may consume, only to thank the gentlewoman from California for introducing the resolution. This important resolution is long overdue in order that we recognize the wonderful members of the military family support volunteers.

I urge my colleagues to support this resolution.

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

The SPEAKER pro tempore (Mrs. BROWN). The question is on the resolution offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 488 (commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley and Frances, as amended).

The Clerk read as follows:

WHEREAS the National Oceanic and Atmospheric Administration’s National Weather Service consistently provides critical forecasts and warnings about severe weather to the Nation’s citizens;

WHEREAS 2 hurricanes, Charley and Frances, recently hit the State of Florida back-to-back, an event which has not occurred since 1886;

WHEREAS Hurricane Ivan was the third hurricane in a month to hit the United States mainland;

WHEREAS the employees of the National Oceanic and Atmospheric Administration’s Marine and Aviation Operations’ Hurricane Hunters logged 344 hours of flight time through and above the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, and Ivan;

WHEREAS the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi, logged 537 hours of flight time through and above the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, and Ivan;

WHEREAS the National Oceanic and Atmospheric Administration’s Marine and Aviation Operations’ Hurricane Hunters provided critical river flooding forecast information to Federal, State, and private partners during Hurricanes Charley, Frances, and Ivan and accurately predicted the amount of excessive rainfall over the Southeastern United States several days in advance; and

WHEREAS it is still the first half of hurricane season and all these employees remain engaged tracking tropical storms: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the employees of the National Oceanic and Atmospheric Administration’s National Hurricane Center, Hydrometeorological Prediction Center, National Data Buoy Center, and the National Hurricane Aircraft Operations Center for their extraordinary dedication and hard work during Hurricanes Ivan, Frances, and Charley;

(2) commends the National Oceanic and Atmospheric Administration’s National Ocean Service for their outstanding service during Hurricanes Frances and Ivan;

(3) thanks the commercial and media meteorologists for their contributions in disseminating the National Oceanic and Atmospheric Administration forecasts and warning to the public; and

(4) expresses its support for the ongoing hard work and dedication of all who provide accurate and timely hurricane forecasts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from North Carolina (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 488) commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley and Frances, as amended.

WHEREAS the employees of the National Oceanic and Atmospheric Administration’s National Weather Service provided live television interviews as well as 1227 telephone briefings to the media and others during Hurricanes Frances and Ivan;

WHEREAS the forecasts and information from the National Hurricane Center provided notice for the safe evacuation of more than 6,000,000 residents in the line of Hurricanes Frances and Ivan and warnings to the residents of Florida, Mississippi, Alabama, and Louisiana;

WHEREAS the Hurricane Liaison Team, a joint National Oceanic and Atmospheric Administration and Federal Emergency Management Agency partnership, provided support to the 25 different media outlets operating out of the National Hurricane Center;

WHEREAS the National Oceanic and Atmospheric Administration’s Operations Center provided weather vulnerability assessments and guidance to the National Hurricane Center;

WHEREAS the National Weather Service’s National Data Buoy Center, in partnership with the National Data Buoy Center, worked expediently after Hurricane Charley to fix data buoys that proved critical for forecasting Hurricane Frances and Ivan;

WHEREAS the National Oceanic and Atmospheric Administration’s National Ocean Service provided storm surge predictions and hydrographic information support to Federal partners before, during, and after Hurricanes Charley, Frances, and Ivan;

WHEREAS the National Oceanic and Atmospheric Administration’s National Environmental Satellite Data and Information Service provided critical river forecasting information to the Nation’s citizens;

WHEREAS the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi, the National Oceanic and Atmospheric Administration Aircraft Operations Center at MacDill Air Force Base, Tampa, Florida, the Hurricane Liaison Team, the National Ocean Service, and the National Environmental Satellite Data and Information Service, for their extraordinary dedication and hard work during Hurricanes Charlie, Frances, and Ivan;

WHEREAS Hurricane Ivan was the third hurricane in a month to hit the United States mainland;

WHEREAS the employees of the National Oceanic and Atmospheric Administration’s Marine and Aviation Operations’ Hurricane Hunters logged 344 hours of flight time through and above the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, and Ivan;

WHEREAS the National Oceanic and Atmospheric Administration’s National Hurricane Center provided notice for the safe evacuation of more than 6,000,000 residents in the line of Hurricanes Frances and Ivan and warnings to the residents of Florida, Mississippi, Alabama, and Louisiana;

WHEREAS the Hurricane Liaison Team, a joint National Oceanic and Atmospheric Administration and Federal Emergency Management Agency partnership, provided support to the 25 different media outlets operating out of the National Hurricane Center;

WHEREAS the National Oceanic and Atmospheric Administration’s Operations Center provided weather vulnerability assessments and guidance to the National Hurricane Center;

WHEREAS the National Weather Service’s National Data Buoy Center, in partnership with the National Data Buoy Center, worked expediently after Hurricane Charley to fix data buoys that proved critical for forecasting Hurricane Frances and Ivan;

WHEREAS the National Oceanic and Atmospheric Administration’s National Ocean Service provided storm surge predictions and hydrographic information support to Federal partners before, during, and after Hurricanes Charley, Frances, and Ivan;

WHEREAS the National Oceanic and Atmospheric Administration’s National Environmental Satellite Data and Information Service provided critical hurricane forecasts and warnings to the public; and

WHEREAS it is still the first half of hurricane season and all these employees remain engaged tracking tropical storms: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the employees of the National Oceanic and Atmospheric Administration’s National Hurricane Center, Hydrometeorological Prediction Center, National Data Buoy Center, and the National Hurricane Aircraft Operations Center for their extraordinary dedication and hard work during Hurricanes Ivan, Frances, and Charley;

(2) commends the National Oceanic and Atmospheric Administration’s National Ocean Service for their outstanding service during Hurricanes Frances and Ivan;

(3) thanks the commercial and media meteorologists for their contributions in disseminating the National Oceanic and Atmospheric Administration forecasts and warnings to the public; and

(4) expresses its support for the ongoing hard work and dedication of all who provide accurate and timely hurricane forecasts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from North Carolina (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. 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 H. Con. Res. 488, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? There is no objection.

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

Madam Speaker, today we are considering H. Con. Res. 488, which commends the employees of the National Oceanic and Atmospheric Administration for their dedication and hard work during Hurricanes Charley, Frances and Ivan.

As chairman of the subcommittee with oversight over the National Weather Service, I introduced this resolution 2 weeks ago, after Hurricanes Charley and Frances hit the State of Florida back-to-back, something that had not happened since 1964. The employees in this body would tell us, it is almost impossible to cover the State of Texas, but Hurricane Frances, in fact, would do that.

Fortunately, the winds diminished before landfall, and that helped considerably in reducing the damage, but it was still, because of its large extent, a very damaging hurricane.

Last week, Hurricane Ivan hit the U.S., the worst hurricane to hit the U.S. in more than a century, and in a moment, I will get to Hurricane Ivan. But I would like to point out the immense extensions of Hurricane Charley, covering virtually the entire State of Florida and the entire State of Texas. And almost any Texan in this body would tell us, it is impossible to cover the State of Texas, but Hurricane Frances, in fact, would do that.

The right-hand chart up here shows Hurricane Ivan as it came ashore near Gulf Shores, Alabama, was the sixth most powerful Atlantic tropical storm on record. It affected States throughout the southeastern and Mid-Atlantic States and also, with flooding, high winds and tornadoes. Again, the hard work of NOAA’s employees and the broadcast meteorologists was vital for getting out warnings and information to residents in the path of the hurricane.

The NOAA Marine and Aviation Operation Hurricane Hunters and the Air Force Reserve out of Keesler Air Force Base in Biloxi, Mississippi, fly planes into the hurricanes to gather data, the Southeast River Forecast Center provided flood predictions, and the many private meteorologists and information providers who disseminate the warnings and weather data and predictions from NOAA.

I must say, being a scientist, perhaps that affects me, but I watched the Weather Channel and the local forecasters for considerable amounts of time during that event to evaluate for myself what the hurricanes were doing, what direction they were taking, what damage they might cause. So the private sector also deserves mention here.

The dedicated employees of all of these NOAA organizations and the private organizations deserve our utmost appreciation for their hard work and long hours to warn citizens in the line of these three storms and for all of their excellent work as they continue to track tropical storms, this and every hurricane season. I should note that today we are nervously watching Hurricanes Jeanne and Karl currently located in the Atlantic Ocean, and we will continue to depend on NOAA to give us information about those hurricanes.

Madam Speaker, I reserve the balance of my time.

Mr. MILLER of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank my colleague, the gentleman from Michigan (Mr. EHLERS), for bringing this resolution to the floor today. In the last month or two, all of us in the eastern United States have been glued to our television sets watching weather reports on one Atlantic storm after another moved westward from the west coast of Africa across the Atlantic toward the United States. These storms have made landfall in the United States and done great damage, great property damage and great loss of life.

We have learned more and more about storms just from watching the weather reports, watching with fascination the symmetry, the amazing symmetry of the storms, learning about the definition of the eye wall, how that told us whether the storm was strengthening or weakening or maintaining its strength.

There has been great damage and great loss of life from these storms. Hurricane Charley, which struck and made landfall in Florida this season, was a category 4 storm, resulted in 31 deaths. Hurricane Frances made landfall in Florida as a category 2 storm but stalled over Florida and just rained and rained and rained with great, great damage. And, most recently, Hurricane Ivan struck the Panhandle of Florida and Alabama as a weak category 4, and then moved upward and caused a total of 49 deaths, including about 10 in my State, in flooding in western North Carolina.

These were powerful storms, but we were relatively well prepared for them. The gentleman from Michigan (Mr. EHLERS) referred to the great, great savings in life that resulted from the preparation that we had as a result of the work of NOAA, but let me tell my colleagues how much of a difference that made.

When we look back early in our history, a much less densely populated country, a nation this was not prepared, had no forewarning when storms struck, let me tell my colleagues the loss of life. In 1893, a storm of unknown intensity struck Louisiana, made landfall in Louisiana. The estimate was that there were between 1,000 and 2,000 people that died, that storm. That same year, a storm also of unknown intensity made landfall in South Carolina and Georgia with a loss of life of 1,000 or 2,000. In 1900, a storm that we now estimate to be a category 4 struck without warning Galveston and resulted in an estimated 8,000 to 12,000 deaths. In 1928, a storm struck again with very, very little warning in Florida, and resulted in more than 1,800 deaths.

And, of course, this is a striking contrast. We can thank the people of NOAA, the employees of NOAA for the forecasts and the warnings that we have relied upon to prepare for the storms that have struck the United States this year. It is not an exaggeration to say because of the work of the employees at NOAA, that there are thousands of Americans alive now who would not have been alive had we not been prepared for these storms, and the way that they have not been prepared for storms before we had that capacity to see storms coming, to know their intensity and to prepare for them.
We now see more storms moving towards us. Hurricanes Jeanne and Karl and storms behind them seem to be taking a number as they are in line, moving towards the United States.

So this resolution is a modest gesture of appreciation for those employees of NOAA who are working around the clock to monitor the paths of hurricanes, the strength of hurricanes, to make sure that we are ready when those hurricanes reach the United States.

So I urge my colleagues to support this resolution.

Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. ENSIGN) and our ranking member, the gentleman from North Carolina (Mr. MILLER) for commending the National Oceanic and Atmospheric Administration, known as NOAA.

Indeed, we have profited from their skills. We commend both the agency and its employees for their hard work and dedication during these hurricanes. And also during the time of tornadoes in my area, we are getting the same type of alerts and notices and it really does save lives. We have not yet been able to save as much material damage and destruction to the lives, but the important thing is that we are saving lives. And as we begin to use more of our technology in building, we will see that even the material destruction will diminish. It underscores why we need to continue to support science and technology, to develop more skills for approaching and dealing with these types of catastrophes when they happen.

Texas certainly has benefited from warnings during both hurricanes in the south end of the State and tornadoes in the north end of the State. And we are grateful for the efficiency and dedication of these employees and are grateful for the existence of this agency that deserves continued support so that we can still benefit from our findings and for our future developments.

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

Mr. MILLER of North Carolina. Madam Speaker, I yield 6 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Madam Speaker, I thank the gentleman for yielding me time. Let me thank him and my colleagues from Michigan (Mr. EHlers) and our ranking member, the gentleman from North Carolina (Mr. MILLER), for bringing this resolution to the floor because it is so important.

I rise to add my voice in praise of the staff and employees of National Oceanic and Atmospheric Administration, NOAA, for the job they have been doing during this remarkably challenging time during this hurricane season.

We talk about hurricanes; but the truth is when a hurricane comes ashore, we have an awful lot of tornadoes that spawn from that. As any Member from a southern Atlantic coastal State can tell you, this has been a very busy season; and, unfortunately, it is far from being over with yet. And if the predictions are right, we are in for some pretty bumpy times in the years ahead.

The folks at NOAA and the National Weather Service have done a fine job in letting us know when those storms are coming, where they would most likely strike, and they have been pretty accurate about how much wind and storm surge they can expect. As a consequence, NOAA has saved millions of lives through its timely reporting and storm tracking, and it has an awful lot to do with saving of property.

I can tell you at my office, and I expect it is true of most offices that are in the line of fire, the folks check the NOAA Web site tracking at 8 a.m. and 11 a.m. and 2 p.m. and 5 p.m. each day because they are the ones that have the information.

While NOAA has performed well, one of the things that could be improved is predicting the potential flooding consequences of the rain associated with these storms. That is why in the 107th Congress I introduced and Congress passed into law legislation to improve the forecasting of inland flooding and develop a development warning index similar to the Saffir-Simpson scale that we use for wind with hurricanes. Unfortunately, we have not seen much progress with the development of the inland flood-warning index. Congress has not provided the funds necessary to develop a warning index that can better alert Americans of flood hazards associated with tropical cyclones, and NOAA has taken only a few steps to implement this legislation.

If we had an average lead time for tornadoes was 10 minutes during Hurricane Ivan, and frequently it is earlier than that for tornadoes in the Midwest where I live. Flash flood warnings average 57 minutes; 38 tornadoes occurred across Florida during Hurricane Ivan, so we really saved a lot of lives in this particular case; and it makes the expenditures for NOAA look small by comparison.

It is very important for all of us, especially the appropriators, for all of us to recognize that this is money well spent. It does save lives. It does save properties. It saves injuries, and it is very important for us to continue that.

Madam Speaker, in closing I want to thank my colleagues from the Florida delegation, virtually all of whom co-sponsored this legislation; and I particularly want to thank the gentleman from Florida (Mr. Young) for his enthusiastic support of the resolution. I also like to thank the gentleman from New York (Mr. Bordallo) and the ranking member, the gentleman from Tennessee (Mr. Gordon), of the Committee on Science for their support,
and the gentleman from Colorado (Mr. Udall), the ranking member of my subcommittee.

Mr. BOEHLENT. Madam Speaker, I would like to join my colleagues in thanking the employees of the National Oceanic and Atmospheric Administration and its employees for their hard work today.

Mr. GORDON. Madam Speaker, this hurricane season was predicted to be an active one. Unfortunately, the prediction is being fulfilled. We had more active storms to the point where the season already has had 20 named storms. The eastern half of the country has experienced widespread damage due to three of these storms—hurricanes Charley, Frances, and Ivan.

The severe coastal damage in Florida and Alabama, widespread inland flooding, and tornadoes have resulted in loss of life and property throughout the eastern part of the nation—including my home state of Tennessee.

We should move quickly to provide assistance in the timely warnings that we rely upon. The SPEAKER pro tempore (Mrs.organizers. We should move quickly to provide assistance to our citizens who are now beginning to assess the damage and make plans to rebuild their homes, communities and businesses.

They have a daunting task in the days ahead. The storms are devastating, however, without accurate forecasting and time to prepare the toll in human lives would have been unimaginable. Our investments in research and development, weather satellites, specialized aircraft and computer modeling capability coupled with the dedication and professionalism of NOAA’s employees has paid off in the timely warnings that we rely upon.

Madam Speaker, with this resolution we express our gratitude to the federal employees and their partners in the commercial weather businesses in bringing us the saving warnings and forecasts to our citizens.

I urge my colleagues to support this effort to recognize the important work done by the employees of NOAA.

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

The SPEAKER pro tempore. The question is on the motion (Mrs. Bigger) and the gentleman from Michigan (Mr. Burns) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 488, as amended.

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

The Title of the concurrent resolution was amended so as to read: “Concurrent resolution commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley, Frances, and Ivan.”

A motion to reconsider was laid on the table.

JUSTIN W. WILLIAMS UNITED STATES ATTORNEY’S BUILDING

Mr. BURNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3428) to designate a portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the “Justin W. Williams United States Attorney’s Building.”

The Clerk read as follows:

H.R. 3428
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. DESIGNATION.
(a) In General.—The building and structure described in subsection (b) shall be known and designated as the “Justin W. Williams United States Attorney’s Building.”

(b) Description.—The building and structure to be designated under subsection (a) is that portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia (known as the Albert V. Bryan United States Courthouse), that is attached to the courthouse main tower structure, described in section 31, 2003.

SEC. 2. REFERENCES.
(a) In General.-Any reference in a law, map, regulation, document, paper, or other record of the United States to the building and structure described in subsection (a) shall be deemed to be a reference to the “Justin W. Williams United States Attorney’s Building”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as may be necessary for appropriate identifying designations to be affixed to the building and structure described in section 1(b) and for an appropriate plaque reflecting the designation and honoring Justin W. Williams and his service to the Nation to be affixed to or displayed in such building and structure.

The SPEAKER pro tempore. Pursuant to the rule, the Speaker from Virginia (Mr. Burns) and the gentlewoman from Texas (Ms. Eddie Bernice Johnson) each will control 20 minutes.

The Chair recognizes the gentlewoman from Georgia (Ms. Jarvis).

Ms. JARVIS. Madam Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3428, a bill to designate a portion of the Alexandria courthouse located at 2100 Jamieson Avenue as the Justin W. Williams United States Attorney’s Building. The bill was introduced by my colleague, the gentleman from Virginia (Mr. Tom Davis), and enjoys very strong bipartisan support.

U.S. Attorney Justin Williams was an extraordinary public servant who served the citizens of Virginia for over 30 years. He received his undergraduate degree from Columbia University and his law degree from the University of Virginia. During his 33 years as a Federal prosecutor, he supervised or was directly involved in every major Federal prosecution in the Eastern District of Virginia.

His career is filled with numerous awards and honors, including the Attorney General’s Award for Excellence in Futhering the Interests of U.S. National Security. Justin Williams passed away August 31, 2003.

Shortly after the 1-year anniversary of his death, it is my pleasure to bring to the floor this bill which honors a dedicated American who spent his entire career making America safer for everyone. I support this legislation, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3428, a bill to designate a portion of the Alexandria courthouse located at 2100 Jamieson Avenue as the Justin W. Williams United States Attorney’s Building. The bill was introduced by my colleague, the gentleman from Virginia (Mr. Tom Davis), and enjoys very strong bipartisan support.

U.S. Attorney Justin Williams was an extraordinary public servant who served the citizens of Virginia for over 30 years. He received his undergraduate degree from Columbia University and his law degree from the University of Virginia. During his 33 years as a Federal prosecutor, he supervised or was directly involved in every major Federal prosecution in the Eastern District of Virginia.

His career is filled with numerous awards and honors, including the Attorney General’s Award for Excellence that is awarded for furthering the interest of national security, the Director’s Award for Sustained Superior Performance in the years of 1990, 2000, and 2002, and Sustained Superior Performance for the years of 1990, 1991, 1997, 1998, and 1999.

In addition to being an outstanding lawyer, Justin Williams was a thoughtful mentor, loyal friend, outstanding role model, devoted husband, and a loving father. It is most fitting that we honor the distinguished career of this dedicated public servant with this designation.

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

Mr. BURNS. Madam Speaker, I urge my colleagues’ support of H.R. 3428, and
thank the gentlewoman from Texas for her comments. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the rules be suspended and the bill, H.R. 3428, be considered. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was ordered to the table.

A motion to reconsider was laid on the table.

REQUEST FOR REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2028

Mrs. BIGGERT. Mr. Speaker, due to the radical changes made by the committee to the introduced bill, I ask unanimous consent to withdraw my name as a cosponsor from H.R. 2028.

The SPEAKER pro tempore. Under clause 7(b) of rule XII, the Chair is constrained not to entertain that request, as the bill has been reported from committee and referred to the calendar.

JOE SKEEN FEDERAL BUILDING

Mr. BURNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3734) to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the “Joe Skeen Federal Building.”

The Clerk read as follows:

H.R. 3734

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

SECTION 1. DESIGNATION.
The Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, shall be known and designated as the “Joe Skeen Federal Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Joe Skeen Federal Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BURNS) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BURNS).

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

H.R. 3734, introduced by my colleague, the gentlewoman from New Mexico (Mrs. WILSON), designates the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the Joe Skeen Federal Building.

Congressman Skeen was born and raised on his family’s farm outside of Roswell, New Mexico. In 1948, Congressman Skeen enlisted in the United States Navy and served for 1 year before transferring to the United States Air Force Reserves, where he served from 1949 until 1952.

Following his military service, Congressman Skeen attended and graduated from Texas A&M University with a degree in agricultural engineering.

After graduation, Congressman Skeen worked as a soil and water engineer for Navajo Indians. He later purchased and ran his family’s sheep ranch.

Congressman Skeen was long dedicated to public service. He was first elected to public office in 1960 where he won a seat in the New Mexico State senate. He served until 1970. For the last 6 years of his time in the State senate, he served as the minority leader.

In 1980, Congressman Skeen ran as a write-in candidate and was elected to serve in New Mexico’s 2nd District in the United States House of Representatives. Congressman Skeen served in this body for 11 terms.

Congressman Skeen was known for his commitment to property rights, balancing the Federal budget and increased tax relief. He may have been most influential as chairman of the Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, enhancing the agricultural viability in both New Mexico and throughout the United States.

He was also chairman of the Subcommittee on Interior and Related Agencies, dealing with natural resources and public land use. I support this legislation and encourage my colleagues to do the same.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3734 is a bill to designate the Federal building in Roswell, New Mexico, as the Joe Skeen Federal Building, in honor of a former Member here, Congressman Joe Skeen.

Congressman Skeen was born in Roswell, New Mexico, in 1927, and as a young man, he served a 1-year enlistment in the Navy and served in the Air Force Reserves from 1949 to 1952. In 1950, he got his Texas marks by graduating from Texas A&M University.

He was elected to Congress in 1960 as a write-in candidate in the general election. He was only the third person in the Nation’s history to win a U.S. House seat through this type of effort. For this milestone, he served the people of the 2nd district in New Mexico with distinction and devotion, and I had the pleasure of serving with him.

As Congressman, he focused his energy and interests on agriculture, national security and public land management. In 1985, he became a member of the House Committee on Appropriations, and in 1995, he became Chair of the Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

At the beginning of the 107th Congress, he was named the Chair of the Subcommittee on Interior and Related Agencies.

One of Congressman Skeen’s most influential accomplishments was his leadership in protecting the integrity of our Nation’s defense programs. He was an accomplished legislator, known for his commitment to property rights, balancing the Federal budget and increased tax relief. He was a staunch defender of New Mexico’s rural lifestyle and its farming and ranching interests.

Even as Parkinson’s began to claim his speech in his later years, Joe’s sense of humor remained intact, and it is one of the things that all of us here treasure about him. Just about everybody of this body has a Joe Skeen story, something that makes us smile. One always knew if they had to go to talk to Joe about something, they might as well start smiling because before it was over he was going to make them laugh.

After 11 terms in the United States Congress, Joe decided to return to his ranch, a place that he described as “at the center of my upbringing and which shaped my character and principles in life.” Joe’s ranch in Picacho is 17 miles from pavement, and Joe was never a gentleman farmer. He was a farmer, a rancher and a gentleman. He could be
fixing fences and working with his one hired hand, and hop in the truck and drive to Roswell, fly out, take a shower at his apartment in Washington and come to the floor of the House.

Throughout his service in the Congress, he kept a foot in both worlds, and the people of New Mexico benefited from it. He leaves behind a proud tradition of public service in which he has been a positive influence on many people’s lives, including my own.

Joe was a tireless worker in his battle against Parkinson’s disease and its complications in Roswell, New Mexico, on December 7, 2003. His wonderful wife Mary was with him.

Joe was truly a great New Mexican. He will be deeply missed, and now, near his hometown in Roswell, New Mexico, there will be a building with his name on it. Every time people in Roswell walk by that building, they will look up and smile.

Mr. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentlewoman for the time.

Mr. Speaker, I rise today in strong support of H.R. 3734 to honor Mr. Joe Skeen of New Mexico. Joe served New Mexico with distinction and dedication. During the 4 years we served together in the Congress, I found Joe to be a true gentleman and a statesman.

Today, I am pleased that we will be passing this legislation to name the Federal building in Roswell, New Mexico, after Joe. It is an excellent tribute to honor a great man.

One of the things I respected about him the most was his bipartisanship, and I think every Member of Congress, Democrat and Republican, every Member of this House, loved him for that. He lived by his institution. He had a great sense of humor. He did not take himself too seriously, and he would always have a good story or a quip.

It is difficult to capture with words the impact and the significance that Joe has meant not only to New Mexicans, but to the citizens of the United States and the institution of the Congress as well.

During his tenure as New Mexico’s longest-serving U.S. House Member, he built a dedicated and talented staff on Capitol Hill. He was renowned for his tireless work on behalf of agrarian interests. Although he did not get the credit he deserved, he also helped steer millions of Federal dollars to our State.

I was proud to work with Joe on legislation that helped return mineral rights to the Acoma Pueblo. That bill, now Federal law, was easily steered through Congress by Joe’s knowledge of the legislative process. While we were ultimately not as successful as we would have liked, we also fought together to change the dairy sections of the 2002 farm bill that were unfair to our State’s strong milk and cheese industry. Through it all, I enjoyed working with him every step of the way.

Throughout his years of service, he was a model of integrity and truth. The way he conducted the way every elected official should, as a highly principled individual who stuck to his beliefs. He walked his talk. While we did not agree on everything, he always did what he believed in his heart to be true, and he always worked in a bipartisan way to accomplish important work.

Again, this is a deserved honor for a great public servant.

Mr. BURNS of New Mexico. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, H.R. 3734 would designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the Joe Skeen Federal Building.

On December 7, 2003, the Nation lost a leader, but New Mexico lost a friend. As others have said, Joe Skeen was born in Roswell, New Mexico. He was an Aggie, and he stayed an Aggie for his whole life.

He joined the Navy and he served there. Again, that has been mentioned, but I do not think that other people realize just how much he saw the light when he left the United States Navy and he joined the F-15 Air Force, but as a former Air Force pilot, I recognize what was going on in his life.

He continued to see the real light when he saw Mary Helen Jones and married her in 1945. I will tell my colleagues that Mary and Joe continued to be favorites throughout their entire careers in New Mexico. Even today people say, “Tell Mary that we are thinking about her.”

One of the most important things that people remember about Joe was his sense of humor, and I hear about that constantly. When I go to town hall meetings, they listen to me for 2 hours, and then the first thing they say is, “Joe Skeen was funny.” I have enjoyed the comparisons. They also tell me that “Joe Skeen left big shoes to fill; make sure you fill them, son.”

Joe was just a lifelong servant to the Nation and to the State. He has been recognized throughout New Mexico, the Subcommittee on Rural Development, and different buildings after him already. He helped at New Mexico State University, New Mexico Tech, Holloman Air Force Base and White Sands, and those institutions have begun to name buildings after him. New Mexico Tech named their library after Joe Skeen. New Mexico State University named their new agricultural research building after Joe and Mary Skeen. Chaves County named their new administration building after Joe Skeen, and New Mexico has named Highway 70, the Joe Skeen Highway.

Today, I am pleased the U.S. House of Representatives will act so that the Federal Government will name a Federal building after Joe Skeen, who left after 22 years of service in this House of Representatives.

Mr. Skeen was a strong supporter of rural New Mexico and all that it requires. He supported roads, schools, medical care, electricity and water and sewage treatment plants. He was impartial when it came to serving the people of New Mexico.

Joe was tremendously respected. He was quiet, yet he had a demeanor that created respect. And his sense of humor disarmed the people withAudience and helped all citizens realize that by working together we can solve the people’s problems. Joe used to say, let us talk about what we can agree on, and we will work from there.

The people of New Mexico will never forget Mr. Skeen. He was a man of the people. People in the second district have expressed their love for him as I travel through the district. As I took my place in this national Congress and heard from his many friends and colleagues, I realized he was just as respected nationally as he was in the state.

Mr. Speaker, I urge my colleagues to support H.R. 3734.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BURNS. Mr. Speaker, I yield my remaining time to the gentleman from New Mexico (Mr. UDALL) to consume to thank the gentlewoman from Texas and the speakers here today as they honor Joe Skeen. I urge my colleagues to join me in supporting H.R. 3734 in naming the Federal Building in Roswell, New Mexico, for our former colleague.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 3734, a bill to name a federal building in Roswell, New Mexico as the “Joe Skeen Federal Building.” We were all saddened when our friend and colleague retired at the end of the 107th Congress and passed away in December 2003. However, we were fortunate to serve with Joe and the people of New Mexico were better off because of his 20 years of service.

As Members of Congress, we often work with colleagues from different parts of the country and from across the aisle. It was a great privilege to have worked with Joe Skeen. Since his first election in 1980, he served on the Appropriations Committee, then the Subcommittee on Rural Development, and then the Subcommittee on the Interior. Joe has always been a true gentleman and always told it like it was. When dealing with Joe, I always knew he would give me a fair hearing on an issue and try to accommodate me when he could and politely say “no” when he couldn’t. I could always depend on Joe telling me a good story to underscore the point he was making.

On a personal note, I had the pleasure of working with Joe to further the progress of Parkinson’s Disease research in America. In 1999, under his strong leadership, Mr. EVANS, Mr. MARK UDALL, TOM UDALL, and Mr. WAXMAN, Mr. Skeen and I formed the Congressional Working Group on Parkinson’s Disease.
Joe Skeen was a true leader in the fight against Parkinson’s Disease. Over the years, the Working Group has sought to increase awareness among Members of Congress on Parkinson’s related issues. Most importantly, the Working Group advocates for accelerated revisions in the hopes that we can find the cure for what leading scientists call the most curable neurological disorder.

We will carry on the fight to cure Parkinson’s, in part, inspired by the legacy of the great Joe Skeen. This bill ensures that the people of New Mexico and those around the country never forget our friend, Joe. I fully support its passage in honor of Joe Skeen—a true national treasure.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and pass the bill, H.R. 3734.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3428 and H.R. 3734, the measures just concluded by the House.

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

There was no objection.

THE ADOPTION TAX RELIEF GUARANTEE ACT

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1057) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

The Clerk read as follows:

H.R. 1057

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 Adoption Tax Relief Guarantee Act”.

SEC. 2. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

“... (c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 202 (relating to expansion of adoption credit and adoption assistance programs).”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

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

Mr. Speaker, I rise today in support of H.R. 1057, a bill to make permanent the adoption tax credit and assistance programs contained within the Economic Growth and Tax Relief Act, which we passed in 2001.

The importance of the Adoption Tax Relief Guarantee Act could not be clearer: helping abandoned children find safe, loving, permanent homes. From three years ago, we took a giant step forward. Our failure to act today would be an equally giant step backward.

The adoption tax credits were originally limited to 10 years. No child should be limited on their hopes, dreams, and opportunities for the future, and no loving parent willing to take a child in should be denied due to the financial burdens imposed by the adoption process. By voting in favor of H.R. 1057, we close the sunset and will make adoptions easier for all families for generations to come.

Adoptions can be prohibitively expensive. Licensed private adoption agencies charge fees ranging from $4,000 to $30,000. Independent adoptions can cost anywhere from $8,000 to $30,000. If the adoption tax credit is cut, the prior law level of $5,000, many families will not be able to afford adoptions. Money may not be able to buy you love, but in the case of adoptions, it may keep you from it.

There are over 655,000 children in publicly-funded foster care waiting to be adopted. Even more are in the private system. Cutting the adoption tax credit will make it more difficult to move children out of foster care and into permanent homes. With H.R. 1057, we will permanently put the health and safety of children first and give our Nation’s foster children a fighting chance. We cannot let it lapse. Over half a million children are counting on us to finish the job we started over a year ago.

Temporary is not an option for adoption, and it should not be for this tax credit either. I urge my colleagues to support this vital piece of legislation.

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

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

Mr. Speaker, there is broad bipartisan support for assisting adoptive families in meeting their expenses. Helping families afford the cost of adopting children in loving homes is clearly a worthy goal, and targeted tax relief can help promote that goal. I, therefore, support this effort to eliminate the sunset provision in the current adoption tax credit, and I want to compliment my colleague, the gentleman from Michigan (Mr. CAMP), for his work and leadership on this issue.

This extension is particularly worthwhile given the change in the adoption tax credit that took effect last year. Let me just point that out. Mr. Speaker, the adoption tax credit now provides a guaranteed $10,000 tax credit for the adoption of special-needs children who are classified as being more difficult to place for adoption because of medical, physical, mental or emotional impairment. Prior to that change, it was very difficult for people adopting special-needs children to qualify for the tax credit. In fact, less than 15 percent did, because of their expenses incurred. The adoption credit were already paid for.

We know that people who adopt children with special needs incur additional costs, including modifying their home to care of the physical impairments of the child and other types of expenses. Now that we have modified the tax credit, those families can take advantage of this $10,000 credit, and therefore, it is really helping deal with the placement of special-needs children. On the other hand, it is important for this tax credit program to continue without interruption, one additional reason why this legislation should pass.

My only regret about this legislation is that there was no effort to offset its cost. Relative to the other tax extensions, the cost of the adoption tax credit is relatively modest. Let me point out, Mr. Speaker, that the sunset provision is now in the year 2010. There are many other tax provisions that have sooner sunset dates that we have not acted on yet and we need to deal with.

I support this change, and it has a modest cost, but I am sorry that we did not take advantage of this opportunity to close some tax loopholes, including those available to companies who ship jobs overseas, that could have offset easily the cost of this bill so we do not continue to add to the growing deficit. The current budget deficit is $7.3 trillion. It should, therefore, be no surprise that we are about to raise our government debt limit for the third time in just the last 3 years. At some point, we are going to have to own up to the fact that we are simply passing on our obligations to our children rather than living within our means.

Mr. Speaker, I hope we will find a way to pay for this and other tax extenders through commonsense changes in the tax code. In the meantime, I support this extension of the adoption tax credit, and I urge my colleagues to support this legislation but to continue to work for more responsible fiscal policies.

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

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume, and I appreciate the gentleman’s comments in support of the bill. I would like to say that we have confirmed with the
Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. DE MINT), the author of this bill who has been a real leader on adoption issues in this House.

Mr. DE MINT. Mr. Speaker, first, let me express my sincere appreciation to the House leadership and, particularly, the chairman of the Committee on Ways and Means for bringing this important legislation to the floor. I would like to thank my colleague, the gentleman from Michigan (Mr. CAMP) for his leadership on the adoption issue over many years, as well as the gentleman from Maryland (Mr. CARDIN) and all of my colleagues on both sides of the aisle for supporting this legislation.

One of the greatest titles in the world is parent, and one of the biggest blessings in the world is to have parents to call mom and dad. So it gives me great joy to stand here along with all my colleagues today to celebrate the thousands of moms and dads and children who have become bigger, stronger families through adoption.

Last Congress, we passed several important adoption provisions. We doubled the adoption tax credit to $10,000 for all adoptions. We indexed that credit to inflation. We increased the earnings limit, and we exempted the beneficiaries from the alternative minimum tax. We included, as has already been mentioned, a $10,000 flat credit for special-needs adoptions. Additionally, we extended and doubled the tax deduction for employer-provided adoption benefits.

Unfortunately, the Senate’s sunset provisions will make all these benefits disappear December 31, 2010. Sadly, it will soon start to affect couples who want to begin the adoption process and cannot afford all the adoption costs related to it.

H.R. 1057, the legislation before us today, will help couples by ensuring that they know that the adoption tax credit and the financial relief provided by this tax credit will be there for them when they find that beloved child. This bill will guarantee tax relief for adoptive parents and will help unite children with loving parents who can build strong and stable families in our country.

There may be some unwanted pregnancies. Mr. Speaker, but the thousands of couples that are waiting to adopt children prove that there are no unwanted children, and I urge my colleagues to support this legislation.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means.

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

Mr. MCDERMOTT. Mr. Speaker, the remarks by the gentleman from South Carolina are quite interesting. He has brought out a bill today that all here wholeheartedly support, through tax incentives, making adoptions less costly. Now, that is certainly a good idea. But it is hard to understand his thinking when he introduced legislation here to convert our whole tax regime to one that relies solely on consumption taxes, a sales tax.

Now, I do not know why he is supporting this. I give him credit to keep making it more complicated so his other bill will pass, but that proposal would be a boon to the wealthy elite. It would remove the tax incentives that would make home purchases, college and health care more affordable. His proposal would tax all purchases on goods and services in our economy, including food, health care and home rents. In fact, the Joint Committee on Taxation did an analysis of a similar proposal and indicated that in order for a sales tax to prevent revenue neutral over 10 years, the estimated national sales tax rate would be between 36 and 57 percent. That is a 36 and 57 percent sales tax.

Some of us have a State sales tax of 8 or 9 cents, and we think that is awful. But the gentleman from South Carolina (Mr. DE MINT) is proposing that. In other words, the price of a blood transfusion, prescription drugs and a pair of sneakers would increase by 37 to 57 percent. Now, does that sound fair? Oh, and by the way, of course there would be no adoption tax credit under that regime. So if you adopt a child, well, tough luck.

Very good to talk about it here today. I am sure he would like to take this home for the campaign. But when you put in bills that make no sense, all those people who have lost their textile jobs in South Carolina due to international trade and qualify for health tax credits, well, they would be out of luck, too. And the gentleman from South Carolina is going to expect to sell this proposal to the baby boomers looking for a home in this country who are about to go on a fixed income? Let us take the best case, 36 percent sales tax. How is he going to sell that and get elected to the United States Senate?

The Health Insurance Association of the United States states that one of the consequences of a flat tax bill is likely to be a rapid increase in the number of people without private health insurance coverage.

One economist estimated that there would be 8 million more people without health benefits if a flat tax proposal was enacted. James Poterba, an economist, estimated that eliminating the current tax law benefits for purchasing homes could result in a 17 percent decline in the value of the U.S. housing market.

What about payroll taxes? A flat tax proposal may eliminate the deduction that employers pay for their payroll taxes, amounting to a massive tax increase on businesses of all sizes.

The American public may seem naive to some people running for the other body; but they know what this would mean, which is why the President, the President of the United States, who says he wants to tear the tax structure out by its roots, would not even admit the proposal. I support the proposal from South Carolina’s (Mr. DE MINT) proposals.

If you are out here to help families and you want people to adopt children, this bill is flawed. Too much of the money goes to people on the top end like every other proposal that we have brought out here by this administration and this Republican majority. But if you want to make that kind of proposal, then do not put in these silly bills for a sales tax for this country because the people are going to wonder if you are serious about anything. Nobody who is serious about helping people adopt children is going to think that a sales tax on tennis shoes and diapers and all the other kids’ stuff makes any sense whatsoever.

We will all vote for this, but I think the people should know what the proposer actually has in mind.

Mr. CAMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY), a distinguished member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, first let me thank the gentleman from Maryland (Mr. CARDIN), the Chairman of the Committee on Ways and Means on encouraging adoption and the gentleman from South Carolina (Mr. DE MINT), who has been a leader on this issue for many years since I have been a Member of Congress and have come to know him.

I am an adoptive father. My wife and I have two little baby boys, a 5-year-old son, a redhead, named Will; a 2-year-old named Sean. Whoever said to a man in my age group that kids keep one young is absolutely wrong. They make us old fast. But they are an absolute joy to us. And it is only in Washington, unfortunately, that we have such a serious subject about trying to help families build their families with an adopted child, that we have an election-year smear campaign brought to the Chamber against one of our colleagues who is running for an office in South Carolina. I guess in Washington these days it is sort of the in order of business that one takes to the serious issue of children and adoption, who are looking for a home, and then they run these horrible attacks from here from this Chamber. As an adoptive father, I think it is sad and really disgusting.

Let me make one point on this bill, which is really the subject of today, which is adoptions build families. It provides love and hope where really none exists, both for the child and for the parent as well. It is just a joy. And we are proud of birth moms and dads who choose that option.

This bill is so important because adoptions are so expensive. I do not
I know how families afford them anymore. If they use an agency, it is easy to begin with a $25,000 fee. If they have a private adoption, like we did, our first one was very expensive because the adoption was a little more complicated and we could easily spend $10,000 without blinking any eye. And then it gets it out of reach for a lot of middle-income families in America.

And these adoptions are expensive for a reason. One, legal expenses. Over the years at the State level and the Federal level, we have tried to make some adoptions stick. Both for the birth parents who are giving that child up and for the parents like myself who are adopting them, our legal costs are high, higher these days because these are stronger foundations and more secure adoptions, and that is good. But also we use a lot of those moneys for medical expenses through the agencies, working with the mom on prenatal care, making sure she is getting the check-up, the baby, making sure that child has a chance to have a healthy start in life. So the medical expenses are high. As a result of both of those, adoptions can be so expensive.

And, again, without this tax credit, here every year we are going to prevent some loving families from occurring. We are going to keep children in foster care who really ought to be in a loving home at night with parents reading to them and providing them with a future. This adoption tax credit is a small thing, it ought not to be something that is temporary but permanent that families in our country can count on and encourage.

With that I urge support and appreciate the leadership again of the gentleman from Michigan and from South Carolina.

Mr. CARDIN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY), a member of the Committee on Ways and Means.

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

I want to begin by offering the comment that on any tax measure brought to the floor of this House, I believe it is entirely appropriate to discuss the larger budget framework facing this country, the out-of-control deficit, the record level of debt leading to the impeachment vote on debt limit. There are all very serious financial matters before the country and brought obviously germane to any discussion of tax cuts, even the one before us.

But I want to speak in favor of this bill. I would have preferred that an offset be included, offsetting the cost of this bill. But, nonetheless, this is a very measured, targeted, and important piece of social policy; and it strikes me right where I live.

On August 22, 1994, I was a freshman Member of this body. My workday ended with a drive to National Airport where my daughter came off the plane from Korea, my daughter. Kathryn, adopted daughter Kathryn; and it was the greatest day of my life, until May 29, 1996, when in another trip after another day out to National Airport brought me face to face for the first time with Scott.

These children have enriched my life more than anything else possibly could and beyond my wildest imagination. Each day with them is a pure joy. I now know, and am learning later than most, what a complete and fabulous adoption tax credit means, and how deeply satisfying it is to the very fundamental purpose of life.

I speak that from a parent’s perspective. But I also care so deeply about the perspective of little children, little children who need homes, need families to love them. I especially am concerned about children in circumstances where placement has been difficult: special needs children, slightly older children, children that would pose for families the substantial costs of adoption higher costs than an infant adoption.

Because I think this experience is so profound and fundamental to life experience, the business of having children who need homes, connected with parents who will love them and raise them as their own, I certainly do not want financial barriers getting in the way.

In the course of activity of recent years, we have moved in place an adoption tax credit, $5,000. We have now moved to be in line with this action today, we would move to make it permanent. I think that is precisely what we need to do. We must not bar families from this experience because of their inability to front the significant up-front costs now ranging from $8,000 to $30,000 per adoption.

And my belief is that one would have to look long and hard to find an adoption agency for placement less than $15,000. So these are very significant costs, costs that over all of them in the great majority of cases, but it will make a difference. This will make a critical difference in allowing families to participate in the miracle of adoption that otherwise would not be available.

I want to commend the gentleman from Michigan (Mr. CAMP), who in particular over the years has led this Congress and earlier Congresses in breaking down barriers that have kept kids in indeterminate status, in foster care arrangements with no certainty, no stability. He has, with earlier legislation, made it possible, I believe, to significantly change the national priority and move toward children’s interests first, children interests, that being part of a permanent family.

The financial piece of this follows along with this legislation. I think it dovetails very nicely with the gentleman’s earlier work.

So I ask all of us to put aside partisanship on the question of the bill before us. We certainly have much to discuss about the budget, as I mentioned at the outset; but this is important social legislation, the business of building families through the miracle of adoption, linking parents or would-be parents desiring to play that role in a little one’s life with children who need and want more than anything else to love them and raise them. This is good social policy, this is good family policy. This we can agree on. Let us help it along with this tax credit, and I urge its adoption.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, just a couple of additional comments, and I want to thank the gentleman from North Dakota for his perspective.

And just for those of my colleagues who have budget concerns, as has already been mentioned, this bill fits into the budget. It is also the best investment this country could make, building strong families; and just the reduction in foster care alone more than offset this tax bill.

I would say a word about the colleague who interrupted our celebration with some political comments about my sales tax. I would assure all my colleagues, so there will not be any concern, that I have never in this body done anything that increased taxes or costs on the American people and do not intend to and would never support the type of legislation that was just described here. So I do not want there to be concern on the other side, because I cut taxes; I do not raise them.

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

Mr. CAMP. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

I was watching some of the coverage on TV of the debate and saw some of the comments that have been made, I had not seen in my life. And we will hear it again and again.

It is true that the gentleman from South Carolina is a cosponsor of a bill for a sales tax. So are 54 of his friends in this House. And it is true that the sales tax would be at 23 percent of what we spend. But the fact of the matter is we are currently giving up 22 percent of what we spend to the current system.

A study that we have from the head of economics at Harvard argues that 22 percent of what we are currently spending at retail represents the embedded cost of the current system. One is paying every tax bill and compliance cost of every company that touched that house or that appliance or even that loaf of bread.

If we are to get rid of the income tax and the payroll tax and all tax on income, competition would drive that out of the system. And if we replace it with a 23 percent tax, we would have a 1 percent higher standard of living, but they would keep their whole check and the average income earner would have a 56 percent increase in take-home pay.
We have heard before the study out of the Joint Committee on Taxation that said it had to be at 50 percent or 60 percent. That is true, because they made some assumptions that the bill would not pass as written; and when they made those assumptions and took taxes off certain things, it raised the cost.

But just think about this for a moment. We have a negative savings rate in this country, which is to say we spend more than we earn. And if the tax were 50 percent on what we spend, then surely we would have to argue that it has to be more than that on what we earn. And I do not hear anybody saying that we have an average income tax at 50 percent.

We are going to be forced to make some tough decisions in the very near future, and we are going to come to a system that gets the tax component out of the price system so that we are more competitive in the world economy. The only bill that does that is the one that gets rid of all tax on income and the payroll tax. We spend 6 to 7 billion man-hours just filling out IRS paperwork. We spend at least that much time calculating the tax implications of a business decision. We lose 18 percent of our economy to making decisions based on the tax consequences instead of the economics. It is costing us somewhere between 300 and $500 billion a year just to comply with this complicated code.

What is going on is it is forcing jobs overseas. If we became the only Nation in the world that sold goods and services into a global economy with no tax component in the price system, we would not only be voraciously competitive, but every foreign corporation would build its next plant in this country so that they could sell into a global economy with no tax component in the price system.

We have a coming crisis in Social Security and Medicare. Larry Kotlakoff, an economist from Boston University, says that the shortfall, the 75-year unfunded liability in Social Security and Medicare, is $53 trillion.

Mr. LINDER. Mr. Speaker, I thank the gentlelman for yielding me time.

Mr. Speaker, again I support the underlying proposition before us, but the way it is put in place, and the national sales tax that I simply have to respond to, representing a rural area like I do.

The principal industry in North Dakota is agriculture. Agriculture is an undertakings industry. The economics behind a family farm are pretty interesting. Every year, these families essentially stake all of what they have got on making equipment payments, making land purchases, buying the inputs to plant the seed, the fertilizer, the gas to run the tractor.

You are not going to find for a family-sized small business, I do not think, an undertaking beyond family farming where there is so much money that goes out the door and into the ground with the hope that you are going to have a crop come around harvest time and have something to make up those costs with.

Why go into that is because, just think of it for a minute, suddenly you are going to add about a 23 cent per dollar hit on a national sales tax. You could not come up with a worse scheme if you imagined to knock family farmers out of business all across this country. I believe it would absolutely be a catastrophe to family farmers and to rural America.

Underlying the principle further is the whole notion that we should tax we have got not wealth. The gentleman talks about leaving the payroll tax intact. But for someone living comfortably on trust fund income, zero tax on those earnings; and then a tax, of course, on consumption, like everyone else would have to pay.

What is at stake here is an effort to make incredibly regressive changes to the Tax Code so that the moderate-income families, the middle-income families in this country, suddenly assume a significantly new burden in terms of additional taxes away from the most affluent few.

You would think the changes already made, that have been documented to be so regressive in character, would already have been enough to satisfy this appetite. But there seems to be no limit to what they want to do in terms of increasing burden on the middle- and moderate-income families, while giving a pass to the most-affluent few. When it is being redacted, even in a discussion this afternoon on the adoption tax credit. This national sales tax is bad, bad business.

Mr. CAMP. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. LINDER).

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

Mr. Speaker, I guess it is too much for people to read the 132-page bill. We get rid of the payroll tax, we do not have enough time to discuss taxes out here. We usually run bills through here with no time at all to think about anything.

The fact is, if you really want to understand what this country is doing, there is a wonderful book called “After the Empire” by a guy named Emanuel Todd. He is the guy that predicted when the Soviet Union would come down. He is the only one who predicted it before it happened.

He is now talking about the chaos that this administration and this Republican majority have put this country in. You are borrowing enough money for the Defense Department. That is what you are borrowing. You are only taking in enough revenue to handle everything but defense, and you are borrowing all over the world, from the Japanese, from the Chinese, and the Europeans.

Every time they say to us, United States, we are tired of funding your Defense Department so you can come over here and hammer us or mess up things in the Middle East or run around the world anywhere you want and start a war, because you have got a President now who says we can start a war any time we want any place we want. The world is afraid economically of the United States.

This is a war of economics. It is not a war on terror. It is a war on economies. One of the reasons why we got into this whole business in the Middle East is because the rest of the world is thinking about leaving the dollar as
the currency that stabilizes the world and going to the Euro. They were doing it in Iran. Saddam Hussein was talking about doing it in Iraq. If they had done that to the oil economics of this world, we would have had a major catas-
trophe, so one of the side benefits of this little exercise over in Iraq was that we did not get oil denominated in Euros.

You people simply will not look at what you are doing. You cannot fight a war and have 700 bases all over the world and run a deficit of $450 billion every year for the whole future that you can see.

This little bill here today is a minor issue; we know that. But it gives us an opportunity to point out that your eco-
nomics are upside down.

You talk great things about, we are going to reform the tax system. We had a chairman on the Committee on Ways and Means for the 10 years he was here, who said he was going to reform the tax system, was going to tear it out by its roots, but he never brought a bill to the committee.

So you tell us all talk, because you know it is nonsense. You want the American people to believe it. You want the American people to believe that we can get rid of that awful, ter-
rible income tax and we will have this nice, easy sales tax that somebody else will pay. But when you look at it and how it actually works, it does not work, and that is why you will not do it.

You have no courage. You own both Houses, both the Senate and the House, and you have never brought that bill out here to be discussed. Why not? Be-
cause you know it is nonsense. You know it is nonsense. That is why you have to run these bills through in the mid-
night of the night with 1 hour’s debate or 2.

So, let us be honest here about taxes. This little one will pass, but do not give us this sales tax or what you are going to rip out of the slots.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). The Chair reminds Members that remarks should be made to the Chair and not to others in the second person.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I said in the begin-
inning, I support this bill. It is good pol-
cy, the adoption tax credit. It should be made permanent. This bill would make it permanent. It helps families who need help in adopting children, particularly those with special needs.

But I want to point out that this bill removes the sunset that would take ef-
fect in the year 2010. So if this bill were not to be enacted into law this year, I want people to understand that we are not endangering the ability of families to take advantage of the tax credit. There is no urgency as far as the expi-
ration of the tax credit itself is con-
cerned.

I do want to correct statements that I think were made by two of my col-

leagues, because I think they were mis-
leading when it was said that the pas-
sage of this tax credit is consistent with the budget. We have not passed a budget. We have not reconciled the dif-
ference between the House and the other body. I know my colleagues will tell you that well, we passed one here and we are consistent with what we did. But there is no budget that puts us on a glide path towards responsible budgeting.

This little bill, Mr. Speaker, and that is one of the reasons I raised the issue. The deficit this year is $422 bil-
lion. I do not believe any one of my col-
leagues is happy with that result.

What will this bill do? It will add a little bit more to the deficit. It will add a little bit more to the red ink of our Nation. I find that regrettable. I think we need to institute budget disci-
pline. We need to offset our expendi-
tures, whether they are in the Tax Code or in the operating budget, so that we do not add to the red ink of the Nation.

Unfortunately, this bill will not do that. And it would be easy for us to agree in a bipartisan manner to the necessary offsets so this bill does not add further to the deficit.

That is the offer that I make on be-

The Administration is pleased that the House is acting now to make tax relief for adoption permanent. The Administration urges quick action in Congress to reduce the financial burden of families undertaking adoption by making this important part of the President’s tax relief plan permanent.

Mr. Speaker, I urge adoption of this res-

olution and submit the letter I pre-

viously mentioned.

EXECUTIVE OFFICE OF THE PRESI-
DENT, OFFICE OF MANAGEMENT AND BUDGET,


STATEMENT OF ADMINISTRATION POLICY

H.R. 1057—ADOPTION TAX RELIEF GUARANTEE ACT (REP. DEMINT (R) SOUTH CAROLINA AND 203 COSPONSORS)

The Administration strongly supports H.R. 1057, which would permanently extend the expanded tax relief for adoption enacted in 2001. Adoption is a wonderful way to build a family and to provide a loving, permanent home for a child in need. Permanent tax re-

lief for adoptions permanent will provide fi-
nancial relief to families taking this impor-
tant step.

The President has called on Congress to make provisions of the 2001 and 2003 tax re-

lief acts permanent to prevent tax increases from hitting America’s families, small busi-

nesses, investors, farmers, and seniors. Tax-

relief has greatly helped the economy weather the storms of recent years and fueled the economic recovery underway today. Making tax relief permanent will lay the foundation for sustained economic growth and job cre-

ation over the long term and enable taxpayers to better plan for their future.

The Administration is pleased that the House is acting now to make tax relief for adoption permanent. The Administration urges quick action in Congress to reduce the financial burden of families undertaking adoption by making this important part of the President’s tax relief plan permanent.

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

Mr. CAMP. Mr. Speaker, I yield myself my-
such time as I may consume. Mr. Speaker, let me just get back to the basics about what this bill is about. In 2001, this Congress passed tax relief which included an increased and en-

hanced adoption tax credit. This new law will expire. The sunset was in-
cuded in the bill to comply with Senate procedural rules. This legis-

lution would repeal that sunset so that the adoption tax credit provisions remain permanent.

If this legislation, H.R. 1057, is not enacted, then the adoption tax credit would be cut from a maximum of $10,000 to zero. Families who adopt spe-
cial needs children would no longer re-

ceive the flat credit. Instead, it would be a much more limited credit.

Also, certain adoptions would be pushed into higher tax brackets. Fewer fami-

lies will be eligible for the credit alto-
gether. This is important, because not only can adoptions be very, very expen-

tive; as I mentioned earlier, it would mean that many families could not af-

ford adoption.

I have a letter here that I will in-
clude for the record, a statement of ad-

ministration policy strongly suppor-
ting this legislation, recognizing that adoption is a tremendously won-
derful way to build families and to pro-

vide loving homes for children in need.

This tax relief will help provide the financial relief families need. The

home studies and some of the medical checks that are necessary as a result of

an adoption can be very, very expen-
sive, and this will help families as they take that very important step.

So the administration supports this legislation and is urging that we have action in Congress to reduce the financial burdens that families have when they undertake adoptions by making this important part of the tax relief that we passed in 2001 permanent.

Mr. Speaker, I urge adoption of this resolution and submit the letter I pre-

viously mentioned.

The Administration is pleased that the House is acting now to make tax relief for adoption permanent. The Administration urges quick action in Congress to reduce the financial burden of families undertaking adoption by making this important part of the President’s tax relief plan permanent.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 1057.

The question was taken.

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

Mr. CAMP. Mr. Speaker, on that I de-

mand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursu-

ant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

☐ 1700

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unani-
mous consent that all Members may have 5 legislative days within which to revise and extend their remarks and in-
clude extraneous material on the sub-
ject of H.R. 1057, the bill just consid-

ered.
The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Michigan? There was no objection.

CALLING FOR THE SUSPENSION OF SUDAN’S MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 137) calling for the suspension of Sudan’s membership on the United Nations Commission on Human Rights.

The Clerk read as follows:

S. CON. RES. 137

Whereas in Darfur, Sudan, more than 30,000 innocent civilians have been murdered, more than 400 villages have been destroyed, more than 300,000 people have been internally displaced, and thousands have been forced from their villages into neighboring countries, and more than 1,000,000 people have been forcibly displaced;

Whereas the United States Government has been, and remains as of September 2004, the largest contributor of assistance to the people of Sudan, and provides $200,000,000 in assistance, which constitutes more than 70 percent of the total assistance provided to that region;

Whereas the United States has pledged $299,000,000 in humanitarian aid to Darfur through fiscal year 2005, as well as $11,800,000 in support of the African Union mission in that region, and is likely to provide support in excess of those pledges;

Whereas United States citizens and private organizations, as well as the United States Government, admirably worked, at great risk and through great effort, to ease suffering in Darfur, Sudan, and in eastern Chad;

Whereas based on credible reports, Congress determined in late July 2004 that acts of genocide were occurring in Darfur, Sudan, and that the Government of Sudan, and Janjaweed militiamen, have committed acts of genocide in Darfur, Sudan, that more than 130,000 men, women, and children have been forcibly displaced from their villages in neighboring countries, and that more than 400 villages have been destroyed;

Whereas the United States has pledged to furnish Sudan the means to provide assistance in Darfur as rapidly as possible, and to cooperate with international organizations to assist those affected by the crisis in Darfur;

Whereas expressions of grave concern at the ongoing human rights crisis in Darfur, Sudan, continue to spread human rights violations in Darfur, including continued attacks on civilians that place thousands of lives at risk, the United Nations Security Council on July 19, unanimously adopted Security Council Resolution 1556, which called for the Government of Sudan to fulfill immediately its obligations to facilitate humanitarian relief efforts, to take steps to disarm immediately the Janjaweed militiamen responsible for attacks on civilians and bring the perpetrators of such abuses to justice, and to cooperate with independent United Nations-sponsored investigations of human rights violations;

Whereas the Government of Sudan has failed to take credible steps to comply with the demands of the international community as expressed through the United Nations Security Council;

Whereas according to press reports, reports from nongovernmental organizations, first-hand accounts from refugees, and other sources, the Janjaweed attacks on the civilians of Darfur continue unabated as of September 2004;

Whereas there are credible reports from some of the same sources that the Government of Sudan is providing assistance to the Janjaweed militiamen and, in some cases, that Government of Sudan forces have participated in or condoned such attacks on civilians;

Whereas the United States Government, after conducting more than 1,000 interviews with survivors and refugees, has determined that genocide has occurred in Darfur, that it may still be occurring, and that both the Janjaweed and the Government of Sudan bear responsibility for the commission of atrocities based on race, not religion;

Whereas the United States has recently introduced a new resolution in the United Nations that calls for the Government of Sudan to cooperate fully with an expanded African Union force and for a cessation of Sudanese military flights over Darfur;

Whereas the introduced resolution also provides for international overflights of the Darfur region to monitor the situation on the ground and requires the United Nations Security Council to review the record of compliance of the Government of Sudan to determine whether the United Nations should impose sanctions on Sudan, including sanctions affecting the petroleum sector in that country;

Whereas the resolution also urges the Government of Sudan and the Sudanese People’s Liberation Movement to conclude negotiations on a comprehensive peace accord and, most importantly, for the United Nations to conduct an investigation into all violations of international humanitarian law and human rights law that have occurred in Darfur in order to ensure accountability;


Whereas the United Nations Security Council Resolution 1556 calls upon the Government of Sudan to cooperate with the United Nations;

Whereas the United Nations Human Rights Commission, established in 1946 and given the responsibility of drafting the Universal Declaration of Human Rights, is responsible for promoting respect for and observance of human rights and fundamental freedoms for all;

Whereas the Universal Declaration of Human Rights declares that all human beings are born free and equal in dignity and rights, that everyone is entitled to all the rights set forth in the Declaration regardless of race, color, sex, language, religion, political or other opinion, or national or social origin, property, birth, or other status; and that, in order to the full realization of human rights and fundamental freedoms, respect for human life, liberty and security of person, that no one shall be held in slavery or servitude, and that no one shall be subjected to torture or cruel, inhuman, or degrading treatment or punishment;

Whereas the Convention on the Prevention and Punishment of Genocide, done at Paris December 11, 1948 (hereafter in this resolution referred to as the “Genocide Convention”), delineates the criteria that constitute genocide and requires parties to prevent and punish genocide;

Whereas Sudan is a state party to the Genocide Convention and remains a member of the United Nations Commission on Human Rights;

Whereas the Secretary of State determined that, according to United States law, the Government of Sudan is a state sponsor of terrorism, and therefore remains ineligible for United States foreign assistance;

Whereas due to the human rights situation in Darfur the United States Government has made no new grant of United States obligations under the Genocide Convention for the Secretary of State and the United States Permanent Representative to the United Nations to seek the immediate suspension of Sudan from the United Nations Commission on Human Rights and, in the event a formal investigation results in a determination by the United Nations that genocide has occurred in Darfur, the ultimate removal of Sudan from such Commission; and

Whereas it is a mockery of human rights as a universal principle, a challenge to the United Nations as an institution, and an affront to the people of Sudan and the international community that the Government of Sudan has failed to comply with the United Nations Genocide Convention and remains a member of such Convention; and

Whereas the United States and the United Nations Permanent Representative to the United Nations in the United Nations Security Council on September 9, 2004, with regard to the situation in Darfur; (1) recognizes and approves of the findings of the Secretary of State that genocide has occurred and may still be occurring in Darfur, Sudan, and that the Government of Sudan bears primary responsibility for such acts; (2) supports the Secretary of State’s call for a full and unfettered investigation by the United Nations into the violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability;

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes and approves of the findings of the Secretary of State that genocide has occurred and may still be occurring in Darfur, Sudan, and that the Government of Sudan bears primary responsibility for such acts; (2) supports the Secretary of State’s call for a full and unfettered investigation by the United Nations into the violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability; (3) supports the resolution introduced by the United States Senate in the United Nations Security Council on September 9, 2004, with regard to the situation in Darfur; (4) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take immediate steps to pursue the establishment of a formal United Nations investigation, under Article VIII of the Genocide Convention, to determine whether the actions of the Government of Sudan in Darfur constitute acts of genocide; (5) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take immediate steps to pursue the suspension of Sudan from the United Nations Commission on Human Rights; (6) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take further steps to ensure that the suspension of Sudan from the United Nations Commission on Human Rights remains in effect unless and until the Government of Sudan meets all of its obligations, as determined by the United Nations Security Council, under United Nations Security Council Resolution 1556 of July 30, 2004, and any subsequent United Nations Security Council resolutions regarding this matter; (7) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take steps to ensure that the suspension of Sudan from the United Nations Commission on Human Rights remains in effect unless and until the Government of Sudan meets all of its obligations, as determined by the United Nations Security Council, under United Nations Security Council Resolution 1556 of July 30, 2004, and any subsequent United Nations Security Council resolutions regarding this matter; (8) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take steps to ensure that the suspension of Sudan from the United Nations Commission on Human Rights remains in effect unless and until the Government of Sudan meets all of its obligations, as determined by the United Nations Security Council, under United Nations Security Council Resolution 1556 of July 30, 2004, and any subsequent United Nations Security Council resolutions regarding this matter;
Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

In April of 2004, Mr. Speaker, at the same time as world leaders were gathered in Kigali, Rwanda, to remember the Rwandan genocide of 10 years earlier, a humanitarian cease-fire was signed between the government of Sudan, the Sudan Liberation Movement/Army, and the Sudan Justice and Equality Movement to end the atrocities and reverse the humanitarian crisis in Darfur. The agreement was facilitated by the United States Government, the European Union, the African Union, and the United Nations. All parties agreed to take immediate steps to stop the violence and atrocities being perpetrated by the Janjaweed militias.

Sadly, the agreement was not worth the paper it was written on, and the violence continued. The U.N. Humanitarian Coordinator for Sudan later said, “the only difference between Rwanda and Darfur now is the numbers involved.” President Bush confirmed this conclusion on September 9 by declaring, “The United States is appalled by the violence in Darfur, Sudan... The world cannot ignore the suffering of more than one million people.”

Mr. Speaker, despite the best efforts of the U.S. Government, including the extraordinary efforts of Ambassador Williamson at the U.N. Conference in Geneva, and his personal involvement, the Sudanese Janjaweed continued to commit atrocities in Darfur.

Mr. Speaker, this is the third time in the past 4 months that this House has considered resolutions which have shed light on the crisis in the Darfur region. The first resolution, House Concurrent Resolution 403, condemned the Government of Sudan for its attacks against civilians. The second resolution, House Concurrent Resolution 467, declared that the atrocities taking place in Darfur constitute genocide.

This declaration of genocide was affirmed by President Bush and Secretary of State Powell. Senate Concurrent Resolution 137, which lies before you now, represents a logical next step.

Should the investigation lead to a determination by the United Nations that genocide has occurred or is occurring in Darfur, the resolution calls for the removal of Sudan from the Human Rights Commission. Finally, the resolution calls upon the Member States of the Human Rights commission to convene an immediate special session to consider suspension of Sudan’s membership.

The atrocities committed in Darfur have been well documented. An estimated 50,000 people have been killed, another 300,000 face certain death in the coming months, over a million have been internally displaced and some 200,000 others have been forced to flee for their lives. Despite the existence of a cease-fire, African Union monitors have confirmed government support for and participation in attacks against civilians in Darfur as recently as August 26, 2004.

Mr. Speaker, I welcome the recent adoption of United Nations Security Council Resolution 1565, which establishes the International Commission of Inquiry called for by both the Bush Administration and by President Bush. But in light of the evidence already before us, I believe it would be extraordinarily difficult to make an argument against suspending Sudan’s membership from the U.N. Commission on Human Rights.

On July 22, 2004 the House voted unanimously to declare that the atrocities in Sudan constituted genocide. On September 9, 2004, the State Department followed suit, releasing a report which outlines these atrocities and concludes that the Sudanese Government has “promoted systematic killings based on race and ethnic origin,” and that these acts constitute genocide.

It is unconscionable that a government which has perpetrated genocide would be welcome to sit on the U.N. Commission on Human Rights—the very body charged with the protection of human rights around the globe. Sudan should be in the dock for its flagrant disregard for the principles enshrined in the Universal Declaration of Human Rights makes a mockery of the Human Rights Commission’s work, and tangibly undermines that work. Its continued presence on that Commission degrades the United Nations system as a whole.

The preamble to the Universal Declaration of Human Rights places great importance on each member country having a common understanding of human rights and freedoms. One must wonder if the Government of Sudan, which has demonstrated such a flagrant disregard for these principles, has ever read that document. If they have, surely they have not taken it to heart.

Mr. Speaker, I welcome the recent adoption of United Nations Security Council Resolution 1565, which establishes the International Commission of Inquiry called for by both the Bush Administration and by President Bush. But in light of the evidence already before us, I believe it would be extraordinarily difficult to make an argument against suspending Sudan’s membership from the U.N. Commission on Human Rights.

Thank you for your support.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. MCMHUGH) control the remaining time on our side of the question.
There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, I would first like to commend our colleagues in the Senate for passing this critically important resolution. The passage was in the spirit of a bipartisan, bicameral coalition that has worked together over the last few years and few months, in particular, on the problem in Darfur, to bring peace and justice there. I commend the gentleman from New Jersey (Mr. SMITH) on his statement and all of those who have worked so diligently, including the gentleman from Colorado (Mr. TANCREDO), the gentleman from Virginia (Mr. WOLF), the gentleman from Maryland (Mr. CUMMINGS) of the Black Caucus, who have all come together to support the terrible actions of the government of Sudan.

Mr. Speaker, this past May, the United Nations Economic and Social Council voted on candidate states for 14 open seats on the Human Rights Commission, monitoring and reporting on the United Nations. To the dismay of the international community, Sudan was nominated from the Africa group.

Just one month later, the commission considered Sudan over its severe human rights violations in the country's western Darfur region. Sudan was charged with systematically destroying whole villages, executing civilians, raping women and displacing hundreds of thousands of people. I went to that region, to Chad, and went 30 miles from the border of Sudan and talked to the refugees there and heard firsthand the horrible stories that they told us about rapes and beatings of children, boys being forced into huts and the huts being burned, just horrible, horrible stories.

Mr. Speaker, this is the same government that gave sanctuary to Osama bin Laden from 1991 to 1996, allowing him to build his terror network worldwide. In fact, I would argue that al Qaeda was conceived and created in Sudan in the early 1990s. Other terrorist acts also link current officials in Sudan to a failed and broken government.

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

Mr. McHugh. Mr. Speaker, it is my honor now to yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), a gentleman who is certainly no stranger to humanitarian causes and who has traveled the world over in support of the oppressed wherever they may be found.

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

There was no objection.

Mr. McHugh. Mr. Speaker, it is my honor now to yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), who has traveled the world over in support of the oppressed wherever they may be found.

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

There was no objection.

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from New Jersey (Mr. PAYNE) for his faithfulness and his leadership on this issue. I share his statement, and I am a supporter of his bill and the gentleman from Colorado (Mr. TANCREDO), and I urge all

contrary to the request of the gentleman from New Jersey (Mr. SMITH) on his statement and all of those who have worked so diligently, including the gentleman from Colorado (Mr. TANCREDO), the gentleman from Virginia (Mr. WOLF), the gentleman from Maryland (Mr. CUMMINGS) of the Black Caucus, who have all come together to support the terrible actions of the government of Sudan.

Mr. Speaker, this past May, the United Nations Economic and Social Council voted on candidate states for 14 open seats on the Human Rights Commission, monitoring and reporting on the United Nations. To the dismay of the international community, Sudan was nominated from the Africa group.

Just one month later, the commission considered Sudan over its severe human rights violations in the country's western Darfur region. Sudan was charged with systematically destroying whole villages, executing civilians, raping women and displacing hundreds of thousands of people. I went to that region, to Chad, and went 30 miles from the border of Sudan and talked to the refugees there and heard firsthand the horrible stories that they told us about rapes and beatings of children, boys being forced into huts and the huts being burned, just horrible, horrible stories.

Mr. Speaker, this is the same government that gave sanctuary to Osama bin Laden from 1991 to 1996, allowing him to build his terror network worldwide. In fact, I would argue that al Qaeda was conceived and created in Sudan in the early 1990s. Other terrorist acts also link current officials in Sudan to a failed and broken government.

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

Mr. McHugh. Mr. Speaker, it is my honor now to yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), a gentleman who is certainly no stranger to humanitarian causes and who has traveled the world over in support of the oppressed wherever they may be found.

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

There was no objection.

Mr. McHugh. Mr. Speaker, it is my honor now to yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), who has traveled the world over in support of the oppressed wherever they may be found.

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

There was no objection.

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from New Jersey (Mr. PAYNE) for his faithfulness and his leadership on this issue. I share his statement, and I am a supporter of his bill and the gentleman from Colorado (Mr. TANCREDO), and I urge all
Members on both sides to cosponsor his bill.

Mr. Speaker, I rise in strong support of S. Con. Res. 137 calling for the suspension of Sudan's membership on the United Nations Commission on Human Rights. And the commend Majority Leader Frist and the gentleman from Illinois (Speaker HASTERT) for moving this important resolution very quickly through the Congress, and also the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LAXALT).

On September 9, Secretary of State Colin Powell declared that genocide is occurring in Darfur, and we all owe Secretary Powell a debt of gratitude, because that took a tremendous amount of courage, and he did it.

Sudan is accused of the most heinous crime which can be inflicted on an entire group of people. The gravity of what is occurring must not be lost on anyone, not the United States, not the international community and certainly not the United Nations.

On July 30, the United Nations Security Council unanimously adopted Security Council Resolution 1556, calling on the government of Sudan to fulfill immediately its obligation to facilitate humanitarian relief efforts and disarm the Janjaweed militia, bring those responsible for atrocities in Darfur to justice and to cooperate with U.N.-sponsored human rights monitors.

To date, the government of Sudan has failed to comply with that U.N. resolution.

The Janjaweed is still attacking innocent civilians with support from the government of Sudan, and as recently as late August, credible reports point to direct attacks on villages by the government of Sudan. Just last week, the U.N. Security Council passed a new resolution, as the gentleman from New Jersey said, stating that the government has failed to meet the requirements under the previous resolution and calling on Sudan to cease attacks and cooperate fully with the expanded African Union force or face economic sanctions.

It may come as a surprise to some that Sudan, the country that is committing genocide, the country that is allowing people to go on to kill men, rape women, abduct children and burn villages, sits on the United Nations Human Rights Commission, the lone body responsible for promoting respect for and observance of human rights and fundamental freedoms.

I call on the United Nations to seek the immediate suspension of Sudan from the United Nations Commission on Human Rights. And if the United Nations determines that genocide has occurred in Darfur, to see that Sudan is permanently banned from the commission. This is not too much for the United Nations. More importantly in some respects, this is a test for Kofi Annan. Kofi Annan is a good man, decent, honest. But Kofi Annan was the head of the U.N. Peacekeeping Forces in 1994 when the genocide swept through Rwanda and 800,000 Tutsis died. The fact that he was in at that time when genocide took place in Rwanda and is now the leading organization when genocide is taking place in Darfur gives him a tremendous burden and responsibility and that responsibility is to immediately seek the suspension of Sudan from the Commission on Human Rights. I hope he will face the pursuit of universal human rights and a direct affront to the United Nations and all countries which respect the God-given rights of their citizens to have Sudan sit in judgment of others as a member of that commission.

I urge every Member to vote in favor of this resolution. I thank the chairman, I want to particularly thank the gentleman from New Jersey (Mr. PAYNE). He led us here from the very, very beginning as many others have, the Black Caucus has, the gentleman from Colorado (Mr. TANCREDO), Senator BROWNBACK, Senator FRIST and many others. I think eventually we will be successful, but I want to thank the gentleman.

Mr. PAYNE. Mr. Speaker, let me thank the gentleman who has really done an outstanding job in this area for a decade, and I certainly would like to associate myself with his remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank my friend, the gentleman from New Jersey (Mr. PAYNE), for yielding me time.

I want to join the gentleman from Virginia (Mr. WOLF) and the gentleman and others in congratulating the gentleman from New Jersey (Mr. PAYNE) for his leadership, his tenacious, unwavering leadership on this issue, calling the Congress's attention, calling America's attention, inviting the international community's attention on the genocide that is occurring before our eyes.

Mr. Speaker, the international community can no longer avert its eyes from the humanitarian and human rights catastrophe that is occurring in the Darfur region of Sudan today. Secretary of State Powell has labeled the killings in Darfur as genocide, pointing out that the Sudanese government has failed to protect innocent men, women, and children by the Sudanese government and the Arab militia group called the Janjaweed are part of a “coordinated effort, not just random violence.” This is an intentional, considered act of murder.

The United Nations calls the situation the “world's worst humanitarian crisis.” An estimated 30,000 civilians have been murdered. More than 400 villages have been destroyed. One million people have been displaced, and 130,000 have fled to neighboring Chad. And still, and still the international community stands on the sidelines.

Mr. Speaker, inaction in the face of genocide must not be an option. The international community and the United States must be prepared to act to end the armed conflict at the heart of this crisis. Regrettably, the U.N.'s record of responding to crises of this type, exemplified in Rwanda and the Balkans, has been shameful, shameful. The United Nations talks about it, but it does not walk. The United Nations rings its hands but does not raise its hands to stop the killing. Sudan is banned from the United Nations blue helmets were on the ground in Bosnia, watching genocide be perpetrated, and they did nothing to stop it. We watched as the world, ourselves included, lamented what was happening in Rwanda and 800,000 defenseless, innocent souls perished because the mighty stood by and watched. History will not judge us well for that negligence.

Did the slaughter of hundreds of thousands 10 years ago not teach us anything? Does the painful memory of our inaction then not compel a different response today? The answer is muted at best.

We pass resolutions in this body. We talk to New York and people die. We continue to talk in New York and people are displaced. We continue to talk in New York and women are raped. We continue to talk in New York and children starve. Talk is cheap. Talk does not stop killing. Talk does not stop genocide.

It is time for the world to act. This resolution by itself will not diffuse the crisis or stop the bloodshed, but it is nevertheless a siren call to the world that we can no longer ignore the genocide, we can no longer rationalize those who commit it. We ought not to treat as citizens of the world and the United Nations nations who commit genocide.

This resolution is an explicit recognition that is not only a perverse, but a grotesque situation that Sudan is allowed to retain its membership on the United Nations Commission on Human Rights. What kind of world do we live in where the perpetrator of genocide is included on the nations of the world’s Commission on Human Rights? Is there no intellectual honesty in the international community?

This resolution would urge our Nation's representatives at the U.N. to seek the immediate suspension of the Sudan from the commission. I would go further than that. I would suggest the immediate suspension of Sudan from membership in the United Nations until this genocide stops. But this resolution is appropriate. It is not enough, but it is a step; and I support it.

I thank my friend from New Jersey (Mr. PAYNE) for his leadership and for his yielding me time.

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS) who also has a great interest in this resolution and is a member of this cause.
Mr. PAYNE. I thank the gentleman from Maryland (Mr. HOYER) and the gentleman from Virginia (Mr. WOLF) said about the United Nations. This is genocide in every sense of the word. It is ethnic cleansing in every sense of the word. And the UN is permitted, sanctioned by the United Nations is a travesty and an atrocity in and of itself.

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, attack 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 they had witnessed the complete destruction of their villages. Sixty-one percent of the respondents reported witnessing the killing of a family member. About one-third of the respondents reported hearing racial epithets while under attack; one-quarter witnessed the burning of personal property (47 percent) and the theft of livestock (80 percent).

(3) GOS soldiers visit the villages, this month, last month. And they are continuing to arm them, and they go out in the villages and destroy villages, that month, last month. And their design is to let these people return home, never to let them go home, to allow them to stay in these refugee camps, a permanently displaced population of millions of people, and let international forces feed those people. That simply will not do.

Those people need to return to their villages. They need to be protected. These Arab militia and their leaders need to be brought to justice, and we can at least start this process.

The last time we voted sanctions on Sudan, 3 years ago and a million deaths ago, two Members of this body voted against it. Today, I hope, as God is our witness, that this is a unanimous vote and that it is not the end of things, it is only the beginning of things.

I second everything that the gentleman from Maryland (Mr. HOYER) and the gentleman from Virginia (Mr. WOLF) said about the United Nations. This is genocide in every sense of the word. It is ethnic cleansing in every sense of the word. And the UN is permitted, sanctioned by the United Nations is a travesty and an atrocity in and of itself.

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, attack 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 they had witnessed the complete destruction of their villages. Sixty-one percent of the respondents reported witnessing the killing of a family member. About one-third of the respondents reported hearing racial epithets while under attack; one-quarter witnessed the burning 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. Fleering 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.
many years, even in the capital market sanctions. I really commend him for that.

Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, let me just say thanks to the gentleman from New Jersey (Mr. PAYNE), to the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. MCHUGH) for the fine work that they have done in bringing this resolution to the floor.

We have to ask ourselves, why is it that the world is not doing more to stop the Sudanese Government troops and their allied military, the Janjaweed? Together, they have raped, tortured, maimed and burned entire villages to cleanse the area of African Muslims resulting in close to 50,000 deaths.

Another 1.5 million people have been forced from their homes into camps. They remain vulnerable to attacks by the Janjaweed, who are among the police guarding the camps. The world cannot continue to condone this genocide.

We can also not continue to condone the presence of human rights abusers on a commission that is charged with protecting human rights because it is ridiculous and unconscionable to think that the very perpetrator of a genocide could also be the enforcer of human rights. Is that what is happening by allowing Sudan to continue to serve on the United Nations Human Rights Commission.

That is why I stand behind this bill to suspend the Sudan from a commission that is charged with protecting human rights because it is ridiculous and unconscionable to think that the very perpetrator of a genocide could also be the enforcer of human rights. It is simply unconscionable to think that the very perpetrator of a genocide could also be the enforcer of human rights.

We can also not continue to condone the presence of human rights abusers on a commission that is charged with protecting Human Rights. It is simply unconscionable to think that the very perpetrators of genocide could also be the enforcers of human rights. But that is exactly what is happening by allowing Sudan to continue to serve on the United Nations Human Rights Commission.

Numerous reports provide evidence of the Sudanese government’s involvement in actively committing atrocities in Darfur. However, the Sudanese government continues to deny any connection to the atrocities carried out by the Janjaweed and simultaneously, has done little to stop them. By insisting that no genocide is taking place and repeatedly denying any responsibility for protecting their own people, the Sudanese government has demonstrated that it is not fit to serve on the United Nations Human Rights Commission.

What is needed now is action from the international community. First, Sudan’s membership on the United Nations Human Rights Commission must be revoked. The universal declaration on human rights states that, “everyone has the right to life, liberty and security of person” and that no “state, group or person has any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms.” The Sudanese government, through its involvement in perpetrating the genocide in Darfur, and its inaction in doing anything to resolve the human rights situation, is in violation of the basic principles of the United Nations Human Rights Commission. It, therefore, cannot remain a member.

Second, the international community must offer increased support to the African Union, which has been a leader in attempting to resolve the conflict in Sudan. In addition to leading efforts for peace in Darfur, the AU has led a small contingent of troops to Darfur to monitor the cease-fire and serve as observers. The African Union must be congratulated on these efforts. Additionally, support for their efforts must be increased. It is essential that the African Union’s force be enlarged and allotted a robust mandate to protect Darfur’s civilians from new attacks.

We can no longer sit on the sidelines and pretend that nothing is going on while the Sudanese government commits crime after crime against humanity. Murder, rape, forced displacement—these are clearly not the tools of human rights supporters. That is why I stand behind this bill to suspend Sudan from the United Nations Commission on Human Rights and for the U.N. to launch a formal inquiry into its acts of genocide in Sudan.

Let us hope the world will begin to work harder to end the atrocities by, first, suspending Sudan from a commission that it fails to respect, and second, by standing behind the efforts of the African Union to stop these atrocities.

We are here today to simply speak about why it is that the world is not doing more to stop Sudanese government troops and their allied militia, the Janjaweed. Together they have raped, tortured, maimed and burned entire villages to cleanse African Muslims from the area—resulting in close to 50,000 deaths. Another 1.5 million persons have been forced from their homes into camps. They remain vulnerable to attacks by the Janjaweed, who have been hired as police to guard the camps. The world cannot continue to condone this genocide.

We can also not continue to condone the presence of human rights abusers on a commission that is charged with protecting human rights. It is simply unconscionable to think that the very perpetrators of genocide could also be the enforcers of human rights. But that is exactly what is happening by allowing Sudan to continue to serve on the United Nations Human Rights Commission.

Thank you, Mr. Speaker. I yield back the balance of my time.
Whereas terrorism must be condemned in the strongest terms whenever and wherever it occurs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest possible terms the terrorist attack in Jakarta, Indonesia, that occurred on September 9, 2004; (2) expresses, with the families of the individuals murdered in the terrorist attack, expresses its sympathies to the individuals injured in the attack, and conveys its confidence in the rapid and complete recovery of all surviving victims; and (3) urges the United States, Indonesia, Australia, and all other countries to stand united against terrorism and to work together to bring to justice the perpetrators of this brutal attack in Jakarta, Indonesia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from New York (Mr. Meeks) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 767, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, in an unspakable act of terror, suspected al Qaeda-linked militants detonated a car bomb outside the Australian embassy in Jakarta, Indonesia, on Thursday, September 9, of this year, killing 9 people and wounding at least 173.

The bomb exploded shortly after 10:15 a.m. local time, just in front of the Australian embassy’s gate, flattening a section of the steel fence and shattering windows in the high-rise office building as far as 500 meters away. Most of the casualties were Indonesian policemen, embassy security guards and passers-by. No one inside the embassy was killed, although several Australians and other foreign citizens were wounded in the attack. Police are now investigating whether a suicide bomber triggered the blast.

The Australian embassy bombing is the third attack perpetrated by the Islamic militants in the 2 years since the horrific bombings and a deadly blast at Jakarta’s Marriott hotel last year. The attacks have been blamed on the al Qaeda-linked Jemaah Islamiah.

Mr. Speaker, all Americans strongly condemn this outrageous act of violence. We offer our deep condolences to the victims and families of this heinous crime, as well as to the peoples of Indonesia and Australia.

It is also fitting, Mr. Speaker, that it occurs: Now, therefore, be it

Resolved, That the House of Representa-

ves.

(1) condemns the September 9 terrorist attack outside the Australian embassy in Jakarta, Indonesia. Nine Indonesians lost their lives in this brutal attack, and almost 200 people were injured.

This latest attack by Jemaah Islamiyah sadly confirms Indonesia’s status as a frontline state in the global battle against terrorism. Over 200 Australians, mainly Australian, were murdered in the 2002 Bali bombings. Twelve Indonesians were also killed at the suicide bombing at the J.W. Marriott hotel in Jakarta in August 2003.

While this latest attack occurred on Indonesian soil and those killed were Indonesians, the attack itself was aimed at Australia and its people.

However, these cowardly terrorist acts will not prevent Australia from standing strong against terrorism or from continuing to support the spread of democracy and freedom around the world. Neither will these attacks be successful in changing the path of Indonesia, who has just held peaceful, democratic elections in testament to its moderate character.

The United States must continue to play a leadership role in developing an international coalition that works closely with ASEAN countries to help develop strong partnerships that will help prevent future terrorist attacks.

I would like to convey to the Indonesian people my heartfelt sympathies for the innocent loss of life on September 9 and my appreciation to the Australians for their willingness to confront international terrorism at every turn.

I strongly support this resolution.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. Jackson-Lee).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for the time.

First, I would like to thank him for his leadership, and I would like to add my appreciation, as well, to the gentleman from Indiana (Mr. Burton), the gentleman from Florida (Mr. Wexler), and the gentleman from New York (Mr. Meeks) and the manager of this bill for it is of great importance that we coalesce with our allies and offer a mutual understanding of the pain of the war on terror as it impacts the innocent and the uninvolved.

I rise today to support H. Res. 767, condemning the terrorist attack in Jakarta, Indonesia, that occurred September 9, Indonesia is not a stranger to terrorist acts, and it was just a few short years ago when they lost hundreds of lives in the terrorist act on one of their local night clubs, an entertainment center where many tourists found their way.

This is an attack on Australia and the coalition to stand up against terrorism. It is tragic to note that even innocent individuals can face a life of terror because they are victims.

So I rise to say that there should not be one time when our Nation’s allies and friends, those who fight their own individual wars on terror, do not receive the sympathy of the American people.

Mr. Speaker, I am reminded of 9/11. I traveled after that. It was so overwhelming to hear from all over the world, no matter what region people lived in, to offer to the United States and all the people who lost loved ones their deepest sympathy and expression of kinship with us, recognizing that we are all in this together.

This war on terror does not find itself comfortable in one place over another, one region, one language or one set of values. Every single nation in this world may be subject to terror sometime, and we would hope that even in those places that would seem to be harboring terrorists, we know that there are people there who want peace.

So I rise to be supportive of H. Res. 767, and as I do that, Mr. Speaker, let me add my support as well for S. Con. Res. 137. That, of course, is the removal of Sudan from the Human Rights Commission in the United Nations.

I was not able to arrive on the floor in the time. I simply want to say that although it may not be characterized as terror, genocide is terror.

We have done everything we could possibly do. The gentleman from New Jersey (Mr. Payne), a leader on this issue, the gentleman from New York (Mr. Meeks), a member of the Committee on International Relations, and I have worked on this issue. Many Members have, including the collective Congressional Black Caucus and many, many Members in a bipartisan manner. The Congress has worked its will.

The tragedy is that this does not translate to the government of Sudan. They must receive the greatest penalty, and that may mean the removal from the human rights panel at the United Nations, but it also may mean divestiture, removing the investments of so many from this country and many other places in the economic engine of Sudan.

The government has not learned by our actions. I believe there should be a
wake-up call, even stronger than S. Con. Res. 137. I look forward to our coming together, unified as a Congress, to demand action now by the Sudanese government or they will in turn receive the wrath and the punishment of not only the American people but the world.

In conclusion, Mr. Speaker, I support H. Res. 767, ask my colleagues to vote for it and, as well, S. Con. Res. 137.

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

Mr. McHUGH. Mr. Speaker, I yield myself the balance of my time, and on a closing note, first of all, my compliments to my colleague, the gentleman from New York (Mr. MEEKS), for his continued leadership on this issue as well. And I want to also commend the original sponsor of the resolution and one of the senior members of the Committee on International Relations, my good friend and former chairman on the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), who also had a very important hand in this very necessary and I think very appropriate resolution.

And as has been said here today, I certainly would urge all of our colleagues to pass it, and I look forward to its adoption.

Mr. BURTON of Indiana. Mr. Speaker. I would like to thank you Chairman HYDE, Speaker HASTERT, and Majority Leader TOM DELAY for allowing this most important piece of legislation, H. Res. 767, to be considered before the House of Representatives today.

In the early morning hours of September 9th, 2004, as Indonesians in Jakarta were settling into their places of work, a devastating explosion rocked the Australian Embassy in the heart of Indonesia's capital, sending at least 180 innocent victims to the hospital and killing at least 10 innocent and defenseless bystanders.

It was yet another terrorist attack that the world has unfortunately grown so accustomed to. But, for Indonesia, this act of terrorism was an attack on their modern and moderate Muslim beliefs and against their choice for a free and democratic nation.

This resolution condemns the terrorist attack that occurred in Jakarta, Indonesia, outside of the Australian Embassy on September 9th, 2004, and expresses our deepest condolences to the families of the individuals murdered and those who were dreadfully injured as we hope for the speedy and complete recovery of all the surviving victims.

We—as Americans—understand the terrible devastation that is felt throughout a nation when this type of senseless tragedy occurs. The horrific event on September 9th, 2004, is a reminder to the United States and Indonesia—along with the rest of the freedom loving nations around the world—must continue to stand firm in our resolve against the evils of international terrorism.

It should be noted that this attack was almost three years to the day since the September 11th attacks on New York, Washington, D.C., and Pennsylvania; about two years since a bombing ripped through crowded nightclubs in Bali's Kuta Beach; and only 12 months after the J.W. Marriott hotel bombing in Jakarta.

Furthermore, this devastating attack came just 12 days before the final round of Indonesia's first-ever direct presidential election, which took place on September 20, 2004, and is being hailed as a major milestone and a key step towards stabilizing and continuing the numerous democratic gains made by Indonesia in recent years.

The attack also occurred exactly one month before the 3rd anniversary of the election in Australia; and, these radical terrorists must not be allowed to disrupt any free and fair elections, no matter how old or young a Democracy may be.

As a result of Indonesia's belief in the Democratic process, they have been the unfortunate target and victim of Jemaah Islamiyah (jeh-mah-Ah Isslah-miyah) terrorists, who have been linked with notorious fundamentalists such as Al-Qaeda, and make their home throughout southeast Asia.

The extremist group of radical muslims, Jemaah Islamiyah (jeh-mah-Ah Isslah-miyah), who claimed responsibility for the September 9th bombing, is trying to disrupt Indonesia's fair and free democratic elections, and the emerging road towards democracy in Indonesia must not be curtailed by these senseless acts of violence.

The United States, Indonesia, Australia, and all of our allies should stand united in the fight against terrorism, working together to bring to justice the perpetrators of the terrorist attack in Jakarta, Indonesia, and all other acts of terror and violence throughout the world.

I would respectfully ask that all of my distinguished colleagues vote “aye” and let the terrorist thugs who destroyed a peaceful Thursday morning in Jakarta know that we will not stand idly by and watch as they disrupt the freedoms of our friends, partners, and allies in the global war against terrorism.

Again, thank you Mr. Speaker for allowing me to speak on this important resolution.

Mr. LEACH. Mr. Speaker, I rise in support of H. Res. 767, condemning the terrorist attack in Jakarta, Indonesia, as amended on September 9th, 2004. I would like to thank the gentleman from Indiana, Mr. BURTON, for introducing this timely and thoughtful measure.

Mr. Speaker, a suspected Al-Qaeda affiliate known as Jemaah Islamiyah detonated a car bomb outside the Australian Embassy in Jakarta, Indonesia, on Thursday, 9 Sept. 2004, killing nine people and wounding approximately 180 people. While no one inside the embassy compound was killed, several Australian and other foreign citizens were wounded in the blast.

The great bulk of the casualties were suffered by Indonesians who worked in the area or were simply passing by.

The Australian Embassy bombing is the third major attack in Indonesia perpetrated by the Islamic militants, including the deadly Bali bombings in 2002 and a blast at Jakarta's Marriott hotel last year.

Mr. Speaker, all Americans strongly condemn this latest terrorist outrage act of violence. We extend our deepest sympathy to the victims and families of this outrageous crime as well as to the peoples of Indonesia and Australia.

We stand with the people of Indonesia and Australia in opposition to the use of terror, and we salute their individual and collective efforts to bring the perpetrators of this crime to justice.

Barbarous acts of this kind, whether precipitated in New York and Washington, or Jakarta, Istanbul and Madrid, are more crimes against civilization and humanity than attacks on any particular nation. As we seek accountability we look for the support of faithful people and justice seekers of all societies in a war to eliminate the cowardice of terrorism.

The despicable act that occurred in Jakarta earlier this month does not put the Indonesian or Australian democracies at particular risk. It is civilization and civilized values which demand protection.

I urge support for the resolution.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 475) encouraging the International Olympic Committee to select New York City as the site of the 2012 Olympic Games.

The Clerk read as follows:

H. CON. RES. 475

Whereas the Olympic Games further the cause of world peace and understanding; whereas the country hosting the Olympic Games performs an act of international goodwill;

Whereas if New York City were chosen to host the 2012 Olympic Games there would be a substantial local, regional, and national economic impact, which would include 7 years of international sports events, meetings, and related nationwide tourism activity;

Whereas the Olympic movement celebrates competition, fair play, and the pursuit of dreams;

Whereas the United States and, in particular, New York City celebrate these same ideals; and

Whereas New York City has never hosted the Olympic Games: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) encourages the International Olympic Committee to choose New York City as the site of the 2012 Olympic Games; and

(2) hopes that the United States will be selected as the host country of the 2012 Olympic Games, and pledges its cooperation and support for their successful fulfillment in the highest Olympic tradition.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from New York (Mr. MEEKS) each will control 20 minutes.
The Chair recognizes the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 475, the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 475. This resolution encourages the International Olympic Committee to select New York City as the site for the 2012 Olympic Games and supports New York City’s desire to host the 2012 Olympics.

Mr. Speaker, earlier this year, the International Olympic Committee narrowed the selection for the 2012 Games to five cities, New York City being one of them. And in July of next year, they will make their final decision. As a New Yorker, but also as an American, I really urge the Congress to adopt this resolution and supports the Congress for New York City to be given these Games.

There are any number of reasons, Mr. Speaker, why New York City should be the site of the 2012 Olympic Games. There are students or children representing 199 of those countries in New York City’s public schools. That is 199 out of the 202 countries who will have representation in New York City. Virtually every country coming to the Olympics, in effect, will be a home team in New York City.

It is that diversity, that strength and also the facilities that make New York so perfect. The facilities are available; more are being constructed. The Mayor and the city officials, the State officials will do whatever has to be done to make sure that all of the events can be accommodated. New York City certainly showed, just last month, during the Republican convention the level of security its police force can provide, the safety and security and hospitality to people from all over the country, and certainly, they will show in 2012 that they can do it for people all over the world. We have the mass transit, and really, we have whatever has to be there for the Olympics.

Also, if we can say, this will be one final step, one further step away from September 11, 2001, showing that New York has come all the way back, not just in the eyes of the city, the State and the country but, indeed, in the world.

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

Mr. MEEKS of New York. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I would first like to commend my good friend and colleague, the gentleman from New York (Mr. KING), on the other side. As he said, we may not agree on much, but we do agree on New York being the best place for this. I also would like to commend my friend and colleague, the gentleman from New York (Mr. Rangel), for introducing this important resolution. His leadership on behalf of the interests of New York City is greatly appreciated.

Mr. Speaker, the 2004 Olympic games in Athens recently unfolded before the eyes of hundreds of millions of people around the world, some watching in person but many more on television every night. It is fair to say, Mr. Speaker, that the Athens Games were not an unqualified success. Despite fears of terror or that key Olympic venues would not be ready, Athens was more than prepared to receive over 16,000 athletes and officials from around the world, and the Olympic spirit thrived as athletes achieved their dreams.

This resolution before the House seeks to bring that Olympic spirit we witnessed in Athens here to America for the first time since 1996, when they were held in Atlanta. This measure urges the International Olympic Committee to choose the entry of the United States, New York City, to host the 2012 Summer Olympics.

Mr. Speaker, the Olympics brings together people from all over the world, and when they arrive in the city so great they had to name it twice, New York, New York, they will find that virtually every nationality that competes in the Olympic Games is represented among the people of New York City. Of the 202 countries that participated in the Athens Olympics, immigrant children of 199 of them attend New York City schools. Even the smallest Nation attending Olympic Games in New York will find their own cheering section in New York City.

New York City already has a developed transportation infrastructure to ensure that athletes and spectators can easily get to all Olympic venues and practice facilities. The Olympic village will also be centrally located, and over 500 acres of parks will be created or improved. New York has detailed plans to first-class sports facilities throughout the city to host the Olympics in an effort that will help to revitalize New York’s waterfront.

While the Olympics will have an economic impact of over $11 billion and will create over 135,000 jobs, they will have a longer-term impact upon the blueprint of the city and its ability to host international sporting events for decades to come.

Mr. Speaker, New York is blessed with some of the best financial, creative, marketing and corporate relationships in the world. New York is committed to supplying the talent and creativity that will make the Games in New York a unqualified success. When the International Olympic Committee meets next July to choose the site of the 2012 Summer Games, I urge committee members to support the entry of New York City, the Empire State.

Mr. Speaker, I strongly support this resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Nadler), my friend and colleague.

Mr. Nadler. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this concurrent resolution. New York is eminently suited to host the Olympic Games, and I certainly urge the International Olympic Committee to select New York as the site for the 2012 Games.

I want to say, however, that support for this resolution should not be construed as support for the construction of the Olympic stadium planned for the West Side of Manhattan. There is much opposition to that stadium. Many of us think it is in the wrong place. We support the Olympics, because we trust that common sense will reign and that eventually people will realize that the Olympic stadium should be in Queens or in Shea Stadium.

In any event, we support the Olympics, we support this concurrent resolution, but that support should not be construed as support for construction of a new stadium for the Olympics or for the Jets on the West Side of Manhattan.

Mr. MEEKS of New York. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman for his statement. The question of the stadium is something we will deal with, but we are all together in that we want the Olympics in New York.

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

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume in closing to just commend the gentleman from New York (Mr. Rangel), my friend and colleague.

Mr. Speaker, New York is blessed with some of the best financial, creative, marketing and corporate relationships in the world. New York is committed to supplying the talent and creativity that will make the Games in New York a unqualified success. When the International Olympic Committee meets next July to choose the site of the 2012 Summer Games, I urge committee members to support the entry of New York City, the Empire State.

Mr. Speaker, New York is blessed with some of the best financial, creative, marketing and corporate relationships in the world. New York is committed to supplying the talent and creativity that will make the Games in New York a unqualified success. When the International Olympic Committee meets next July to choose the site of the 2012 Summer Games, I urge committee members to support the entry of New York City, the Empire State.

Again, this is the essence of bipartisanship, a Republican mayor working with a Democratic congressman, the gentleman from New York (Mr. Rangel), and the entire New York delegation stands behind this including the gentleman from New York (Mr. Fossella), who is a prime co-sponsor of the resolution.
So, Mr. Speaker, I urge the adoption of the resolution.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the resolution introduced by my good friend from New York, Congressman RANGEL.

This resolution encourages the International Olympic Committee to choose New York City as the host for the Olympic Games in 2012. Congressman RANGEL has been relentless in promoting New York as a great choice for the Olympics and fighting away from the Home Run to drive this notion. As a member of the New York City delegation, I wholeheartedly support the Resolution.

The United States will not host the Olympic Games for another 8 years now, bringing that span to 10 years—in 2012. I trust the Olympic Committee will see fit to bestow this honor to our great city. Bringing the Games to the United States will not only exert a huge economic boost on local, regional, and of course national level, it will also create jobs not only the four times Games, but also on the road towards them.

New York is uniquely qualified to invite the “world”. The Olympic ideals of competition, fair play, and pursuit of dreams are perfectly embodied and the truly celebrated in the City. Olympic Games drive world wide cultural understanding and exchange and thus promoting peace.

The diverse ethnicity of the City would resonate with all guests—and vice versa. Not just since the United Nations, as the epitome of those ideals, took root in New York, the City has been a beacon of freedom and a meeting spot for the world. The City was hit hard on 9/11, but it never retreated and withdrew in its shelter. It kept embracing the world. In 2012, we want to do it again and another time.

Furthermore, the current plans would allow for extraordinary Olympic Games. The so-called “x-plan” will bring athletes and guests right into the heart of New York, perfectly blending the atmosphere of the great New York skyline with the East River waterfront. The Olympic Games right next to the United Nations headquarters would be the biggest display of international understanding and exchange.

I urge all my colleagues to join Congressmen RANGEL in supporting this resolution.

Mrs. MALONEY. Mr. Speaker, I rise today in strong support of H. Con. Res. 475, of which I am a cosponsor, which expresses the sense of Congress encouraging the International Olympic Committee (IOC) to choose New York City as the site of the 2012 Olympic Games. I would like to thank my friends and colleagues Representatives RANGEL and FOSSELLA for introducing this resolution.

New York is the greatest city in the world. As the center of arts, business, culture, tourism, architecture, education, and sports, New York is an ideal candidate to host the world’s greatest athletic competition. With its top-notch mass transportation systems, New York already has much of the infrastructure in place to transport athletes and fans to the athletic events. Because New York is a site for many of the world’s top sports competitions, including the U.S. Open, and the home of several professional sports teams, our city has the necessary capabilities to handle large numbers of athletes, marching with the tremendous security requirements.

Aside from allowing New York to showcase its beauty and infinite attractions to a global audience, hosting an Olympic Games would be a tremendous boost to an economy that continues to recover from the 9/11 terrorist attacks. Our local restaurants and businesses would greatly benefit from the potential revenue that the Olympics would bring.

Greek just hosted the greatest Olympic Games ever to be held, and I commend them on their success. I am confident that New Yorkers would open their arms and welcome the world to our doorstep just as the people of Greece welcomed us to the birthplace of the Olympics.

I look forward to working with my friends in the New York congressional delegation and our local officials to bring the 2012 Olympic Games to New York City.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 475.

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

A motion to reconsider was laid on the table.

SUPPORTING GOALS AND PURPOSES OF NATIONAL FARM SAFETY AND HEALTH WEEK

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 494) supporting the goals and purposes of National Farm Safety and Health Week and applauding the men and women who provide a stable supply of food and fiber for the United States and the world.

The Clerk read as follows:

H. CON. RES. 494

Whereas nearly half of the land in the United States is used for agricultural production;

Whereas many farmers and ranchers operate and maintain heavy-duty equipment and machinery and work with large and unpredictable livestock, which makes farming and ranching among the most dangerous occupations in the United States;

Whereas farmers and ranchers are at risk of serious work-related accidents, and many farmers and ranchers suffer disabling injuries each year;

Whereas the children of farmers and ranchers are at special risk from farm-related accidents;

Whereas the President has proclaimed, by Executive Order, September 19 through September 25, 2004, as National Farm Safety and Health Week;

Whereas National Farm Safety and Health Week provides an opportunity for increased awareness and educational programs targeted toward the protection and productivity of farmers and ranchers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and purposes of National Farm Safety and Health Week; and

(2) applauds the men and women who provide a stable supply of food and fiber for the United States and the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume. I should start by congratulating the gentleman from New York (Mr. REYNOLDS) for introducing this resolution, and I rise in wholehearted support of it, which brings our attention to the goals and purposes of National Farm Safety and Health Week which the President proclaimed for this week, beginning September 19.

For those of us who represent American farmers and ranchers, we know the long hours farmers devote to getting the crops safely to the bin or the cotton to the gin. Farmers are in the fields now harvesting this year’s field crops. When the weather is ripe for picking corn or cutting beans, farmers understand the good weather window could close at any field and could mean fewer bushels or less quality. When the cotton bolls are ready, the gins are ready to run.

Unfortunately, as we have seen in many parts of the country this year, there are risks in this seasonal activity, and today, we want to applaud America’s farmers who run the big machines and our ranchers who manage the big and sometimes unruly animals. We want to take a few minutes this afternoon to commend the hard work and women who plant, tend and harvest the world’s most bountiful supply of food and fiber in the world for us, the American consumers, and a large part of the world as well.

All of us need to understand the importance of agriculture to our economy and our quality of life. This resolution is one part of recognizing the importance of agriculture by bringing the Nation’s attention to the importance of our safety and health on our farms and ranches.

I again commend the gentleman from New York (Mr. REYNOLDS) for bringing this resolution before the House and urge its adoption.

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

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H. Con. Res. 494, which supports the goals and purposes of National Farm Safety and Health Week and applauds the men and women who provide a stable supply of food and fiber for the United States and the world.

By way of background, it should be noted that, for well over half a century, Congress has recognized National Farm Safety and Health Week. As far back as the 1940s, President Franklin Delano Roosevelt signed the first presidential proclamation recognizing National Farm Safety and Health Week in part to commemorate the hard work, diligence and sacrifices that our Nation’s farmers and ranchers make on a daily basis.
This week is a time for our Nation to reflect upon the important role that U.S. agriculture has played and continues to play in this Nation and throughout the entire world. The United States began as an agrarian society, and agriculture has been at the heart of our Nation since its founding. Over time, however, our Nation became more industrialized, and people left the farms and rural areas to pursue opportunities in the cities. And yet despite the fact that, that millions of people producing the Nation’s food and fiber, productivity has increased.

While the business of farming has undergone significant changes since the founding of this Nation, one thing has not changed: farming continues to be one of the most hazardous occupations in the United States. A report by the National Safety Council concluded that agriculture had the second highest fatality rate of all industries in the Nation. In 2003 alone there were 710 farm-related fatalities and 110,000 disabling injuries.

I hasten to add that, because of the nature of family farms, farm-related injuries and fatalities are not solely limited to those over the age of 60 as one 2001 study by the National Children’s Center for Rural and Agricultural Health and Safety reported that nearly 1.5 million young people, 20 years or younger, lived or worked on farms. The same study showed that more than 660,000 children from the age range employed but not living on farms. According to the study, more than 100 children younger than 20 die each year and more than 22,000 are injured from agriculture-related injuries. Similarly, a study by the American Academy of Pediatrics showed that for teenagers farm jobs have the highest rate of fatalities of all types of teen employment.

While there are many potential hazards on a farm, the greatest continues to be machinery. Reports indicate that 30 percent of farm machinery-related deaths occur in children less than 5 years old. Additionally, the Occupational Safety and Health Administration concludes that 68 percent of farm-related deaths can be traced to some sort of machinery, including tractors, trucks, equipment such as augers and loaders, power takeoffs, and haying equipment.

Of the equipment on the farm, tractors remain the most dangerous. In fact, OSHA reports that more than half of the deaths that occur on the farm are the result of tractor accidents. Of the deaths caused by tractor accidents, 57 percent are the result of rollovers and another 9 percent are the result of people either falling off or getting run over by a tractor.

Agriculture-related deaths and injuries are not limited to incidents involving machinery, however. Farmers and ranchers are subject to a whole list of other dangers including agriculture chemicals and fertilizers, unruly and unpredictable livestock, and buildings that contain high dust levels and toxins. It goes without saying that the commitment to farm safety cannot be limited to a single week. Nevertheless, this timely and welcome resolution to commemorate farm safety reminds us that it is for farmers, ranchers, and their workers to perform their work safely and to take precautions to protect themselves. When one’s child is out there with them, take a little extra bit of care for that youngster.

By recognizing the dangers inherent in farming and ranching and by taking steps to prevent accidents, our Nation will continue to lead the world in the production of agriculture commodities. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS), the author of the concurrent resolution.

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

Mr. REYNOLDS. Mr. Speaker, I thank the chairman of the Committee on Agriculture for yielding me this time. I also appreciate the strong support of my concurrent resolution by both the chairman and ranking member of the Committee on Agriculture today.

Mr. Speaker, I am here to recognize the National Farm Safety and Health Week and to thank our farmers and ranchers nationwide for their hard work day in and day out.

Over half the land in the United States is used for agricultural production; and without the work of our farmers and ranchers, our Nation and others around the world would not have the safe, stable supply of food and fiber that we enjoy today.

In my home State of New York, agriculture is the number one industry, and I am proud to represent one of the largest agricultural areas in the State. In districts like mine all across this great land, farmers work long, hard hours and make tremendous sacrifices. They should be applauded for their efforts.

Unfortunately, those long, hard hours are not risk-free. Sadly, there are hundreds of farm-related fatalities and injuries every year, and sadder still, many of these accidents could be prevented through increased awareness and better safety practices.

The National Farm Safety and Health Week is a national effort to reduce the number of farming- and ranching-related deaths and injuries through educational and awareness initiatives. Helping educate our farmers and their families on necessary safety precautions is essential to ensuring the strong productivity of our agricultural sector.

I would like to commend the National Safety Council for their leadership and continued work towards achieving these goals through the National Farm Safety and Health Week. I urge my colleagues to support this resolution.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume. I have no further requests for time, but let me just say in closing that I am honored to join today with the chairman of the House Committee on Agriculture and the gentleman from New York (Mr. REYNOLDS) in joining with the President, President Bush, having declared this week National Farm Safety Week; and I am very happy to join in support of that concurrent resolution, in support of the President. I thank the President for recognizing this important contribution.

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

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

I would like to thank the gentleman from Texas for bringing us on to bring forth this concurrent resolution and congratulate the gentleman from New York for bringing this forward. And I urge my colleagues to adopt what I think is important to not just people in rural America but in all America, to understand the importance of agriculture and the importance of farm safety. With that, I urge my colleagues to support the concurrent resolution.

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

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

The question was taken; and, after two-thirds having voted in favor thereof, the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE
Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have until 5 legislative days within which to revise and extend their remarks on H. Con. Res. 494, the concurrent resolution just considered.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2028, PLEDGE PROTECTION ACT OF 2004
Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 781 and ask for its immediate consideration.

The Clerk read the resolution, as follows:
Resolved. That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2028) to amend title 28, United States Code, with respect to the jurisdiction of the Supreme Court and controversies involving the Pledge of Allegiance. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill shall be waived. General debate shall be limited to one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those amendments printed in the report and accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be disposed of only in the order printed in the report, may be disposed of only in the order printed in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Finally, it waives all points of order against the amendments printed in the report and provides for one motion to recommit with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and its underlying legislation, the Pledge Protection Act of 2004. This legislation offered by the gentleman from Missouri (Mr. AKIN) follows up and improves upon the work that the House has already accomplished on behalf of protecting the Pledge of Allegiance from those whose ultimate goal is to undermine and devalue the meaning of the Pledge of Allegiance by stripping the words "under God" from it.

Since June 27, 2002, the House has voted three times to protect the Pledge from the judicial code to deny jurisdiction to Federal judges to decide by fiat how patriotic Americans across our great country, not because the cameras are rolling and voters are watching. Apparently, the same cannot be said of some rare, unusual cases and controversies involving the Pledge of Allegiance. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill shall be waived. General debate shall be limited to one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

It waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.
simply put, the underlying bill is, at its core, un-American. Indeed, passage of this legislation would represent one of the broadest attacks on the separation of powers in American history. If Congress, by statute, can end-run the Bill of Rights, no rights to liberty, due process, or equality under law are safe. Further, it would set the terrible precedent of barring citizens from challenging government infringement of fundamental rights in Federal court.

Mr. Speaker, the Pledge of Allegiance is the recitation of the strong sense of patriotism and pride for American ideas and rules. Throughout my lifetime and that of many of our colleagues on both sides of the aisle here, we have tried to live up to its underlying values. I have done so, as have many of my colleagues, out of conviction, and not at the insistence of a paid political strategist that suggested legislating patronizingly.

In the name of liberty, in the name of democracy and in the name of religion, I oppose the underlying legislation, and I call on my colleagues to do the same. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, we have had a very eloquent opportunity to hear from the gentleman from Florida as he spoke about his desire not to support this legislation. We should also remember that there are many judges around this country who have the same opinion that the gentleman has, and they wouldn’t come forth to them where they could change this Pledge of Allegiance to the United States of America, one Nation under God, indivisible. And this is one of the reasons why this is an important issue.

The gentleman correctly talked about the things which we have now achieved or not achieved, in his opinion, for the last year-and-a-half of this Congress, the 108th Congress. We had votes on taxes, we had votes on opportunity zones, lawsuit abuse. And every single time, we have had an opportunity to vote on these very important issues, So I am proud of what we have done. But I would also say that the Pledge of Allegiance is something that is worth fighting for on the floor of the House of Representatives and to protect.

So I know and recognize that there are my friends in the other party that would call it un-American that we would not allow some Federal judge to hear a case and then to legislate against the Pledge of Allegiance. I believe that is what Congress is here to do. The judge there, to rule on the law, not to make law. That is why we offer this bill, this very important bill, that we have here tonight.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mrs. Biggert).

Mrs. Biggert. Mr. Speaker, I thank the gentleman for yielding me time.
I would ask my colleagues not to succumb to a false comfort that the Supreme Court ultimately will strike down the legislation, so therefore it is acceptable to cast a politically expedient vote that you know is just wrong. I would also ask my colleagues to think about, do we really want 50 different versions of the Pledge of Allegiance? I certainly do not think so. However, that is what could happen if you believe the Committee on the Judiciary’s press release on this bill.

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

I shall not take an awful lot of time, but I do have a considerable amount of experience in this area, and I can tell my colleagues that the Doctrine of Judicial Review, the notions with reference to “fundamental due process” and “full faith and credit” are matters that we should hold dear and not be about the business of court-stripping on specific matters.

The gentleman from Illinois (Mrs. BUSSERT) put forward the exact proposition that I did in last night’s Committee on Rules among other things that she has said with which I agree, and that is that another day will come, and this establishes a bad precedent. I note that the original sponsor of the measure is here, and I put to him that question last evening. Perhaps, he and I will have an opportunity for a further exchange with reference to the same matter.

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

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. AKIN), the sponsor of this legislation.

Mr. AKIN. Mr. Speaker, I would start by asking by a question that I have had a chance to ask a number of times to different school groups and other collections of Americans, and that is, if you were to take a look at America, the unique nation that it is, and you were to try to put into a phrase or a sentence what is the heart of what America is all about; if you had to, in a sense, as an onion, go through all of the different things that are America and get down to the center rub of what is it that we believe, what is it that people who came from Germany or Scotland or England or all of these different countries believe; they would not say, "We do not call ourselves by their old name, but they call themselves Americans, and America is a unique and special place to all of us.

Now, what is the heart of what America makes America? What is the central formula? Why is it that our young men and women would go and risk their lives overseas for this Nation?

I would suggest to my colleagues that the answer can be found in our birthday document, that Declaration of Independence, that document which paints a vision which goes beyond just the shores of America but touches the hearts of all freedom-loving people around this make world. It is the sentence that says that we hold these truths to be self-evident, that all men are endowed by their creator with certain unalienable rights, and among these are life, liberty and the pursuit of happiness. And then our job in civil government is to protect those basic rights, and that, I would suggest, is something that Americans have largely agreed to down through the ages and has been something that has united us. It is also something that we have exported as we export freedom around the world.

Now, if we take away God out of the equation, then our rights cannot come from God, and then the whole essence of what America is has been threatened.

Now, this concept that I am suggesting is not something that I just invented; anybody who would like to can go down to the Jefferson Memorial, and they can look at the stone where these words are inscribed and Jefferson says, the God that gave us life gave us liberty, and can the liberties of the people be secure if we remove the conviction that those liberties are the gift of God? What Jefferson was saying is people will not fight for something if they do not believe that those liberties were the gift of God.

And ironically, here on this floor, just in the last few minutes, I have heard people make the statement that they are very content to let the Supreme Court decide what our rights are, but they are very content to let the Supreme Court decide whether a school child is required to say the Pledge, but to tell a school child that we have been saying the Pledge this way for 50 years in America, and, now, you cannot say it, is akin to censorship. That is completely turning the first amendment upside down. I do not think that it is right for the judges to do that.

I also know that I took an oath of office to uphold the Constitution, and as a member of the legislative branch, I believe that it is the responsibility and part of the responsibility of other Members who call themselves Congressmen to stand up for the Constitution, to stand up for free speech, to stand up and tell the judges that they are wrong to tell school kids that they cannot say the Pledge of Allegiance.

Now, there is all kinds of legal mumbo jumbo that people might want to talk about, but let us not make the issue too complicated. It is about the Pledge of Allegiance; it is about the fact that we have activist judges saying that kids cannot say the same pledge that you and I have said for the last 50 years.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. I would ask the gentleman from Missouri to participate in a colloquy with me, if he would.

Mr. Speaker, I asked last evening what jurisdiction in the United States of America today exists where a child cannot say “under God” in the Pledge of Allegiance; it is about the fact that we have activist judges saying that kids cannot say the same pledge that you and I have said for the last 50 years.

Mr. HASTINGS of Florida. Mr. Speaker, I yield to the gentleman from Missouri.

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

Mr. HASTINGS of Florida. I yield to the gentleman from Missouri.

Mr. AKIN. Well, Mr. Speaker, fortunately, because of the fact that the Supreme Court dismissed this case just based on a technicality, there are none. There were some before. At the moment, there are not. And that is why it is so important to move this bill rapidly before something gets in the pipeline again to threaten our rule on a technicality. The gentleman’s argument is that the Supreme Court makes mistakes because it is constituted of human beings.

Well, let me tell my colleague, a whole lot of mistakes are made in this body of us, 433-plus and five territories, because we are human beings. But respect for the courts is key and critical,
and to refer, for example, judges with whom I disagree, I call them strict constructionists, but I do not demean them. And I do not come down here and refer to them because I have a different point of view. I am from Florida. The United States Supreme Court made decisions that I thoroughly disagree with. But at the very same time, I respected that decision and went about my business, because it is the Supreme Court. We have three branches of government, not one that can make all of the laws.

Mr. AKIN. Mr. Speaker, if the gentleman will yield, I appreciate what the gentleman is saying, and I think that what the gentleman is saying gets to the heart of our disagreement on this point.

The gentleman said that the Supreme Court has made decisions that he strongly disagrees with, but he refused even to open his mouth hardly to refer to them other than in this context.

My sense is the three coequal branches of government means that we have a right to speak when we disagree and that we have even a responsibility to express that disagreement. And so our perception is that the gentleman really sees them as supreme, as the final decision on everything, and regardless of what they say, we have to suck it in and live with it. What I am saying is, that is alien to the character of our Founders. It is completely wrong.

Out of my State, I say to the gentleman, came the Dred Scott decision on slavery. I would not sit here and say, oh, I have to sit here and live with it. They are wrong, just as you and I say, oh, I have to sit here and live with it. They are wrong, just as you and I agree, but we are different.

Mr. HASTINGS of Florida. Mr. Speaker, again reclaiming my time, the fact of the matter is that the Dred Scott decisions, Plessy v. Ferguson, a litany of decisions were changed over time.

One thing I would urge my colleagues to really pay attention to, I will give him an illustration of two of this Nation’s most prominent judges: One, Felix Frankfurter; and the other, Hugo Black. Hugo Black was a former member of the Ku Klux Klan, and Felix Frankfurter was an activist American civil libertarian. And when they went on the United States Supreme Court, they think ideologically opposite. Over the course of time and events, if the gentleman will read their decisions, they changed.

My fear, as I have said, is, one day, we are no longer going to be in Congress. One day, mark my words, a different party will be in the majority. One day, conditions in the United States will be different. One day, world affairs will dictate an altered world reality. I ask my colleagues to vote against this underlying bill because if the resolution I think these different scenarios go beyond the constitutional limit, we would have already created the precedent that Congress cannot be checked and balanced by the judicial branch. That would be unfortunate.

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

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

We had the opportunity to hear from the gentleman from Missouri to enunciate not only what was in his heart about this Pledge of Allegiance, and I believe he supported very strongly the belief of exactly why we are here today for the Flag Protection Act. I think that there are many people in the United States that simply do not like the Pledge of Allegiance and would wish and choose to change that.

We have heard the gentleman from Florida suggest that the world and this country will be much different in the future, and while I cannot argue with the gentleman that I think change is incumbent and will always happen, I think that there are some things that are worth keeping, that we should hold dear and important to this Nation. And one of them is the Pledge of Allegiance to the flag.

I think it is one of the reasons why, when new citizens come to this country and they become citizens, that tears stream down their eyes as they raise their hand, as a Federal judge or a Federal magistrate will administer their oath, and then they will say the Pledge of Allegiance. And people who are today fighting terrorism and represent our United States, they stand up at attention before our flag. They understand that the United States of America is not perfect, and there may be changes in our future. But I believe that they also believe that one thing should not change, and that is the Pledge of Allegiance to the flag of the United States of America. Every day, when we open the United States Congress, we respectfully give our thanks not only to God, and certainly the words right over your head there, Mr. Speaker, “in God we trust” are stated from the podium up front, but also we say the Pledge of Allegiance to the flag.

This body has been used as an attempt to publicize and perhaps politicize the Pledge of Allegiance to the flag of the United States of America. I think that it is a right thing that we will stand up for the Flag Protection Act. I think it is the right thing to do, and I encourage all of my colleagues to not only stand up for this flag but for this wonderful legislation, for traditional American values and our Founders’ intent.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

President pro tempore.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.
the map and legal descriptions, the map shall prevail unless the Secretary and Lubbock Christian University otherwise agree. The map shall be on file and available for inspection in the Office of the Chief of the Forest Service and the Office of the Supervisor of Lincoln National Forest.

(d) EQUAL VALUE EXCHANGE.—The fair market value of the land acquired by the Federal Government shall be equal or, if they are not equal, shall be equalized by the addition of acreage to non-Federal land exchanged under subsection (b) or by the addition of funds to the value of the Federal land exchanged. When the exchange of lands, including the mineral and land use rights thereto, is made under this section, the Federal land shall be determined by appraisals acceptable to the Secretary and Lubbock Christian University. The appraisals shall be performed in conformance with subsection (d) of such section and the Uniform Appraisal Standards for Federal Land Acquisitions.

(6) REVOCATION AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) WITHDRAWAL OF FEDERAL LAND.—Subject to valid existing rights, pending the completion of the land exchange, the Federal land is withdrawn from all forms of location, entry and patent under the public land laws, including the mining and mineral leasing laws and the General Land Office Act of 1907 (30 U.S.C. 201 et seq.).

(f) ADMINISTRATION OF LAND ACQUIRED BY UNIVERSITY.—

(1) BOUNDARY ADJUSTMENT.—Upon acceptance of title by the Secretary of the non-Federal land, the acquired land shall become part of the Lincoln National Forest, and the boundaries of the Lincoln National Forest shall be adjusted to include the land. For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5), the boundaries of the Lincoln National Forest, as adjusted pursuant to this paragraph, shall be considered to be boundaries of the Lincoln National Forest as of January 1, 1965.

(2) MANAGEMENT.—The Secretary shall manage the acquired land in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 490, 500, 513-519, 521, 552, 563), and in accordance with the other laws and regulations applicable to National Forest System lands.

(g) RELATION TO OTHER LAWS.—Subchapters II and III of chapter 5 of title 40, United States Code, and the Agriculture Property Management Regulations shall not apply to any action taken pursuant to this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. NEUGEBAUER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks to include extraneous material on H.R. 4806.

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

There was no objection.

Mr. NEUGEBAUER. Mr. Speaker, I yield myself such time as may be necessary.

Mr. Speaker, H.R. 4806 would authorize a land exchange involving Federal land in the Lincoln National Forest in the State of New Mexico. This legislation would exchange 80 acres between the Lincoln National Forest and Lubbock Christian University for a much-needed expansion of the Pine Springs Camp. The camp is used in the summer for week-long camp sessions, and utilized in the winter by college groups, youth groups, and churches for retreats. In recent years, the camp has seen an increase in its visitors and will soon run out of room, forcing the camp to turn visitors away. Both the camp and Lubbock Christian University are nonprofit.

While the land exchange takes place in the gentleman from New Mexico’s (Mr. PEARCE) district, LCU is in my district and approached me for assistance for this issue. I would like to thank the gentleman from New Mexico (Mr. PEARCE) for his willingness to work with me on this issue, and I thank him for cosponsorship and support of this bill. Additionally, I would like to thank and recognize Lubbock Christian University not only for providing recreation and outdoor opportunities for its students, but for its notable contributions to the community of Lubbock and the State of Texas. I urge support of this important measure.

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

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

Mr. Speaker, H.R. 4806, the Pine Springs Land Exchange takes approximately 80 acres of forest lands in the Lincoln National Forest and exchanges that for private land currently owned by Lubbock Christian University. Currently, Lubbock Christian University operates a summer camp in New Mexico on private land adjacent to the Lincoln National Forest. Their summer camp program has reached its capacity and the university desires to expand onto adjacent Forest Service lands.

In exchange for approximately 80 acres of lands adjacent to their existing camp, Lubbock Christian University will provide the Forest Service with approximately 80 acres of privately owned lands surrounded by Federal forests.

Our committee has worked hard to refine language that will make this exchange fair to the U.S. taxpayer. The bill we are considering today requires that the exchange be of equal value. If the land appraisals determine that the exchange be of equal value, the bill provides for the equalization of values through cash payments.

We appreciate that land exchanges can often be controversial. However, we have tried very hard to ensure that the exchange be of equal value and favorable to the Federal Government. The land currently owned by Lubbock Christian University is in a Federal forest, and the exchange is a win-win for all parties involved.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. NEUGEBAUER) that the House suspend the rules and pass the bill, H.R. 4806, as amended.

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

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. LINDER (during consideration of H.R. 4045), from the Committee on Rules, submitted a privileged report (Rept. No. 108-685) on the resolution (H. Res. 785) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

MOKELUMNE RIVER FEASIBILITY STUDY

Mr. NEUGEBAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4045) to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes, as amended.

The Clerk read as follows: H.R. 4045

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

SECTION 1. AUTHORIZATION OF MOKELUMNE RIVER REGIONAL WATER STORAGE AND CONJUNCTIVE USE PROJECT STUDY.

Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof, the Secretary of the Interior (hereafter in this Act referred to as the “Secretary”) is authorized to prepare a feasibility study entitled the “Mokelumne River Regional Water Storage and Conjunctive Use Project Study” for a project to provide additional water supply and improve water management flexibility through the development of new water storage and conjunctive use programs.

SEC. 2. USE OF REPORTS AND OTHER INFORMATION.

In developing the Mokelumne River Regional Water Storage and Conjunctive Use Project Study, the Secretary shall use, as appropriate, reports and any other relevant information supplied by the Mokelumne River Water and Power Authority, the East Bay Municipal Utility District and other stakeholders.

SEC. 3. DEADLINE.

The Secretary shall complete the Mokelumne River Regional Water Storage and Conjunctive Use Project Study and provide copies of that study to the Committee on Resources of the House of Representatives and the Committee on the Budget.
Energy and Natural Resources of the Senate not later than 2 years after the date of the enactment of this Act.

SEC. 4. COST SHARES.

(a) FEDERAL SHARE.—The Federal share of the cost of the Mokelumne River Regional Water Storage and Conjunctive Use Project Study shall not exceed 50 percent of the total cost of the project study.

(b) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, such in-kind contributions of goods or services from the Mokelumne River Water and Power Authority as the Secretary determines will contribute to the conduct and completion of the Mokelumne River Regional Water Storage and Conjunctive Use Project Study. Goods and services accepted under this section shall be counted as part of the non-federal cost share for that study.

SEC. 5. WATER RIGHTS.

Nothing in this Act shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $1,000,000 for the Federal cost share of the Mokelumne River Regional Water Storage and Conjunctive Use Project Study.

The SPEAKER pro tempore. Pursuant to the rules, the gentleman from Texas (Mr. NEUGEBAUER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4045.

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

There was no objection.

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

Mr. Speaker, this legislation, authored by the distinguished chairman of the Committee on Resources, the gentleman from California (Mr. Pombo), to accommodate the concerns of neighboring water users. Section 2 of the bill was amended in committees to allow the participation of the East Bay Municipal Utility District as this project goes through the planning stages.

We have no objection to passage of this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. NEUGEBAUER) that the House suspend the rules and pass the bill, H.R. 4045, as amended.

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

A motion to reconsider was laid on the table.

CREATING OFFICE OF CHIEF FINANCIAL OFFICER OF THE GOVERNMENT OF THE VIRGIN ISLANDS

Mr. NEUGEBAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3399) to create the Office of Chief Financial Officer of the Government of the Virgin Islands, as amended.

The Clerk read as follows:

H.R. 3399

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

SECTION 1. CHIEF FINANCIAL OFFICER OF THE VIRGIN ISLANDS.

(a) APPOINTMENT OF CHIEF FINANCIAL OFFICER.—

(1) IN GENERAL.—The Governor of the Virgin Islands shall appoint a Chief Financial Officer, with the advice and consent of the Legislature of the Virgin Islands, from a list of candidates submitted by the Office of Management and Budget under section 2(d). If the Governor has nominated a person for Chief Financial Officer but the Legislature of the Virgin Islands has not confirmed a nominee within 90 days after receiving the list pursuant to section 2(d), the Governor shall appoint from such list a Chief Financial Officer on an ad interim basis.

(2) TRANSFER OF FUNCTIONS.—If the existing Chief Financial Officer has not been appointed under paragraph (1) within 180 days after the date of the enactment of this Act, the Virgin Islands Chief Financial Officer Search Committee, comprised of the governor, the majority and minority members of the Senate, and the House Speaker, shall appoint from the names on the list submitted under section 2(d), an Acting Chief Financial Officer to serve in that capacity until a Chief Financial Officer is appointed under the first sentence of paragraph (1). In either case, if the Acting Chief Financial Officer serves in an acting capacity for 180 consecutive days, without further action the Acting Chief Financial Officer shall become the Chief Financial Officer.

(b) APPROPRIATIONS.—The Secretary of the Treasury shall make appropriations to carry out the functions of the Chief Financial Officer of the Virgin Islands from any Federal account available to carry out the functions of any Chief Financial Officer established under paragraph (1) to carry out the functions of the Chief Financial Officer of the Virgin Islands.

(c) DUTIES OF CHIEF FINANCIAL OFFICER.—The duties of the Chief Financial Officer shall include the following:

(1) Carry out the functions of the Chief Financial Officer of the Government of the Virgin Islands under this Act.

(2) Develop financial plans for the Government of the Virgin Islands.

(3) Each year certify spending limits of the annual budget.

(4) Monitor operations of budget for compliance with spending limits, appropriations, laws, and direct adjustments where necessary.

(5) Develop standards for financial management, including inventory and contracting, for the government of the Virgin Islands in general and for each agency in conjunction with the agency head.

(6) Oversee all aspects of the implementation of the financial management system provided pursuant to section 3 to ensure the coordination, transparency, and networking of all agency functions.

(7) Provide technical staff to the Governor and legislature of the Virgin Islands for development of a deficit reduction and financial recovery plan.

(d) DEPUTY CHIEF FINANCIAL OFFICER.—Until the date that is 5 years after the date of the enactment of this Act, the position of the Deputy Director of the Office of Management and Budget of the Virgin Islands shall—

(1) have the duties, salary (as specified in subsection (f)(1), and other conditions of the Director of the Office of Management and Budget of the Virgin Islands as specified in subsection (f), including the term of office specified in subsection (e).
H7398

CONGRESSIONAL RECORD — HOUSE

September 22, 2004

(2) assist the Chief Financial Officer in carrying out the duties of the Chief Financial Officer.

(e) CONDITIONS RELATED TO CHIEF FINANCIAL OFFICER.

(1) TERM.—The Chief Financial Officer shall be appointed for a term of 5 years.

(F) 1 individual appointed by the President of the University of the Virgin Islands.

(2) REPLACEMENT.—If the Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another Chief Financial Officer shall be selected in accordance with subsection (a).

(G) 1 individual appointed by the Advocates for the Preservation of the Retirement System.

(2) REPLACEMENT.—If the Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another Chief Financial Officer shall be selected in accordance with subsection (a).

(H) 1 individual appointed by the At-Large Member of the Legislature of the Virgin Islands.

(1) NUMBER AND APPOINTMENT.

(I) 1 individual appointed by the Governor of the Virgin Islands.

(2) REPLACEMENT. If the Deputy Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another person shall be selected by the Governor of the Virgin Islands to serve as Deputy Chief Financial Officer.

(3) SALARY.—The Deputy Chief Financial Officer shall be paid at a salary to be determined by the Governor of the Virgin Islands to serve as Deputy Chief Financial Officer.

(4) SALARY.—The Chief Financial Officer shall be paid at a salary to be determined by the Governor of the Virgin Islands upon creation of the Office of the Chief Financial Officer. The pay for the Chief Financial Officer shall not be less than the highest rate of pay for a cabinet officer of the Government of the Virgin Islands or a Chief Financial Officer serving in any government or semiautonomous agency.

(j) CONDITIONS RELATED TO DEPUTY CHIEF FINANCIAL OFFICER.

(1) TERM: REMOVAL.—The Deputy Chief Financial Officer shall serve at the pleasure of the Chief Financial Officer.

(2) REPLACEMENT.—If the Deputy Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another person shall be selected by the Governor of the Virgin Islands to serve as Deputy Chief Financial Officer.

(3) SALARY.—The Deputy Chief Financial Officer shall be paid at a salary to be determined by the Chief Financial Officer, except such rate may not be less than the rate of pay of the Director of the Office of Management and Budget. Each candidate shall recommend to the Governor not less than 20 days after the date of the enactment of this Act, the Director of the Office of Management and Budget.

(h) SUNSET.—This section shall cease to have effect after the date that is 5 years after the date of the enactment of this Act.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the “Virgin Islands Chief Financial Officer Search Commission”.

(b) COMMISSION.—The Commission shall recommend to the Governor not less than 3 candidates for nomination as Chief Financial Officer of the Virgin Islands. Each candidate must demonstrate ability in general management of, knowledge of, and extensive practical experience at the highest levels of financial management in governmental or business entities and must have experience in the development, implementation, and operation of financial management systems. Candidates shall not have served in a policy making or unclassified position with or for the Government of the Virgin Islands in the 10 years immediately preceding appointment as Chief Financial Officer.

(c) MEMBERSHIP.

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed not later than 30 days after the date of the enactment of this Act. Persons appointed as members shall include representatives of government, financial or expertise and experience and shall be appointed as follows:

(2) COMMISSION.—The term “Commission” means the Virgin Islands Chief Financial Officer Search Commission established pursuant to section 2.

(1) 1 individual appointed by the Governor of the Virgin Islands.

(G) 1 individual appointed by the Chief Judge of the Virgin Islands, Territorial Court.

(F) 1 individual appointed by the Governor of the Virgin Islands.

(H) 2 individual appointed by the Chief Judge of the Virgin Islands, Territorial Court.

(2) REPLACEMENT. If the Deputy Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another person shall be selected by the Governor of the Virgin Islands.

(1) 1 individual appointed by the Governor of the Virgin Islands.

(I) 1 individual appointed by the At-Large Member of the Legislature of the Virgin Islands.

(2) REPLACEMENT. If the Deputy Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another person shall be selected by the Governor of the Virgin Islands.

(3) SALARY.—The Chief Financial Officer shall serve at the pleasure of the Governor of the Virgin Islands.

(4) SALARY.—The Deputy Chief Financial Officer shall be paid at a salary to be determined by the Governor of the Virgin Islands to serve as Deputy Chief Financial Officer.

(5) SALARY.—The Chief Financial Officer shall be paid at a salary to be determined by the Governor of the Virgin Islands, except such rate may not be less than the rate of pay of the Director of the Office of Management and Budget.

(p) RESOLUTION OF CONFLICTS OF INTEREST.—The Governor or the Director of the Office of Management and Budget shall resolve any conflict of interest that may arise between the officers and employees of the Office of Management and Budget.

(q) RESUMPTION OF FUNCTIONS.—On the date that is 5 years after the date of the enactment of this Act, the functions of the Chief Financial Officer shall be transferred to the Director of the Office of Management and Budget of the Virgin Islands.

(h) SUNSET.—This section shall cease to have effect after the date that is 5 years after the date of the enactment of this Act.

SEC. 3. FINANCIAL MANAGEMENT SYSTEM.

It is hereby authorized to be appropriated such sums as necessary for the installation of a Financial Management System, including appropriate computer hardware and software, to the Government of the Virgin Islands. Upon becoming available, the financial management system shall be operated by the Chief Financial Officer and, after the date that is 5 years after the date of the enactment of this Act, the Director of the Office of Management and Budget of the Virgin Islands. The financial management system shall be operated by the Chief Financial Officer or the Director of the Office of Management and Budget of the Virgin Islands, as the case may be, to carry out the official duties of that office.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) CHIEF FINANCIAL OFFICER.—In sections 1 and 2, the term “Chief Financial Officer” means a Chief Financial Officer or Acting Chief Financial Officer, as the case may be, appointed under section 2.

(2) COMMISSION.—The term “Commission” means the Virgin Islands Chief Financial Officer Search Commission established pursuant to section 2.

(3) GOVERNOR.—The term “Governor” means the Governor of the Virgin Islands.

(4) REMOVAL FOR CAUSE.—The term “removal for cause” means removal based upon misconduct, failure to meet job requirements, or any grounds that a reasonable person would find grounds for discharge.

SEC. 5. COMPENSATION AND POWER.

Nothing in this Act shall be construed to permit the Governor and Legislature of the Virgin Islands to dilute, delegate, or otherwise alter or weaken the control of the Chief Financial Officer of the Office of Management and Budget established under the laws of the Virgin Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

Mr. NEUGEBAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3589.

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

There was no objection.

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

Mr. Speaker, the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) has introduced this legislation to address a potentially serious problem relating to her territory’s financial future. Her legislation, H.R. 3589, will create an Office of the Chief Financial Officer for the United States Virgin Islands.

For over a decade now, multiple factors have lead to a worsening financial outlook in this territory. Natural disasters, a gradually declining tourism industry, and the resulting spending decisions by the local government have left the U.S. Virgin Islands with significant annual deficits. Further, this territory now faces a debt totaling $1 billion.

Given this economic instability and the worsening conditions, serious actions should be considered. For this reason, the Delegate has introduced H.R. 3589. This legislation uses local and Federal input to select an Office of the Chief Financial Officer. The CFO will tackle the difficult fiscal and related political decisions with regard to spending on these islands.

It is important to note that this individual and his or her staff will functionally be independent of the executive and legislative branches of the local government. This position will be temporary and will be empowered to stop wasteful spending and put this territory back on the track to more sound economic footing.

Without this legislation, one must worry that the Federal Government may have to take an even more serious action if this debt continues to increase. I am thus hopeful that the House can support the gentleman from the Virgin Islands’ (Mrs. CHRISTENSEN) bill so that we can begin to address the dire financial situation in this territory.

Finally, I would like to point out that H.R. 3589, as amended, was passed by the Committee on Resources by voice vote on July 14, and I appreciate the bipartisan work of the committee in acting quickly on this legislation.

I hope we can act in the same bipartisan fashion. I urge adoption of this bill.
Mr. Speaker, I reserve the balance of my time.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

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

Mr. Speaker, I want to begin by thanking the gentleman from California (Mr. POMBO) and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their support in making it possible for H.R. 3589 to get through the committee and be on the floor of the House today. I am really heartened by the support I received from both sides of the leadership and the members of my committee, the hard work of the staff, as well as from the gentlewoman from the District of Columbia (Ms. NORTON), and members of the Congressional Black Caucus on this issue, which I believe to be important to the short and long term well-being of the Virgin Islands.

I want to thank the ranking member, the gentleman from West Virginia (Mr. RAHALL), for standing shoulder to shoulder with me on this issue in the face of significant opposition and insisting that my bill be a top priority of the Democratic Caucus of our committee.

Mr. Speaker, today is a day of great moment for the people of the Virgin Islands and for me because with passage of this bill we are a significant step closer to achieving a goal to put in place a mechanism to address the fiscal challenges that continue to face our territory. Many Members’ districts have been in similar situations, and Members have addressed them in similar ways.

I have introduced this bill before us today, H.R. 3589, because throughout my tenure as the Representative of the people of the Virgin Islands in the House of Representatives, I have seen the potential fiscal condition come dangerously close to collapse on several occasions.

In the absence of any similar local action being taken, I believe that the only course to reverse this trend is to create an office with the independence and the authority to help us exercise the fiscal restraint and better fiscal management of both Federal and local funds, something all of our local leadership agrees must be done.

Mr. Speaker, it has not been easy for me to watch the fiscal health of the territory steadily decline since I have been in office. Since the middle 1990s, successive administrations and legislatures have, for good reason, not been able to maintain sound fiscal management and financial policies.

1900

While some of the reasons for this condition have been outside of our control, such as recurrent catastrophic hurricanes and the tax cuts and credits passed by Congress, much of the blame for this condition can be traced to the unfortunate reality that the territory’s managers and lawmakers have not substantively addressed the imbalance between the needs and demands of the community and its revenues.

It was not, and still is not, my intention in introducing H.R. 3589 to cast aspersions on the fiscal policies of the current administration or the legislature or past ones. However, I feel very strongly that I could not sit idly by while we continue to face fiscal crisis after fiscal crisis without offering a true solution to temper or soften the difficult decisions that we ourselves, not the Federal Government, have to make to get us out of this roller-coaster approach to managing our fiscal affairs.

Nevertheless, in taking this action, I was opposed by the governor and lieutenant governor, as well as by my party leadership back home, who disagreed with this approach. A resolution that went so far as to support my action was passed by the Members of the 25th legislature, but the people of the Virgin Islands, who have long called for accountability and transparency in our government, have supported this bill strongly from the beginning.

As I reflect on what led me to this point today, I am reminded of a quote by Dr. Martin Luther King, Jr., which was brought to my attention by a local attorney, in which Dr. King said, “The ultimate measure of a man is not where he,” or she, I would say, “stands in moments of comfort and convenience, but where they stand in times of challenge and controversy.”

Mr. Speaker, we are indeed facing challenging and difficult times in the Virgin Islands. The actions of those of us in leadership today will have profound effects for our future.

While H.R. 3589 will not be a panacea or solve all of our problems, it will help to keep our finances in order and prevent us from sinking further into a fiscal black hole.

I urge my colleagues to support this bill, and I again want to thank the gentleman from California (Chairman POMBO) and the gentleman from West Virginia (Ranking Member RAHALL) and the staff.

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

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

Mr. Speaker, while I do not usually yield myself such time as I may consume, I would just like to commend the gentlewoman for bringing this solution forward and taking on the responsibility of representing and making sure that the folks in her island are represented correctly.

So I commend her for that and for her great work on this.

Mr. RAHALL. Mr. Speaker, in my capacity as the Ranking Democratic Member of the Resources Committee, I would like to register my strong support of H.R. 3589, to create the office of chief financial officer for the territory of the U.S. Virgin Islands, which is the gentleman from U.S. Virgin Islands, DONNA CHRISTENSEN, for her tireless work in getting this legislation to the floor for our consideration.

As has been noted this evening, the financial condition of the Virgin Islands is in trouble. Skyrocketing deficits coupled with inadequate fiscal controls have left the local government struggling to provide basic services to the people of the Virgin Islands.

The potential financial insolvency of the territory did not occur overnight. Nevertheless the introduction of this measure, by the distinguished representative of the Virgin Islands, DONNA CHRISTENSEN, was still met with controversy and opposition from many local political leaders.

DONNA CHRISTENSEN has made it clear that this legislation is something that she would rather not have done, but the circumstances of her territory have made the choices for her. She is a brave woman for fighting for what she believes is in the best interest of her constituents and for her island, and she should be commended.

Virgin Islands history will show that this legislation was a turning point in the fundamental approach that the territory handles its financial affairs. Indeed, this evening may one day be looked upon by the residents of the Virgin Islands as one of those rare moments when history itself seemed to hold its breath. When the very survival of the people of the beautiful Caribbean island, rose louder and louder and thundered over various political obstacles and was heard, and acted upon, in this hallowed chamber that is the U.S. House of Representatives.

I have said it before, and I will say it again this evening. When the next chapter in Profiles in Courage is written, it will be about the gentilelady from the Virgin Islands, DONNA CHRISTENSEN.

I urge my colleagues to support favorable passage by this body of H.R. 3589.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Texas (Mr. NEUGEBAUER) that the House suspend the rules and pass the bill, H.R. 3589, as amended.

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

A motion to reconsider was laid on the table.

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

Mr. MOORE. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Moore moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the concurrent resolution to the Senate amendment to the bill H.R. 1308 be instructed to agree, to the maximum extent possible within the scope of conference, to a conference report that:

(1) extends the tax relief provisions which expire at the end of 2004, and

(2) does not increase the federal budget deficit.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Kansas (Mr. MOORE) and
the gentleman from Texas (Mr. Bradley) each will control 30 minutes.

The Chair recognizes the gentleman from Kansas (Mr. Moore).

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

Mr. Speaker, I am really a straight-forward motion to instruct the tax conferees. The motion calls on Congress to extend middle-class tax relief without increasing the Federal budget deficit. There is broad, bipartisan support in Congress for extending the middle-class tax relief that expires at the end of this year, and the House will soon have a chance to vote on extension of the relief.

But, Mr. Speaker, there is also bipartisan support for the reinstatement of PAYGO rules that expired nearly 2 years ago. Extending PAYGO rules would have the effect of getting our fiscal house back in order and forcing the Federal Government to live within its means, to live within a budget.

A bipartisan group of Senators has an opportunity to put itself on record in support of a conference report that extends necessary tax relief in a fiscally responsible manner.

I very strongly supported middle-class tax relief in the past and will continue to support it in the future, Mr. Speaker. I support extending marriage penalty relief. I support the increased $1,000 per child tax credit. I support the expanded 10 percent tax bracket, and I also support alternative minimum tax, or AMT, tax relief. But what I find troubling is passing these tax cuts with borrowed money and leaving our children and grandchildren to pay our bills, putting a $7-plus to $10 trillion mortgage on our children's future. That is absolutely unacceptable.

Applying PAYGO rules to both mandatory spending increases and tax cuts does not, I repeat does not, prevent Congress from passing more tax cuts. It simply means, if we are going to reduce our revenues by tax cuts, we need to reduce our spending by the same amount.

This should not be about Republicans and Democrats. This should be about the future of our country and the future of our children and grandchildren.

A bipartisan group of Senators has put forth a proposal to expand the middle-class tax cuts for 1 year, offset by an extension of customs users fees and closings of loopholes. The Blue Dog coalition has offered a similar measure in the House that makes sense now and in the future.

As of 9 a.m. this morning, Mr. Speaker, the national debt for our country stood at $7.35 trillion, trillion with a "T". That raises the share of debt for every citizen in this country to $25,000. The Treasury Department estimates that the national debt will exceed the statutory debt limit later this month or sometime next month. Over the last year alone, Mr. Speaker, our national debt has increased by $670 billion, and over the last 3 years it has increased by $1.5 trillion. The Congressional Budget Office projects that the national debt, our national debt, will exceed $10 trillion in just a little more than 4 years under our current budget policies, $10 trillion.

Just a few hours ago, by an overwhelming vote of 404 to 8, the House passed the Stenholm amendment to the Transportation, Treasury appropriations bill which would prohibit the Secretary of the Treasury from raiding government retirement funds to avoid breaching the debt limit. I hope that Congress will follow the Stenholm amendment in the Transportation, Treasury conference report and force the Federal Government to take responsibility for its fiscal policies.

As the House moves to consider an extension of tax relief, we should keep in mind that the one tax that will never go away, Mr. Speaker, is the debt tax. The debt tax is the interest we pay on our national debt, almost $1 billion a day. That is $1 billion a day. Last year alone, we paid almost 18 percent of all government revenues, and the interest that we pay on our national debt will only grow if we continue our present fiscal policies.

We should not pay for tax cuts by borrowing money against our children's future, in effect putting a mortgage on the future of our children and grandchildren. We are taking the tax cuts now and asking for our kids and grandkids to pay for those tax cuts later, with interest, billions and trillions of dollars of interest.

Congress should be required to sit down and figure out how to make things fit within a budget, just like families across our country do every day. Almost every weekend, Mr. Speaker, I go back to Kansas and I hear from Kansas families, Why can the people in Congress not live like American families do?

They follow three simple rules: Number 1, do not spend more money than you make; number 2, pay off your debts, common sense, Mr. Speaker; and number 3, take care of basics and the future. The basics for a family are food, shelter, education, health care, transportation, things we all write checks for every month. The basics for our Nation are national defense, the Social Security system, a retirement system for people who have worked hard all their lives and cannot work anymore and, just an example, some sort of national highway system to move goods around this country and keep this economy going.

Yet, for years, Congress has lived beyond its means by spending more money than it took in in revenues, and we need to change that course again. We need to start living like American families do and not placing a $10-plus trillion mortgage on the future of our children and grandchildren.

Mr. Speaker, I hope and I ask all the Members of this House of Representatives to, again, put aside partisan politics, because it is not about Democrats and Republicans, and to vote for this motion to instruct.

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

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with my colleague that the national debt is an important issue that needs to be taken seriously. I know for my lifetime, under Democratic control of Congress, America begged legislators to balance the budget, but they went deeper and deeper in debt each year. I am grateful that when Republicans took control of the House that they worked with President Clinton to balance the budget, indeed, not just to do that but to start paying off the national debt.

It is terribly frustrating to me when I see the triple hit that America took, the attacks on 9/11 that cost us almost 2 million American jobs, when I see the recession President Bush inherited from his predecessor and when I see the collapse of our technology companies and the horrible actions of Enron and WorldCom and others that have given us such a triple hit to our economy; that made it so difficult. It took away so much of our revenue that we have been unable to balance the budget.

But let us be real clear about what this instruction does. It requires that these extensions, the child tax credit and the 10 percent bracket for people who do not make much and the marriage penalty relief to make sure we do not penalize people simply because they are married, it requires these extensions be paid for. In other words, the motion to instruct requires more than $130 billion of tax hikes or spending cuts. I know the spending cuts will not be supported by my colleagues on the other side of the aisle. This motion does not make the tough choices regarding which taxes to increase or which programs to cut.

The extension of family tax relief is already provided for in the House-passed budget resolution. That resolution would cut the deficit in half without raising taxes, and if we follow the House-passed budget resolution, this motion is not necessary. In contrast, the Democratic motion we talk about tonight is a zero sum game. It provides tax relief, on one hand, and then takes it away, takes it from families' pockets, with the other.

The House has already voted to extend this tax relief without raising taxes to pay for it. And if Congress does not act, families will face a tax increase next year. For example, next year a $1,000 per child tax credit drops to $700, which is tough on a family raising children these days. The 10 percent tax bracket, which helps folks who do not make that much money, will apply to less of a person's income. And the marriage penalty relief will provide less relief for couples.

There is a right way to tackle our spending and our national debt, and
that is to abolish obsolete Federal agencies, to cut programs that duplicate themselves and to go after the fraud in Medicare and Social Security. And the wrong way to tackle our debt is to raise taxes on hardworking families and small businesses.

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

Mr. MOORE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank my good friend from Kansas, my fellow Blue Dog, a member of the Blue Dog Coalition, which may very well be the last group of Members of this House left that works every single day for the middle class families, people that their tax burdens are overwhelming. However, I believe that it is incumbent upon us to ensure that we relieve those burdens in a responsible manner and not like the buck to our children and our grandchildren.

There is not a single Member of this House on either side of the aisle who would walk into a luxury car dealership and say to a sales person, I will take the most expensive car you have on the floor with the most elaborate options, load it up as much as you can, and send my children the bill for that car. Not a single Member would do that. If we do not pay for these tax cuts, that is exactly what we are doing to our children. We are placing the burdens of our tax cuts on our children’s shoulders.

The national debt is over $7 trillion. This year’s projected budget deficit is $422 billion. The Treasury Department has estimated that the national debt will exceed the statutory authority in the next 60 days. We need to start making better decisions on a bipartisan basis now on how to manage our money.

Now, conferees have options on how to implement tax extensions at little or no cost. Conferees have options on how to proceed in a fiscally responsible manner. Conferees can help pay for these cuts by closing tax loopholes, and this motion instructs them to do so.

Mr. Speaker, everyone who pays a credit card knows that the least productive part of that credit card bill is interest payments. We are paying $1 billion a day on interest on our national indebtedness, interest on the decisions that we have made. We need to bring fiscal responsibility back to this House. America’s middle-class families are spending an average of $4,400 a year on our debt. That is a death tax, and it is one that we will not be able to repeal.

Mr. Speaker, I want to close by reminding my colleagues and the American people that the middle class is being squeezed. They do not need that reminder. They know it every day. They know it because they are paying higher interest rates. They are paying more to gas up their cars. They are paying more for health care. They are paying more for their children’s health care, more for their parents’ health care. They are paying more everywhere they turn. They deserve relief now, and our children do not deserve to have the buck passed to them later.

That is why I so strongly urge my colleagues to heed the words of the gentleman from Kansas. Let us put politics aside. Let us not harp on the past but think about our children’s future.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the best thing we can do to pay down the debt is to make sure we are keeping revenues coming in to the Federal Government. We do that not by raising taxes on families and small businesses who can ill afford it. We do it by getting the economy growing, by reducing the amount of spending and, in fact, doing away with the obsolete Federal agencies and all the programs that duplicate each other where we waste so many of our hard-earned tax dollars in Washington and in Federal programs.

The fact of the matter is, the reason we went into deficit is that the economy took such a hard hit. And I think we fought back the right way. When we look at the attacks of 9/11, when we look at the recession President Bush inherited and when we look at the WorldComs and Enrons that hurt so many of us with jobs, what Republicans in Congress did to fight back was to provide tax relief for families and small businesses and people who live on a retirement income.

Our principle was simple: If we want to create jobs in Texas, if we want to create jobs in America, then leave the money in Kansas, in Texas, in America, so it can turn around in our economy and so it can be spent on Main Street and so we can help families balance their budget and get this economy growing. And it is working.

Despite the three hits that would have knocked most nations’ economies to its knees, by fighting back with tax relief for families and small businesses, we have knocked $1 million jobs this past year, more than $100,000 in my State of Texas. We are fighting back. We are not where we would like to be yet in today’s economy, but the worst thing we could do for America’s families and for their children is to prolong a recession by raising taxes on families and small businesses today. And that is what this motion does.

Mr. Speaker, we know that we do not get support when we try to cut wasteful spending. And when we try to lower the cost of our appropriation bills, my Democratic colleagues, with some exceptions, rarely argue that we are spending too much. Their argument is that we need to raise more revenue, we can afford it.

In my opinion, and I would think the opinion of the American public, what we can do for tomorrow’s children is to get their parents jobs today where they are paying both their income taxes and their payroll taxes into Medicare and into Social Security. Because without an economy that is strong and vibrant, we will not have a recovery. We will not balance the budget sooner rather than later, and we will not put money into Medicare and Social Security. That, ultimately, is what will cost our children a death tax, not getting this economy going and stopping wasteful Washington spending.

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

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

Mr. Speaker, I appreciate the comments by my friend from Texas, but the only person in this chamber to talk about making some hard decisions. I would challenge him to pass this motion to instruct tonight and let us sit down together, Republicans and Democrats, and put aside all talk about raising taxes and work on identifying where there is waste, fraud and abuse in our budget and eliminating that. We can do that. Again, I am more than willing to. This motion intends to extend the marriage penalty relief, the child tax credit, extend the child tax credit relief. All of those are tax cuts that we want to extend. Not raise taxes, cut taxes.

But we need to work together, Mr. Speaker, to find ways that we can eliminate this horrible mortgage, this horrible debt we are putting on the future of our children and grandchildren. The folks across the aisle act as if this is just no big deal. Just no big deal. But I am concerned that, as the baby boomers in the next 4 to 5 years start to retire, our children are going to pay $10 trillion in interest credit and AMT relief. And all of those are tax cuts that we want to extend. Not raise taxes, cut taxes.
In addition to the debt of the baby boomers, they are going to have the obligation of taking on this debt tax, which is a billion dollars a day now that we pay interest on the national debt, not to mention, then, a $10 trillion to $12 trillion national debt and a deficit of $422 billion, the highest in our Nation’s history. The highest ever. And I am not being partisan when I say that.

Again, I ask the gentleman from Texas and my friends across the aisle to come together with us, and let us sit down and figure out a way to make this work. Let us reinstitute PAYGO rules, and let us make sure that we are in a fiscally responsible and balanced budget position in the future so we do not impose this horrible burden on future generations in our country. If we do that, Mr. Speaker, we are doing a disservice to our kids, to our grandkids and to our country.

I implore the gentleman to pass this motion tonight and to sit down with me and find ways we can eliminate the waste, fraud and abuse he has talked about here tonight.

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

Mr. BRADY of Texas. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I completely agree with the gentleman from Kansas that there is a shared desire to reduce this deficit, not only that but to balance the budget and start paying down the debt. The question is, how do we do it?

Do we raise taxes on small businesses and families or cut wasteful spending? My contention is, rather than raising taxes, we reduce the wasteful spending here. And I will gladly work with my colleague to do so, although there is a history of that, unfortunately, from his side of the aisle.

Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. McCOTTER) who has been a strong advocate not only of cutting taxes for families but reducing the deficit and getting back to balancing the budget.

Mr. McCOTTER. Mr. Speaker, I would like to join this debate for a brief moment and, first, echo the remarks of the gentleman from Texas and commend him in this institution for their commitment to end waste, fraud and abuse within the Federal Government’s spending practices.

No one party controls a monopoly on good ideas, and so we must always be open and subject to agreeing where we should.

□ 1930

We hear about the debt tax. My wife and I live in Latvia. We are thoroughly middle class. We have both roughly working class backgrounds. My parents were teachers. My wife came from a single-income family. We have three children, 11, 9, and 6; boy, boy, girl. And so when we hear about relief for working families, believe me, I understand it. But what I also understand, as having been an elected official for a while, is that in terms of eliminating waste, fraud and abuse, that regardless of whatever the tax policy of the United States is, we should all be committed to doing it. It is not merely a collective burden. It is a burden that individually falls on each and every single Member of this Congress, except in my district, if we do not pursue, we are remiss.

My concern by linking working families’ tax relief and tax relief for small businesses, many of which in my district, a manufacturing district, are tier one and tier two auto suppliers, is that in linking them to the tax relief, we run the risk of holding working families’ tax relief hostage to Washington’s big spending practices. In short, it amounts to the fact that no matter how highly we in the Federal Government, unless they stop spending even more of their money, they will get no tax relief. That is not an incentive to appropriators to stop appropriating too much of their money to go to programs in the country that I find waste, fraud, and abuse and end it in the Federal Government. That is an incentive for Washington to continue spending, because Washington will not feel the price of their largess. They will.

So I think that is my concern in this debate, trying to link those two together because I do not believe working families should be punished. I do not believe small businesses should be punished. I do not believe anyone in the American economy should be punished for Washington appropriators’ misappropriation or misappropriation of their funds.

In the final analysis, there is also something that we have to touch on and I have touched on as a member of the Committee on the Budget and I will continue to touched on. We hear much about the deficit. We hear much about inherited recessions. We can argue that we inherited a recession, as we heard last night; but the reality is that I think the numbers were about 9 percent of the economy was lost in one quarter, the final quarter of the Clinton administration, which I will say for the record is because it takes two quarters of negative growth to constitute a recession. Granted, no one really works that fast that they can lose 9 percent of the American economy in one quarter, but it was done, which does not constitute a recession. But as jobs follow a recovery upward, jobs follow down too in a recession, in a collapse.

In the 1990s, and I will preface this with what I have said, which is that we cannot blame the Clinton administration for this Congress or the things changing. I know it is hard to believe, but sometimes things are outside our control. In the 1990s we had the first rush of globalization, which was beneficial to the United States at the time. We have since seen the long-term downside of that. We then saw the rise of the Internet, which was an enormous boon to the American economy, a lot of it based on potential because we had learned how to factor that in.

The final, and I think the most important, was the collapse of the Soviet Union because at that point in time we all thought we had a “peace dividend,” and the American economic activity spilled here and mattered throughout the globe. What those three things have been replaced with are now the downside of the outsourcing problems that we have.

I speak as a representative from a manufacturing district. We now have the fact that not everyone is going to buy things on the Internet. We have seen a constriction of the optimism, and I think a large part of that was manifested in the dot-com boom; and, especially, the American economic activity spilled here and mattered throughout the globe. What those three things have been replaced with are now the downside of the outsourcing problems that we have.

And every single American, especially for the war on terror, has to figure out how that is going to play into their economic outlook from their families to their businesses. There is a mistake that we would make is in claiming that somehow this recession that was passed and we are coming out of in this recovery are as normal as anything we have ever been through before. I totally disagree with that premise. And I think that as we continue to link working-family relief or small-business relief, things that are important, things that will encourage people to make investment decisions, will encourage them to come out of recessions, both here at home economically and internationally in terms of the war on terror.

If these things are allowed to expire, the American public, which grows this economy, will have an even more difficult time figuring out how to factor in the irrational act of terrorism into their rational economic calculations they have made for years and years and years. So my concern is, and it is echoed by the gentleman from Texas, is that that is a wrong message to send.

But I would like to conclude by commending the gentleman for his commitment in trying to end waste, fraud, and abuse in the Federal Government. If Mr. BRADY of Texas and Mr. Speaker, I reserve the balance of my time.

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

To the gentleman from Texas, I say that until 2002, we had in the Congress a bill that was called PAYGO, and it required that if we were going to initiate a new spending program or a new tax cut, we had
to find a way to pay for it. This year we have eliminated that and changed it only if we have a new spending proposal, we have to find a way to pay for it, but not a new tax cut.

I am on the Committee on the Budget and Committee on Financial Services, and at least twice a year I have a chance to talk to a fellow by the name of Alan Greenspan, and every time Chairman Greenspan appears, he tells us how important fiscally responsible people are and advocates reinstituting PAYGO rules, which expired in 2002, and that means as to new spending programs and as to tax cuts.

And when the gentleman says, and I say this with the greatest respect, Mr. Speaker, I yield myself such time as I may consume.

Two thoughts: one, I do not think it is responsible to try to scare our citizens with 9, 10, 15 percent interest rates. I have one point that is not what Alan Greenspan said. And I think even though it is election year and people take great pleasure in trying to doom and gloom the economy and scare average voters in America, I do not think it is the right thing to do. So I can tell you one thing in the way of some things from the past. And while I believe my friend from Kansas is sincere about wanting to address spending as the right way to reduce the deficit, the fact of the matter is that earlier this year on three different occasions, his Democratic colleagues offered motions to pass tax relief for families and a child tax credit and all that, and in each case they did not offer any spending relief. What they offered were more tax increases.

So I say that this motion tonight, much like those other motions, its goal is not to pay down the debt by limiting and targeting abusive spending. What it desires to do is raise taxes. And I think the best way we pay down the debt and get back to a balanced budget to do the things that Alan Greenspan rightly said we should do, and I agree with my friend from Kansas, is not to increase taxes on families and small businesses.

We are recovering from a recession. We are trying to move dollars through that economy. It is working. I think the quickest way we can put a stop to this economy is to tax families and small businesses at this point when we are just coming out of it, doing a good job in doing that, fighting back the way we ought to with the principle of let us leave the money in the community, because at the end of the day, this philosophy of our comes down to this: Is this your money or is this Washington's money?

I have more faith in people spending the money that is so hard earned. I believe we are an overtaxed Nation. I think getting this economy going, which Republicans and Democrats should share, election year aside, should share that dream. I think cutting wasteful spending, which Republicans and Democrats should share that dream, is the fastest way we can get back to a balanced budget and to pay down the deficit, which, again, I agree completely with my colleague. I believe he makes a great point on that issue and one that we can work together on.

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

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

I say this with the greatest respect for the gentleman from Texas: the question that he asks, Is this your money or Washington's money? is not an honest question because when we ask that question, the honest answer is it is not our money. It is our children's money and our grandchildren's money that we are taking right now for feel-good tax cuts and for new spending programs. And if we both are sincere here, and I have the greatest confidence in the gentleman from Texas, my friend across the aisle, I believe, we should sit down together, pass this motion, reinstitute the PAYGO rules as they existed prior to 2002 that applied to both spending and new tax cuts and go forward from there and protect this economy so that when we sit down the very same reason we traded tax relief for families and small businesses at this point when we were paying off the debt. The interest rates were 9, 10, 14, 15 percent. I am afraid if that happens, we could see interest rates go up to 8, 9, 10 percent. I am not suggesting it is going to be 14. But I still think the gentleman from Texas is right in raising the issue of the debt and getting back to a balanced budget. He is exactly right, the question is how we do it. And I believe that the reason we have PAYGO for spending is that if we cool this economy too dramatically, we could see interest rates rise to 9, 10, 14, 15 percent. We owe our children and future generations better than that. And I ask the gentleman, please, join us in support of this motion.

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

Mr. MOORE. Mr. Speaker, I ask unanimous consent for time to close.

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

There was no objection.

Mr. MOORE. Mr. Speaker, I appreciate the latitude that I’ve been given to present the sincere comments by my friend from Texas. I really do appreciate that sincerely. I think we have had a good debate here, and I do not think for a minute that the gentleman is insincere in the statements he made here tonight. But I just think it is so important that, again, we lived, we thrived under these PAYGO rules until 2002, when they expired, and we should bring those PAYGO rules back across the board to apply to new spending as well as new tax cuts.

The SPEAKER pro tempore. Under a previous order of the House, the following Members are recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, on that I would like to invite all Members of Congress tonight to meet with President Pervez Musharraf, I, along with my co-chair, the gentleman from Indiana (Mr. BURTON), will be hosting President Musharraf at a dinner reception at 6:30 tonight at the Committee on International Relations hearing room in the Rayburn building where President Musharraf will officially inaugurate the United States Congressional Pakistan Caucus.

The Congressional Pakistan Caucus was created in an effort to foster mutual respect and cooperation between the United States and Pakistan. We are also looking forward to improving and further developing long-term political and security relations between the United States and Pakistan and also within the South Asia region.

It is because of Pakistan’s promise for the future that I encourage all Members to join the Pakistan caucus. President Musharraf has been one of America’s staunchest allies in the war on terror. His leadership has led to the capture of nearly 500 terrorist suspects, who have been handed over to the United States.

President Musharraf has coined the term “enlightened moderation” to describe his reforms in Pakistan, including his efforts to advance the educational system so that every boy and girl in Pakistan can receive a proper education that does not teach hatred of the West.

Mr. Speaker, I encourage my colleagues to join us because we want peace. Let us have peace by exchange, involvement and, of course, interaction.

As the Co-Chair of the Congressional Pakistan Caucus I would like to invite all Members of Congress tonight to meet with President Pervez Musharraf. I, along with my esteemed Co-Chair Congressman DAN BURTON will be hosting President Musharraf at a dinner reception at 6:30 tonight at the International Relations Committee Hearing Room at room 2172.

The Congressional Pakistan Caucus was created in an effort to foster mutual respect and cooperation between the United States and the nation of Pakistan. The Caucus is also focused towards improving and further developing long-term political and security relations between the United States and Pakistan and also within the South Asia region. It is because of Pakistan’s promise for the future that I encourage all Members to join the Pakistan Caucus.

As you know, President Musharraf has been one of America’s staunchest allies in the War on Terror. His leadership has led to the capture of nearly 500 terrorist suspects, who have been handed over to the United States. As well, he has coined the term “enlightened moderation” to describe his reforms in Pakistan including his efforts to advance the educational system so that every boy and girl in Pakistan can receive a proper education that does not teach hatred of the West. He has also made great strides towards making peace with India by engaging in a dialogue that has produced a number of positive developments. His leadership is helping to move Pakistan towards being the model democratic nation it was intended to be at its creation.

Again, I encourage all Members to come tonight at 6:30 to meet with President Musharraf at the House International Relations Committee. His visit to Washington promises to be historic in nature and is not to be missed.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

DUST CLOUDS; NO RAIN

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

Mr. MORAN of Kansas. Mr. Speaker, much of the central and western United States has been suffering from a grinding, unending drought that continues to harm farmers and ranchers and the rural communities in which they live. Compounding these losses is every disaster imaginable: hail, frost, tornado damage, and, yes, even flood ing.

For nearly half of the 8 years that I have had the opportunity to represent Kansans in Congress, much of our State has been in a severe drought. It gives me no joy to speak before my colleagues tonight and describe the difficulties that Kansas farmers and ranchers are enduring. It is a resolve that finds itself in the roots of a previous generation of hardy pioneers, they are struggling to survive.

The destruction from three hurricanes on homes, farms, businesses, schools, local economies and, most importantly, the loss of life in Florida and other Gulf Coast States cannot be overstated. The people of Kansas mourn the deaths and support the rebuilding of lives and the reconstruction of their communities.

Adverse weather conditions have no respect for State lines and, unfortunately, Kansas and other central and
western areas of the United States have been greatly affected by weather as well.

Mr. Speaker, I would much rather be standing here before you with the news that the drought has broken and that the rain has returned. I would like to describe the positive effects of crop revenues working their way through the local economy. This economic activity would energize struggling small businesses and, more importantly, restore pride in the faces and the lives of farmers and ranchers. But that is not the case.

It is difficult for many to understand the severity of this continuing drought and its effect on rural America. Beside me is a picture reminiscent of the 1930's dust bowl, where producers were uprooted from their farms while their precious topsoil blew away. But this picture was not taken in the "dirty 30s," it will these producers realize that no money can be made. The severity of these dust storms is evident in this picture, but there are tremendous costs elsewhere as well. Each year I travel through the counties of my district, 69 of them, and I meet with them. There are many issues that threaten our way of life, including rising health care costs, the aging population and the general out-migration of farm families. The average age of a Kansas farmer is 58 years old, and in many communities no young people are returning to farming because no money can be made.

Despite this, Kansas and other residents of the plains are resilient people who believe that hard work and persistence can overcome almost any obstacle. The people of my State take pride in being self-reliant and overcoming adversity on their own. However, assistance is needed today. By no means, will these producers realize profits, but at least this assistance may allow some to stay in farming long enough to experience a good harvest. In the words of one of my farmers who contacted me, "I just need to hold on until the rains come, but at this point I cannot lose hope." By the end of 2003 and for most of 2004, every county in Kansas was designated either as a primary or secondary disaster county.

During my tenure on the Committee on Agriculture, we have worked to see that farmers and ranchers are treated fairly and that the U.S. can continue to provide enough food and fiber to be self-reliant.

As the chairman of the Subcommittee on General Farm Commodities and Risk Management, I have worked to improve the availability and benefits of crop insurance, and I will continue this effort. But as of now, there is no insurance solution for multiyear losses.

I urge my colleagues in the House to support some form of disaster assistance. This funding will assist producers who have suffered yet another year of drought or other weather-related disasters. The Kansas grain belt is crucial. Many producers simply will not survive one more crop disaster.

Rural America is the backbone of our country and provides many of the essential components to the economy. We have the opportunity to keep their dreams from being carried away by the Kansas winds.

HONORING THE SACRIFICE OF JUAN CALDERON, JR., TOMAS GARCES AND MARK ANTHONY ZAPATA

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

Mr. HINOJOSA. Mr. Speaker, I wanted to come before the House of Representatives to pay tribute to fallen heroes. My south Texas district is again mourning the loss of three more such heroes, Sergeant Juan Calderon, Jr.; Specialist Tomas Garces, and Specialist Mark Anthony Zapata.

My district has now lost six brave men. The Rio Grande Valley of south Texas as a whole has lost one soldier in Afghanistan and 10 in Iraq. This represents more than 1 percent of the total lives lost in the war in Iraq. Sergeant Juan Calderon, Jr., was a 26-year-old rifleman in the 1st Marine Regiment, 1st Marine Division, based in Camp Pendleton, California. Although he was born and raised in Weslaco, Texas, many of his family live in the Minnesota district of my good friend, the gentleman from Minnesota (Mr. GUTKNECHT), who is joining me tonight.

Juan had been a Marine for more than 3 years and had received numerous awards and medals. An avid football player, he and his wife, Ana Maria, were anxiously awaiting the birth of their first child this month. Juan was killed on August 2 conducting security and stability operations in Anbar Province in Iraq. He will never see his son, who will bear his name, Juan Andres Calderon.

Red, white and blue streamers still decorate the Garces family home, where only a few weeks ago Army Specialist Tomas Garces had come from in a brief visit. Tomas was a recent graduate of Weslaco High School, where he was a star wrestler.

He joined the 1836th Transportation Company of the Texas National Guard not just to serve his country, but also to help his family financially. He dreamed of one day becoming a wrestling coach to train others in the sport he loved. But, instead, on a road south of Baghdad, his convoy was ambushed by enemy forces, and Tomas became the first member of the Texas National Guard to die in combat since World War II.

This past Saturday, I joined the community of Weslaco at his funeral. Tomas had been recommended for a prestigious Bronze Star for his bravery during the ambush.

Army Specialist Mark Zapata came from a family with a strong military tradition. His father Daniel is a retired Army sergeant, and Mark lived on military bases as a child. The 27-year-old was a graduate of Edinburg North High School and loved music. He was the third soldier from this small community to lose his life in Iraq. He was a musician who liked to DJ and play the trumpet and keyboard. He was also proud to be a volunteer firefighter and loved nothing more than visiting local schools to teach children about fire safety. He even trained his dog Rollie to be a search and rescue dog.

Mark joined the Army 6 years ago and was a tank gunner stationed at Fort Hood, Texas. He was killed on August 15 in Najaf, Iraq.

When you hear the stories that friends and families tell about Juan, Tomas and Mark, you understand just how special all three of these young men were. They were role models to their peers, devoted sons, loving husbands, loyal friends and active in their communities.

2000

All could have chosen to use their talents in other career paths, yet they chose the path of military service. South Texas has sent generations of its sons and daughters into military service and, in this most recent conflict, has lost a disproportionate number of its young people and its future leaders.

Yes, Juan, Tomas and Mark volunteered to defend this country and protect our freedom, all the while knowing it might cost them their lives. They are true heroes, and we owe them more than we can ever repay.

For their friends and families left behind, we offer our prayers and the comfort of knowing that the sacrifices of
these young lives will not be forgotten. To those still on the front lines, we pledge our unity, our support and our prayers for their safety and speedy return back home.

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

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

SPECIAL TRIBUTE FOR AMERICAN HEROES

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

Mr. GUTKNECHT. Mr. Speaker, I rise with my friend from Texas tonight to pay a special tribute to some genuine American heroes and one in particular. Last week, I met with the mother, Maria, the mother of Sergeant Juan Calderon, Jr., and I must tell my colleagues, those were very, very difficult times. And they are very difficult times for her, and it was not easy for me.

In the book of John, the good shepherd says, “Greater love has no man than this, that he lay down his life for his friends.” Sergeant Juan Calderon did exactly that on Monday, August 2. He died in a military hospital while fighting and doing operations in Iraq.

Sergeant Calderon was a native of Weslaco, Texas, as the gentleman just preceding me said. He was a resident of Camp Pendleton, California. I had the opportunity to meet with his mother, Maria, who lives in Alden, Minnesota. He has many friends and relatives in the Alden and Albert Lee area. His father, Juan, Sr., still resides in Texas. Calderon’s wife of 3 years lives at Camp Pendleton in California and, I regret to say, is expecting their first child.

Calderon’s awards include the Navy and Marine Corps Achievement Medal, Good Conduct Medal, National Defense Service Medal, the Humanitarian Service Medal and the Sea Service Deployment Ribbon.

Juan Calderon’s sister said recently in an interview with the Albert Lee Tribune, “Juan, Jr., was a big comedian. He was full of life. He was excited to actually go to Iraq and serve his country. He was always proud to serve and proud of what he was doing.”

Calderon’s father recently received a letter and reported in the Associated Press was an account where his son had written to him where he said, “Don’t worry about me. You raised me for 19 years. Now it is time for me to do something to repay you.”

I would like to repeat a story, though, because I think sometimes we need to be reminded that what we are doing there is important. Recently, in a story about an Iraqi translator, a woman whose children were taken away from her more than 6 months ago, her husband beat her. Her brother threatened her life while holding a gun to her head, and her own father contracted for $500,000 reward. All of this because she was assisting the American coalition. She said, “You, the soldiers and marines, come from America to help my country. I must help you help my people. I see these soldiers that lose their lives for Iraq. They are our country and die for us. We must appreciate these guys. I appreciate the Army and the Marines. I love them.”

Ronald Reagan used to say, those who say that we are in a time where there are no heroes, well, they just don’t know where to look. On August 2, we lost several heroes. One of them, Sergeant Juan Calderon, Jr., will be mourned. He will be missed. He will not be forgotten.

Sergeant Calderon did not die in vain. Freedom must prevail. May Almighty God have mercy on this good and faithful servant. May He continue to bless this country and all who defend her.

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

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

A PROMINENT POLITICIAN’S PLAN FOR IRAQ

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

Mr. MCCOTTER. Mr. Speaker, as my colleagues may recall, I previously asked to see a plan for the reconstruction and the future for Iraq, and that has happened. And I would like to examine what I will refer to as a prominent politician’s plan for Iraq. It is a four-point plan.

The first part is that, “The President has to get the promise of international support so our men and women in uniform don’t have to go it alone.”

I would like to point out that this is one more insult to the 30 countries whose troops are fighting and risking their lives next to ours, including Hungary, whose speaker was here today.

The prominent politician then went on to say that Congress passed Resolution 1546, which urged other countries to come and wage the peace in Iraq, he at least then pointed out “that 3 months later, not a single country has answered that call.”

My concern is that the best way he can come up with to solve that problem is to do what Washington always does. He wants to call a meeting, and he wants to invite to that meeting the major powers of the world and Iraq’s neighbors to figure out how to work the security. Now, I for one do not suggest that anyone here hold their breath while we wait for France, let alone Syria and Iran, to RSVP to that meeting.

He then goes on to talk about what we have to do to get more allies is to let them “help develop the oil resources in Iraq.”

Now, it seems to me odd that someone who has accused the people who are fighting with us, next to us, in Iraq are being bought, bribed, coerced, extorted, lie cetera, that he now believes that we have to do to get more allies is to let them “help develop the oil resources in Iraq.”

We also hear that somehow this multilateralism is our fault, which I find fascinating. But the reality remains that it is not our fault.

This four-point plan then goes on to talk about rebuilding Iraq’s security forces and talks about how the President “must get serious about training Iraqi security forces.”

Well, I have news for the prominent politician. The President is serious about rebuilding Iraq’s internal security forces and its army. Unfortunately, the terrorists are just as serious about killing them before they get that task done. Unfortunately, nowhere does this plan reference that reality on the ground in Iraq.

It is then pointed out, something which I agree with, that the Iraqi people feel a mouthful of this reconstruction. I have agreed with that since last fall when I started saying that, and I have continued to say it. The problem is that the plan then goes into a top-down change in the contracting process, to emphasize “a few on a list of high-visibility, quick-impact projects” for “an Iraq where the job is less likely to shoot at our soldiers.”

My problem with this is this is not an Iraqi empowerment plan, it is a PR campaign. For the Record, the militia is not fighting for a public works project, and Zargawi is not an Iraqi. He is a Jordanian. The true empowerment in Iraq’s reconstruction must come from the grassroots, allowing tribal leaders, through allowing town councils, through allowing the national government and religious leaders to make the decisions on what projects are important and giving them the resources to implement them, build their own stake in their free future.

Finally, there is the intriguing argument that somehow the goal in Iraq is
a peaceful resolution. Now, I am a Republican; I admit that. I am happy to. My father was a Truman Democrat, and if my father were alive today, I think I would have to ask him: Dad, do you ever remember F.D.R. or Truman asking for the Nazis to have unconditional surrender? Is that what we fought for? Did Ulysses Simpson Grant? Did that stand for unconditional resolution? Is this a new outcome?

The reality in Iraq is quite simple. There are two roads. There is victory and democracy, or there is defeat and Zarqawi. To sit here and claim that multilateralism from the United Nations is going to help us is bereft of any knowledge of why the U.N. acts as it does. The former colonial powers of the United Nations and the current tyrannical regimes of the United Nations quite simply believe that an America with the ability to preemptively protect its citizens from terrorists is a graver threat to them than the terrorists themselves, including Saddam Hussein who, I point out, in the Oil For Food scandal made many multilateralists quite rich. If you do not understand what is undergirding the opposition amongst these people in the United Nations, then you do not realize that your plan to have them save us, to have them come to our aid with troops and with money and with good intentions, is quite simply confusing the United Nations Security Council with the Congress, and it will not happen.

The reality remains. The U.N. will not ride to the rescue, and there is no peaceful resolution acceptable to the American people or the Iraqi people short of victory, which is a word we do not hear much from some quarters these days.

In the final analysis, I believe that the absence of the willingness to admit that we have to win is becoming quite a problem.

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.)

WAR MEANS SACRIFICE

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

Mr. STRICKLAND. Mr. Speaker, as we contemplate what is happening in Iraq with the continued loss of life, the continued injuries, I would just remind my colleagues in this chamber that the only people who are being asked to sacrifice for this war are the soldiers and the people who love them. No one else is being asked to sacrifice for this war.

We are not paying for this war. The President has decided that future generations should pay for this war, so we are using borrowed money, passing the bill on to the next generation. So the taxpayer is not being asked to pay for the war at the present time. Of course, future taxpayers will pay for it.

The President is not sacrificing for this war. No one in this chamber is sacrificing for this war. No one in this chamber has loved ones who may be subject to serious injury. Yet, we stand here in this chamber and the President stands and he talks in glowing terms about, we need to stay the course and we are totally committed.

I wish we were totally committed. I wish the President was totally committed in terms of paying for this war without expecting future generations to pay without us committing enough to continue to provide the money that our Veterans' Administration needs to provide adequate care for our veterans who are coming back from this war in desperate need of VA medical care. But no, only the soldiers and their loved ones are sacrificing or are being asked to sacrifice. I think that is very troubling.

It is easy to make decisions when it involves someone else's child. Maybe the only thing that will bring common sense back to this chamber and to this administration is to have the burden shared by all of us so that all of us who have loved ones who may be subject to military service would be asked to serve. Would that make a difference in our thinking?

I believe if the people who are so supportive of our current policies in Iraq so firmly believe that the direction in which we are going is the correct direction, I think they should be willing to see their sons and their daughters join the military, take up the battle, share the risk. And those who are not willing to have their loved ones put at risk should think very, very carefully about how enthusiastic they are about our activities in that country than we would have had we finished out Saddam Hussein's term and then allowed his sons to be the logical heirs to that reign of terror that he was perpetuating through his policies. I wonder if we are not come here tonight to talk about that.

The previous speaker talked about how loved ones and innocent folks may be in harm's way, and that is a very real phenomenon. I want to introduce this House to a young man named Alan that I met this past weekend at the Federal Pediatric Hospital in Moscow, Russia. Alan is 11 years old and is a bright young boy.

Alan was in the hospital because he is recovering from surgery. He had surgery 2 weeks ago to remove a piece of metal from his chest, a piece of metal that sunk deep into his chest on Alan's first day of school in Beslan.

This piece of metal was placed in a mine that was created under the direction of a man named Shkmeel Masaif. Now, little Alan is healing now, but little Alan was perhaps lucky. More than 300 dead, over half of those children, were killed when those bombs went off in the gymnasium in Beslan. A quote from a townsperson there this weekend from a townsperson there in Beslan said, "We bury and bury and we still have not finished the job."
More than 300 people died in that attack: but, in fact, Skhmeil Masalsi is probably responsible for over 500 deaths in the past 3 or 4 weeks in Russia. Two airplanes lost simultaneously over Russian air space and a bomb attack outside the capital was deployed, not that much different than Metro stations that we have here in Washington, D.C., all under the direction of Skhmeil Masalsi.

I want the House to look at the piece of metal that was removed from little Alan’s chest. His mother is holding it here in her hands. And you look at it and you think, well, what is that? That is just a piece of junk. That is a little piece of metallic shredded that was recovered from a junk yard or a landfill or somewhere. It was placed into that bomb. Those small pieces of metal were placed into that bomb so they would have the maximum dispersal when the bomb went off. That is, they could ensure a large number of innocent persons could be harmed when that bomb went off.

This bomb-maker built the bomb under the direction of Skhmeil Masalsi. It was designed to hurt. It was designed not to kill. It was designed to inflict pain and suffering on the most innocent, the most innocent citizens on this Earth, 10, 11, 12 year olds, on their first day of school in Beslan, Russia.

Mr. Speaker, it is not wrong to identify evil when we see evil, and it is not wrong to call it by its proper name, which is evil. And whether it is the school children in Public School No. 1 in Beslan, whether it is the innocent victims of the bomb in Beslan, victims outside the metro station, the victims of improvised explosive devices in the country of Iraq or whether it is our victims here in 9/11, these are victims of people who hate the United States, people who are evil; and we must not rest until they are reduced to their natural subatomic particles and removed from the Earth.

**UKRAINIAN PRESIDENTIAL CANDIDATE POISONED**

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

Ms. KAPTRU. Mr. Speaker, shortly our country will experience an extraordinarily important Presidential election, and this evening I wish to discuss another Presidential election that is occurring very far from the United States this year as well. That is in the nation of Ukraine, one of the nations that was spun out of the collapse of the Soviet Union. And make note of the very close presidential race occurring in that country which is struggling its way forward.

Recently in USA Today, there was a story that one of the leading candidates, Viktor Yushchenko, became ill and on September 6 was hospitalized in Austria. And the doctors there, a panel of nearly a dozen doctors, determined indeed that he had been poisoned.

Prosecutors in Ukraine said in a statement they were investigating charges of attempted murder. Attempted murder of a presidential candidate in a nation whose independence is only a little over 10 years old. In an address to deputies in the parliament in that country this week, candidate Viktor Yushchenko appeared haggard, his face was red and swollen; it was partially paralyzed with one of his eyes constantly tearing up. And I wish to read this evening some of what he told his fellow deputies in that parliament in a emotional speech.

He said to take a good look at him to make sure that the same thing did not happen to any of them, because the problem he was bearing was not one of cuisine, not a problem of food, as some had tried to portray his plight. And he advised his colleagues, Do not be so quick to judge. I would like to ask every one of the 450 parliament members in the chamber, have you ever sobered up your drunks for 6 to 20 years? Raise your hands if you have. And no one did.

And then he pointed at all of the government-controlled media, Inter, UTI, and One Plus One, and asked them, Have you ever seen me not in control of myself? Because there had been references on that television, government controlled, that his illness was caused by food poisoning or perhaps alcohol. But he said, What happened to me is not a problem of cuisine or a problem of diet, but rather as soon as you fall out of favor with the authorities of Ukraine and as soon as you start posing a tiny threat, and indeed he is tied in the polls with the current president of that country, they will throw you away like a piece of paper.

He said, Friends, we are talking about the Ukrainian political kitchen where assassinations are ordered. Remember the head of the former National Bank chairman Vadym Petrovych Hetman walking around alive in this chamber in 1998. Who killed him? President Kuchma said it was a question of honor in 1998. Who killed him? President Kuchma said it was a question of honor. Who killed him? President Kuchma said it was a question of honor. Time has passed, and there is no answer.

In 1991 right-wing leader and presidential candidate Vyacheslav Chornovil was in that chamber alive. We pretend we do not know who killed him with a knife. Bury in 2000 as well, campaigning journalist Heorhiy Gongadze was sitting in the balcony, as our press sits here in this Congress, writing political reports. Well, who cut his head off? We do not seem to know. Viktor Yushchenko said.

Although one prosecutor said once that the killer has already been found and that his surname begins with the letter K, but he was not brave enough to give us a few more letters. Two and a half years ago, opposition parliamentarian Oleh Oleksenko was sitting in the chamber. Who poisoned him? Four weeks ago Alik Aslanov was sitting among us in that chamber. But with his last borrowed seven and a half hryvnyas, the last loan in his life, he bought a liter of petrol and burned himself. Who killed him? The alcoholic head of the district administration who represents the United Democrat Party threw the arrogant head of the collective farm? Who killed him?

Do not ask who is next. Every one of us will be next. And if you ask how this fate spared me, I will say, wrong dose, wrong time and my angels awake. That is what helped me return back to the living.

Let us draw a couple of lessons here. Lesson number one, I would really like us to receive an answer. Who did it and who is the killer? But you know very well who the killer is. The government is the killer. And never will this prosecutor-general give an answer to who killed Gongadze, who killed Hetman, and who tried to kill many others.

Let us draw a political lesson and apply it to our country. Show a little heroism today for Ukraine’s sake and you will see Ukraine democratic and its people free and prosperous. Do not forget this lesson or this lesson will get you.

Not today. Words are placed here, the citadel of freedom, by Viktor Yushchenko, presidential candidate in Ukraine, who is fighting, not just for his life but for the future of freedom in his nation.

The article referred to is as follows:

**UKRAINE CANDIDATE POISONING INVESTIGATED**

**Kiev, Ukraine—**Ukrainian prosecutors opened a criminal investigation into the alleged poisoning of a leading candidate in a crucial presidential election scheduled for next month, officials said.

The candidate, Viktor Yushchenko, became sick more than two weeks ago, and his campaign charged that he was poisoned by political opponents. The allegations have roiled the already heated race to replace outgoing President Leonid Kuchma.

Yushchenko, a haggard-looking figure who is running neck-in-neck with the ruling party’s candidate, became ill Sept. 6 and was hospitalized in Austria. After he was discharged Saturday, doctors in Vienna said it was possible he had been poisoned but they could not confirm it.

Prosecutors in a statement that they were investigating charges of “attempted murder of a statesman or a public figure.” They offered few details and did not indicate if authorities had substantiated the poisoning charges or identified suspects.

Prosecutor General Henadiy Vasiliev later told reporters “not to make hasty conclusions” and to wait for the results of the exhumation. He said authorities had ruled out anything in their investigation and that his office had contacted Austrian authorities.

Ukrainian lawmakers voted overwhelmingly Tuesday to set up a commission to investigate the incident.

Neither outgoing Kuchma nor Viktor Yanukovych, Yushchenko’s main opponent and Kuchma’s hand-picked choice in the Oct. 31 presidential race, have commented publicly on the allegations.

However, a number of Kuchma’s allies have charged that Yushchenko had merely eaten bad sushi.
In his address to deputies on Tuesday, Yushchenko accused Kuchma’s administration of “being capable of brewing political assassinations.” He appeared haggard, with his face red, partially paralyzed and with one eye constantly tearing up. Voters in this ex-Soviet republic of 48 million have become increasingly disenenchanted with Kuchma. His administration had been marred by a series of scandals, rampant corruption and dozens of suspicious deaths of political opponents and opposition journalists.

Meanwhile, Ukrainian Defense Minister Yevhen Marchuk stepped down Wednesday, citing in part the explosion at a major ordnance depot that killed rockets, shells and shrapnel over a wide area, the Interfax news agency reported.

Speaking on the condition of anonymity, a spokesman for the Defense Ministry confirmed Marchuk “has asked the President to be relieved from duties,” but he gave no other details.

Marchuk’s resignation came after he had defended himself in parliament against allegations he illegally provided soldiers and helicopters to help fight fires in Turkey.

Marchuk’s resignation was seen as another sign of upheaval in the government ahead of the Oct. 31 vote.

KIEV—Ukrainian opposition leader and presidential race favorite Viktor Yushchenko has lashed out at the authorities, accusing them of trying to poison him. In an emotional speech delivered in parliament after two weeks of treatment abroad, Yushchenko said he barely survived and compared his alleged poisoning to the killings of journalists in recent years.

He said President Kuchma’s order to investigate the poisoning was disingenuous, and hinted that the president himself could have been behind the murder of opposition journalist Heorhiy Gongadze. He brushed aside suggestions that his illness was caused by ordinary food poisoning and urged fellow MPs not to side with the government so as not to die.

“Those things to establish the facts. I am asking to the journalists of Inter [privately owned pro-government TV channel] and the so-called national channel UTI. And One Plus One [another privately owned pro-government TV channel]. And to other channels, have you ever in your life seen me not in control? If there are such cases, show them on television today. But there weren’t. [Apparentl]y referring to recent reports on the three TV channels speculating that Yushchenko could have been caused by food or alcohol poisoning.

And that is why, I would like to say to everyone: I am no gourmet! I don’t fancy eastern cuisine or western one. I eat the same borsch, potatoes and pork fat as all of you. But if you say that you stop dancing to Medvedchuk’s fiddle [applause], potato diet will not save you! Calm down! It pains me to say this. [Referring to Moroz’s reported statement that Yushchenko who would have fine had he stuck to simple food.] [Shouts of “Shame!” in the chamber]

‘’Friends! I’d like to continue. Esteemed [pro-president coalition] coordinator Stepan Bohdanovych Havrysh, you are going through a rough political patch. Because something you have given up your reputation for is facing a so-called pro-presidential majority is falling apart.

I would like to say that as soon as you fall out of favour with the authorities, as soon as you start posing a tiny threat, they will throw you away like a piece of paper. And your fish diet won’t save you. I would like to tell the guys in the presidential administration, who advise that one should drink 100 grams of vodka after every piece of pork fat. Guys, it doesn’t matter what you drink as long as you know the principles and morality of that camp that they can discard you just like they have discarded [former economic deputy chief of presidential administration Valeriy Khoroshkovskyy, President Kuchma’s once-close ally Oleksandr Volkhov and dozens of others. And teams with every piece of pork fat won’t help.

ATTACKS KUCHMA

Friends, this is not a problem of cuisine as such. We are talking about Ukrainian political kitchen. Some invasions are ordered! This is what we are talking about. Remember [former National Bank chairman] Vadym Petrovych Hetman walking around on the still seven and balcony over there and writing political reports. Who cut his head off? Well, President Kuchma said it was a question of honour for him, that the prosecutor-general will give an answer and tell us who is the killer. Time has passed, but there is no answer.

In 1989 [right-wing leader and presidential candidate] Vyacheslav Chornovil was here alive. We pretend we don’t know who killed him with a Kamaz lorry. In 2000 [campaigning journalist] Heorhiy Gongadze was sitting on the balcony over there and writing political reports. Who cut his head off? We don’t seem to know, although one prosecutor said once that the killer has already been found and the investigation begins with the letter K. He wasn’t brave enough to give us a few more letters.

Two and a half years ago [opposition MP] Oleh Olekenko was sitting in this chamber. Who poisoned him? Four weeks ago Alik Aslanov was still among us. But with his last skyseven and a half bryznya, the last loan in his life, he bought a litre of petrol and burned himself. Who killed him? The alcoholic head of the district administration, who represents the United Social Democratic Party? Or the arrogant head of the collective farm? Who killed him?

‘’GOVERNMENT IS THE KILLER’’

Don’t ask who is next. Every one of us will be the next. And if you ask how this fate spared me, I’ll say: wrong dose, wrong time and my angels awake. That is what helped me return back to the living!

Let us draw a couple of lessons here. Lesson number one. I would really like to see the prosecutor-general give an answer to who killed Gongadze, who killed Hetman, who tried to kill many others.

So I was very surprised that President Kuchma ordered to launch a criminal investigation of my poisoning. I don’t believe this order! I don’t believe this prosecutor-general! Why, Mr. Kuchma, are you asking the question if you have no intention of answering it?

Let us draw a political lessons from here. The lesson is that Leonid Makarovych Kravchuk suggests that someone should kneel before the Ukrainian people. [Krivchuk said dozens of MPs who quit the pro-government coalition earlier this month should kneel before the people of Ukraine.] So who should kneel, Mr. Kravchuk? And for how long should they stand on their knees, as every one of the 47 million forgive them?

But I have another proposal. An appeal to you, my dear people’s deputies! Show a little more today than yesterday and you will see Ukraine democratic, with its people free and prosperous! Don’t forget this lesson or this lesson will get you. [Applause in the chamber]

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.)

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

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

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

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

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

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

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

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DEFENDING FREEDOM AND DEMOCRACY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. DREIER) is recognized for 6 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the Special Order that I am about to give.

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

There was no objection.

Mr. DREIER. Mr. Speaker, having listened to the words of my good friend, the gentlewoman from Ohio (Ms. KAPTUR), I would like to say that the Special Order that I am going to be presenting this evening refers to exactly what she was talking about in the final remarks that she provided, very thoughtful remarks.

It has to do with the fact that this institution, this building, this entity is in fact the citadel of freedom. And I think and I believe it is very important for us to realize the great importance of that.

Mr. Speaker, it has been 3 years since the heinous attacks and the absolute horror that befell America on September 11 of 2001. And it was not just an attack. It was an attack on the free world. Citizens from many nations were murdered and maimed that day, as we all know. But perhaps more important, this was an attack on the core values of freedom and democracy that are embodied in our Nation and in all of the free people of the world.

While nations have cooperated in an unprecedented fashion in the fight against terrorism, unfortunately, much remains to be done.

We have just gotten the tragic news in the last 24 hours of the tragic beheadings of Messrs. Armstrong and Hensley. We saw the bombings in Spain and the recent tragedy in Russia; both underscore the need for all of us to remain vigilant in this global war on terror.

Mr. Speaker, our Nation has a special responsibility, a very special responsibility, to protect the core freedoms and liberties of democracy, for we continue, as I was saying at the outset, to be the beacon for democracy, and our Capitol, as the gentlewoman from Ohio (Ms. KAPTUR) was just saying earlier, our Capitol perhaps is the single most recognized symbol of democracy all over the world.

In fact, I remember very vividly back in 1990, I had the opportunity to bring one of the Solidarity activists from Poland for President Bush's State of the Union address. I remember very well we were walking along, and the Capitol, of course, was particularly well lit because we all know on the night of the State of the Union the television networks put added light on the Capitol.

All of the sudden, tears were coming down the face of these people who had come from Poland, and I asked what it was. They were simply looking at the Capitol dome, and that, for me, underscored how clearly this is the most recognized symbol of democracy all over the world.

I believe that our responsibilities as Representatives of this democracy are twofold. First, we must employ our full legislative power to make our Nation safer, our citizens more secure and to defend our democracy against all terrorists.

Second, we must do everything in our power to ensure that our institution, the Congress itself, can continue to operate in the face of any crisis, any terrorist attack, any disaster. Again, we need to be able to see that this institution can continue, in any crisis, any terrorist attack, any disaster that could possibly hit us.

Mr. Speaker, since the District of Columbia became the permanent seat of our government, the United States Congress has been unable to use the Capitol for an extended period only once. That occurrence, of course, was during the War of 1812 when the Capitol was burned, as we all know. Nonetheless, the enduring threat of the last century, the Cold War, forced the Federal Government to rethink for its continuity in the event of a catastrophe.

Some people assumed, however, that after the Cold War this kind of planning could stop. We all know that 3 years ago this past September 11, not only did that tragic event put that notion to rest, but it changed our thinking and our planning for the continuation of representative government, representative democracy as we know it.

Indeed, we saw smoke rising from the Pentagon and later heard of the bravery of the passengers on Flight 93 as they cried, "Let's roll." Many of us shared a feeling of having just missed a bullet, a bullet that could have hit this Capitol itself.

We share the additional responsibility for our very institutions, for our individual Members, for our staff and for the thousands of people who visit the Capitol every single day.

Following September 11 and the subsequent anthrax and ricin attacks, our continuity learning curve has been very, very steep. However, the good news is that we have worked hard and have implemented a number of measures that improve the continuity of our Congress.

Indeed, we have taken the advice of one of our great Framers of the Constitution, Alexander Hamilton, who in Federalist 59 said, "Every government ought to contain in itself the means of its own preservation." Let me say that again, "Every government ought to contain in itself the means of its own preservation." Those are Alexander Hamilton's words.

Toward that end, in the last 3 years, the Speaker has focused the United States House of Representatives on three core areas for our overall continuity: number one, upgrading the physical security of both our D.C. and our constituency offices; number two, preserving our continuity of operations here in Washington; and number three, addressing the continuity of our form of government itself through debating how to deal with catastrophes that result in large numbers of Members being killed or incapacitated.

Mr. Speaker, let me now turn for a moment to discuss our efforts to preserve the continuity of our congressional operations.

The Speaker of the House has long recognized that if the Capitol, or if Washington itself, were to become unsuitable as a meeting place for the House, whether due to attack, contagion or other calamity, an alternative site for operations would be needed. Much thought has gone into the placement of sufficient resources, technology, staffing and accommodation for Members and key staff so that we could continue to fulfill our duties to the American people. Additionally, we have already adopted a number of very important rule changes to give the House the operational flexibility we believe it would need in a crisis.

Mr. Speaker, those include: first, authority for the Speaker to declare an emergency recess subject to the call of the Chair when notified of an imminent
We do not like to even contemplate or even consider, but we all know that we live in a very, very dangerous world, and it is a responsibility that we have to take very seriously. This issue necessarily requires us to contemplate that which none of us really wants to consider, that being our mortality. Mr. Speaker, this is at the heart of why I stand and why I am here today. I am deeply concerned that we need to act now to protect the House as an institution if the unthinkable were to happen.

One of the most difficult questions that we have had to consider is what we would do if large numbers of Members are so injured that they cannot fulfill their duties. This incapacitation of large numbers of Members, what we call the “mass incapacitation” of Members, poses a grave threat to the ability of the House to function in a time of crisis.

We have spent a lot of time on a non-partisan basis discussing this issue, and I underscore that this as an institutional issue, not a partisan issue. In each of these discussions, Mr. Speaker, good questions have been asked by a number of Members and staff on both sides of the aisle who are committed to the survival of this institution, the greatest deliberative body known to man.

Mr. Speaker, what I would like to do now is address with answers some of the very important questions that have been posed. First of all, as we look at dealing with the problem, what is the so-called “quorum trap”? As we all know, a quorum is an essential part of a legislative body. In some nations, including our allies in the United Kingdom, it is but 40 members, a very small number. However, in the United States, a quorum is set by the Constitution as a majority of Members. That is what is stated in the U.S. Constitution. Long-standing House precedent defines a majority as those Members who are chosen, sworn and living. “Chosen, sworn and living” is what determines, that is, it’s the precedent for establishing a majority. The standard does not address Members who are chosen, sworn, living, but unable to carry out their duties because they are incapacitated. Thus, if Members are alive but unable to carry out their duties, they remain in the calculation of quorum.

If large numbers of Members are incapacitated and a roll call vote is needed, the House could be unable to obtain a quorum. This is what we call the “quorum trap,” where so many Members would, in fact, be unable to respond to a quorum call. Let me say that again. If large numbers of Members are incapacitated, we, as an institution, could be unable to act.

The potential rule change that I will explain in a moment would go into effect if, after an attack, more than half the number of those Members remaining alive are incapacitated, again, half the number remaining alive are incapacitated. That is why we refer to this as “mass incapacitation.”

Additionally, it is important to note that the quorum trap only becomes a problem for the House if a roll call vote is needed. Again, the quorum trap only becomes a problem if we have to have a roll call vote. House precedents provide that a quorum is presumed unless proved otherwise. If there is any degree to the business of the House being considered by unanimous consent, then the lack of a quorum would not be an issue. Nonetheless, as an institution, we cannot take the risk that we will always be able to act by unanimous consent.

The House is very limited in what it can do without a quorum. It can only do two things without a quorum, Mr. Speaker. Number one, adjourn from day-to-day; or number two, send the Sergeant-at-Arms to try and bring enough Members in to constitute a quorum. Those are the only things that we are able to do without a quorum.

Without the potential rule change to deal with the quorum trap, we could be unable to act at exactly the time that the American people want us to do so.

Unfortunately, even after years of consideration, no one has been able to adequately define exactly what incapacitation is for every possible situation. Up in the Committee on Rules, we had a hearing. We had testimony from our attending physician, Admiral Eisold. He testified to the Congress, and he revealed that making a determination of incapacitation involves so many factors that it would be difficult, if not impossible, to have a bright-line test for exactly what is incapacitation.

Rather than trying to define incapacitation, this approach defines what constitutes the House. It is the number of Members who are not incapacitated. That is, the Members who can show up to answer the call of the Chair, the quorum call. That “call of the House” could be a regular roll call vote, like we have every day, or it could be done through the rule that gives the Speaker the power to recognize any Member to move a call of the House for establishing a quorum.

What types of catastrophic events would trigger these kinds of provisions? Mr. Speaker, the language of the rule is intended to cover broad possibilities, including catastrophic circumstances involving natural disasters, attack, contagion, similar calamity that render representatives incapable of attending the proceedings of the House. For example, Members could be incapacitated because they are so injured that they cannot fulfill their duties, or they may be missing and presumed dead, or they could be held hostage.

What is the solution? How would the potential rule change procedure play out? At its core, mass incapacitation presents one key problem for the House. If too many Members are incapacitated, the House is actually unable to do business for the American people during a time of crisis.
The Constitution says that a majority quorum is required for House business.

Another way of thinking about this majority requirement is that it is a fraction. The amount above the line is the number of Members who are physically present and can participate. The amount below the line is the number of Members who exist. Rather than trying to define incapacitation, this potential rule change uses the ability or inability of Members to show up and participate as a measure of who exists, the amount below the line.

This potential rule change, if adopted, would solve the quorum trap by requiring the following procedural steps:

- The rule requires that Members dispose of a motion for the Sergeant at Arms to find Members so that we can hopefully obtain a quorum without going any further than that.
- Additionally, if this attempt to gather a quorum fails, the next stage of the rule requires an extremely lengthy call of the House. We would call for 72 hours, a quorum call of 72 hours, exclusive of the time that the House has spent in recess, to try to gather 218 Members in order to establish a quorum.

Now, if that step fails to produce a quorum, the rule requires that the Sergeant at Arms, in conjunction with the Attending Physician to Congress and other relevant law enforcement and public safety officials, report to the Speaker, the minority leader and the majority leader on the state of the membership and whether the failure of quorum is due to catastrophic circumstances. This report would be updated daily and made available to the entire House. Members could, if they choose, disseminate the information. It would consist of the following:

(A) the number of vacancies in the House and the names of former Representatives whose seats are vacant; (B) the names of Representatives considered incapacitated; (C) the names of Representatives not incapacitated but otherwise incapable of attending the proceedings of the House; and (D) the names of Representatives unaccounted for.

Now, the next step in the rule is for the Speaker to decide whether to formally place the report of the Sergeant at Arms before the House. The Speaker could decide to delay this formal step in order to collect more information about the membership and the nature of the catastrophe. However, if the Speaker does place the report before the House formally, the next step would be to have another very lengthy quorum call, 24 hours, again exclusive of time that the House would be in recess.

Finally, if enough Members for a quorum of 218 have not shown up at this point, then the rule would allow for the establishment of a “provisional,” that is, a temporary quorum of the House at this point. This “provisional quorum” would consist of a majority of those Members who could show up and fulfill their duties. Under this temporary quorum, the House could act for the American people in a time of crisis.

Now, what are the origins of this plan? Continuity discussions began in earnest during the 107th Congress. The bipartisan House leadership agreed on the formation of a task force led by my colleague, the gentleman from California Mr. Cox, and the ranking minority member of the Committee on Rules, the gentleman from Texas (Mr. Frost). This task force included a number of Members concerned about the continued operations of our institution. Many of the recommendations of the Cox-Frost group were adopted at the start of the 108th Congress. This rule change concept originated in the Cox-Frost discussions. However, an impasse was reached over how to try to define incapacitation, and the group decided to allow for more analysis of this very, very difficult question.

Mr. Speaker, the Continuity of Government Commission, sponsored by the American Enterprise Institute and the Brookings Institution, tried to consider this issue of incapacitation but, similarly, could not come to agreement over how to define incapacitation or what to do about it. As we have said, this is a very, very difficult issue.

The Committee on Rules held a hearing on the subject. We could not be agreed upon whether to have a majority quorum or to allow a quorum consisting of the minority but no deaths, or a quorum consisting of a majority of those Members who are incapacitated. The amount below the line is the number of Members killed, and this institution adopted by a bipartisan margin of 306 to 100 to create a joint House-Senate committee to address continuity issues, including incapacitation, and the House overwhelmingly passed it in June of last year. The Senate has not acted upon this proposal yet.

In the spring of this year, just a few months ago, as we all know, the House addressed what to do if large numbers of Members are killed, and this institution adopted by a bipartisan margin of 306 to 100 to create a joint House-Senate committee to address continuity issues, including incapacitation, and the House overwhelmingly passed it in June of last year. The Senate has not acted upon this proposal yet.

To illustrate: If you had 300 fatalities, the rules now would require a quorum consisting of a majority of those Members with no deaths, 150 Members. But the reality is that we have a total of 435 Members in the House, as we all know, Mr. Speaker. If we had 300 fatalities, the rules would require a quorum consisting of a majority of the remaining 135 Members, which would mean a quorum would be 68 Members.

The House rejected a proposed constitutional amendment to allow for the appointment of temporary “stand-in” Members who were incapacitated or killed. That was defeated on a vote of 63 to 353. So this institution has stated very firmly that we will not accept a quorum lower than 218.

We know very well, Mr. Speaker, that ours is the only Federal office where one must be elected to be able to serve at the Federal level. Senators can be appointed, and we all know that, by appointment, one can become the President of the United States without standing before the voters. But this institution is where everyone who has a seat in this House, and I am very happy that, by a margin of 63 to 353, the House rejected that proposed constitutional amendment.

The Committee on Rules held an original jurisdiction hearing on the mass incapacitation of Members in April of 2004. Testifying at the hearing were a number of experts on the House rules, the Constitution and the issue of incapacitation. The report of this hearing is available on the Committee on Rules Web site and has been printed by the Government Printing Office.

At the April 2004 hearing, we distributed a discussion draft of the proposed rule change. Discussions have continued on a bipartisan basis since then, and a number of improvements to the proposal have been made.

Now, why would we need a provisional quorum? Why does the House need to establish procedures to deal with the possibility of mass incapacitations?

We need to assure the American people that we are doing everything we can to provide for continuity of government in the face of any catastrophic event.

We need to be considering this matter with a “triage” mindset, similar to that taken by health care workers and disaster planning during an emergency.

Mr. Speaker, if a jet plane, God forbid, hits this Capitol dome, hits this building when we are all here voting or a biological agent is released, we need to plan for how to deal with the worst problems first. We need to realize that we will not be operating in a best-case scenario and that having some plan in place is better than no plan at all.

Now, why does this proposal that we have only address mass incapacitations?

Mr. Speaker, this procedure would go into effect if large numbers of Members are incapacitated, large numbers. If individual Members are incapacitated, they are very unlikely to affect our ability to achieve a majority quorum. However, after a catastrophe, a key question will be whether it resulted in large numbers of deaths, large numbers incapacitations or both.

If we are dealing with a full, living membership and only incapacitated Members but no deaths, we would need 218 or more Members incapacitated in order to trigger a problem with quorum. With deaths, the quorum is automatically reduced by the rules, and the number of incapacitations that could trigger a quorum trap also would drop.

To illustrate: If you had 300 fatalities, the rules now would require a quorum consisting of a majority of the remaining 135 Members. There are a total of 435 Members in the House, as we all know, Mr. Speaker. If we had 300 fatalities, the rules would require a quorum consisting of a majority of the remaining 135 Members, which would mean a quorum would be 68 Members. If in the best-case scenario that all Members were incapacitated, we would be in the quorum trap. The House would be unable to function.
September 22, 2004

CONGRESSIONAL RECORD—HOUSE H7413

Now, what about those living Members who are not incapacitated but otherwise unable to show up and to participate?

If, for example, a Member is stuck overseas at the time of the quorum call, naturally raised is, how are the rights of the minority protected under this provision?

Mr. Speaker, to me it is very clear. Article I, section 5, clause 2 of our Constitution gives the House and the Senate along with a rule now if we can get an unanimous rules of proceeding. Professor Walter Dellinger, the great constitutional expert, testified before our committee at the April 2004 meeting, the hearing we had on incapacitation and quorums. In that and many in his testimony, he said the following, and I happen to agree with him. This is Professor Dellinger.

"It is simply inconceivable that a Constitution, established to provide for the common defense and promote the general welfare, would leave the nation unable to act in precisely the moment of greatest peril."

He went on to say, "No constitutional amendment is required to enact the provisions because the Constitution as drafted permits the Congress to ensure the preservation of government." Professor Dellinger continued saying, "I think there is a great advantage to adopting a rule now if we can get an unanimous rules of proceeding because the Constitution is of course a general one, but there is a reason for us to act in the moment of greatest peril and to adopt a rule now if we can get an unanimous rules of proceeding because the Constitution is established to provide for the common defense and promote the general welfare, would leave the nation unable to act in precisely the moment of greatest peril."

Mr. Speaker, it has been more than 3 years since the September 11 attacks and the startling realization that the Capitol Building and Members of Congress were in imminent physical danger that morning. If not for the bravery of the passengers on Flight 93, the United States Capitol, the seat of our legislative branch, could have been destroyed by an enemy attack, killing or injuring an unknown number of Senators, Representatives, and staff. It is now clear we were wholly unprepared to deal with the aftermath of a successful attack. We had given little thought to how Congress would continue performing our duties if our chambers and offices were destroyed, and many of our Members were dead, injured, or missing.

There is no way the wise people who created our Federal Government could have ever foreseen the possibility that enemies of the
United States could highjack large commercial jets and try to fly them into the seat of the Federal Government. In the summer of 1787, the Founding Fathers spent a great deal of time identifying, discussing and correcting the weaknesses in the constitutional system they were creating. We cannot fault them for remaining silent on threats to the system they were unable to imagine.

It instead falls on our shoulders to take the necessary steps to ensure that Congress will continue to function in the face of threats that are new to our age. All Members of the 108th Congress, especially those in leadership positions, share the same responsibility that Members of the 1st through 107th Congresses bore during their times of service: to preserve the institution of Congress and the role of the legislative branch in our constitutional democracy. As I have stated many times in the various hearings and debates we have conducted over the past several years, “continuity of Congress” is above all an institutional issue. There is no issue on which partisan posturing is less appropriate. Our enemies and our missions are new to our age. All Members of the 108th Congress, especially those in leadership positions, share the same responsibility that Members of the 1st through 107th Congresses bore during their times of service: to preserve the institution of Congress and the role of the legislative branch in our constitutional democracy.

Mr. Speaker, on the evening of September 11, we gathered on the East steps of the Capitol as Americans and as Members of Congress who had sworn to protect and defend our country and our Constitution. At that moment, our partisan divisions were meaningless. We stood hand in hand and sang “God Bless America” to show the American people that their Congress was one of the few places in government prepared to respond to the terrorist attacks. As the former Republican majority leader, my North Texas colleague, Dick Armey commented at that time: “I cherish the fact that when our country needed us to come together, we stood on the steps of this Capitol and hand to hand we sang “God Bless America.’’

Over the 3 years that have now passed since that evening, there have been moments when Members of Congress and outside experts have come to our age, the challenge of defining and confronting the tough questions surrounding how our three branches of government would endure a direct enemy attack. In May 2002, the Speaker and minority leader created a bipartisan “Continuity of Congress Working Group,’’ which I co-chaired and came to be known as the “Cox-Frost Working Group.’’ This group met eight times in the following months, consulted with outside experts, and carefully examined the current rules and statutes governing congressional and executive succession. The 107th Congress’ Cox-Frost group unanimously recommended three House Rules changes it felt would improve the Speaker’s ability to reconvene the House after an attack. The House adopted these suggestions into its rules package for the 108th Congress.

Elsewhere in Washington, Congressional scholars from two usually ideologically opposed think tanks, the Brookings Institution and the American Enterprise Institute, came together to create the Continuity of Government Commission to examine these problems. Commission members included former House Speaker Newt Gingrich and Tom Foley, respected former Members of Congress from both parties, as well as former senior officials from both Democratic and Republican administrations. After two all-day hearings and extensive consultations with former Members of Congress and scholars, the Commission released a report in May 2003 concluding that “there is a gaping hole in our constitutional fabric of vacancies in Congress to continue for a significant period of time.’’ The Commission frankly admitted that it looked at all options short of amending the Constitution, but reluctantly concluded that amending the Constitution to clarify what would happen in the case of mass vacancies in Congress was “the only solution that adequately addresses the problem.’’ The Commission wrote: “Our study of alternative approaches persuades us that no other option provides more than a partial and inadequate fix to the problem.’’

It has been a great disappointment to watch the spirit of honest inquiry and comity that characterized the work of the Cox-Frost group and the Continuity Commission vanish in the 108th Congress. I have been dismayed to see the House debates over continuity issues in the wake of the Cox-Frost group and the final partisan lines. On several occasions this year, Republican leaders have jammed through bills and resolutions on continuity issues with little or no opportunity to offer amendments and inadequate hearings. While Rules Committee staff has held a civil and informative hearing on this proposed rules change last April, the only outside witness they called to testify was a legal scholar who would confirm their pre-determined position that the House rulemaking power allows the Speaker to call a House to order when there is no quorum. With all due respect to the Republicans on my committee, I do not believe this single hearing confronted the constitutional and institutional complexities raised by this rules change in the serious, thoughtful way they deserved.

Although the resolution draft the committee is currently circulating is a great improvement over earlier drafts, I nevertheless oppose it. I do so because I do not feel it takes all of the steps necessary to make sure that in the wake of a catastrophic enemy attack, the surviving, able to perform their duties. I believe the Cox-Frost group was right to point out that the House needs a process to allow it to adjust to mass incapacitation, temporarily be unable to perform their duties, and conduct business because it would lack a quorum of its extant Members and therefore lack a quorum.

The solution to this problem proposed in this rules change is to lower the quorum number from 218 to 104 in the event of mass incapacitation, where Members would still be able to conduct business because it would lack a quorum of its extant Members and therefore lack a quorum.

The solution to this problem proposed in this rules change is to lower the quorum number from 218 to 104 in the event of mass incapacitation, where Members would still be able to conduct business because it would lack a quorum of its extant Members and therefore lack a quorum.

The solution to this problem proposed in this rules change is to lower the quorum number from 218 to 104 in the event of mass incapacitation, where Members would still be able to conduct business because it would lack a quorum of its extant Members and therefore lack a quorum.

The solution to this problem proposed in this rules change is to lower the quorum number from 218 to 104 in the event of mass incapacitation, where Members would still be able to conduct business because it would lack a quorum of its extant Members and therefore lack a quorum.

The solution to this problem proposed in this rules change is to lower the quorum number from 218 to 104 in the event of mass incapacitation, where Members would still be able to conduct business because it would lack a quorum of its extant Members and therefore lack a quorum.
the Senate Judiciary Committee, takes the position that the House rulemaking power may extend to lowering the quorum, but concedes, "To say the least, it is awkward and uncomfor-
table to interpret a document in a way that violates its evidently plain meaning. In addi-
tion, this quorum provision has an important structural purpose, which is to ensure that laws are not made by a minority of the legisla-
ture, in a way that compromises the constitu-
tional commitment to deliberative democracy. (The ability to raise quorum objections to a voice vote is an important safeguard here.)"

While I personally believe the House’s con-
stitutional rulemaking power allows the House to temporarily lower its quorum number in ex-
traordinary circumstances, we have no assur-
ance our courts and the “great body of the people” of the United States will accept as le-
gitimate the laws we pass with a significantly reduced quorum. In addition, Rules Committee Republicans’ assurances that these proposed rules changes are non-justiciable are less than meets the eye. They are correct that under our Federal case or controversy jurisprudence, it would be almost impossible to challenge the rules themselves, especially before they are invoked. But they gloss over the fact that citi-
zens injured by laws passed by a House with a diminished quorum would likely have justiciable claims.

Consider the following example: During a period of mass incapacitation, a Congress with a diminished House imposes a punitive com-
mercial tariff on a foreign country Congress feels has not been sufficiently helpful in the War on Terror. New York imports goods from that country that are economically damaged by the tariff. He goes to a Federal court with a claim that the tariff is invalid because the House approved the tar-
iff without a Constitutional quorum and re-
quests an injunction blocking enforcement of the law. This businessman would almost cer-
tainly have a justiciable claim. His facts would be identical to those of the case that resulted in the famous U.S. v. Ballin case, in which the Supreme Court held that the House’s rule-
making power allows the Speaker broad latitude to determine the best way to count Members to determine that a majority of the House is present and there is a quorum to conduct business. The Ballin case did not reach the question of what the term “majority” means or whether the Speaker has the power to change it to a number other than the major-
ity of the whole number of apportioned House seats. That would be the question the injured New York businessman asked our courts to decide and an adverse decision could cast doubt on all of the actions of a House oper-
ating with a diminished quorum.

I run through this scenario not just to illus-
trate that we should not presume that this rule change will survive a legal test just because the Majority has found one respected legal ex-
pert who believes it is constitutional. The ac-
tions of a House meeting with a diminished new quorum will be subject not just to judicial scruti-
tiny, but to the scrutiny of the American peo-
ple. Will the American people accept as legiti-
mate the actions of a House made up of a frac-
tion of its 435 seats? Will the American people accept laws passed by House Mem-
bers who are a fraction of the "great body of the people" of the United States? I feel that a diminished House, espe-
cially a diminished House whose basic par-
tisan makeup is significantly altered, could be subject to suspicions that it is acting not in the best interests of the country, but in the inter-
ests of the party that was fortunate to lose fewer of its Members in an enemy attack.

The rules change proposed in various drafts of this resolution does not assure me that the Republican leadership is sufficiently sen-
sitive to this concern. Under its proposed rules change, in the aftermath of a calamity, the House would first use the power it has under clause 5 of rule X to assemble a quorum through compelling the attendance of absent Members. Under this provision, a majority of 15 Members may vote to send the Sergeant-at-Arms out to arrest those Members able to attend, and to otherwise account for absent Members. When this process is exhausted, and a quorum has not yet appeared, the House would go through a special 72–hour quorum call. During this period, the Speaker and other House officers would be working to determine the nature and extent of the crisis. At the end of this 3-day quorum call, the Speaker could then present to the House an unappealable “catastrophic quorum failure re-
port” concluding that a calamity has taken place, a large number of Members are incapa-
citated, and that, as a consequence, the House is unable to conduct a majority of its whole number to do business. After another 24-hour quorum call, the quorum number would be automatically adjusted downwards to a new “provisional” quorum number. This pro-
visional number would be determined by ex-
cluding the Members not expected to be there and those Members who report death inca-
pacitated, unaccounted for, or otherwise in-
capable of attending. With this new, smaller provisional quorum, the House would then be able to conduct any business it can currently conduct with a quorum of the whole number of the House.

I acknowledge and am grateful that Rules Committee Republicans improved on earlier drafts of this resolution by providing more de-
tail on what information the “catastrophic fail-
ure report” should include by adding a re-
quirement that the Speaker consult with the two party leaders when he or she receives and then announces the content of the report. But I must point out that the current language does not adequately address my fundamental concern. How will the House operating under a provisional quorum be vulnerable to charges of illegitimacy and political manipu-
lation.

Under the scheme set up in the draft resolu-
tion the Speaker would still have the sole power (1) to determine that a catastrophic event contemplated by the rule has occurred and (2) to determine which Members are inca-
pacitated and therefore unable to perform their duties. While I respect the fact that the Speak-
er is the constitutionally created presiding offi-
cer of the House, I would also note the obvi-
ous fact that the Speaker is the leader of the majority party in the House. I am concerned that the Speaker’s unilateral decisions to des-
ignate and other actions the House operating under a provisional quorum would be vulner-
able to charges of partisanship and manipula-
tion. Such charges, whether they are made against a Republican or a Democratic Speak-
er, would harm the legitimacy and the credi-
bility of any subsequent actions the House took with a diminished quorum.

During our discussions over the wording of this rules change, I proposed language to en-
sure that the decision to declare a calamity or declare Members incapacitated would occur in a manner that would be most likely to garner broad support and legitimacy in the House and in a country struggling in the aftermath of an enemy attack. To have legitimacy, we must be able to show Members from both parties and the American public that our decision to operate under a reduced quorum was based solely on our solemn duty to preserve the in-
stitution of the House. I proposed simple lan-
guage I felt would turn a unilateral decision-
making process into a consensus-driven in-
stitutional process designed to garner the broadest possible support. My version would require the Speaker not to just consult with the majority and minority leaders, but to obtain their concurrence that a calamity has oc-
curred, that certain Members are dead or inca-
pacitated, and that it is necessary to trigger the process for establishing the lower provi-
sional quorum.

The testimony of the House Attending Phy-
sician, Dr. John Eisold, during the April 2004 hearing, highlights my concerns about a proc-
edure that gives the Speaker the Speaker’s sole rule-
making power. Dr. Eisold’s testimony made it clear that determining a Member’s ability to serve in the House after a calamity could be-
come a very controversial matter. While med-
ical professionals like Dr. Eisold could provide the Speaker with an accurate medical assessment of the state of a member’s health as determined by the medical establishment,” the determina-
tion of incapacitation is a subjective judgment, “made by non-medical people but based on meaningful and accurate medical input.”

During Dr. Eisold’s testimony, both Mr. HASTINGS of Washington and Mr. MCGOVERN discussed the dangers inherent in this deter-
mination-of-incapacity process. They pos-
ed a very important question: How do we prevent that process from becoming one where Members are declared incapacitated based on their party rather than their medical condition? For example, what credibility would the Speaker’s decision have to declare a Member of his or her own party fit to serve in the House, but to declare a Member of the other party with similar symptoms incapacitated? I believe the only way to conduct this process in a manner that promotes legitimacy is to require that not just the Speaker, but the leaders of both parties in the House, agree that a certain Member is or is not able to re-
port for work. An incapacitation list approved by the Speaker, as well as concurred in by party leaders, would reassure Members of both parties and the public that the process has been based only on the best available medical information and the best judgment of the congressional leadership.

Regrettably, but not surprisingly, Republican Members of this Committee have resisted my suggestion. I have argued that changing the procedure from one where the Speaker merely consults with party leaders to one where he or she must obtain their concurrence would trigger a potentially politically divisive move-
ment into a moment where Congressional leaders from both parties would be able to as-
sure the American people that the legislative branch has survived an enemy attack and is open for business. It would foster a process that results in the stability and strength like the one Members of Congress showed on the Capitol steps after the Sep-
tember 11 attacks. I believe that any Speaker,
Democrat or Republican, who found her or himself in this situation, would welcome the political and moral support of senior House Members from both parties.

An objection I have heard to my concurrence language is that it improperly limits the Speaker’s power to preserve order in the House. The Constitution and our House Rules give the Speaker extensive power to organize the House, to conduct the House’s day-to-day business, and to maintain order in the House. Under my proposal, with the concurrence of the minority and majority leaders, the Speaker would retain the ministerial power to issue the calamity report, trigger the provisory quorum process, preside over a diminished House, and control the House’s agenda. I must restate the obvious point, however, that this resolution is not a run-of-the-mill rules change. This resolution sets the House on a course into uncharted constitutional territory, where questions concerning the legitimacy of its actions could be very serious. The Speaker’s powers to preside over the House would mean very little if the House were discredited by actions the American public broadly viewed as partisan and opportunistic.

Furthermore, I would point out that while the Speaker’s powers to run the House are broad, they are finite. In a variety of ways, our standing House Rules protect Members from what Jefferson called “the factional grip of the Speaker.” The House can vote to remove the Speaker and can reverse the Speaker’s rulings on points of order and calls to order. The rules change contemplated in this draft resolution, however, makes an extraordinary departure from the House precedent as the right in the line of succession to the Speaker who is abusing her or his power. The resolution makes unappealable the Speaker’s decision to announce that a calamity has occurred and that certain Members are incapacitated. While I agree that the exigencies of a catastrophic situation might require that the Speaker be able to act quickly and decisively after the House has decided that a calamity has occurred, the Speaker risks losing the confidence of Members and the American public if he or she acts without the concurrence of party leaders, in a manner that unhappy Members or outside critics could characterize as irresponsible or capricious.

I must also point out that any taint of illegitimacy or political opportunism generated by the House in the wake of a calamity could easily spread to the Executive Branch. Under our current Presidential succession statute, the Speaker of the House is the third in line to succeed as President and a newly elected Speaker would bump any Cabinet Secretary lower in the line of succession who has taken the oath of office in accordance with the right statute. In other words, a House operating under a provisional quorum in the wake of a catastrophic event that has not only killed or injured many Members of Congress, but has also killed the President, the Vice President, and the Speaker, could have the power to choose the new President through the election of a new Speaker.

Under clause 8(3) of rule 1, which we adopted at the beginning of the 108th Congress, if the Speaker perishes or is seriously injured in an attack, the Member at the top of the successor list the Speaker has delivered to the Clerk becomes Speaker pro tempore (with all of the authority of the Office of Speaker) until the House elects a new Speaker. This raises the question of whether the temporary Speaker pro tempore would be in the line of succession and therefore become President. This possibility leads to another vexing question: would the temporary Speaker pro tempore be bumped from the Presidency by the new President the House elects? How would a House operating under a provisional quorum? Another troubling scenario would be one in which the Speaker and the Members he or she has named as successor Speakers pro tempore all perish or remain seriously injured in an enemy attack.

As our own Sergeant at Arms John Sullivan testified at the April hearing, in this case, the Clerk would take the Chair, the House would elect a new Speaker, and then reorganize in the same way the House reorganizes at the beginning of each Congress. A Speaker elected in this fashion would also be in the line of Presidential succession under current law. These startling possibilities make me more insistent than ever that the process of declaring a calamity and conducting business in a diminished House be one that garners the broadest possible confidence and support. The aftermath of an attack is the worst possible time for our country to endure a debate over whether the sitting President properly holds the office. Finally, I find it curious that the Republicans have refused accepting our language to include presidential emergency powers in the decision to trigger the reduced quorum procedure. Their own expert, Professor Dellinger, proposed it in the testimony he submitted to the Committee. Professor Dellinger’s testimony expresses the same concern we have outlined in the present proposal. He said: “For the rule’s invocation to have true legitimacy, there must also be some procedural guarantee that the rule is not being improperly invoked for factional reasons.” Out of his concerns over legitimacy, Professor Dellinger went on to “strongly recommend that the power to invoke the rule be placed not solely in the discretion of the Speaker, but rather require as well the concurrence of one or more members of the minority party’s leadership, from a list chosen ahead of time.” In other words, Committee Republicans, including the single most important policy recommendation their star witness, Professor Dellinger, made in his testimony.

I think when he used the term “factional reasons,” Professor Dellinger was choosing his words very carefully. He was no doubt referring to James Madison’s famous discussion of the dangers of faction to the republican form of government in Federalist 10. One of the most persistent problems in the government of his time, Madison wrote, was: “that the_defs of faction” that result “from the conflicts of interest among the various parties, and from the prejudices of the parties themselves; and that those interests are too often disregarded and forgotten, but that the rules of justice, and the rights of the minority; and by the superior force of an interested and over-bearing majority.”

There is no subject on which it is more important for Congressional leaders to set aside their partisan differences and their instinct to turn everything into a “factional” dispute than the Continuity of Congress. Unfortunately, I feel that House Republicans, who have, at least temporarily, succumbed to their partisan instincts, have produced bills and resolutions that reflect the “superior force of an interested and over-bearing majority” rather than a good faith effort to protect and preserve the House of Representatives and its indispensable role in our constitutional system. In its current form, the draft rules change lacks the tools a post-calamity House would need to preserve our beloved institution and to demorstrate to the American public it has risen above its partisan differences to take care of our Nation. I sincerely hope that a final version of this rules change, whether it is adopted in the final days of the 108th Congress or in a future Congress, reflects the spirit of unity, patriotism, and duty to this House that this issue deserves.

Mr. MCGOVERN. Mr. Speaker, our Constitutional Framers drafted a living document that, while not perfect, created a vibrant representative democracy. They crafted the Constitution as a document that could be improved over the course of history. The Framers themselves would probably agree that the Constitution, as originally drafted, would not be perfect into perpetuity. Indeed, in Federalist 43, James Madison states “that useful alterations in some parts of the Constitution, as well as improvements in others, may from time to time be necessary.” The Framers improved the Constitution by amending it with the Bill of Rights. Since this important document was signed in 1789, a total of 27 amendments have been added.

As Members of Congress, we take an oath to uphold and defend that Constitution. It is our duty to take the proper actions to ensure that our democracy and our way of life are preserved for the future. The tragic attacks of September 11, 2001, and the threat of future attacks require that we ensure that there is a continuity of the government created by the Framers.

Before September 11, 2001, the United States had withstood a civil war, attacks on its soil, and attacks upon Washington, D.C. But the continuity of government established by the Constitution, and the ability of the Congress to fulfill its Constitutional duties, has never been more at risk from attack. Today, we live with the grim knowledge that a terrorist attack could take place anywhere in the United States and that terrorists may attempt to attack and destroy this Capitol Building. And it is with this understanding that the Constitution must ensure that the government established by the Framers continues well into the future.

The Framers and the Congress, over the past 216 years, created a presidential line of succession in case the President is killed or dies in office. Article II, section 1, paragraph 6 establishes: the Vice President as the next in line to take over the presidency in case the President is removed from office for any reason. This same clause also gives Congress the power to establish the line of succession beyond the Vice President, and the Congress also created this mechanism, as established in chapter 3, section 19 of the U.S. Code. There are safeguards in the Constitution and established by law should a President become unable to fulfill his or her constitutional duties, die, or be removed from office. Simply, there must be a legislative process that the executive branch can continue to exist should something happen to the President.

The Constitution also established the bicameral Congress—the House of Representatives and the Senate—and established that the House is a body that can only be constituted of Members who are directly elected by citizens of the United States. The Constitution says that a vacant House seat can only
be filled by direct election, and a seat can only become vacant at the end of a 2-year term established in article 1, section 2, paragraph 1 of the Constitution or with the removal of a Member of Congress either by death, resignation, declination, withdrawal, or by expulsion.

However, as I’ve already stated, the Framers of the Constitution never planned for an event, including an attack on this country, that could cause mass death or incapacitation of Members of Congress. After September 11th, we need to ask ourselves how we can preserve our government as designed by the Framers in the wake of a catastrophic event. And we need to do so with an eye looking toward the future.

A key problem created by an attack that kills or incapacitates more than half of the Members of Congress actually lies in the way a quorum of the House is defined. It may sound arcane to some, but establishing a quorum is vital to the way our government works. If the House were not able to establish a quorum, this body could not vote on legislation. In the wake of a catastrophe, the House must be able to return to a quorum. This is a requirement of the U.S. government could grind to a halt until a quorum is actually established. In other words, if this country were attacked again and the House could not establish a quorum, we could not pass important legislation like emergency appropriations, improvements to already established security laws, or even a declaration of war.

At the beginning of the 108th Congress, the House enacted an important rule change that codified a long-standing House precedent allowing the Speaker of the House to reduce the number of the quorum by one for each vacant seat in the House. This rule change took place with the adoption of H. Res. 5, the resolution adopting the Rules of the House for the 108th Congress.

The codification of this precedent is important, but it does not address the problem of incapacitation. If any number of Members of Congress were killed in a terrorist attack, this new rule change would allow the Speaker to reduce the whole number of the House that determines a quorum. But what would happen if an attack occurred in the United States and more than 218 Members were alive but not able to return to the House chamber to vote? The reasons for this could be anything from an attack that results in over 218 unconscious and rising death toll in Iraq, the economic downturn, just to name a few—and rising death toll in Iraq, the economic downturn, just to name a few.

At the beginning of the 108th Congress, the House enacted an important rule change that codified a long-standing House precedent allowing the Speaker of the House to reduce the number of the quorum by one for each vacant seat in the House. This rule change took place with the adoption of H. Res. 5, the resolution adopting the Rules of the House for the 108th Congress.

The codification of this precedent is important, but it does not address the problem of incapacitation. If any number of Members of Congress were killed in a terrorist attack, this new rule change would allow the Speaker to reduce the whole number of the House that determines a quorum. But what would happen if an attack occurred in the United States and more than 218 Members were alive but not able to return to the House chamber to vote? The reasons for this could be anything from an attack that results in over 218 unconscious and rising death toll in Iraq, the economic downturn, just to name a few.

At the beginning of the 108th Congress, the House enacted an important rule change that codified a long-standing House precedent allowing the Speaker of the House to reduce the number of the quorum by one for each vacant seat in the House. This rule change took place with the adoption of H. Res. 5, the resolution adopting the Rules of the House for the 108th Congress.

The codification of this precedent is important, but it does not address the problem of incapacitation. If any number of Members of Congress were killed in a terrorist attack, this new rule change would allow the Speaker to reduce the whole number of the House that determines a quorum. But what would happen if an attack occurred in the United States and more than 218 Members were alive but not able to return to the House chamber to vote? The reasons for this could be anything from an attack that results in over 218 unconscious and rising death toll in Iraq, the economic downturn, just to name a few.

At the beginning of the 108th Congress, the House enacted an important rule change that codified a long-standing House precedent allowing the Speaker of the House to reduce the number of the quorum by one for each vacant seat in the House. This rule change took place with the adoption of H. Res. 5, the resolution adopting the Rules of the House for the 108th Congress.

The codification of this precedent is important, but it does not address the problem of incapacitation. If any number of Members of Congress were killed in a terrorist attack, this new rule change would allow the Speaker to reduce the whole number of the House that determines a quorum. But what would happen if an attack occurred in the United States and more than 218 Members were alive but not able to return to the House chamber to vote? The reasons for this could be anything from an attack that results in over 218 unconscious and rising death toll in Iraq, the economic downturn, just to name a few.

At the beginning of the 108th Congress, the House enacted an important rule change that codified a long-standing House precedent allowing the Speaker of the House to reduce the number of the quorum by one for each vacant seat in the House. This rule change took place with the adoption of H. Res. 5, the resolution adopting the Rules of the House for the 108th Congress.

The codification of this precedent is important, but it does not address the problem of incapacitation. If any number of Members of Congress were killed in a terrorist attack, this new rule change would allow the Speaker to reduce the whole number of the House that determines a quorum. But what would happen if an attack occurred in the United States and more than 218 Members were alive but not able to return to the House chamber to vote? The reasons for this could be anything from an attack that results in over 218 unconscious and rising death toll in Iraq, the economic downturn, just to name a few.
This need not be viewed as an encroachment on the Speaker’s or the majority party’s authority.

There is a real danger that, after an attack or other national catastrophe, any action taken by the House could give the impression that the minority leader could have the perception of partisan politics. This is true no matter which party controls a majority of seats in the House.

In times of crisis, any action by the House of Representatives must be bipartisan. There cannot be any perception that the majority is using any tool as part of a partisan power grab. The American public wants to be reassured that the House is acting in the best public interest; they want partisan politics to be put aside during a national crisis. They simply want to be safe, secure, and reassured that the American government will respond to their needs.

After September 11, 2001, the House came together and acted as one unified body. We put partisan politics aside. We held joint press conferences, we received joint briefings, and we conducted joint strategy meetings. Unanimity and consensus is vital during a national crisis. The unified message and unified actions—the one voice—coming from the House of Representatives on September 11, 2001 was reassuring to the American people.

Any action taken by the speaker of the House—irrespective of that speaker’s party—that is not taken with the concurrence of the minority leader could be seen as inappropriate by the American people.

Requiring the concurrence of the minority leader puts the needs of the country ahead of the threat of partisan politics, and it is a necessary protection against anyone who may want to abuse our democracy during a time of national crisis.

Mr. Speaker, although I’m disappointed that it’s taken this long to act on the issue of incapacitation—it’s been over 3 years since the attacks of September 11—I’m pleased that the Rules Committee is finally acting on this important issue. I hope the chairman and the Rules Committee will look to the future, and realize that concurrence is an important part of this process that it is vital to show the American people that the Congress can put partisan politics aside in the time of crisis.

I want to thank the chairman for organizing this special order tonight. I look forward to working with him on this issue, and I hope he will take my views—and those of my Democratic colleagues on the committee—into account as he finalizes this proposal.

NEW PARTNERSHIP FOR AMERICA’S FUTURE

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker’s announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes in the gentleman from New Jersey (Mr. BISHOP of Utah). Under the Speaker’s announced policy of January 7, 2003, the House Democrats and the House of Representatives on September 7, 2003, was reassuring to the American people.

The announcement of this new partnership was necessary today because a large majority of Americans have lost faith in Congress. Over the past decade, Republicans have controlled the people’s House and have often strayed from these core American values. My Democratic colleagues and I have been fighting for these causes for many years, but this is the first time that we have unveiled a partnership with the American people, a promise, if you will, that if the American people put us in the Democratic majority this November, we will work with them as partners to make their lives and our government better.

Mr. Speaker, the House Democrats are united, focused, and totally committed to taking the bold steps needed to strengthen the middle class that is the heart of our democracy. It reaffirms the commitment of House Democrats to six core values: one is prosperity, two is national security, three is fairness, four is opportunity, five is opportunity, and six is accountability.

Mr. Speaker, our New Partnership for America’s Future begins with our commitment to promoting prosperity for every American, and this poster which we have just gone through essentially outlines each of the six values that are part of the Democrats’ New Partnership for America’s Future.

The first one, prosperity, says “provide all Americans with the opportunity to succeed and to live a secure and comfortable life, including good jobs here at home, affordable health care, a growing economy with stable prices, investment in new technologies, and fiscal responsibility in government.”

Mr. Speaker, in my home State of New Jersey, over 71,000 manufacturing jobs have been lost over the last 4 years, and more than 214,000 New Jerseyans are still looking for work. Yet House Republicans have missed every opportunity to jump-start our economy. Instead, House Republicans and President Bush continue to insist that our economy has turned the corner. Today, families are being squeezed by falling incomes and rising costs. The typical family’s income has fallen more than $1,500 under George Bush and congressional Republicans, and the jobs that the Bush economy is creating are paying low wages, $9,000 less than the old jobs had replaced.

House Democrats would promote prosperity by creating new jobs, enacting middle-class tax relief, and rewarding companies that create jobs here at home. If Democrats control the House, we promise the American people that, instead of the 10 million new jobs over the next 4 years, Democrats want to assure the American people that they will create 10 million new jobs over the next 4 years. Democrats want to reform the Tax Code to reward companies for creating new jobs for Americans here in the United States. And Democrats want to assure access to capital for small businesses to create jobs and serve new markets. We also want to support fair wages with good benefits for those who go to work every day and comes home poor and dependent on public services.

And, Mr. Speaker, the second value that House Democrats promise to focus on is our Nation’s national security. And again I have the poster here that I want to put up. Mr. Speaker, on the national security issue. And as we can see, it says, “Guaranteeing military strength second to none, stopping the spread of weapons of mass destruction, building strong diplomatic alliances to protect America’s national interests, and collecting valuable intelligence to keep us safe at home by preventing terrorist attacks before they occur.”

Mr. Speaker, all Americans are proud of the more than 198,000 brave men and women who are serving their country in either Afghanistan or Iraq. But President Bush and House Republicans sent them into a war in Iraq without providing them with the resources and equipment they need to complete their missions successfully and come home safe. Despite all the bad news out of Iraq in the last couple of months, it is clear President Bush has no strategy for success in Iraq.

Over the past week, some of the Republican Party’s most experienced Senators on national security issues, and I mention Senators MCCAIN, HAGEL, and LUGAR, have come out and told the American people that things are not going well in Iraq. Yet President Bush and Republicans here in the House of Representatives continue with their same old happy talk about how the war is going according to President Bush’s plans.

The fact is the war in Iraq has made us less safe. The President has ignored more pressing dangers like the nuclear threats that have increased in Iran and North Korea. International terrorist cells expand on a daily basis, and we have divided our friends and united our enemies.

Democrats strive to continue to build an American military second to none. Along with nations around the world who are committed to freedom and security, we also guarantee that all of our military forces will possess the most effective equipment available. We will also protect the homeland by making sure that every container and ship is secure before entering an American port, by inspecting all airline cargo, and by preventing the technology of weapons of mass destruction from falling into the hands of terrorists.

Unlike House Republicans, we as Democrats also plan to honor every American veteran and their family by keeping our commitments to those who have served and sacrificed for our country. It is not fair that America’s veterans put their lives on the line in battle only to return to the United States and realize the same government that sent them off to war now refuses to abide by its commitments to those who have served and sacrificed for our country.

That brings me to my third value. I see some of my colleagues are here, though.
Mr. DEFAZIO. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I want to get this record straight. The gentleman is proposing a positive agenda for America, just to sort of put this discussion in context. If people are happy with the status quo, if they think the country is going in the right direction, if they believe their economy in terms of the job loss over the last 4 years, the outsourcing of American jobs, if they think that a pharmaceutical benefit based in subsidies to the pharmaceutical and insurance industries is the way to help seniors and other Americans afford prescription drugs, if they think that borrowing $600, $700 billion a year, 10 percent of our accumulated national debt in 1 year, breaking the debt limit of the United States for the third time in one presidency, if they look at those things and think that is a good, sane direction for this country, then they might not be interested in this alternative.

But the alternative that we are offering as Democrats today is something that, instead of benefiting that one tenth of 1 percent or maybe, to be generous, one half of 1 percent of the populace who are doing so well with these policies, then we are offering a different direction.

We do not think the United States of America is on the right path with its fiscal policy, its trade policy, its tax policy, its tax policies, with its Medicare policy and health care policy, and a whole host of education policies, things that are important to Americans. So I want the gentleman to continue to describe a positive alternative because maybe a little later in the hour I will wax a little more eloquent about how bad things really are, from my perspective, the perspective of my district in Southwest Oregon, and I think many other districts around the country. But I just kind of wanted to put the context on this discussion.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

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

Mr. RYAN of Ohio. Mr. Speaker, I just want to say, and I have tried to say this when we have come before the American public, that we are not making this up. I mean, I think it has gotten out of hand, and I think it is on the wrong track in this country that if they are just sitting at home watching a bunch of Democrats up there talking, they would think they cannot possibly be telling the truth. It cannot possibly be that.

Mr. DEFAZIO. Like a Dave Barry routine. Right?

Mr. RYAN of Ohio. Exactly. Mr. Speaker. It is like a bad movie or a bad novel line or are demagoguing the issues. But if the American people will take the time to not only listen to what our plan is but listen to our critique, which is, I think, is okay.

Mr. DEFAZIO. Factually based.

Mr. RYAN of Ohio. Factually based in the American discourse today, in 2004, that they will find that these are facts. We are not making this up. The studies that come out, the two newspaper articles that say that the U.S. Department of Housing and Urban Development are cutting subsidies for poor people to live in the city of New York or in major cities or the banks have got their fingers in the student loans and they are making billions of dollars on loans, we are not making this up. This is in newspapers every single day.

So the gentleman from New Jersey, as he goes on here, I just want the American people, again, to put in a little bit of context here that we are not just making this up, that it sounds terrible and it sounds terrible because it is, because we have an administration and a Congress that consistently and constantly try to appeal to the lowest common denominator by always appealing to where they can raise the most amount of money from that industry at the expense of average people who need help. And if we all want to move forward in the 21st century, the government needs to be involved. And I think that is what the Partnership for America’s Future stands for.

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

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

Mr. DEFAZIO. Mr. Speaker, because he raised a couple of provocative issues, I did a series of Medicare prescription drug forums in my district, and I will get to the point of what the gentleman mentioned, but what was most interesting is I saw well over a thousand seniors in my district.

A total of six had purchased the so-called prescription drug discount card. Two had not gotten them yet, even though they purchased them in June, and this was August. Two got them and said they were worthless. One said, well, it gave him about a 10 percent discount. And then another guy said he was doing great. But a bunch of the other people in the audience sort of shouted at him and said, no, he was a partisan guy. Whatever. Out of 1,000 people, that is it.

But the point is, at one of those Medicare town halls an older woman came, worked until she was 70 years old, but all she has got, widowed, is her Social Security, and she is living in subsidized housing. They just raised, as the gentleman pointed out, housing, they raised her share to the point where she came, and it was kind of sad, she came in a cab, which was pretty unusual, this town does not have a big cab service, it is a small city, Albany, Oregon. That was a little unusual. So I saw her and greeted her. I kind of helped her in.

She said, “This is only the second time I have been out in 3 months. I am really sick, and I am taking a lot of prescription drugs, and it is a big burden on me. Medicare does not cover them. I looked at prescription drug cards; it is not going to help.”

She had just gotten notice that her share, she was going to have to pay about $70 a month for her apartment.

She said, “You know, I cannot afford that. I do not have the money now.”

She said, “I am basically eating into my savings and I don’t have much savings left.”

It was just incredibly sad to see that.

So she is getting hit on both sides. She is getting hit by a phony prescription drug benefit, which is costing more than half a trillion dollars to the taxpayers in the United States that totally subsidizes the pharmaceutical and insurance industries, but delivers scant benefits to a person like her.

Yes, there are some people who benefit from it, people who are, incredibly, even poorer than she is and have very low incomes. These people will get a net benefit out of it. And then to sock her, this is where we have got to raise money so we can give trickle-down tax cuts to the wealthy, is from women like her, who worked her entire life?

Mr. RYAN of Ohio. If the gentleman will yield further, that is the issue. It is the fact that over the course of the last 2 years this Congress and this President have said we need to give trillions of dollars back to people who make more than $1 million a year. We just cannot give it away.

The downside is, we are taking it away from somewhere. It almost is a zero-sum game. We are taking it away from that senior citizen in your district and thousands of others, probably millions of others across the country, who are going to suffer because of that.

So ask yourself, as a voter in the United States of America, do you want this governmental apparatus here, the government to be, we are going to give tax cuts to people, $100,000 or $130,000, back to someone who makes $1 million a year or more? Or are we going to have them pay their fair share of taxes, they are obviously doing well, they are making $1 million a year, and use that money to make sure that people in your community or people in my community or people in the city of New York or any major city have affordable housing?

Unfortunately, we have an administration and a Congress here, they do not understand that $70 a month means a lot to some people. $100 a month means a lot to people. We are lucky. We get paid okay. We are never going to be in that position, thank God. But there are thousands and millions of people in this country that that affects their lives. They end up going to the food bank because they do not have $70 a month or $100 a month.
and they come to our communities and say, hey, the economy is doing great. It is doing great. So maybe someone can get a job in this great economy and pay for their grandmother’s prescription drug, or that extra $70. They are just so out of touch, they are in fantasyland.

I just want to say, yes, there is a cost. The money comes from very, very wealthy people who have been given a break and have had a free ride over the last few years at the expense of those people. It is not for free.

Mr. Chairman, the gentleman will yield further, this is something a lot people do not realize. It is one thing to have a debate about whether we should cut taxes, pay down the debt or maybe spend more on education for our kids and other programs when we had a surplus. But this President has taken us from record surplus to record deficit in 4 short years.

So we are borrowing the money to finance tax cuts. We are borrowing every penny of the Social Security surplus this year. $160 billion more will be paid in out of taxes that fall only on wage- and salary-earning Americans who earn less than $90,000 a year.

We are giving the money they paid in for their retirement this Congress is going to borrow it and give it substantially to those people you are talking about in much greater amounts. It will flow to the people who earn over $1 million a year. And guess what? They do not even pay the tax. If they are an investor, they do not pay a penny into Social Security. It is only people who work for wages and salary.

So we are going to borrow all that money, and we are going to borrow another $440 billion. We are going to indebted our kids and grandskids for the next 30 years to borrow $600 billion to run the government this year. Every program of the government except for the Defense Department, and almost half of that will be run on borrowed money. We are borrowing from our future. So we are borrowing that money to invest in trickle-down tax cuts.

Mr. Ryan of Ohio. And who are we borrowing it from? We are borrowing it from banks in Japan and banks in China.

So here we have China cleaning our clock in the manufacturing sector in the United States of America, stealing all our jobs, not paying their workers anything. Social Security. Yes, equal rights, no human rights, no religious freedom, all the things that this Chamber and this Capitol and this Congress hold dear, that we get a lot of speeches about now, in election time, is going to China, and we are borrowing money from them.

We are paying them interest on the money that we are borrowing from them. They take the interest and they invest it back into their state-run manufactured businesses and steal the jobs from the United States of America. What a deal for China.

And we do not have anything. We are losing on every end, which is mortgaging the future of our kids and our grandskids. We are losing our manufacturing, we are losing good paying jobs. The jobs that are replacing the jobs we have now are $7,000 or $8,000 less than the jobs we have that we are losing. And China, which is going to be the greatest economic competitor to the United States of America, is winning.

American people, we are losing. We are making bad decisions every single day in this Chamber. This President is making bad decisions. And the kicker, the kicker, is this: they do not want to deal with North Korea. This gets into the war and everything else.

We want to deal with North Korea. But we cannot deal with North Korea. We want to deal and play tough with China with their 40 percent currency manipulation, to try to put our business at a little more of an advantage in the international marketplace. But we cannot, because we are bogged down in a war. So instead of confronting China, we are going to go to China and say, hey, China, can you help us with North Korea, because we just have too much political capital and money and soldiers and everything invested in the Middle East.

So instead, this Congress is going to deal with China, we are in a position of weakness, and we have to ask China to help us with North Korea. What a bad position this administration has put us in.

Mr. DeFazio. If the gentleman will yield further, this is an important point. I do want to get back to the positive agenda, but we are talking about things that people need to think about.

The control that we are giving to the Chinese and the Japanese over our economy, basically 40 percent of the $600 billion trade deficit we are going to run this year, we are borrowing from China and Japan. They are going to get unbelievable leverage over the future of the dollar and the future of the U.S. economy.

And not only that. Of course, they are stealing our technology, and many American companies are aiding and abetting them in that theft of technology, because they want to access the cheap labor and the lack of environmental constraints and other things to move their companies and operate in China.

The Republicans wanted to make a big deal about this satellite launch during the administration. Boy, that is like quaint history at this point, given the technology transfers and the theft going on today.

You know, the Bush administration has filed one trade complaint. They told us, oh, we will give China, the bloody butchers of Beijing, Castro, he is bad, we cannot even sell him medicine, but the bloody butchers of Beijing that ran over the kids with the tanks and the democracy demonstrators and all that, we are going to give to these people permanent most-favored-nation status.

We are going to pretend they are not a Communist country. We are going to do away with the laws of the United States that say, you do not extend that to Communist countries, Communist dictatorships. But they did with the rationale, oh, put them in the WTO, the World Trade Organization, then they will have to follow the rules.

Well, the Bush administration, despite the document theft I have talked about time and time again, I have a couple of companies in my district that have been cloned in China, a small entrepreneur, a small business that the Chinese and the Japanese are making bad decisions every single time. So much, except when it comes to, well, if the Chinese are stealing your stuff, tough luck.

But they have filed one trade complaint against China, and it was with the pricing of drugs for the Pfizer Corporation. That is the only trade complaint filed against China. China, who is stealing the entire product of a small company, a beautiful American dream company in my district called Videx. A very small company, a beautiful American dream company, a couple of companies in my district that refused to sell out to the Chinese, they cloned his entire line. Both these people have gotten calls from all over the United States saying, that happened to us too.

So instead, this Congress is going to deal with China, we are in a position of weakness, and we have to ask China to help us with North Korea. What a bad position this administration has put us in.

Mr. Ryan of Ohio. I think it is exciting what we have to talk about here. I think we have outlined pretty much what the problems are and the problems we face. The beautiful thing about this system is, it is self-correcting. We have elections every 2 years. So the American people will now have a choice, and the choice to elect, hopefully, in this instance, a Democratic Chamber that has an agenda, I think that is going to be great for the future of the country.

I yield back to the gentleman from New Jersey to explain what our agenda is.

Mr. Pallone. Reclaiming my time, Mr. Chairman, first let me say the next point we have on our agenda, which is fairness, actually encompasses a lot of the things you mentioned in the last 10 or 15 minutes or so. So I think it is very much on point.

The point of fairness, and we have the poster up here, basically says ensuring equal opportunity for all, including affordable health care for everyone, spending Social Security funds
So Democrats are saying that we maintain an unqualified commitment to the preservation of retirement dignity through Medicare, Social Security and sound pensions. Unlike the Republican Medicare bill, Democrats guarantee a prescription drug benefit without the lockbox, which will also allow access to lower-cost, reimported prescription drugs and permit the Secretary of Health and Human Services to negotiate on behalf of our Nation’s 40 million seniors to substantially reduce the cost of drugs.

I know the gentleman has already commented on some of this, and I yield to the gentleman.

Mr. DeFazio. Mr. Speaker, let us just sort of go back to those two points, because they are very important to a large number of my constituents, Social Security and Medicare.

This year, Social Security will overtax individuals who work for wages and salary earning under $31,000 a year and pay less than $89,000 a year. They will pay more in taxes than necessary to support the system, under the theory that that $160 billion we are going to extract only from wage- and salary-earning groups, even less than $89,000 a year, those who are not the big beneficiaries of the tax cuts, to put into a trust fund to pay for their retirement. That would be great.

Unfortunately, this Congress is going to borrow every penny of that money, every penny, and replace it with IOUs. Some good part of it will go to pay for tax cuts, borrowing money to pay for tax cuts for people who do not pay Social Security taxes and do not ever care if they collect a cent because they are so wealthy; they may not even be eligible, because they may have never worked for salary and wages, who have just voted, and I yield to the gentleman.

Mr. DeFazio. Mr. Speaker, we will honor the IOUs. Mr. Speaker, if the gentleman will yield, I was in college actually at the time of the great Contract With America, of which one of the fundamental principles was that we were going to have this balanced budget amendment. And my God, I mean, when we look at where we are today, reckless, reckless leadership, Congress spending like drunken sailors.

Mr. DeFazio. That is an insult, referring to drunken sailors.

Mr. Ryan of Ohio. Mr. Speaker, is it true that you violated the pay-as-you-go provisions, that you gave tax cuts at the expense of Social Security?

Mr. DeFazio. That has been a cornerstone of the Republican Party for many years, and now, they are looking and saying, wait a minute. And here we are as Democrats trying to put in the PAYGO provisions, that if you provide tax cuts or any kind of spending increases, you have to pay for them. And I think we have evolved as a Congress over the last 10 or 15 years, and we recognize how dangerous these deficits are. But a Republican House, a Republican President, $600 billion deficit, unending war in Iraq, borrowing from Social Security, borrowing from the banks in China; very, very dangerous proposition.

Mr. DeFazio. Mr. Speaker, we will move on to the second point the gentleman made about Medicare, and I think that that is an extraordinary point the gentleman made, the largest one-year premium increase in history, the largest Social Security cost-of-living adjustment. A funny thing, when they calculate cost of living, they do not include health care...
costs, pharmaceutical costs, it seems. They tell seniors, oh, well, your cost of living is going up 2.4, 2.6 percent. So to a senior, except perhaps wealthy seniors who own their own home; I mean there are very few people who can say, gee, my cost of living is only going up 2.4 percent as a point of fact.

The point is that with the Medicare bill that we passed, the White House hid how much it costs. I mean, there is now a former employee who has now become a very highly paid lobbyist, very common with this administration; highly paid lobbyists, go work in the administration and then become highly paid lobbyists again. This guy was head of the Health Care Financing Administration. He told a career employee who was asked by Congress, how much will this bill cost, an actuary, and he figured it out. And he was told, the career employee was told by the political appointee, who is now a million-dollar-a-year lobbyist rewarded by the pharmaceutical industry and insurance industry, if you tell Congress how much this will really cost, I will fire you.

Well, here is a guy who works for a living, has a family, career civil servant, and the was a little bit scared for his job, so he did not tell Congress how much it would really cost. He wrote it down, transmitted it to his boss, but he did not go to the press. He did not want to lose his job.

Well, the Bush appointee has moved on to his million-dollar-lobbying job, a little reward that he got from the pharmaceutical industry for having lied to Congress, and we find out that it is going to cost more like half a trillion dollars, maybe six-tenths of a trillion dollars, and most seniors are going to get more cost than benefit. Some seniors will actually pay more, those who have less than $1,000 a year in drug costs will actually pay more under this plan. And seniors in the drug cost plan, well, their drug benefits will go to the doughnut hole; we know what that is. And then, some people who have over $4,000, $5,000 a year drug costs, they will get some benefit. But that is their vision. And they prohibited Americans from reimporting less expensive, FDA-approved drugs from Canada, and they outlawed Medicare bargaining for less expensive drug costs for all Medicare recipients.

We could have had a program for nothing; not one taxpayer cent, just like we do with the VA. Everybody in Medicare has a card. Medicare goes out and bargains lower prescription drug costs. Just like I get in Blue Cross Blue Shield as a Federal employee, they negotiate discounts of 60, 70 percent. We could have provided a more meaningful benefit for no money, but guess what? It would not have made the pharmaceutical and insurance industries a huge pile of money. And they were against it and the White House nixed it, and the policy of the United States of America. And there is only one way we can change that, and that is to change the presidency and to change the direction of this Congress, the House and the Senate. And then we can roll it back, and we can give a meaningful benefit at much less cost.

Mr. PALLONE, Mr. Speaker, I would like to move to the next point, because I know that is the 30-plus group. Our colleague, the gentleman from Ohio (Mr. RYAN), has been basically out front on the issue about how we need to address the concerns of the younger generation. And this one, I think, is a value that talks about opportunity, providing Americans access to the tools to succeed as they choose, vibrant public education system accountable to the highest standards for every school and a chance for all children to reach their potential, including an affordable and accessible college education.

Now, since the Republicans have failed to provide promised funding for education reforms, millions of Americans have gone without help in reading and math, and state and school programs that boost academic achievement and keep kids safe. Republicans have underfunded education programs by $27 billion over the past 4 years nationwide. And of course, the President, as with every other president, heralded the No Child Left Behind program but never funded it. And unlike Republicans, Democrats would provide opportunity through high-quality, early childhood education, vibrant and accountable public schools and an affordable college education.

I have to say that the number-one issue, when I go back to my district, that people are concerned about is health care. That is the one I hear about the most. But the second, the one I hear about second is education, particularly the inability for families to finance their kids’ higher education which, whether you are in public or private school, the costs keep coming up.

I know that the gentleman from Ohio has talked about this many times in the evening when he talks about the 30-plus, so I will yield to the gentleman.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the gentleman bringing this up, because I think whether we are talking about trade with China or what we are going to do, I mean, I think every agreement in the country on investments in education, whether it is K through 12 or No Child Left Behind, which would be a nice idea, or making sure that average citizens in the United States of America have access to our colleges and universities.

I just want to share a couple of examples. Today, in one of the New York newspapers, they did an editorial. Basically, what is happening with the college students, and this just illustrates how egregious the inflation of the money folks in this town can be, there is a provision in the Department of Education that guarantees banks a 9.5 percent return interest for a loan that they make, 9.5 percent. Well, they are now currently lending out student loans at 3.5 percent, but the government is reimbursing them for 9.5 percent. So if we do not fix this, for example, in the next 6 months, there will be $3 billion wasted that will go right to the banks, when it should be putting into Pell grants. We believe that that should be, maybe, used to actually lower the interest rates that average students would need to be paid so they would not have to pay and invest that money to increase access and opportunity for people.

How are we going to compete with China and Japan and India and all of these countries that are stealing all of our jobs if we are not willing to actually institute educationalogginal districts. Ohio alone in one year, are underfunded by $1.5 billion. Now, Ohio had a provision; 75 percent of the kids needed to graduate. No Child Left Behind came in and said, you need 100 percent, so we are going to take the tu-torials, the after-school programs, the summer programs, everything else; never sent the money. So, good idea, right? We want the next 25 across the finish line so that they can compete and create wealth and value in our society. Great idea. But if you do not fund the program, and you put it on the backs of the locals who do not want to vote for property tax levies as it is, where is the program?

So, again, we are saying that, if we want to move the country forward, we have to make these kinds of investments. And to the American people who are out there, President Bush promised to increase Pell grants when he first ran. He did not do it. He promised to fund No Child Left Behind. He did not do it. This Congress made the same kind of commitments. They did not do it. Who has flip-flopped? Who has flip-flopped?

Mr. DEFAZIO. Mr. Speaker, the point the gentleman made is little understood, and I have a whole bunch of

September 22, 2004
Mr. PALLONE. I agree with you. It really leads into our next point.

Mr. DEFazio. Let me just on that, I support the pledge as it is. I learned it that way. I think it is fine. The courts have not ruled out the use of God on our currency or our coinage or, in this case, under God in the pledge is diminimus. It is not a violation, and there is in fact no current threat.

The one case that was pending against those words in the pledge was thrown out by the courts. There is no threat from the so-called activist judiciary at this point in time because the one that had been filed was thrown out. But instead of addressing real issues for which they have no answer, here is something where there is a non-existent threat, but there is a real threat to the kids who cannot go to college. There is a real threat to the seniors that are cutting their pills in half because they cannot afford them. There is a real threat to the woman I talked about who will be thrown out of her subsidized housing in Albany having worked her whole life because she cannot afford it any more.

There are incredible threats to our troops in Iraq because of a reckless foreign policy, but they have no answer for those things. So they want to distract people with things that most of us agree on. We like the Pledge the way it is. There are a lot of things we love about our country, but they want to divide us on those issues and not deal with the real problems.

Mr. PALLONE. Both of the gentlemen commented on communities and the concerns that communities have, and that is clearly the next point that we have here, so we can just go right into it.

The fifth point of the Democrats' new Partnership for America's Future is community: essentially working together for safe communities, free of crime and drugs, supporting local businesses and groups, to keep our families safe and our neighborhoods strong, and enforcing our anti-pollution laws to keep our air and water clean and healthy with polluters paying for the damage that they cause.

Republicans have tried to cut back on support for local police officers, supporting proposals that would slash funding for the COPS program which has put thousands of cops on the street nationwide. As you know, that was a major initiative that President Clinton had, and that put a lot of police on the street in communities throughout the nation 4 or 5 years ago or even longer.

We are different to that, the Republicans have even drained the Superfund program. One of the points that was made today when we had the press conference unveiling the new partnership was that we have 719 sites that are under the Superfund program and that are hazardous waste sites that currently have the potential to endanger the families or the health of the families that live in those areas, students loans to get through, and what you said just really merits revisiting.

Mr. Ryan of Ohio. Just to clarify, if a student defaults on a loan and takes out $10,000 worth of loans in Columbus, Ohio, or Youngstown State University, bolts town and moves to Oregon, who picks up the tab?

Mr. Ryans. The government. So the bank only benefits. If they pay the loan back they make the 9.5 half percent interest when they loan it out at 3.5 and if the guy bolts town, the government picks up the tab. Great deal.

Mr. PALLONE. If we took instead and said, hey, let us go back to a program that we developed in the 1950s, National Direct Student Loans, National Defense Student Loans they were originally called, and said the Government is going to make the loans to its young people, guess what? The Government always knows where to find you.

So the government could do it without having the banks in the middle and for the difference in what the gentleman is talking about between 9.5 percent and say if the government charged 3.5 or 4 percent, the current Treasury bond rate to the students, we can give one million more Pell grants or a couple of million more loans to students. But instead, we are going to give money to the banks, the poor suffering, long suffering banks. They need the help, the subsidies.

On the other side of the aisle we hear about free market economies and socialism and all that stuff. What is this? Why is the government subsidizing banks? The second point is made about No Child Left Behind. I have a State that we have got some real problems funding primary and secondary education. I have not seen the number as big as you put our number in the tens of millions of dollars that No Child Left Behind is underfunded. It is an unfunded mandate.

Again, early on when the Republicans said no more unfunded mandates. I said No Child Left Behind. I have a State that we have got some real problems funding primary and secondary education. I have not seen the number as big as you put our number in the tens of millions of dollars that No Child Left Behind is underfunded. It is an unfunded mandate.

But in addition to that, the Republicans have even drained the Superfund program. One of the points that was made today when we had the press conference unveiling the new partnership was that we have 719 sites that are under the Superfund program and that are hazardous waste sites that currently have the potential to endanger the families or the health of the families that live...
nearby. But what the Republicans have done is about 10 years ago when they first came into the majority under Speaker Gingrich, they have decided not to renew the tax on oil and chemical companies that pay for the Superfund. So there is no money left in the Superfund to go to clean up these hazardous waste sites.

Democrats would protect the safety of our communities with strong law enforcement and community policing. We would also invest in better transportation choices to fight congestion, create jobs, and improve the quality of life. And we would also restore the Superfund tax legislation that would force polluters to clean up their own mess rather than the American taxpayers.

Right now what happens is if a Superfund site needs to be cleaned up, we have to use what we call general revenue funds which are moneys that come from income taxes primarily, so the taxpayers are paying for the cleanup. Whereas it used to be before the Republicans came into the majority, the oil and chemical companies would pay that tax into the Superfund and that money would be used to clean up the sites.

In addition to that, there has been every effort on the part of Bush and the Republicans to not enforce the Clean Water Act, the Safe Drinking Water Act, and the Clean Air Act. We could not do anything about the basics to basically water down that legislation or those provisions that relate to water and air.

I do not know if the gentleman wanted to comment on any of those. I could say myself that the woman that was at our press conference today from Marlboro, New Jersey, that talked about the Superfund program is actually in my district and that was a perfect example. She did not go into the details, but two Superfund sites in that area, one of them is Imperial Oil. What happens now is, because we do not have money in this trust fund from the tax and oil and chemical industries, at the end of the fiscal year which is August, September, right about now, these various States get some kind of notice from the Federal Government saying, we do not have any more money to clean up your site. We are short of money this year.

This is a mess rather than the American taxpayers. The Republicans say themselves that the woman that was at this event that they only had 4 minutes left so I want to get to our last point.

Mr. Pallone. We do not want to leave accountability because there is a heck of a lot of that missing around here.

Mr. Pallone. A lot of this relates to the deficit issue talked about before. Our last point is accountability: holding those in power accountable for their actions, acting responsibly for our children's fiscal discipline and eliminating deficit spending with pay-as-you-go budgets and requiring real consequences for CEOs and corporations who break the law at the expense of those who play by the rules. Again, all the families nationwide have seen their share of the national debt, as my colleagues talked about earlier, increase by $22,000 and face a debt tax of $10,000 over the next 6 years. Unlike Republicans, Democrats will also refuse to cater to the Nation's special interest at the expense of the middle class, which will require real consequences for CEOs and corporations that break the law.

This is the last part of our new partnership with the American people, our promise to honor these six values and the policies that they represent.

Mr. DeFazio. Let me ask a very simple question on that. Since every person that lives in my State is paying about 40 percent more today for the same electrons from the same plant because of the manipulation of the markets by Ken Lay and the fact that the Bush administration with Pat Woods and the Federal Energy Regulatory Commission would not do anything about it, does that mean that Ken Lay would finally go to jail?

Mr. Pallone. I think so.

Mr. DeFazio. I support accountability if that is what we will get out of it.

Mr. Ryan of Ohio. I think when you talk about accountability and the future of our kids, one of the issues I want to touch on briefly is the issue of security which ties into what the gentleman was talking about with really all of these issues, accountability, community, national security.

Two cops in a town that I represent, the city of Warren, Ohio, will be eliminated because of the budget cuts by the Bush administration and the House of Representatives has passed through the COPS program and through HUD, two cops in a town of 48,000 people that has four cops on patrol at midnight on a Saturday night. Who is making us more safe? Certainly not the policies of this administration, checking one container out of every 50 that comes into the ports of the United States, which I do not have to explain to the gentleman here or the gentleman here or me, Ohio, even. What are we doing?

I mean, Senator Kerry may not have phrased it properly that we want to fight a different war or a more sensitive war, but we are not fighting World War II anymore. This is an intelligence war where you can take a bomb that fits into a briefcase that can blow up millions of people.

So the American people have to look very closely at the kind of policies that are coming out of this Congress right now, and we are not offering a very bright future. I do not think. And I am not a pessimistic person; I am probably more optimistic in most instances than I probably should be. But we are not doing things right now, and there is a critical, critical, critical election coming up here that defines that the two parties are clearly in different positions: tax cuts, spending $600 billion more than you are taking in, jeopardizing the future of the country; our troops, our troops; say that this war in Iraq, which is the central front of the war on terrorism that we are losing is somehow making us safer; or the Democrats that are saying, let us take care of the United States of America, fund the education programs, fund cops, firefighters, port security, national security, homeland security, get these troops back home as soon as possible and make sure that we are investing in education and health care so our kids and grandkids can enjoy a bright future to create this new economy that we do not know what it is going to be yet, but we know if we educate them everything will be okay.

That is our plan, and I want to thank the gentleman from California (Mr. Pelosi) and the gentleman from Maryland (Mr. Hoyer) and the gentleman from New Jersey (Mr. Menendez) and the gentleman from New Jersey (Mr. Pallone) and the leadership of our caucus for providing us a message to go to the American people where they can say Democrats get it, the Democrats have a plan.

We saw real people today in the United States Capitol that have real
issues, that need our help, and the government is here to help. Maybe sometimes we do not do everything right, but we are here to help, and I hope that we can fulfill what the gentlewoman from California (Ms. PELOSI) wrote in here, that our actions are worthy of the aspirations of our children.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman’s comments, and I think the thing that you said that I really want to stress the most, because we are almost done here, is the fact that this is a basic vision that we are full of hope, and we have a basic vision that says that we will work with the American people as partners to make their lives and our government better.

We are optimistic about what can be done, but we also feel that it can only be done if we change the majority and if the Democrats have the opportunity to implement this partnership with America after November 2.

So I thank both gentlemen.

IRAQ WATCH

The SPEAKER pro tempore (Mr. MCCOTTER). Under the Speaker’s announcement today at 1:00, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, we are going to continue the conversation here and switch gears here just a little bit with the gentleman from Massachusetts (Mr. DELAHUNT) and continue the conversation. We are going to continue the conversation.

And I want to start on an issue that I feel extremely passionate about. And I want to start on an issue that I feel extremely passionate about.

Let me just first say that the whole country, Republican and Democrat Parties, Independents, House and Senate, President, we are all very much in support of the troops who are out on the front lines, their families who are making tremendous sacrifices that many of us will never ever know.

I have had the opportunity to be up to Walter Reed and visit some of these injured soldiers, and there is nothing more heartbreaking than to see a 19-, a 20-year-old kid who has lost his or her legs, an arm, and just think about all their hopes and dreams that have, in many ways, been dashed away.

So we are taking this opportunity here as Democrats to talk a little bit about how we got into this position, and I want to start on an issue that I feel extremely passionate about.

When this all started after 9/11, the United States of America and an international coalition moved forward in Afghanistan, and we moved forward in Afghanistan because they were housing the Taliban and they were housing or harboring Osama bin Laden, who was the main perpetrator of 9/11, on the United States of America. So many of us are confused, myself included, why we went into Iraq in the first place.

The reason is that we have only so many resources in the United States of America, and we attacked and invaded with an international coalition into Afghanistan. We ousted the Taliban government that was harboring al Qaeda and harboring Osama bin Laden, and we moved forward into the Bora region on the Afghan-Pakistan border. We had this international coalition, and we were going into Afghanistan and we were going to rebuild this country, and we were going to make it a functioning democracy. We were going to have a democracy in that region.

There is a great article in the Atlantic magazine this week, for those of you who are at home who want to read it and get the complete analysis and the timeline of how this happened. Then at one point, all of a sudden, all of the generals and all of the military planners in the United States of America began to shift their attention from Afghanistan to Iraq, and they took in troops. We went from 130,000 troops in Iraq, in Afghanistan, we only have 17,000 or 18,000.

The Special Forces were moved as well, and then even as it states in this article, the satellites that were focused on Afghanistan, who was trying to provide intelligence, were also moved, and they were shifted to Iraq. So how symbolic that we shifted our focus to Iraq and took away from what was going on in Afghanistan.

Slowly, Afghanistan began to unravel. We ended up with a full-blown war in Iraq, and here we are, many, many months away from that, stuck in a quagmire in Iraq that many of us have no idea how we are going to get out of. I am glad to see that Senator KERRY has issued a plan on how we are going to get out of there.

We have to bring in an international coalition. That is the only way to do this. If we do not get troops in and support and money from our international community, the only thing left is to have a draft in the United States of America. If you ask the American people, would you rather have a draft or try to unite the international community, I think most Americans would say let us get the international community united to put troops into Iraq, but this current President cannot do that.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. DELAHUNT), who has been a real leader on this issue and more articulate than anyone else in this Congress on the problems and challenges in Iraq.

Mr. DELAHUNT. Mr. Speaker, we do not emerge in hyperbole during the Iraq Watch hearings. Our words are a bit overstated, but I want to thank you for claiming the time this evening. I know my colleagues who are regulars on the Iraq Watch are coming. We are assembling.

We were fortunate again what the current status of events in Iraq and the Middle East are so that we can inform ourselves and hopefully inform our colleagues and help educate the American people.

I am sure you are aware that just recently there was what is described as a national intelligence estimate which painted a very bleak picture of the future in Iraq. The national intelligence estimate is a compilation of information drawn from the CIA and other American intelligence agencies. As I indicated, it presents a very, very bleak picture.

It is outlined that there are three different scenarios. The one that is most disturbing is the possibility that Iraq not only will be fractured, but that a full-scale civil war could break out at any time, but I guess, as a Member of Congress, what is more disturbing is that it was just, I think, yesterday when the question was posed to President Bush, what about the national intelligence estimate and the very pessimistic perspective that was presented by our own intelligence agencies, that his response was, well, they are guessing, they are guessing.

That certainly is disturbing to hear our leader, the leader of the free world, make that kind of a statement. I wonder if he reached that conclusion prior to our national tragedy of September 11 when he was presented with what is called a Presidential daily briefing on August 6, 2001, that was titled “Bin Laden Determined to Strike in the United States.” I wonder if he was guessing at that point in time because he had that information, and it is presented again with a national intelligence estimate that presents a far different scenario than what we hear from the President, from the White House, from the Vice President.

Of course, tomorrow, the interim prime minister of Afghanistan is going to be addressing this House. I think it is important to understand that this was a prime minister that was selected through a nonelective process. I am sure we are going to have a lot of rhetoric. It will sound good, but it is not the true picture. I would suggest, of what our intelligence agencies tell us is transpiring in Iraq today.

Mr. RYAN of Ohio. Mr. Speaker, we had the same situation here when we had the President of Afghanistan here, told us how great everything was going in Afghanistan, how there was not a drug problem in Afghanistan, we were going to have elections, on and on and on.

I would be happy to yield back, but just the American people need to know that this is almost going to be a repeat performance of what we heard a few months ago.

Mr. DELAHUNT. Well, Mr. Speaker, the noted conservative columnist, a prominent Republican, William Buckley, recently made the statement that the administration has a deceiving capacity to believe its own PR.

Well, you know, this is not about public relations. This is about war and
peace and the loss of American military lives and untold hundreds of billions of dollars of American taxpayers' money. That is what this is about. To simply say that things are rosy, and they are guessing, I think does a disservice to our intelligence agencies.

Again, to point to the article that was as recent as September 16, it was on the front page of the New York Times. It was entitled, “U.S. Intelligence Shows Pessimism on Iraq’s Future.” “A classified national intelligence estimate prepared for President Bush in late July spells out a dark assessment of prospects for Iraq, government officials said Wednesday. There’s a significant amount of pessimism, said one government official who has read the document.”

This is just unacceptable, to have the President of the United States say, in response to a question, that they are just guessing. And before we go any further, I think we should indicate that, the worry here, our concern is shared by many prominent Republicans, including men that serve in the United States Congress. So what I have done is I have extracted some quotes from our friends and colleagues on the other side of the aisle.

On September 19, just several days ago, Senator John McCain said this on Fox News. “I’d like to see more of an overall plan articulated by the President. Well, so would the American people. Senator Richard Lugar, another prominent Republican, chairman of the Senate Committee on Foreign Relations, less than a week ago, in response to a question about the slow pace of reconstruction in Iraq, had this to say, “Well, this is incompetence in the administration.”

“The fact is, a crisp, sharp analysis of our policies is required. We didn’t do that in Vietnam, and we saw 11 years of casualties at the point where we finally lost. We can’t lose this. This is too important. There’s no question about that. But to say, ‘Well, we just must stay the course, and any of you who are questioning are just hand-wringers’, is not very responsible. The fact is, we’re in trouble. We’re in deep trouble in Iraq.” That is Chuck Hagel, respected Republican from Nebraska.

Chuck Hagel goes on to say, “It’s beyond pitiful. It’s beyond embarrassing. It is now in the zone of dangerous. We have now seen multiple instances where this administration has moved forces that could have been used to destroy the people that killed almost 3,000 Americans on September 11 and moved them in this effort to go into Iraq under the pretense that there were weapons of mass destruction and under the pretense that al Qaeda was responsible for September 11, both of which have been shown to be false.”

This bears scrutiny and investigation, and it demonstrates why we need a new fresh approach in the war against the fundamental nihilists who are still out there planning to attack this Nation.

Chuck Hagel goes on to say, “It’s beyond pitiful. It’s beyond embarrassing. It is now in the zone of dangerous.”

We should keep in mind what we have learned of what we have seen coming from the White House is fodder for a political campaign. But let me suggest that the President should put aside politics, not continue to paint a rosy picture when those who ought to know know that the reality is totally different. Do not mislead the American people. The American people were misled before. They were misled when it was presented to the American people right on this floor that there were weapons of mass destruction in Iraq.

It was the American people who were misled when it was suggested that there were links between al Qaeda and Saddam Hussein. That was false, and we know it was false because the independent commission, five Republicans and five Democrats, concluded that it was inaccurate.

Mr. INSLEE. Mr. Speaker, if the gentleman from Ohio.

Mr. DELAHUNT. I yield to the gentleman from the State of Washington, a regular member and cochair of Iraq Watch.

Mr. INSLEE. Mr. Speaker, I want to follow up on what Republican Senator Chuck Hagel said, because I think it is accurate. He said, discussing the situation in Iraq, “It is beyond pitiful. It is beyond embarrassing. It is now in the zone of dangerous.” And I want to reiterate that that is not just rhetoric; that is reality.

The reason I know it is reality is because we just lost a man from Lynwood, Washington, last week, Corporal Trevor Rintamaki, 21 years of age. He was a good soldier, who will never be coming home, killed in action in Iraq while serving proudly and with distinction in Iraq. Yes, indeed, this is in the zone of dangerous. And this country deserves an administration who will be forthright and truthful and is not looking through this situation with rose-colored glasses.

What Chuck Hagel said, that we are now in the zone of dangerous, I think we can say in spades that that is the situation.

I learned something tonight, Mr. Speaker, that is so disturbing I just have to share it. Osama bin Laden, who is still at large somewhere in the world tonight, after the President told us he would get him dead or alive, he is still at large. The al Qaeda network is still functioning and now attacking our troops in Iraq. And we have been very concerned for some time that this administration, in its action in Iraq, has taken its eye off the ball of destroying the al Qaeda network and diverted resources and attention into Iraq, thereby increasing the risk that al Qaeda would remain a threat. And, indeed, Osama bin Laden is alive tonight and is a threat.

I learned something tonight. We knew about the administration moving resources from Afghanistan that could be used in the hunt for Osama bin Laden. The Predator aircraft, the drone that moved to Iraq before we got done looking for Osama bin Laden. We know that the administration has more people checking on people going to Cuba as tourists than they do trying to interdict monies going to al Qaeda. We know about those diversions in this prioritization.

But let me tell you about one I learned about tonight. NBC news today reported that the administration three times had the opportunity to take out terrorist Abu Musab al Zarqawi who, right now, could be associated with some of the beheadings we have seen, actually, his network. Three times the President quashed efforts to take out Zarqawi before the war in Iraq started because they did not want to diminish or undercut their argument of why they needed to go to Iraq.

Mr. STRICKLAND. Mr. Speaker, will the gentleman from Massachusetts yield to the gentleman from Ohio?

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

Mr. STRICKLAND. I just wanted to point out to my friend from Washington, Mr. Speaker, that not only is this gentleman that he is talking about responsible for some of the beheadings, the reports are that he himself, he himself has been the individual that has actually carried out the beheadings of Americans.

Mr. INSLEE. If the gentleman from Massachusetts will continue to yield.

Mr. DELAHUNT. I continue to yield to the gentleman from Washington, Mr. Speaker.

Mr. INSLEE. In June, according to NBC news, in June 2002, the Pentagon drafted plans to attack a camp Zarqawi personally was using with cruise missiles and air strikes. The plan was killed by the White House because they did not want to undercut their arguments publicly that we had to go into Iraq.

Again, 4 months later, Zarqawi planned to use ricin, this deadly poison, in terrorist attacks in Europe. The Pentagon drew up a second plan to go after Zarqawi. The White House killed it again because it would interfere with the action, the public message that we had to go to Iraq.

In January 2003, the Pentagon drew up still another attack plan, and for the third time, the White House killed it because “military officials insist their case for attacking Zarqawi’s operation was air tight. But the administration feared destroying the terrorist’s camp in Iraq could undercut its case for war against Saddam.”

If this is true, this is a gross dereliction of duty. We have now seen multiple instances where this administration has moved forces that could have been used to destroy the people that killed almost 3,000 Americans on September 11 and moved them in this effort to go into Iraq under the pretense that there were weapons of mass destruction and under the pretense that al Qaeda was responsible for September 11, both of which have been shown to be false.

This bears scrutiny and investigation, and it demonstrates why we need a new fresh approach in the war against the fundamental nihilists who are still out there planning to attack this Nation.
Why are they not talking about what is happening today? Well, sadly, we lost three more American soldiers today. Three more today. Every day we are losing American soldiers.

But we are talking about what has happened and the policy that has been promulgated by this administration still has less than 40 percent of even the people responsible for the President to accept responsibility. I think this administration should make the case that it was responsible for attacking us.

I just think we should remind ourselves that we have not yet appreciated the seriousness of what happened. I think it is important to have in a leadership role during these very dangerous times an administration that will be forthright, that will be honest, that will admit mistakes, and that will listen to others. That is what is important.

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

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

Mr. STRICKLAND. Mr. Speaker, it takes strength and it takes confidence to be willing to admit a mistake. And, quite frankly, we have not heard the President or the Vice President admit any mistakes, any mistakes. Anytime there is bad news coming out of Iraq, the administration is coming out on the offensive, the word we get from the White House is, we expected that.

Mr. DELAHUNT. Mr. Speaker, re-claiming my time, they say that now. But they were not saying that during the major combat phase. They were saying that we were going to be greeted as liberators, that people would be dancing in the streets. That is absolutely false. And yet they insist on maintaining the message. But it is not an honest message.

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

Mr. DELAHUNT. I yield to the gentleman from Washington.

Four things: number one, we have got to have a meaningful, timely training program to train the Iraqi forces so they can take responsibility for their own country, which is the only way this is going to be successful. What do we find this administration has done in regard to retraining the Iraqi Army? We are now a year and a half after the invasion of Iraq, a time period where we knew, if somebody was thinking about it, that we were going to have massive retraining needs to train about 250,000 troops. That was going to take some work to do that. One would think people would figure that out. We are now a year and a half after the invasion of Iraq, and this administration still has less than 40 percent of even the people responsible for

It would be so much more credible for the President to come to and acknowledge the serious consequences that occurred as the direct result of this policy.

I thought it was interesting that the individual that he appointed to conduct the survey in Iraq to determine where at that point in time, because we were told that there were weapons of mass destruction, where they were located, called on the President and that man's name is David Kay, as many of us know, called on the President to come clean with the American people because he was concerned that if we did not do so, if the President did not do so, then the credibility of the United States would be eroded and that when another international crisis erupted and we had to seek support from other nations, this time we would be looked at as having misled not only the American people but the rest of the world. And that is exactly what has happened.

If anyone has traveled abroad, the antipathy and the hostility that has been expressed about this President and, tragically, about our Nation because of the errors and the lack of willingness to accept responsibility has hurt our national interests and our national security, when his own appointee who was highly regarded and highly respected was the chief weapons of mass destruction inspector appointed by this President said, Mr. President, come clean, tell the American people that we were all wrong. He said that here in this building in a hearing before the Senate Foreign Relations Committee. And what does this White House do? They continue to shuffle. They reluctantly say, well, maybe that was a mistake. And then when the Vice President continues to suggest that somehow there are links between Saddam Hussein and Osama bin Laden. The only link is that Osama bin Laden despised, despaired and hated, Saddam Hussein, whom he considered a corrupter of Islam.

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

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

Mr. STRICKLAND. Mr. Speaker, it is true that in spite of all evidence to the contrary and in spite of the report of the bipartisan 9/11 Commission that the Vice President continues to insist that there was a connection between al Qaeda and the attack upon our country.

It is amazing to me that in spite of all of this evidence that the Vice President would continue to say that. I mean, it is contrary to every expert, every study, the 9/11 Commission. Even the one that was associated with him himself from that contentation. And yet the Vice President continues to make the accusation. Why did the Vice President say something like that that has been so discredited?

Mr. DELAHUNT. Mr. Speaker, re-claiming my time, let me suggest this as an answer. Because if one repeats it often enough, a large number of people, unfortunately, will accept it. That is why it is important to have in a leadership role during these very dangerous times an administration that will be forthright, that will be honest, that will admit mistakes, and that will listen to others. That is what is important.
forces which they are later going to allow these insurgents to build their capability of doing it, and we are not going to have to train all these soldiers and police officers? It was going to be a cake walk.

Mr. DELAHUNT. And, Mr. Speaker, we would not have to pay for it.

Mr. INSLEE. And we would not have to pay for it either, Mr. Speaker. So here we are a year and a half after the invasion, this administration still has less than half the infrastructure we need to get this job done. So that number one the nation needs a significant change in policy.

Second, we need an administration who will say we have got to have elections sooner rather than later. When we had a brief window where we were not fighting and RPG’d for about 3 months early in this campaign, we had a chance for elections. But the President sent Mr. Bremer over there, and he put the kibosh on elections. Sistani wanted elections. They would not allow them. And here we are in this pickle.

And this is why this is important. They are telling us, Mr. Allawi is going to tell us tomorrow, that we are going to have great elections on January 31 in Iraq. That is great except for one problem: there are huge swaths of Iraq today, in late September, that are not under the control of the Iraqi government. Fallujah, Ramadi. We heard about a battle a couple of miles south of Baghdad. How are they going to have elections to get this job done? They are not prepared to get it done, and the only way we are going to do this is to only have about 50 percent of the country voting.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, does the gentleman know what they call those large swaths of territory?

Mr. INSLEE. Mr. Speaker, if the gentleman would further yield, those large swaths are called no-go zones. And that means that nobody from the Iraqi government or we go to.

What is happening tonight with those no-go zones? The Iraqi insurgents are planning to kill Marines and building up their capability of doing it, and we are not going after them. I am concerned, I am concerned, that one of the reasons we have adopted these no-go zones is because this administration wants no casualties, which none of us want ever, but he particularly may not want casualties. And he may not want to dislodge them, to overcome them and building taps and they are building car bombs. They take them and assemble them in Fallujah and driven around the country, and we are not routing those groups out. And we are going to have to face their guns when they are emboldened and empowered and in a tougher position. That is terrible military doctrine. It is a mistake. And it is going to cost American lives. And I think that it is one of those things that needs change.

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

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

Mr. STRICKLAND. Mr. Speaker, before the gentleman goes on this fourth point, these no-go zones are made up of the largest cities in Iraq. The largest cities in Iraq are no-go zones right now. The gentleman is right. We are not going into those cities now. But the elections are scheduled for the end of January next year. And there is every intention that we are going to go into those cities before the Iraqi elections. If they have the Iraqi elections and much of the country cannot participate, then it will be considered an invalid election. People will not be able to accept it. So we know that the intention of this Pentagon, President Bush and Secretary Rumsfeld, is to go into these no-go zones before the end of January.

But they are not doing it now, and I think the very orient strategy that they are employing is not doing it now because it is going to be a tough thing to do. We are 41 days in front of our elections, and so basically we are letting these no-go zones fester.

Even members of the Taliban now are moving into some of these no-go zones. So we have the terrorists, the insurgents, building up their networks within these no-go zones, and when we do go in, it is going to be terribly difficult to dislodge them, to overcome them and take over them. But every day that passes that they have these sanctuaries, basically, they are able to increase their strength, to increase their ability to resist once we do decide to go into these areas.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, I think I would suggest this, that what we are seeing in Iraq, because of the incompetence of this White House and this administration, is a burgeoning number of safe havens for terrorism. Yet we hear that there is progress being made on the war on terror. How absolutely false that is.
Again, if I can just take 2 minutes, I do not want to leave the impression that we are speaking here in partisan tone, because so many prominent Republicans, colleagues of ours, share this view. If I may, just indulge me for a moment or two.

From the former vice chairman of the House Permanent Select Committee on Intelligence, Doug Bereuter, highly regarded and well-respected. Upon leaving here he sent a letter to his constituents. In it he said, “I have reached conclusion now that this country and the world was gripped by the inadequate intelligence and faulty conclusions have been revealed; that, all things being considered, it was a mistake to launch that military action, especially without a broad and engaged international coalition. Our country’s reputation around the world has never been lower and our alliances are weakened. Now we are immersed in a dangerous, costly mess, and there is no easy and quick way to end our responsibilities without creating future problems in the region and in general in the Muslim world.”

That is somebody who served on the Permanent Select Committee on Intelligence in this House.

And a reference also to Mr. Bremer, who was personally recruited by Dr. Condoleezza Rice, the National Security Advisor, had this to say about 3 weeks ago. His name is Larry Diamond. “We are significantly worse off strategically than we were before. There are really no good options.” Another Republican.

Let me quote William Buckley once more. “If I knew then what I know now about what kind of situation we would be in, I would have opposed the war.”

Someone who works in this building on the other side, “Our committee heard blindly optimistic people from the administration prior to the war and people outside the administration, what was happening in the street crowd, that we just simply will be greeted with open arms. The nonsense of all that is apparent.”

The lack of planning is apparent. What we had here was a volatile combination of the ideology, the so-called neoconservative influence in this administration, combined with a magnitude of incompetence that if it occurred in the private sector, heads would have rolled, people would have been fired and a new team would come in.

Mr. INSLEE. If the gentleman will yield, you mentioned a pretty explosive word, which is “incompetence.” When we have our sons and daughters at risk for their lives, over 1,000 of whom we have lost now, it is a pretty serious charge to suggest that an administration has been incompetent in the prosecution of this mission.

So I just want to quote a Republican Senator in this regard, or two Republican Senators in regards to points two and three that I talked about in saying that we need a major change in American policy in Iraq.

On point two, the issue of rebuilding Iraq, when Senator LUGAR, Republican Senator, was asked—

The SPEAKER pro tempore (Mr. MCCOTTER). The Chair would remind Members to refrain from improper references to the Members. Mr. INSLEE. Well, Mr. Speaker, let me rephrase. When a prominent Republican individual who served in public office in a post that involves a 6-year term was asked why only $1 billion of the $18 billion appropriated last year for Iraqi reconstruction, why less than 10 percent of that had actually invested in Iraq, he said, “Well, this is the incompetence of the administration.”

“The this is the incompetence of the administration.” That is what this has been. We need someone competent running the operation in Iraq.

Point three, the point we have been saying, that our military people are going to be endangered as a result of the incompetence of the administration, getting into these no-go zones, another prominent Republican, who once recently ran for President and suffered grievously at the hands of a fellow Republican in South Carolina, said “it was a major error in allowing insurgents to keep control of the City of Fallujah after wording to oust them.”

The same quote: “As Napoleon said, if you say you are going to take Vienna, you will take Vienna,” this unnamed prominent Republican person in a 6-year post said.

The fact of the matter is, these are major policy failures of this administration. It is costing us in lives, and we need a change.

Unfortunately, this administration has one prominent rule in Iraq, and an economic policy, for that matter: Do not bother me with the facts. I told you guys it was going to be roses. I told you we were going to be treated as liberators. We have not been able to show any competence in Iraq, we are not going to change our policy one bit. We need a fresh policy in Iraq, and, one way or another, we have got to get it.

Mr. STRICKLAND. If the gentleman will yield, as I am standing here listening to the two of you talk I have a chilling thought, and that thought is this: In spite of all that has gone wrong, even today it seems as if military decisions are being affected by political considerations.

Now, I understand what a serious charge is, that military decisions would be affected or mandated or influenced by political considerations. But why would we allow these no-go zones to be reoccupied last year? And, why would we allow these no-go zones in Iraq to remain no-go zones when we know that that cannot continue, that we have got to change that situation before the end of January, if in fact the Iraq elections take place as planned, and the administration insists that they will take place?

That means that at some period of time between now and the elections in Iraq in January we are going to have to deal with these no-go zones. And if it is true, and I believe it is, that as each day passes the insurgents who are occupying these areas increase their strength, increase their ability to resist our Armed Forces or the Iraqi forces once they go into those areas, then it leads me to the only conclusion that I think is rational or logical, and that is that military decisions are being influenced by political considerations, namely the November 2 election in this country, and that is terribly troubling.

I think the American people ought to understand what is going on here, because it involves the well-being of our soldiers, and I think it involves the credibility of our government as we reach out to the world for partners and partnerships.

Mr. DELAHUNT. Reclaiming my time, because this man talks about our soldiers. I do not think there is any community in this country that expected the need to call upon our National Guard and our Reserves to the extent that they did, particularly when the Deputy Secretary of Defense, Mr. Wolfowitz and Secretary Rumsfeld dismissed General Shinseki, who at that point in time was the head of the United States Army, his estimate that 200,000 to 300,000 troops would be needed. They said that was a wild exaggeration.

Mr. Wolfowitz, that neoconservative who in many ways was the intellectual author of this adventure, dismissed it, because as Dick LUGAR said, we were going to be treated as liberators, the Iraqi equivalent of champagne and dancing in the streets. How long did that last?

But now, but now, oh, no, now we are coming up on a regular basis for deployment after deployment our Reserves, to the point where Lieutenant General James Helmly, who heads the U.S. Army Reserves, said just this past week that the war in Iraq is creating a dangerous problem on this is concerned that they will have a tough time meeting their recruiting goals next year. He also noted that the Reserve jobs in Iraq are just as dangerous as regular troops. There is no more a secure rear area. Our truck drivers and our military police have become frontline troops, again underscoring the incompetence of the planning in terms of the military planning and the reconstruction phase of this Administration.

Mr. STRICKLAND. If my friend will yield, just one example of the incompetence was the fact that our soldiers were sent into Iraq without body armor. We hear a lot of talk in this Chamber about body armor. We have heard a lot of accusations that somehow a particular person running for President other than the President himself is responsible for voting against body armor. But the fact is that literally, once they went into those areas, they were sent into battle without body armor. Thousands of them were there without body armor.
I wrote Secretary Rumsfeld about that and asked him to give me a date certain when they all would be well-equipped with this armor, because I had heard from a young soldier, who happened to be a West Point graduate, one of my constituents, he said, “Congress is wondering why they don’t have body armor.”

The fact is that that decision was made to send our troops into battle without body armor, and the war started months before the vote on the $87 billion that is now being used to accuse others of depriving our troops of this vital equipment. That is just one example. But we also know that they were sent there without armored Humvees and in insufficient numbers. These are examples that I would consider incompetent leadership. Incompetent leadership. It continues to this very day.

Now, the President was asked this past week how he could defend his statements about how well things were going in Iraq in light of the recent re-statements about how well things were going. It continues to this very day.

He answered this way. He said, “Well, they laid out three possibilities: One, things would be lousy; two, things would be so good; and things would be better.” Well, “things being better” was not one of the possible outcomes, as we heard from the intelligence community. The best that they said we could expect was just more of the same, of what we have not now, and the worst was out-and-out civil war in Iraq. There was no better scenario.

The President seems incapable of just speaking forthrightly and in a candid manner about the real situation to the American people. So we hear this happy talk, and every day, more and more and more of our soldiers are being lost.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield, if we go back and recall the circumstances surrounding that $87 billion, remember when the President went on national television and announced to the American people he was going to ask for an additional $87 billion, the House and Senate committees were given a Liberal rat- ing fell like a rock, because the American people were upset that the needs here at home were being so woefully neglected, and here the President was, coming, asking for an additional $87 billion.

So many of us thought that the fair thing to do was to take that portion of the $87 billion that was going to Iraq for the rebuilding of schools and clinics and roads and bridges in Iraq, and to make that available as a loan that would be paid back to this country once Iraq was stable and they had these huge oil sales which was going to make it possible for them to repay that loan. And the White House said, no, no, no. We will not make this money available as an out-and-out gift.

Mr. DELAHUNT. A give-away.

Mr. STRICKLAND. Yes, a give-away. So they went to Madrid to this so-called donor conference where they came back and they were trying to convince us as a Congress and as the American people that all of these other countries had ponied up, had given their fair share. And what did we find out, as the gentleman from Massachusetts (Mr. DELAHUNT) has said here, all of these countries that made monies available made them available in the form of a loan. They will, in fact, at some point be repaid for whatever they give, but not the good old USA. We gave our money away, and now the President is criticizing those of us who fought to have this given as a loan, implying, I guess, that somehow we did not care about the troops. Which is, quite frankly, a little outrageous.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, there is another aspect of this $87 billion that we need to point out, of whose money the President wanted to spend. He wants to spend our grandchildren’s money. Because every single one of those $87 billion he committed to Iraq, which had to be spent in some sense, but instead of us paying for it and dealing with it with taxes, he wanted, and he conscioulsy decided to make it all deficit spending. Mr. DELAHUNT has said here there was no way we could make it so that our grandchildren would not have that deficit spending obligation on them.

Now, why is this? I think this is symptomatic of why we need a new ad-ministration with a fresh policy. Win-ston Churchill said, all I have to offer you is blood, sweat, toil, and tears. This President said, you can fight this battle on the cheap. It will be sugar candy, roses, and champagne corks all over the place. And as a result of that we got $87 billion spent, 1,000 dead, and a silent draft that is going on now drafting our people to serve longer times than they really did sign up for when they went into the military. That is why everybody in this chamber is hearing stories about 50-year old people who left their career for a year, came back, now have to go back for another year, and goodness knows how many years, because that has not come, the troops that are necessary to get this job done like General Shinseki told them.

This President wanted to fight this war on the cheap. It has cost us in lives, it has cost us in deficit spending, and we voted that new law. We do not say this just to be critical; we say this to get a new policy in Iraq. Unless we get that, we are heading into deep, deep trouble.

Mr. STRICKLAND. Mr. Speaker, as I said earlier this evening, the only people sacrificing for this war are the soldiers and the people who love them. They are the only ones who are sacrificing, and that is sad.

EMOTIONAL TRIP TO RUSSIA

The SPEAKER pro tempore (Mr. MCCOTTER). Under the Speaker’s announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. WELDON) is recognized for the remainder of the time until midnight.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise not to refute or answer the comments that we just heard for the last several hours, but to make a couple of comments. First of all, rather than listen to Members of Congress and this body talk about the conditions in Iraq, tomorrow the American people will have a chance to listen to the Prime Minister of Iraq himself whose life has been threatened 4 times, attempted assassinations on him. I think the American people should listen to that gentleman, Prime Minister Alawi, to have us get an understanding of how well his country is responding to this effort.

In terms of the need for the use of our Reservists, as the vice chairman of the Committee on Armed Services, I would just remind our colleagues that it was during the 1990s that our troops were deployed 38 times. None of those deployments were paid for and, as a result, we had to cut the size of our military. The Army, for instance, in almost half, cutting our armored divisions down to 20; the Navy was cut from 385 ships to 34. As a result of those significant cutbacks during the 1990s, it was necessary to go to a policy that included the use of our Guard and Reserve forces. This was clearly understood in the 1990s because we had no the last several hours, but I will tell you is that we had to rely more and more on the Guard and Reserves, that is why the Guard and Reserves are being used today in Iraq. I would add, Mr. Speaker, commitments were made that our Reservists would not be called back, now have to go back for another year, and goodness knows how many years, because that has not come, the troops that are necessary to get this job done like General Shinseki told them.

This President wanted to fight this war on the cheap. It has cost us in lives, it has cost us in deficit spending, and we voted that new law. We do not say this just to be critical; we say this to get a new policy in Iraq. Unless we get that, we are heading into deep, deep trouble.

Mr. STRICKLAND. Mr. Speaker, as I said earlier this evening, the only people sacrificing for this war are the soldiers and the people who love them. They are the only ones who are sacrificing, and that is sad.
President, their own parliament called the Duma, but they are, in fact, a part of the Russian Federation.

Therefore, the President was someone in that country we hoped and we did meet with. But the person who greeted us on our arrival at the airport in Beslan is in fact the Speaker of the Parliament of that country, equivalent to the Speaker of the House in our country. His job was to escort us through his country and explain to us in his own terms what happened at Beslan.

The Speaker of the Parliament when he arrived was certainly someone who we could relate to because he had a similar job to us in terms of his function and his job. His name is Taimuraz Mansurov. And it is interesting because he told us when we arrived that he had four children himself, two children in college and two children who in fact were attending the actual school that was attacked by the terrorists on the first day of classes just several short weeks ago. In fact, both of his children are today in hospitals in Moscow and suffering from significant wounds. His 12-year-old daughter was shot in the face with a weapon as she was attempting to leave the school and she is being treated at a Moscow special medical center for that wound.

He told us of trauma of his country and his city, the city of Beslan was just something that was impossible for people outside of North Ossetia to understand and appreciate. As we got off of the bus at the first stop on our way into Beslan, right next to a cemetery, we were struck by literally hundreds of graves that had recently been dug with mounds of dirt on top of each of them where the children of this school and their parents and their grandparents had been buried within the last few days.

On each of those grave sites, and again there were probably 360 of those graves because that is how many people were killed, were flowers and items that were left by friends and other well-wishers around the world. I told our two colleagues who went with me on the trip, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Arizona (Mr. FRANKS), that we would walk down the center aisle of those graves and that at some point in time we would stop, we would turn and face one grave and I would ask the gentleman from Arizona (Mr. FRANKS) to say a prayer, followed by the gentleman from Indiana (Mr. SOUDER), and then I would close.

The Russian media was filming every step that we took, and I felt it appropriate to convey at the grave site of these people the prayers of the American people and the U.S. Congress in particular. We traveled down the aisle of these mounds of graves and at some point in time we would stop, we would turn and face one grave.

Along with these students were the parents and grandparents who had come out to see their children off on the first day of classes. As they stood by the mounds of graves left behind, we stopped at one about two-thirds of the ways down the center aisle. We turned to our left and the three of us stood around this one particular grave.

The large floral bouquet on that grave was red, white, and blue. Now, the colors of the Russian flag are red, white, and blue as are the colors of our flag. But as we looked down and bowed our head and as the gentleman from Arizona (Mr. FRANKS) began the prayers on behalf of this delegation, on behalf of the American people, standing there with the people of Russia, I could not help but cast my eyes to the ribbon that was attached to this floral bouquet. And having studied Russia in both high school and college and understanding the language, I saw the Cyrillic letters which said USA.

As I looked after the prayer was over at the rest of the ribbon, I could see who that floral bouquet had come from and where it had been sent from. That floral bouquet on the grave site out of hundreds that were there that we just stopped at to stop at by the graves by the students, the teachers, and the community of Columbine High School in Colorado. What an amazing start to our visit to Beslan, the three members of Congress would stop in the midst of literally hundreds and hundreds of these bodies of children and adults were buried, and the one grave that we had prayed over would contain the floral recognition of people from one of our own tragedies.

As we continued our prayers at the grave site, we went back to our bus with the Speaker of the Duma, and he drove us into the town of Beslan, a small community in the southern part of Russia in the Caucasus that has just been rife with terrorism. Daguestan on one side, Chechnya not far away. And in fact, the fear of the Russians is that the 32 terrorists who caused this incident were in fact, and they have stated so publicly, a part of the Chechen uprising and the Chechen terrorist operation.

As we got to the town, we stood in front of this massive brick building that in the center had been reduced to rubble. Literally thousands of floral bouquets, it was there that the Speaker of the Duma gave us a summary of what actually had occurred.

He told us on the first day of school all of the children in this school assembl ed in lines by grades with their parents and by the time the first day of school in Russia, Mr. Speaker, is a proud day. It is a family day. It is a community day. Everyone comes together to begin the new school year. In fact, it is considered a holiday throughout Russia. And on this day the students at this particular school all lined up neatly, ranging in age from the very young, some 2, 3 and 4, some who were too young to go to school, were there with their parents and they ranged up to the teenage years.

Along with these students were the parents and grandparents who had come out to see their children off on the first day of classes. As they stood
in the courtyard in front of the school, without any indication whatsoever, the terrorists surrounded the students and the faculty members and brought out their automatic weapons. And in a very deliberate and very nasty tone, ordered these 1,000 individuals inside the school building to get back into their classrooms and threatened them with their automatic weapons and with their rifles and their pistols and threatened to harm them, the students were in a state of panic but in fact went through the only entrance into the school, a door which led into a gymnasium area.

The Speaker of the Duma told us that when some of the younger students were not moving fast enough, they picked up the students and threw them through the windows without any regard for the well-being of these youngsters. Once assembled inside this school complex, they had them stand along the walls, and they began a process of intimidation that lasted for 3 days. They denied the students and the adults food. And in fact, Mr. Speaker, the terrorists in the early hours of the siege took the youngest parents, the youngest fathers that were there with their youngsters on the first day of school and one by one they assassinated them right in front of the students. They then took their bodies and threw them out the back windows of the school so that over the course of the first day or so, all of those fathers who had gone to school with their children were wiped out by these inhumane terrorists.

As they got control of the hostages and they had reduced the level of men that were in the crowd that could provide perhaps resistance against them, the terrorists began to then focus on the mothers, the grandmothers, some of them very fragile, some of them very elderly, and the youngest children who were obviously in a state of shock and a state of fear.

And in fact, Mr. Speaker, the Speaker of the Duma told us that they on a cellular phone had his children in the school call him on the cellular phone and the terrorists had his children plead with him to come and get them and to accede to the demands of the terrorists.

What tremendous personal turmoil that the Speaker went through with his two youngest children in the school as the terrorists contained them and yet required them to talk on the cell phone to their father, using them as pawns in this unbelievable siege.

Obviously, the leaders of the republic and the law enforcement officials who were around the school would not and could not accede to the demands of the terrorists.

□ 2320

The demands were too large in scope, and they were too unreasonable in nature. So it was basically a waiting game. Day one passed, day two passed and then day three came.

Now, perhaps there is a lot of second guessing that has been going on about the effort surrounding the school and acts that should have been taken, but I can tell you, Mr. Speaker, our delegation was talking to a father who had his two children in that building when they obviously had been killed. We are told that it arrived on the scene within a matter of hours after the siege occurred.

So this was not some sanitized message being given to us by Russian authorities. This was an elected official, the Speaker of the Russian parliament, but it was also the father of two young children in that school. In fact, the Speaker himself had attended that school as a child, and his two older children also attended that school.

It was on the third day, Mr. Speaker, when a sense of frustration came upon everyone, those that were trapped inside the building and those around the building, the parents outside who were witnesses to the uglier reality of having to do anything possible to end the siege, to get their children out. Fathers that were outside were screaming that something had to be done.

Then an explosion occurred. The explosion was in this school, and while it has not been fully determined as to the origin of the explosion, the initial thought by those outside, including the Speaker of the Duma, was that the explosion occurred because there was some movement of ammunition inside. When the explosion occurred, it set off a flurry of activity. Gunshots started to ring out, and family members on the outside of the school started to rush in. They were rushing in because they saw it as an opportunity to save their children, as over 1,000 children and adults were still in this complex.

The terrorists then responded by firing automatic weapons and gunning down the adults that were trying to get in. That explosion led to additional explosions, fires, and in matter of a short period of time, the entire gymnasium and center area of the school was an inferno.

Children on the inside started running out. Young children, 6-, 7-, 8-, 10-years-old, and the terrorists who were standing at windows, who had come outside, started firing at will at the backs of these young children, hitting some in the back of their head, others in their back and their legs. Children started to fall all over the schoolyard area.

At the end of the siege, Mr. Speaker, 31 of the 32 terrorists were killed. One terrorist was captured and is currently in the control of the authorities. I am not sure whether it is in Beslan or in Moscow.

This terrible incident had come to an end. The carnage was unreal. Immediately attempts were made to take those that were most severely burned to the local hospital, which we visited and were servicing a small town, not capable of responding to hundreds of injuries, hundreds of rifle shots, of wounds, of burns, that were far beyond the capability of this small-town hospital. In fact, the chief medical person at the hospital, whom we met when we visited the hospital after stopping at this school, told us that they treated some 8- or 900 individuals who had suffered as soon as possible, within hours, they began flying them out to hospitals in neighboring cities and the most severely injured to hospitals as far away as Moscow where they are still located.

Mr. Speaker, as I reflect on the story and saw the visual realization of what this school was and imagined what it was before this incident to a community that shared the pride of the education of its young, we just were overcome with emotion. In my case, being a teacher by profession, I could not imagine the feeling on opening day of school to have terrorists surround the building and to herd the students into the building.

And in fact, Mr. Speaker, as we listened to the Speaker of the Duma finished explaining to us the details of what had occurred, we walked solemnly over to the entrance of the school.

We had prepared a special wreath, Mr. Speaker, a wreath that was red, white and blue, with a ribbon saying, "In Deepest Sympathy, from the Congress of the United States." We were carrying with us, Mr. Speaker, an American flag that we had flown over the Capitol the day before we left to present to the people of Beslan as a symbol of our friendship, as a symbol of solidarity between the American people and the Russian people in the fight against terror.

The three of us solemnly walked behind this floral bouquet as it was carried toward the center of the building. We followed the floral bouquet in. They carefully placed it right next to a pile of literally hundreds of flowers. Mr. Speaker, in a sight that I can only describe as unbelievable, there were hundreds and thousands of bouquets. The people of Beslan’s a poor community. Many of the family members could not afford to buy flowers, and yet all of them knew that those children and those parents and grandparents had been denied what we believe is the right to freedom. So the people of Beslan brought bouquets, bouquets, bouquets. There were also Teddy bears and stuffed animals and the favorite toys of students who would never again be able to use them.
September 22, 2004

CONGRESSIONAL RECORD—HOUSE

H7433

Following the setting down of the flowers, and again, the thoughts and prayers of the members of Congress, I opened up the American flag and asked my colleagues to join with me in presenting that flag as a symbol of the friendship of the U.S. Congress and the people of America to the people of Beslan, the people of North Ossetia and the people of Russia.

I have been to a lot of disasters, Mr. Speaker, during my 18 years in Congress and my career because, as many of my colleagues know, I have worked on the issues involving disasters. In fact, before coming to this body I used to be a volunteer fire chief.

I have been to earthquakes, hurricanes Andrew and Floyd, the wildfires in California and Oregon in the West, the Midwestern floods, the Murrah Building bombing with Chief Marrs, the World Trade Center in 1993 and the World Trade Center in 2001. They were all incidents of significant emotion, loss and intense tragedy, but the human suffering. But I can tell you in standing in this school, looking up at the basketball backboard that had been severely burned, looking at the scorched walls, seeing the evidence of where young people used to play and seeing hundreds and thousands of bottles of water placed all around this complex and still smelling this terrible smell of fire and death, I was very difficult for us to provide remarks. In fact, all three of us had difficulty in getting through our statements.

As we spoke to the people of Beslan who had assembled there with us, in front of the TV cameras from throughout Russia who were recording our visit, but very simply, we told the story of the feelings of the American people, their anger at what had happened at this school, their frustration in dealing with terrorists, who have no regard for human life and especially the lives of innocent women, grandparents and children.

We told the Russians one very simple thing, Mr. Speaker, that on this day we were not Russians nor Americans. We were human beings who were standing together to tell the terrorists, the cowards that they are, that we would not stand for these kinds of actions, whether they would be in downtown Baghdad, whether they would be in the streets of Moscow, the streets of New York or Oklahoma City or the streets of a small town like Beslan. We told the Russian people that we were there expressing the sense of the United States Congress, that we shared their grief and we stand with them in solidarity.

□ 2330

I can tell you, Mr. Speaker, that there was a feeling in that school among the family members that were there of deep appreciation that the American Congress knew taken the time to go to Beslan. We were the first and, to my knowledge, the only Americans that were allowed into Beslan to visit the school. Our ambassador would visit the North Ossetia office the day after we arrived in Beslan to express the condolences of the American people on behalf of our State Department. In fact, Mr. Speaker, we wondered why it had taken 21 days for our ambassador in Moscow to make that trip to the North Ossetia embassy.

As we left the school and reflected upon what we had seen, we boarded the bus and asked to be taken to the local hospital. And there in the hospital we boarded the plane to meet with the chief psychiatrist who was brought in from Moscow and the chief medical leader of this hospital in Beslan about how they attempted to deal with these overwhelming casualties.

Then we talked about the kind of treatment that the patients were currently receiving, both in that hospital, the hospitals around Russia who had taken other patients and about the offerings of support from all over the world. We talked to you, Mr. Speaker, and to our colleagues, every place we went on that trip we heard from the people of Beslan that the people of America responded in an unbelievable way.

In fact, it was the speaker of the parliament and the mayor of the city who told us that, within hours, there was a planeload of supplies coming into his community from the people of America. It included health care needs. It included the kind of special beds and pharmaceuticals, from a Nation that had also suffered a very significant incident, responding to the needs of the people of Russia.

As we went through the hospitals, we talked with some of the patients. We talked to the nurses. We thanked the doctors. And then we stopped in a room with youngsters who were suffering from post-traumatic stress. I told the young girl who was in the sixth grade that I was going to talk to her college. I taught sixth grade, and we talked about some common issues I knew she would have with sixth graders from America. I asked her if she had access to e-mail, and she said she could send the e-mail from Beslan to the school or the local library. I asked her to e-mail my office so I could link her up with students of a similar age back in America.

Again, the medical personnel in that hospital were working under unbelievable circumstances, and they were doing a fantastic job to get supplies to those families, to those affected to deal with these overwhelming casualties.

As we arrived at the airport, we heard the briefings from both the chief of the North Ossetia embassy. And there in the hospital we had a press event with the media and I presented to him, Mr. Speaker, the framed resolution that our colleagues in this body had unanimously passed 5 days earlier. That document, in fact, was signed by the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), on behalf of all of us, Democrats and Republicans, who voted unanimously to express our solidarity in the suffering of the Russian people and those families impacted at Beslan.

We had discussions with the President about ways in which we could assist. We told him our burn foundations in America had offered assistance with burn treatment. We told him many of our people wanted to help with the monument being built at the grave site and the school.

And I might add, Mr. Speaker, what the speaker of their parliament told us was that, when that monument is completed on the 40th day of mourning, which is the official mourning period in Russia, and that monument is dedicated to the memory of the victims, that American flag that we handed them that flew over this Capitol building, will be raised with the Russian flag and the North Ossetia flag, because of their thanks and their gratitude for the friendship that we showed them, again, in their darkest hour.

We also discussed with the president other steps that we could take together as two nations fighting terrorism. We talked about the need to go after the terrorists, as President Bush and President Putin have been doing over the past several months and years. And then we followed up a dialogue we had had in Moscow with Duma Deputy Kim, Chairwoman who is a friend of mine, chairs one of the key committees in the Duma. The vice chairman of that committee is Deputy Lebedev, and we discussed with our North Ossetia leaders and the president our desire to host a conference in Moscow and we discussed with Mr. President, Mr. Speaker, the late 2005, joint conference of Americans and Russians on the issue of homeland security and anti-terrorism.
It was somewhat ironic, Mr. Speaker, that the Monday before I left for Russia, I was in New York giving the opening speech to a homeland security conference attended by 3,000 people at the Javitz Center. That conference on homeland security also had Asa Hutchinson in attendance and scores of other people from the leadership of our own Homeland Security, on what we are doing to defend America from the threats of terrorism and the protection of our homeland.

Mr. Speaker, 260 corporations were exhibiting at that conference, which was put together by one of the largest conference organizers in America, EJ Krause. I talked to the EJ Krause folks before I left for Moscow, and they have agreed to organize the conference that we together will put on in Russia so that we can show a joint strategy, joint use of technology and a joint commitment to terrorism together.

Mr. Speaker, we left the president, went back to Moscow, continued our meetings and discussions, and I can tell you that every one of our colleagues in this chamber needs to know that the people of Russia were extremely pleased by the actions this Congress took. It was important for us to show solidarity with the Russian people because there has been some turmoil between our countries over the past several years.

And, Mr. Speaker, that leads to the second reason of my special order tonight and another reason why I felt it was important to make the statement that I did, to know that the people of Russia are extremely pleased by the actions this Congress took. It was important for us to show solidarity with the Russian people because there has been some turmoil between our countries over the past several years.

There have been some who have been advocating that America should move away from Putin and Russia, that because President Putin, partly in response to terrorism, partly for other reasons, has clamped down on the media, has in fact recently passed new provisions that will limit the role of the people of Russia to elect their own governors, that they reduce the number of political parties from the current number to approximately two or three, similar to what we have in America; there are even those colleagues in this body, in both parties, good friends of mine who I hold in high respect, who have written to our colleagues that we should deny Russia access to the World Trade Organization, that we should punish Russia because of these anti-democracy actions.

Mr. Speaker, I am convinced that those actions would be the worst steps that we could take right now. Now is not the time for us to move Russia in another direction. Now is the time for us to bring Russia back, to give Russia perhaps what we have not given them over the past 12 years since they threw off communism.

Mr. Speaker, in looking at our relationship with Russia, I was very critical of the previous administration because I felt we did not have a consistent policy with Russia. We were talking a good game, saying all the right things, but there was not a follow-through in terms of implementation.

We had the radical nationalists in Russia back in the 1990s saying that America does not want to be our friend; you watch, they will move NATO up to our borders, they are going to threaten us; you watch, they will abrogate the ABM Treaty; they want to dominate us.

Watch, they do not want us to be involved. They are going to steal our money and our assets. They want to use us. That was what the radical nationalists in Moscow said back in the early 1990s. Urubumovsky and that is what Zyuganov said. But many in Russia were pro-West, and they said, no, we are going to continue to move closer to America because America is the model that we want to work with.

But I think back, Mr. Speaker, over the past 12 years. We did move NATO up to Russia’s borders, and I supported that. But we handled that miserably. We did not take the time to have the Russians understand that the movement of NATO to its borders was not to threaten or intimidate Russia, but rather to build a new sense of security and that one day, one day, Russia itself might be able to join NATO. And with the ABM Treaty, Mr. Speaker, who offered the missile defense bill in 1998 that passed with a veto-proof margin, not because I wanted to dominate Russia, but when I took Don Rumsfeld and James Woolsey and Bill Schneider to Moscow the weekend before the vote on my bill, we told the Russians our concern is with North Korea, our concern is with Iran, our concern is with China, who were all developing long-range missiles that we have no defense against.

But, Mr. Speaker, from the Russian perspective in 1995 and 1996, we had one joint missile defense program with Russia called RAMOS. The Clinton administration tried to cancel it. Senator Levin and myself and a group of other Members in both parties and both bodies fought the administration, and we won. We kept that joint cooperative program together. But the Russians saw the handwriting on the wall: America does not want us to be partners in defending our people. They really were not sure they were convinced, and perhaps some still are, that that was our purpose in moving away from the ABM Treaty.

And then we bombed Serbia, perhaps Russia’s best friend and ally, the Serbian people. We all wanted Milosevic out. But instead of using Russians to help us get Milosevic out of power, we went to NATO instead of the U.N., and then NATO went into Kosovo, invaded Serbia and killed innocent Serbs. It was not until several months after we realized we could not get Milosevic out by bombing Serbia, by bombing innocent people, that Russia had a role to play. And it was, in fact, Russia through the special envoy of President Yeltsin and Victor Chernomyrdin that we were able to reach an agreement to end the war on the terms of the West, again with Russia’s involvement at the 11th hour.

The Russians saw through all of this, and they said America does not want to be our friend. And then we had President Clinton on a number of occasions say that we should lift Russia out of the restrictions of Jackson-Vanik. President Bush has made at least ten statements over the past 4 years that Russia should not be subjected to Jackson-Vanik consideration any longer. Mr. Speaker, Jackson-Vanik restrictions were placed on the Soviet Union because back in the Soviet Union was persecuting Jews. The National Council of Soviet Jewry led that effort. I supported that effort because back in the Soviet era I used to meet with the Soviet Jews in Moscow who were being persecuted by the KGB and by Russia’s leaders.

But in 2004, in 2000, in 1998, the persecution of Soviet Jews was largely ended. In fact, Mr. Speaker, I went to all the Jewish groups last August, and I asked will they send me a letter expressing their interest in elevating Russia out of Jackson-Vanik, and all the major Jewish groups in America did, Mr. Speaker. They sent me letters, JINSA, the National Council of Soviet Jews, ADL, AIPAC, all saying. We no longer think that Russia should be held captive by Jackson-Vanik.

I went to the administration, and some of those people under President Bush who did not quite get his message said it is a trade issue, it is about poultry or steel. So I went to our colleagues who are Chairs of our trade committees, the gentleman from California (Mr. Pombo), the gentleman from Ohio (Mr. Boehner), and the gentleman from Virginia (Mr.悲哀), and the three of them sent a letter to me saying that they too supported elevating Russia out of Jackson-Vanik. So, Mr. Speaker, here we had the support of leaders in this body on issues involving Soviet Jewry, on trade issues saying they support elevating Russia out. We have the President of our country demanding we do it. And we still have not done it.

So the Russians look at us and say our words are good, but their actions are good. The actions of the authoritarian efforts that we have seen rising up in Russia over the past several weeks and months.
Mr. Speaker, we need Russia. We need Russia to be a partner of ours, why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.
will give us a series of initiatives that will give President Putin and the Russian people a clear signal that finally we want to be their close friend and partners it is a simple strategy. It builds on successes of the past and deals with issues that we have talked about before.

The four strategies are fairly simple, Mr. Speaker. It calls for us to terminate Jackson-Vanik limitations on Russia, as our President has called for. We can pass that resolution in this body and the other body under a suspension.

It calls for a new threat reduction initiative using a new process to get entry into President Putin that we have been working on for 2 years that will allow us to reduce the threat and corruption of American tax dollars and will give us access into sites we have never had access to before.

Last August I took two members of the other side with me to the closed city of Krasnodar on August 26, within a week of having our Defense Department, no help from our Energy Department and no help from the CIA. We went in the mountain where the Soviet Union built their first plutonium producing reactors.

We met in Moscow, and our Russian counterparts said if you follow this new process, you get access to any site in Russia you want.

Today, Mr. Speaker, I have proposals signed by the Russians for six new biological weapons sites that they want to open up for American joint cooperation. I handed those six initiatives in both Russian and English to John Bolton the day I left for Moscow last week. The Russians do want to work with us in a new way, a new way of trust and confidence in solving problems with weapons of mass destruction.

The third element of this plan, Mr. Speaker, calls for substantive work on joint missile defense cooperation. President Bush has called for this repeatedly, publicly. The question is, why have we not done it? The answer is, the Defense Department told me they could not get a meeting with General Baluyevsky, who is now the three star general Baluyevsky, in a business suit, talked with General Oberyng and began a dialogue that we could not get for a year on missile defense cooperation.

Two weeks after we left Moscow, President Putin relieved the chairman of our Joint Chiefs of Staff, General Kvasnin, and replaced him with General Baluyevsky.

The fourth item in this initiative, Mr. Speaker, calls for the announce-ment of the U.S.-Russian free energy trade agreement, but free energy trade agreement. We have significant energy needs. Russia has significant energy reserves. They are trying to get their energy to the marketplace, we want to use that energy and need it.

What I am calling for, Mr. Speaker, is an equivalent relationship similar to Gore-Chernomyrdin in the previous administration between the two presidents of our countries, so that Putin and President Bush can have regular meetings on energy, with our energy leaders, private sector and government, and push this agreement.

I am convinced, Mr. Speaker, if we follow these actions, if the President takes the bold leadership that is outlined in this document, then we will have the leverage for President Bush to go to President Putin and say, ‘Vladimir, you are going too far in your actions in providing automatic rule over your country. Allow democracy to survive, to grow and prosper. Vladimir, I need your help in allowing us to deal with Iran. Help us deal with the problem of the Busher nuclear power plant, because if we do not deal with that power plant, Israel will eventually try to take it out because they see it as a nuclear threat to their security.

Mr. Speaker, now is the time for us to join with Russia, to be Russia’s best friend, to be Russia’s partner; to hold Russia accountable, to talk about human rights. But to do it in a way that Russia understands is in our mutual interest, not a condescending approach where we simply orders in Russia as we have done in the past, and tell Russia to do what we have outlined for them.

Mr. Speaker, I am convinced nothing is more critical. The timing is right, and we must act quickly.

Mr. Speaker, I include for the RECORD these documents.

U.S.-RUSSIA PARTNERSHIP—RENEWED COMMITMENTS, STRENGTHENED RELATIONSHIPS, AUGUST 2004

INTRODUCTION

Long before Perestroika, Gorbachev and the fall of the Soviet Union, I developed a deep interest in U.S.-Russian relations. The Soviet Union, an enemy of the United States, demonstrated its strength and intent to protect its country by producing massive stockpiles of nuclear and biological weapons. This tension between two countries led me to major in Russian Studies, believing that one day, our relationship would change and the United States and the Soviet Union would normalize. As a young communist, I hosted my first group of young communists in Pennsylvania in 1985. This relationship, forged 19 years ago, has gained its strength and we are now further to increase a larger circle of Russian citizens. I take great pride in my efforts to reach out and establish a solid base of understanding and cooperation for the people of Russia and the surrounding former Soviet republics.

For the past 10 years, I have co-chaired the Duma-Congress Study Group, the official inter-parliamentary relationship between the United States and Russia. This exchange plays a vital role in strengthening our relationship with Russia. The overriding purpose of this relationship is to demonstrate to the Duma and its leaders how an effective inter-parliamentary relationship can lead to positive changes in both our countries. Today, Members of Congress and their counterparts in the Duma on common interests such as the environment, health care, social and economic issues in strengthening and a working relationship. We are then able to confront more difficult issues such as missile defense, non-proliferation, Iran and other multilateral relations.

Three years ago, I unveiled a comprehensive plan to cooperate with Russia on eleven different issues ranging from defense and security to agriculture and healthcare. This plan, 'A New Time,' was widely supported in the U.S. and Russia. However, recently, I have watched Russia lose confidence in the United States and move further away from the West. The start of Russian distrust in the United States began shortly after the fall of Soviet communism. Russians believed that with the break up of the Soviet Union, prosperity would soon follow. Instead, in 2001, $4.08 billion of U.S. foreign direct investment flowed into Russia while in 2001, Communist China received $5.83 billion of U.S. direct investment. This was the first of many negative messages the U.S. sent to Russia.

Additionally, Russians are still bitter over our handling of the war in Kosovo. Russia believed we could have, and should have stopped that war much earlier. In fact, instead of ignoring Russia’s relationship with Yugoslavia, we should have encouraged Russia to play a more aggressive role in peacefully removing Milosevic from power. It was not until one year after we began the bombing that we finally requested Russia’s assistance.

Furthermore, when news of the biggest money laundering scandal broke in late 1999, the Clinton Administration ignored the threat of billions of U.S. dollars being stolen by Russian citizens. The Russians watched as the oligarchs, including some with close connections to President Boris Yeltsin, lined their pocketbooks. The United States allowed the Bank of New York scandal and continued to protect the Clinton-Yeltsin relationship.

The September 2000 Speaker’s Advisory Group on Russia concluded that both Russian government agencies and private entities were directly involved in at least 26 transfers of proliferation to such states as Iran and Iraq. Instead of sanctioning Russia, the Clinton Administration continued to rely on personal assurances from its small cadre of contacts in the Russian government.
The Clinton Administration’s willful blindness to Russian proliferation produced immense damage to our relationship with Russia. Our policy under President Clinton was based on a false premise that the Russian people were not matters of Russian interests. During the Administration, tens of thousands of young Russians were outside the American embassy in Moscow throwing paint, firing weapons at our embassy and burning the American flag. In fact, the Department had issued travel advisories to Americans traveling to Moscow because the hatred for America had grown so great in such a short period of time that the Russian people were adamantly opposed to any American in their country.

To repair our relationship, I have developed a new approach to improve our relationship with Russia that builds upon the recommendations in A New Time, A New Beginning. The four initiatives in this proposal are not new to Russia, but in a relationship where we believe we have reached a crucial juncture, they are programs that could easily re-gain Russian support and trust in the United States if implemented in the short term. The U.S. and Russia can work not only on security concerns, but for international stability. In that regard, I firmly believe that the key to stabilizing the situation in Iraq lies in improving our relations with Russia. It is no secret that Iran continues to fuel the hatred for America had grown so great in such a short period of time that the Russian people were adamantly opposed to any American in their country.

To repair our relationship, I have developed a new approach to improve our relationship with Russia that builds upon the recommendations in A New Time, A New Beginning. The four initiatives in this proposal are not new to Russia, but in a relationship where we believe we have reached a crucial juncture, they are programs that could easily re-gain Russian support and trust in the United States if implemented in the short term. The U.S. and Russia can work not only on security concerns, but for international stability. In that regard, I firmly believe that the key to stabilizing the situation in Iraq lies in improving our relations with Russia. It is no secret that Iran continues to fuel the hatred for America had grown so great in such a short period of time that the Russian people were adamantly opposed to any American in their country.

To repair our relationship, I have developed a new approach to improve our relationship with Russia that builds upon the recommendations in A New Time, A New Beginning. The four initiatives in this proposal are not new to Russia, but in a relationship where we believe we have reached a crucial juncture, they are programs that could easily re-gain Russian support and trust in the United States if implemented in the short term. The U.S. and Russia can work not only on security concerns, but for international stability. In that regard, I firmly believe that the key to stabilizing the situation in Iraq lies in improving our relations with Russia. It is no secret that Iran continues to fuel the hatred for America had grown so great in such a short period of time that the Russian people were adamantly opposed to any American in their country.

To repair our relationship, I have developed a new approach to improve our relationship with Russia that builds upon the recommendations in A New Time, A New Beginning. The four initiatives in this proposal are not new to Russia, but in a relationship where we believe we have reached a crucial juncture, they are programs that could easily re-gain Russian support and trust in the United States if implemented in the short term. The U.S. and Russia can work not only on security concerns, but for international stability. In that regard, I firmly believe that the key to stabilizing the situation in Iraq lies in improving our relations with Russia. It is no secret that Iran continues to fuel the hatred for America had grown so great in such a short period of time that the Russian people were adamantly opposed to any American in their country.

To repair our relationship, I have developed a new approach to improve our relationship with Russia that builds upon the recommendations in A New Time, A New Beginning. The four initiatives in this proposal are not new to Russia, but in a relationship where we believe we have reached a crucial juncture, they are programs that could easily re-gain Russian support and trust in the United States if implemented in the short term. The U.S. and Russia can work not only on security concerns, but for international stability. In that regard, I firmly believe that the key to stabilizing the situation in Iraq lies in improving our relations with Russia. It is no secret that Iran continues to fuel the hatred for America had grown so great in such a short period of time that the Russian people were adamantly opposed to any American in their country.

To repair our relationship, I have developed a new approach to improve our relationship with Russia that builds upon the recommendations in A New Time, A New Beginning. The four initiatives in this proposal are not new to Russia, but in a relationship where we believe we have reached a crucial juncture, they are programs that could easily re-gain Russian support and trust in the United States if implemented in the short term. The U.S. and Russia can work not only on security concerns, but for international stability. In that regard, I firmly believe that the key to stabilizing the situation in Iraq lies in improving our relations with Russia. It is no secret that Iran continues to fuel the hatred for America had grown so great in such a short period of time that the Russian people were adamantly opposed to any American in their country.

To repair our relationship, I have developed a new approach to improve our relationship with Russia that builds upon the recommendations in A New Time, A New Beginning. The four initiatives in this proposal are not new to Russia, but in a relationship where we believe we have reached a crucial juncture, they are programs that could easily re-gain Russian support and trust in the United States if implemented in the short term. The U.S. and Russia can work not only on security concerns, but for international stability. In that regard, I firmly believe that the key to stabilizing the situation in Iraq lies in improving our relations with Russia. It is no secret that Iran continues to fuel the hatred for America had grown so great in such a short period of time that the Russian people were adamantly opposed to any American in their country.
Since 1992, the United States and Russia have engaged in a series of cooperative threat reduction programs, commonly referred to as Nunn-Lugar programs. Primarily, this cooperation has focused on reducing the threat posed by the theft and proliferation of nuclear weapons and materials. Some successes have been achieved, but the current programmatic approach to this daunting challenge has in some cases been bogged down in a maze of bureaucratic missteps and a flagging sense of urgency. In other cases, programmatic implementation has been slowed by bilateral disputes over tax and liability.

This new initiative addresses a topic of heretofore—limited bilateral cooperation—programmatic work to enhance the security at Russian biological sites that hold dangerous pathogens of interest to rogue states or terrorist groups—and also proposes a new cooperative model for implementing this work. Central to the success of this initiative is the cooperation of Russian authorities that control access to these facilities. Reflecting internal concerns about the pace and success of cooperative threat reduction programs with the United States, the Russians established an interagency group, the International Expert Group on Security, to receive security, military, security and political officials, whose goal is to find solutions to the bureaucratic obstacles that have plagued existing programmatic efforts. Known as the International Exchange Group (IEG) within Russia, as a sign of its bona fides and influence within the Russian government, IEG has presented to U.S. officials a list of 89 biological facilities as candidates for security enhancement work.

Recognizing the challenge and expense of working at such a large number of sites, the IEG has proposed a pilot project that would encompass work at six biological sites, including Biopreparat, the military's leading producer of biological pathogens. The IEG has contracted official agreements with all six facilities. These sites would have to be assessed carefully by U.S. experts to determine the amount of funding the IEG would contribute to these site projects. Funding for this project could be made available through funds existing within the Department of Defense's Cooperative Threat Reduction Program.

In addition to the national security benefit of securing hazardous biological pathogens, the pilot project would have two innovative programmatic elements. The first is that the Russian side would commit its own “up-front” funding to begin the projects. The IEG would expect U.S. funding to be made available only at the end of successful projects. Funding for this project could be made available through funds existing within the Department of Defense's Cooperative Threat Reduction Program.

During the Cold War, the Soviet Union presented the United States with a clear and identifiable threat to our national security. For decades, the Soviet Union developed massive stockpiles of nuclear, chemical and biological weapons. With the fall of the Soviet Union, the United States, working in cooperation with Russia, eliminated and secured these weapons of mass destruction. However, the United States and Russia still face threats from some of the same agencies that were engaged in activities to develop and produce weapons of mass destruction. These agencies are currently in the process of modifying their programs to produce weapons of mass destruction. The IEG proposal would incorporate the best practices that have been developed in the United States and globally to secure nuclear materials from vulnerable sites around the world. The IEG proposal would be a significant step forward in the effort to secure these facilities.

The Teller-Kurchatov Alliance for Peace, as included in the National Defense Authorization Act for Fiscal Year 2005 (H.R. 4200), should immediately be enacted to award scientists employed at the Kurchatov Institute of the Russian Federation and scientists employed at Lawrence Livermore National Laboratory, international exchange fellowships in the nuclear nonproliferation sciences. Awarding this program to the Russian Federation, would promote peaceful uses of nuclear technology and provide opportunities for advancement in the field of nuclear nonproliferation. Scientists who, as demonstrated by their academic or professional achievements, show particular promise of making significant contributions in this field, the United States and Russia would cooperate to establish an overall initial estimate of $10 million to begin the projects. The funding should be subject to Russian tax.

A number of independent states of the former Soviet Union have been helpful to the United States in our efforts to reduce threats. Such states are new and struggling democracies and would benefit considerably from assistance to create sustainable jobs for their unemployed scientists. Engineers and technicians who were formerly engaged in activities to develop and produce weapons of mass destruction for the Russian Federation or its counterparts in the former Soviet states would establish and promote programs that prevent the proliferation from scientists, engineers and technicians of the former Soviet states with potential for proliferation, development and production of weapons of mass destruction. The Teller-Kurchatov Alliance for Peace, as included in the National Defense Authorization Act for Fiscal Year 2005 (H.R. 4200), should immediately be enacted to award scientists employed at the Kurchatov Institute of the Russian Federation and scientists employed at Lawrence Livermore National Laboratory, international exchange fellowships in the nuclear nonproliferation sciences.

Currently, a government-to-government agreement must be in place to serve as a framework for any industry cooperation on missile defense cooperation. Regular meetings and discussions between cooperative governments are ongoing and contributing to this framework agreement. These discussions should also review U.S. and Russian export control and liability policies in order to normalize the trade relationship.

Addition of potential areas of missile defense cooperation that may be beneficial to the two nations include targets, radars and sensors.

Early Warning Systems—Both the United States and the Russian Federation have space-based Early Warning Systems (EWS) and long histories of development therein. A major new thrust could be established for missile defense system to detect launches much earlier than provided by current EWS capabilities. This is important to support the phased attack intercept of the Interceptor MDMS where alert and launch of interceptors with in tens of seconds of the threat missle ignitiion are extremely valuable to the operational concept.

Currently, an initiative exists that is ongoing within the Missile Defense Agency development. With the threat to the United States, the United States and Russia have engaged in a series of cooperative threat reduction programs with the United States, working in cooperation with Russia, eliminated and secured these weapons of mass destruction. However, the United States and Russia still face threats from some of the same agencies that were engaged in activities to develop and produce weapons of mass destruction. These agencies are currently in the process of modifying their programs to produce weapons of mass destruction. The IEG proposal would incorporate the best practices that have been developed in the United States and globally to secure nuclear materials from vulnerable sites around the world. The IEG proposal would be a significant step forward in the effort to secure these facilities.

Russian assistance in these areas as sharing data from target acquisition radars, currently unavailable to the Missile Defense Agency, would address one of the information gaps in the system's current configuration.
warning radars, located along the Russian southern border looking toward Middle East and Southwest Asia threats, is critical to both nations. UHF technology is globally widespread and in a category of technology considered exportable. Early warning data alerting our two governments of a Middle East threat would go to a Russian satellite, and it could go to a third site that would then pass the early warning data to both countries.

Sensory A great deal of attention is being paid by Homeland Security and the Defense Agencies to detect the presence of Special Nuclear Material or nuclear weapons at points of entry, or assemblages clandestinely here at home. However, once a nuclear weapon or a dirty bomb has been detonated or a successful disastrous attack on a nuclear facility made, the most pressing problem remains of defining the contaminated areas for evacuation and subsequent decontamination. The better and more quickly the delineation of the dangerous areas can be accomplished, the sooner the civilian population can be rescued and their fears alleviated and the more quickly the decontamination can proceed with protection for the clean up crews.

Present technology depends in large part on the use of detectors that are sensitive to the gamma-ray and beta-ray emissions from fission or fission products. These detectors require that they be used within the irradiated region that could produce radiation effects. The measure of the path of the gamma rays, however, is not sufficiently long enough to permit the use of a gamma sensor from remote platforms such as a high-flying helicopter or UAV that could provide a rapid assessment of the situation and mapping of the affected areas.

Lifted from remote sensors, made a number of years ago, showed that the radioactive decay products (alpha, beta and gamma rays) cause the atmosphere to fluoresce principally in the ultraviolet (UV) and to a lesser extent in other regions of the spectrum. Using this phenomenon it is possible to measure and localize the UV emission from these radiations remotely on the ground or from aircraft or a UAV.

The Russians have demonstrated expertise in ultraviolet sensors under the RAMOS program, which are ongoing initiatives with the Russian nuclear community for Threat Reduction. The United States and Russia should broaden and fuse these capabilities into a system for remotely and mapping of radiological contaminants.

Measurements and modeling of the visible/ infrared signatures (spectral, temporal, and spatial) of Russian missile plumes is a near term project that could be placed under the RAMOS umbrella. Of particular interest are data taken on plumes of the Russian rocket motors and technologies that have been previously exported or copied by third world countries. In addition to the tests of Russian launches, there is also interest in observing static tests.

The key to forging a U.S.-Russian missile defense alliance is now, before U.S.-Russian relations deteriorate further. Even the most modest proposals and programs already under way should be viewed as reforming a still adversarial relationship between Washington and Moscow. Current discussions between the Department of Defense, the Missile Defense Agency, and Russian officials should continue to provide a strategy to evaluate the feasibility of increasing technical cooperation with Russian military industry on mission-critical systems such as the Russian S-400 and S-500. These cooperative opportunities would benefit Russia through a long-term relationship and direct involvement in the U.S. BMDs as well as significant Russian industry involvement and monetary benefits.

ENERGY

Russia, with its vast oil and gas resources, a growing and diverse number of private sector companies and a renewed commitment to investment by international energy companies, offers a unique opportunity to provide energy stability to an often volatile and insecure world energy market. Working with Russia, the U.S. can play a critical role in supporting the efforts of the resource-rich countries of the former Soviet Union. In a time of historically high crude oil and natural gas prices, the United States and Russia must work together in an effective energy partnership. Both the United States and Russia have emphasized the importance of energy in the bilateral relationship, and have sought ways to encourage trade and investment, but the results of their actions have not been sufficient. Russia’s vast energy resources have not flooded the United States market.

Russia’s energy sector is at full capacity, unable to export greater amounts of oil and gas. Increasing Russia’s oil and gas exports will require significant investment in exploration, production and transportation to increase total system capacity. Large-scale direct investment by United States companies can take advantage of abundant inputs of technology and management, and in the Russian energy sector is vital in order for Russia to substantially increase its energy output for the benefit of the United States and Russia. American energy company investment in the Russian energy sector will improve Russia’s economic development and political stability, while at the same time supply the United States with additional oil and gas, thereby enhancing energy security by decreasing dependence on the Middle East.

While Russia’s foreign direct investment has increased, it remains far below its potential. Russia’s government policies, regulations and practices still make American investors wary of its uncertain business environment. United States companies require a greater degree of security from their investments in order to invest further in their human, technical and financial capital in Russian energy markets. Numerous American companies have struggled with Russian entities over asset ownership and appropriate taxation.

If Russia seeks to encourage foreign investment, it must create a transparent business environment. The United States and Russian government must take action, simultaneously, so that United States companies will have the confidence and invest in Russia’s energy market.

A. Asset Ownership and Taxation.—Despite financial incentives, such as the United States tax code, numerous guarantees to American exporters of oil and gas equipment to Russia and Overseas Private Investment Corporation (OPIC) insurance and financing, the Russian energy sector, the United States government must provide further incentives to encourage greater investment in Russia such as relaxing the foreign tax code. Over the decades, there have been few major changes in the structure of the United States international tax system. Reducing the relative attractiveness of the U.S. would increase the extent to which American companies invest abroad. Policy options include the foreign tax credit’s limitation and deferral, the use of the dividend equivalent rule, the income tax on reinvested earnings, and for Russian energy investment, exempting all income from Russian energy production, or at least providing a substantial reduction in the tax rate on repatriated earnings, and implementing tax sparring for Russian, and especially the former countries of the Soviet Union.

For Russia to recognize its potential, both Russian and non-Russian investors must have confidence that, when disputes arise, a stable legal framework will fairly and impartially enforce the rules applicable to their operations and honor their agreements. In addition, a banking system capable of providing the funds to finance this growth must exist. By creating a joint United States-Russian Energy Bank similar to the World Bank, European Development Bank or International Monetary Fund to help the United States, Russia and former countries of the Soviet Union, could create a positive investment environment and produce long term development of the energy sector in Russia. At least, during the appropriation process, Congress must encourage that funds appropriated to these development banks be used in energy projects in Russia and the former countries of the Soviet Union.

Russia also needs to clarify and fix either the tax scheme under which new exploration and production would be divided a Production Sharing Agreement. United States energy companies need to be able to quantify their potential outcome prior to investing. A new exploratory analysis to determine their interest in exploring a given area.

B. Improve Russia Production Capabilities.—Russia’s ability to transport and export oil and gas is significantly below its production capabilities. In 2004, Russian oil exports will expand almost 12% over the 250 million barrels exported in 2003. However, in the following two years, exports will increase only 3% annually because of the existing pipeline system is unable to pump greater quantities of oil. The Russian government must define the rights of investors in private pipelines so that outside investment can construct additional major pipelines to increase output. Currently, energy transportation out of Russia is controlled by the Russian government which may restrict capacity. United States companies should open transportation capability to non-Russian entities and the Russian government investing in Russia may determine allocating capacity.

Russia should also remove the government requirements that all operators allocate 20% of new production to the domestic market at a significantly lower price than the true market price. This would enable new production, since currently an estimated 65% of all production is sold at such a discount. The Russian government could become economically indifferent when an appropriate tax scheme is defined at the outset of the agreement.

Additionally, if Russian companies aspire to become global leaders in the oil and gas production market, the U.S. can assist Russian oil companies to develop their resources, shift their products to the United States market and help advance and solidify Russia’s integration into the international energy economy. U.S. companies can offer the technical capability, the access to capital and the international expertise to Russia. Furthermore, the United States can provide Russian companies adequate storage at refineries and ports. Old U.S. military bases, now used to store oil, could provide the storage and security for energy imported from Russia.

C. Commercial Energy Dialogue.—The foundation for energy cooperation between Russian and Putin’s 2002 United States-Russia Commercial Energy Dialogue must continue to be
build upon, but at a faster pace. The U.S. Department of Energy and the Russian Ministry of Atomic Energy should continue to convene annually with U.S. and Russian agencies, intergovernmental organizations, universities and academic institutions and identify areas of further cooperative efforts and potential areas for new collaborations.

While this dialogue is committed to pursuing new energy opportunities by fostering closer relations between educational and professional institutions and resolving current trade and administrative disputes, the commission should also review immigration and other policies practiced by the U.S. and Russian agencies granting visas for energy sector officials and employees. If this dialogue is to be successful, the participants of both nations should receive visas in a timely manner.

Additionally, as co-chairman of the Duma-Congress Study Group, I propose creating a task force between the two legislative branches in order to expedite legislative reforms recommended by the commercial energy community as a prerequisite for higher levels of United States investment in the energy sector.

While this dialogue is committed to pursuing new energy opportunities by fostering closer relations between educational and professional institutions and resolving current trade and administrative disputes, the commission should also review immigration and other policies practiced by the U.S. and Russian agencies granting visas for energy sector officials and employees. If this dialogue is to be successful, the participants of both nations should receive visas in a timely manner.

It is clear, both the United States and Russia want and need to increase Russia’s exportation of energy. This is a rare and distinct opportunity where American and Russian collaboration on energy projects can be beneficial in fostering a cooperative, market-based approach to energy security, reducing dependency on the tumultuous Middle East, and promoting new models of energy partnerships. The United States and Russia can play a critical role in supporting energy development among the energy rich countries of the former Soviet Union, further improving global energy diversity and energy security.

MESSAGE FROM THE CONGRESSIONAL RECORD OF TUESDAY, SEPTEMBER 21, 2004 AT PAGE H7267

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, SEPTEMBER 21, 2004 AT PAGE H7267

MESSAGE FROM THE PRESIDENT

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. Pelosi) for today on account of a family emergency.

Mr. KLECKA (at the request of Ms. Pelosi) for today after 5 p.m. and the balance of the week on account of personal reasons.

Mr. WICKER (at the request of Mr. DeLAY) for today on account of 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 Mr. HINOJOSA) to revise and extend their remarks and include extraneous material:)

Mr. HINOJOSA, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. HINCHY, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. RAPETTI, for 3 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, September 23.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. 2279. An act to amend title 46, United States Code, with respect to maritime transportation security and for other purposes; to the Committee on Transportation and Infrastructure.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 265. An act to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes.

H.R. 1521. An act to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

H.R. 1616. An act to authorize the exchange of certain lands within the Martin Luther King, Jr. National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

H.R. 1648. An act to authorize the Secretary of the Treasury to convey certain water distribution systems of the Cachuma Project, California, to the Carpenteria Valley Water District and the Montecito Water District.

H.R. 1658. An act to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

H.R. 1732. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes.

H.R. 2696. An act to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the Interior West.

H.R. 3299. An act to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Lop division is authorized to provide irrigation water under the Missouri River Basin project.

H.R. 3249. An act to extend the term of the Forest Counties Payments Committee.

H.R. 3788. An act to expand the Timucuan Ecological and Historic Preserve, Florida.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

H.R. 3768. An act to expand the Timucuan Ecological and Historic Preserve, Florida.

H.R. 3209. An act to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Lop division is authorized to provide irrigation water under the Missouri River Basin project.

H.R. 3249. An act to extend the term of the Forest Counties Payments Committee.

H.R. 3788. An act to expand the Timucuan Ecological and Historic Preserve, Florida.

ADJOURNMENT

Mr. WELDON of Pennsylvania, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), under its previous order, the House adjourned until tomorrow, Thursday, September 23, 2004, at 9 a.m.
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GREEN of Texas:
H.R. 5119. A bill to prohibit the use of remote-controlled locomotives to carry hazardous materials, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DOOLEY of California (for himself and Mr. FRELINGHUYSEN):
H.R. 5120. A bill to improve the operation and utilization of the United States National Arboretum in the District of Columbia, and for other purposes; to the Committee on Agriculture.

By Mr. YOUNG of Alaska (for himself, Mr. OBESTAR, Mr. MICA, and Mr. DEFAZIO):
H.R. 5121. A bill to further protect the United States aviation system from terrorist attacks; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. ROYCE, and Mr. FEENY):
H.R. 5122. A bill to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms; to the Committee on House Administration.

By Mr. BARRETT of South Carolina (for himself and Mr. OSE):
H.R. 5123. A bill to require agencies to review all major rules within 10 years after issuance, including a cost-benefit analysis using a standard government-wide methodology, and for other purposes; to the Committee on Government Reform.

By Mrs. KELLY (for herself, Mr. ROYCE, and Mr. FEENY):
H.R. 5124. A bill to require that certain measures be taken with respect to countries of concern regarding terrorist financing; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. WEINER, Mr. HOFFEPFL, Mr. GEORGE MILLER of California, Ms. BALDWIN, Ms. DELAURA, and Mr. CHRISTIAN):
H.R. 5125. A bill to extend the operation of the National Commission on Terrorist Attacks on the United States to serve as a resource for the President and Congress, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. NADLER (for himself, Mr. SHAYS, Mrs. MAURER, and Mr. LOWEN), Mr. RUPPERSGERECH, Mr. FILNER, Ms. BALDWIN, Mr. GHILIVALA, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. SERRANO, Mr. CROWLEY, Mrs. MALONEY, Mr. OLVER, Mr. ABERCROMBIE, Mr. WAXMAN, Mr. KUCINICH, Mrs. DAVIS of California, Mr. TREVELyan, and Mr. CHRISTIAN:
H.R. 5126. A bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1986 as political committees, and for other purposes; to the Committee on House Administration.

By Mr. YOUNG of Alabama (for himself, Mr. WITT, Mr. CUMMINGS, and Mr. DAVIS of Florida):
H.R. 5127. A bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1986 as political committees, and for other purposes; to the Committee on Financial Services.

By Mr. CUMMINGS (for himself, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mrs. CORrine BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CONVYRS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAR, Mr. FORD, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JONES of Ohio, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MAJETTHI, Mr. MEEK of Florida, Mr. MILLER of New York, Ms. MILLER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WATT, and Mr. WYNNE):
H. Con. Res. 496. Concurrent resolution recommending expenditures for an appropriate visitor's center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School; to the Committee on Resources.

By Ms. LEE (for herself, Mr. LANTOS, Mr. RANGEL, Mr. MEEK of Florida, Mr. MEeks of New York, Mr. BALLENGER, Mr. LEACH, Mr. DELAHUNT, Mr. PAYNE, Mrs. CHRISTENSEN, Ms. SERRANO, Ms. KILPATRICK, and Ms. WATERS):
H. Con. Res. 496. Concurrent resolution expressing the sense of Congress with regard to providing humanitarian assistance to countries of the Caribbean devastated by Hurricanes Charley, Frances, Ivan, and Jeanne; to the Committee on Foreign Affairs.

By Mr. FOLEY (for himself, Mr. GINNY BROWN-WATR of Florida, Ms. ROSLEITEN, Mr. FEENEY, Mr. MARO DIAZ-BALART of Florida, Mr. PUTNAM, Mr. MILLER of Florida, Mr. STEARNS, Mr. WELDON of Florida, Mr. MEek of Florida, Mr. BOYD, Mr. LINCOLN DIaz-BALART of Florida, Mr. CHESSWAO, Mr. BILIAKIS, Mr. MICA, Mr. SHAW, Mr. KELLER, Mr. DAVIS of Florida, Mr. YOUNG of Florida, Ms. CORRINE BROWN of Florida, Ms. HARRIS, Mr. HASTINGS of Florida, Mr. DUTSCH, and Mr. WErLix):
H. Res. 394. A resolution commending the resilience of the State of Florida and the work of those individuals who have assisted with the recovery efforts after the devastation caused by Hurricanes Charley, Frances, Ivan, and Jeanne; to the Committee on Government Reform.

By Mr. OBEY:
H. Res. 787. A resolution providing for consideration of the bill (H.R. 4223) making appropriations for the Environmental Protection Agency for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Rules.

By Mr. OBEY:
H. Res. 788. A resolution providing for consideration of the bill (H.R. 4223) making appropriations for the Department of Veterans Affairs for the fiscal year ending September 30, 2004, and for other purposes; to the Committee on Rules.

By Mr. OBEY:
H. Res. 789. A resolution providing for consideration of the bill (H.R. 4224) making appropriations for military construction and family housing for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Rules.

By Mr. OBEY:
H. Res. 790. A resolution providing for consideration of the bill (H.R. 4473) making appropriations for the Department of Education for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Rules.

By Mr. GEORGE MILLER of California (for himself, Ms. JONES of Ohio, Mr. McDERMOTT, Mr. WAXNER of New York, Ms. LEE, Mr. HONDA, Mr. DAVIS of California, Mr. DAVIS of Florida, Mr. HASTINGS of Florida, Ms. CARSON of Indiana, Ms. WATSON, Mr. COOPER, Mr. JEFFERSON, Mr. DAVIS of Alabama, Mr. WICKER, Mr. MENENDEZ, Ms. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. BROWN of New York, Mr. MORAN of Virgina, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of Ohio, Mr. WATT, Ms. KILPATRICK, Ms. WATERS, Mr. SCOTT of Georgia, Mr. WEWLER, Mr. RUSH, Mr. RYAN of Ohio, Mr. FATTAR, Mr. VAN HOLLN, Mr. WOOLEY, Mr. SPRATT, Mr. CONYRS, Mr. BUTTERFIELD, Mr. MILLER-MCDONALD, Mr. KING, Mr. NADLER, Mr. SNYDER, Mr. HOYER, Mr. PELOSI, Mr. CAPUANO, Mr. MILLER of North Carolina, and Mr. WEER:
H. Res. 791. A resolution honoring the United Negro College Fund on the occasion of the Fund's 60th anniversary and the Fund's unflagging dedication to enhancing top quality college opportunities to millions of students; to the Committee on Education and the Workforce.

By Ms. WATSON (for herself, Mrs. CHRISTENSEN, Mr. PASCHELL, Mr. FINKER, Ms. ESChOo, Mr. DEFAZIO, Mr. HOYER, Mr. CONYRS, Mr. RANGEL, Mr. OWENS, Mr. MILLEN-BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. McDERMOTT, Mr. SOLIS, Mrs. NAPOLITANO, Mrs. TAUCHER, Ms. LINDA T. SANCHEZ of California, Mr. HONDA, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. JEFFERSON, Mr. NORTON, Ms. WATERS, Mr. BISHOP of Georgia, Mr. BROWN of New York, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. WATT, Mr. WYN, Mr. DAVIS of Alabama, Ms. LANDERS of Mississippi, Mr. DAVIS of Florida, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. MILLER-DEAN of Illinois, Mr. CUMMINGS, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. DAVIS of
and to deport illegal aliens already in the United States; to the Committee on the Judiciary.

112. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 8 petitioning for the continued use of the phrase “Under God” in the Pledge of Allegiance; to the Committee on the Judiciary.

113. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 6 expressing opposition to any procedure that would be implemented by any physician, nurse, lay person or any other individual or device that would take the life of an unborn child; to the Committee on the Judiciary.

114. Also, a petition of the Florida State Council Columbiettes, relative to Resolution No. 9 petitioning the Supreme Court of the United States to rule in favor of retaining the phrase “Under God,” in our nation’s Pledge of Allegiance; to the Committee on the Judiciary.
The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.
Eternal Spirit, giver of every good and perfect gift, great are Your works. We sing of Your strength, for You are the ruler of the universe. Your righteousness endures forever. Give us the wisdom to ask for You for Your guidance and to follow Your counsel. Subdue freedom’s enemies and provide a shield for liberty.

Lord, thank You for America, with all of its freedoms and opportunities. May we always feel gratitude for this land.

Bless our Senators. Give them insights that will make justice roll down like waters. Help them to make laws that will maintain the rights of the afflicted and the destitute. Empower them to rescue the perishing and to care for the dying. Incline their hearts to so labor that Your will may be done on Earth as it is in Heaven.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable JOHN ENSIGN, a Senator from the State of Nevada, led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

We are also continuing to negotiate agreements on some of the remaining appropriation bills. I hope we can agree to a consent to allow us to consider the spending bills with a reasonable time limitation. If so, we will be able to follow the Goss nomination with that. I suspect that will be tomorrow morning.

We have the expiring family-friendly tax items and we want to consider that legislation as soon as it becomes available. I understand that progress is being made. It will be important for us to vote on that this week. In the event that is Friday morning, that will have to be Friday morning, but I do want to encourage the conferees, who I think are very close to reporting out that legislation, so that the House of Representatives can consider it and we can consider it. We will be voting on that this week, either Friday or, if it is available, Thursday night. Obviously, I encourage the latter.

I remind my colleagues of the joint meeting tomorrow morning at 10 with Prime Minister Allawi of Iraq. He will be addressing both Houses on Thursday. Members should be in the Senate Chamber no later than 9:30 in order to proceed to that joint meeting.

NOMINATION OF PORTER GOSS TO BE CIA DIRECTOR
Mr. FRIST. Mr. President, I will take a few minutes to comment on Representative PORTER Goss’ nomination to the post of Director of the CIA, as well as to comment on the real progress the Senate Governmental Affairs Committee is making as we address the issues of the 9/11 recommendations.

With regard to the former, I congratulate the Senate Intelligence Committee. One of the reasons I do not think there will be as much debate on the floor today is that they very thoroughly addressed the nomination with
very good debate in committee and reported him out of that committee with an overwhelmingly positive vote.

Mr. Goss is a highly capable manager and leader, with a strong background and extensive experience in intelligence matters. As we all know, he served in the Congress representing the people of southwest Florida for the past 15 years. He has a long history of public service, which I am sure will be outlined on the floor later. He served as mayor of Sanibel Island. In 1993, he was appointed Lee County Board of Commissioners by then Governor Bob Graham. Porter Goss has a long career that has, of course, extended these last 15 years as a House Member where he held the chairmanship of the House Permanent Select Committee on Intelligence.

As chairman, he led one of the key investigations into possible intelligence failures regarding 9/11. He was thorough. He demonstrated a thoughtful and in-depth understanding on these critical issues and investigations. His committee’s findings did add critical insights into how we can and should move forward to strengthen our defenses against terrorist attack.

So the committee, including the subcommittees, has held over 60—I think it was 62—oversight hearings on various aspects of the intelligence community. That number is more than the committee has held in any other calendar year. I use that as an example to show that Mr. Goss takes his duty to investigate and reform the intelligence community very seriously.

Despite this, he did come under some harsh criticism from the other side. It has been charged that he has been too partisan in his career as a Congressman to take over this very important post. I do believe, however, that if one looks at his record of service to this country, that that criticism falls by the wayside.

Porter Goss has specific experience working for the Agency he is now nominated to run. During the Cold War, Mr. Goss was a clandestine services case officer. He served as director of operations. In his own words, the CIA’s mission “is to obtain the plans and intentions of our enemies, adversaries and their associates before they could attack the United States.”

Mr. Goss articulated so clearly and succinctly how this has occurred and will continue. We all know that this mission has not changed and will not change.

Mr. Goss understands the criticism now being leveled at him. As he told the Senate Intelligence Committee, he is sensitive to it. He understands the grave responsibility of leading the CIA and effecting the necessary reforms to strengthen our Nation’s security. As he himself explains, being the Director of the CIA is a capabilities job, not a policy job.

There is no doubt that Porter Goss—former CIA agent, former U.S. Army intelligence agent, Congressman, and public servant—is totally committed to the safety and security of America. He is committed to making the CIA run effectively. He has both the inside and the outside perspective we need. Clearly, Mr. Goss is the man for the job. I am happy to give him their overwhelming support when we vote on this nomination today. He is an outstanding choice to lead this agency.

I do hope we do not have a shift in conversation, which should be about his eminent qualifications, to distracting other issues. I do hope we focus on the man and the job for which he is being nominated.

INTELLIGENCE REFORM

Let me also close in saying we made real progress on the intelligence reform front. I know there are a lot of people who say slow down or don’t have knee-jerk reactions or don’t go too fast or it is a huge issue. I think the leadership is very sensitive to that. I wish to associate myself with the remarks made by the majority leader with regard to the progress we have made on both fronts, both the reorganization of the executive branch as well as the reorganization of the Senate’s rules. My goal remains to get these reforms in motion before the Senate adjourns next month.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina): The Democratic leader is recognized.

INTELLIGENCE DELIBERATIONS

Mr. DASCHLE. Mr. President, I wish to associate myself with the remarks made by the majority leader with regard to the progress we have made on both fronts, both the reorganization of the executive branch as well as the reorganization of this body, so that our responsibility of oversight can be appropriately carried out. That task force has met on a number of occasions, at the Member level and at the staff level. Senators McCaIN and Reed, the managers of this effort who represent the leadership on the task force, have been discussing this matter, as I understand it, daily.

There are a number of issues on which we can come to agreement relatively quickly. Others will have to be resolved through floor debate and votes. That just remains to be determined, once we see what those recommendations are. Either way these reforms will be implemented through Senate resolution or through modification of the Senate’s rules. My goal remains to get these reforms in motion before the Senate adjourns next month.

I yield the floor.

The PRESIDENT pro tempore (Mr. DASCHLE): The Senator from North Carolina.

Mr. DASCHLE. Mr. President, I wish to respond to Senator LIEBERMAN’s remarks as well as to the remarks of Senators MCCONNELL and Reid. The managers of the task force have been discussing this matter, as I understand it, daily.

Let me also conclude in saying we made real progress on the intelligence reform front. I know there are a lot of people who say slow down or don’t have knee-jerk reactions or don’t go too fast or it is a huge issue. I think the leadership is very sensitive to that. I wish to associate myself with the remarks made by the majority leader with regard to the progress we have made on both fronts, both the reorganization of the executive branch as well as the reorganization of this body, so that our responsibility of oversight can be appropriately carried out. That task force has met on a number of occasions, at the Member level and at the staff level. Senators McCaIN and Reed, the managers of this effort who represent the leadership on the task force, have been discussing this matter, as I understand it, daily.

There are a number of issues on which we can come to agreement relatively quickly. Others will have to be resolved through floor debate and votes. That just remains to be determined, once we see what those recommendations are. Either way these reforms will be implemented through Senate resolution or through modification of the Senate’s rules. My goal remains to get these reforms in motion before the Senate adjourns next month.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina): The Democratic leader is recognized.

INTELLIGENCE DELIBERATIONS

Mr. DASCHLE. Mr. President, I wish to respond to Senator LIEBERMAN’s remarks as well as to the remarks of Senators McCaIN and Reed. The managers of the task force have been discussing this matter, as I understand it, daily.

Let me also conclude in saying we made real progress on the intelligence reform front. I know there are a lot of people who say slow down or don’t have knee-jerk reactions or don’t go too fast or it is a huge issue. I think the leadership is very sensitive to that. I wish to associate myself with the remarks made by the majority leader with regard to the progress we have made on both fronts, both the reorganization of the executive branch as well as the reorganization of this body, so that our responsibility of oversight can be appropriately carried out. That task force has met on a number of occasions, at the Member level and at the staff level. Senators McCaIN and Reed, the managers of this effort who represent the leadership on the task force, have been discussing this matter, as I understand it, daily.

There are a number of issues on which we can come to agreement relatively quickly. Others will have to be resolved through floor debate and votes. That just remains to be determined, once we see what those recommendations are. Either way these reforms will be implemented through Senate resolution or through modification of the Senate’s rules. My goal remains to get these reforms in motion before the Senate adjourns next month.

I yield the floor.
consider our responsibilities before the end of this session of Congress.

ORDER OF PROCEDURE

During the Democratic period this morning, I ask unanimous consent that Senator KENNEDY be given 10 minutes; Senator MURRAY, 5 minutes; Senator CONRAD, 25 minutes; and Senator REID, 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I ask, as is always the case, the leader time not be taken from the Democratic time.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SKYROCKETING COST OF HEALTH CARE

Mr. DASCHLE. Mr. President, recently, a new study confirmed a trend that most American families and businesses have known and felt for the past 3 years. Health care costs are rising at an unsustainable rate, straining family budgets, weakening our economy, hampering job growth and forcing millions more Americans every year to go without insurance.

According to the annual survey by the Blue Cross and Blue Shield Association, health premiums increased 11.2 percent last year, more than five times the rate of wages. This is the fourth consecutive year of double-digit increases. Since 2000, health care premiums have increased 59 percent and 5 million fewer Americans have access to employer health care coverage.

Last month the Census Bureau also reported that in 2000 alone, the number of uninsured Americans jumped by 1.4 million. Seniors are among the hardest hit. In addition to facing record increases in the price of prescription drugs, Medicare recipients recently learned they will be forced to pay a 17.5 percent increase in premiums, the steepest increase in Medicare’s history.

The true costs of this crisis can’t be depicted by statistics. There is no way to measure the stress caused by exorbitant health care bills. There is no way to measure the cost of the fear of families who worry that they are one layoff, one bad crop, one accident, or one illness away from being totally vulnerable, and they fell helpless to protect themselves.

Not long ago, I heard from the Imm family of Turton, SD. A few months back, their 24-year-old son, Monte, came down with a case of Crohn’s disease.

As his disease grew worse, he couldn’t work and he had to quit his job. After his insurance lapsed, he tried to buy coverage for himself, but with his condition, no insurer would offer him a policy.

Monte’s monthly prescription bill is $500, and that is on top of the tests and emergency room visits that have become all too routine.

Doctors in Sioux Falls have recommended a trip to the Mayo Clinic, but the clinic requires a $1,500 deposit just to see Monte. The total cost will be much, much higher. Monte’s parents are trying to help and are reaching into their retirement savings to do so. But Monte’s health care costs will surpass $10,000 this year alone, and without good insurance, eventually the medical bills will eat up all they have worked for.

Millions of American families are in the same position as the Imm family, and the implications of this crisis are rippling outward throughout our country.

There is new evidence that as the cost of health care goes up, it is eating away at America’s economy, holding back job creation, and stifling growth. A recent article in the New York Times showed that the cost of health insurance is preventing businesses, large and small, from hiring new workers, even if the workload demands it.

One small business owner said:

Before, we hired based on workload. Now it’s a question of will. Economists are finding that high health care costs are a major reason our economy has been unable to create jobs. Not long ago, when I asked a businessman why he outsources his jobs instead of looking at other opportunities, the reason was health care. He did not have to pay it in India. He did not have to pay it in countries abroad. He pays it here at home.

Small businesses, which employ 50 percent of the Nation’s workforce, face these costs. Because they are not big enough to bargain with insurers for better rates, and they cannot spread risk among larger pools of employees, small businesses too often are forced to pay for the nation-wide increase in health care costs.

In the past year, in the midst of the toughest business environment in a generation, the total cost for insuring employees of small businesses alone rose 18 percent. Those small businesses that try to do the right thing and offer their employees health benefits are finding it more difficult to do so with each passing year.

I was recently contacted by Skip VanDerhule, who runs VanDerhule Moving and Storage, in Yankton. Even after raising employee premiums and copays, Skip’s monthly premiums have risen 252 percent in 6 years. Skip has tried to look for better coverage, but recently an employee needed a kidney transplant, and the insurance company $200,000 per year in medicine alone just to keep his body from rejecting the new kidney. “As soon as the insurer sees that,” Skip said, “they don’t want us. And they’ll quote us a price to make sure that we don’t want them.” So Skip is stuck with the prospect of higher health care costs with absolutely no end in sight.

In most businesses, the costs are passed along to their employees. Jana Schroeder, a medical professional from Sioux Falls, wrote me to say that even with good, dependable health insurance, her family pays $10,000 a year in health care costs.

A recent, routine mammogram cost $2,700, of which she was asked to pay $850. She said:

I guess I should feel lucky I have insurance, but $850 is a full paycheck [for me]. So, do you pay that medical bill or the house payment? I sure can’t pay it all at once.

Even with 100,000 Americans losing their health insurance every month since January of 2001, the White House has not provided any real options, no leadership in stopping the growth of this crisis.

Some of the most promising possibilities for bringing down the cost of health care, such as drug reimportation, the administration has opposed. Yet this crisis will not solve itself. Unless we act, health care premiums will continue to rise, driving more people into the ranks of the uninsured, and holding back more businesses from earning profits and creating jobs.

We have to do better. This is a national problem, and fixing it demands national leadership. Medical research is producing miracles quite often. Yet we are not solving a problem that is dragging tens of millions of Americans into poverty and poor health. This is not a question of ability or capacity; it is a question of will and leadership. It is time we seek out new ideas to help bring down the cost of health care.

One promising new initiative would create a reinsurance system to help blunt the cost of catastrophic medical illness. Some researchers have suggested that such a program could save South Dakota employers tens of millions of dollars each year and billions nationwide.

We need to debate these issues in Washington, but, regrettably, we have not had the opportunity to do so. In the past 2 years, we have spent 30 days discussing ways to limit access to the courtroom, but not 1 day to debate real ways to bring down the cost of health care for all Americans.

It is time for real action. We have an obligation to focus on the troubles of our economy and the Americans who are struggling to work and raise families. Our citizens are asking for leadership, and we have an obligation to answer that call.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for up to 90 minutes. The first 45 minutes is under the control of the majority leader or his designee and the next 45 minutes is under the control of the Democratic leader or his designee.

The Senator from Nevada.
THE UNITED NATIONS

Mr. ENNSIGN. Mr. President, I rise to discuss the failure of the United Nations. The U.N. is failing to promote liberty, democracy, and human rights for all citizens.

The world has changed a great deal since the United Nations was formed some 50 years ago. The dangers of Nazism and communism have been replaced by an ever-evolving, ever-increasing threat of terrorism.

The United Nations is not up to the challenges of this new century. The U.N. now has sponsors of terrorism and repression overseeing the protection of human rights around the world. The countries of Sudan, China, and Cuba currently serve as members of the United Nations Commission on Human Rights.

Yesterday, the United Nations Secretary General, Kofi Annan, lectured the world body that the rule of law in Iraq is being disrupted as much by the United States as by the terrorists who ravage the country through bombings and beheadings.

Any person or group who cannot decipher the moral difference in this struggle against terror and repression cannot and should not be trusted to lead.

In a BBC interview last week, the Secretary General stated that the liberation of Iraq by the United States and its coalition partners was illegal and a violation of the U.N. Charter. This declaration comes on the heels of his earlier statement that there should have been a second resolution authorizing the invasion.

Today, Mr. Annan seems to be saying that the only way force can be used legitimately in the modern world is to first obtain the unanimous permission of the U.N. Security Council.

I am pleased President Bush does not adhere to this line of thinking. And I am proud every time I hear him say, "As the President of the United States, I have a great deal of trust and confidence in the common sense of the American people and I am sure they will understand exactly what I am saying.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

IRAQ

Mr. CHAMBLISS. Mr. President, I rise today to help frame the issue in Iraq. The American people deserve straight forward answers on issues of war and national security; especially when their lives are directly threatened and our military forces are engaged around the world in the war on terrorism. At the same time working for liberty and less time coddling dictators, the world would be a better place.

Mr. Kerry did not directly answer a question about whether he agrees with U.N. Secretary General Kofi Annan, who called the Iraq war illegal. "I don't know what the law or legalities are," Kerry said.

The U.N. Secretary General says the Iraq war is illegal because the United States didn't have United Nations' Security Council approval.

And John Kerry can't give a clear answer that the United Nations Secretary General is wrong? This is a person running for the President of the United States.

Increasingly, the United Nations does not advocate the interests of those pursuing peace, freedom, and democracy in the world. If the United Nations is required to take more time working for liberty and less time coddling dictators, the world would be a better place.

I yield the floor.

Speaking at New York University recently, the Democratic Presidential candidate said, "Of the 55,000 police now in uniform, not one, not one, has completed a 24-week field training program." Just yesterday, however, The Washington Post reported that the head of strategic plans and policy for the Joint Chiefs of Staff, Lt. Gen. Walter Sharp, said that Kerry's accusation was just not accurate. According to Gen. Sharp, who is in a position to know, basic training for new Iraqi police forces is a high priority of this administration.

Let us look at the facts. The Iraqi Army has more than 62,000 members. Of these, almost 46,000 have been trained and another 10,000 are currently in training. All 27 battalions of the Iraqi Army will be operational by January 2005.

The junior Senator from Massachusetts has also called for better training for Iraqi security forces. I am glad that he also agrees with President Bush on this point. Training Iraqi security forces is a high priority of this administration.

As terrorism spreads to other countries, as it did recently in Russia, we should expect—and provide—even more help.

And let me point out the obvious about some allies, like France, who have not been supportive of our policies in Iraq. Their foreign policy decisions are based on internal political considerations and personality of the President of the United States. For some of my colleagues to imply that some countries will change their policies toward Iraq if we change our President is ludicrous and misleading. The French will change their foreign policy when they change their President, not when we change ours.

I have a great deal of trust and confidence in the common sense of the American people and I am sure they will understand exactly what I am saying.

The junior Senator from Massachusetts has also called for better training for Iraqi security forces. I am glad that he also agrees with President Bush on this point. Training Iraqi security forces is a high priority of this administration.

Let us look at the facts. The Iraqi Army has more than 62,000 members. Of these, almost 46,000 have been trained and another 10,000 are currently in training. All 27 battalions of the Iraqi Army will be operational by January 2005.

Speaking at New York University recently, the Democratic Presidential candidate said, "Of the 55,000 police now in uniform, not one, not one, has completed a 24-week field training program." Just yesterday, however, The Washington Post reported that the head of strategic plans and policy for the Joint Chiefs of Staff, Lt. Gen. Walter Sharp, said that Kerry's accusation was just not accurate. According to Gen. Sharp, who is in a position to know, basic training for new Iraqi police officers is eight weeks, followed by 26 weeks of "on-the-job" field training. The Post article went on to say that Gen. Casey, the top U.S. commander in Iraq, estimates that Iraqi security forces will be in 'local control' of the majority of Iraq by the end of December, which is just 3 months away. Gen. Casey said that the U.S. forces who are currently in Iraq, will be needed as a backup to help train the Iraqi forces. However, some of my colleagues have, thus far, been in favor of more nations on board with us, but this is tough business and it takes bold, visionary leadership--like we see in Great Britain, Italy, Poland, Denmark, the Netherlands, Australia, and dozens of our closest allies. To imply some of my colleagues have, thus far, been in favor of more nations on board with us, but this is tough business and it takes bold, visionary leadership--like we see in Great Britain, Italy, Poland, Denmark, the Netherlands, Australia, and dozens of our closest allies. To imply some of my colleagues have, thus far, been in favor of more nations on board with us, but this is tough business and it takes bold, visionary leadership--like we see in Great Britain, Italy, Poland, Denmark, the Netherlands, Australia, and dozens of our closest allies. To imply some of my colleagues have, thus far, been in favor of more nations on board with us, but this is tough business and it takes bold, visionary leadership--like we see in Great Britain, Italy, Poland, Denmark, the Netherlands, Australia, and dozens of our closest allies.

And let me point out the obvious about some allies, like France, who have not been supportive of our policies in Iraq. Their foreign policy decisions are based on internal political considerations and personality of the President of the United States. For some of my colleagues to imply that some countries will change their policies toward Iraq if we change our President is ludicrous and misleading. The French will change their foreign policy when they change their President, not when we change ours. I have a great deal of trust and confidence in the common sense of the American people and I am sure they will understand exactly what I am saying.

The junior Senator from Massachusetts has also called for better training for Iraqi security forces. I am glad that he also agrees with President Bush on this point. Training Iraqi security forces is a high priority of this administration.

Let us look at the facts. The Iraqi Army has more than 62,000 members. Of these, almost 46,000 have been trained and another 10,000 are currently in training. All 27 battalions of the Iraqi Army will be operational by January 2005.

Speaking at New York University recently, the Democratic Presidential candidate said, "Of the 55,000 police now in uniform, not one, not one, has completed a 24-week field training program." Just yesterday, however, The Washington Post reported that the head of strategic plans and policy for the Joint Chiefs of Staff, Lt. Gen. Walter Sharp, said that Kerry's accusation was just not accurate. According to Gen. Sharp, who is in a position to know, basic training for new Iraqi police forces is a high priority of this administration.

Let us look at the facts. The Iraqi Army has more than 62,000 members. Of these, almost 46,000 have been trained and another 10,000 are currently in training. All 27 battalions of the Iraqi Army will be operational by January 2005.
and to manage economic reconstruction efforts.

Others have criticized the President for not getting NATO involved in Iraq. Too bad they didn’t read yesterday’s London Financial Times. If they had, they would have read that, “NATO is close to a deal to establish a military training academy in Iraq. The academy, which would have a staff of about 300, is intended to give substance to a decision by a NATO summit in June to provide training to the war-torn country and build up its institutions.” I hasten to add, that this NATO initiative was put forward by our President. So getting NATO involved is another area where the Democratic Presidential candidate agrees with the administration’s policy in Iraq. Let me also add that 15 of 26 NATO member states are sharing the military burden on the ground with us in Iraq.

Charles Colton’s famous quotation, “Imitation is the sincerest of flattery, certainly applies to my colleague, Mr. Kerry’s recent statement is a plan is not new and it certainly is not original. A careful review of President Bush’s policies in Iraq clearly shows that the administration has been implementing all the points addressed by Senator Kerry well before he even articulated them.

We need to judge the President’s policy in Iraq, not by the rhetoric of his detractors, but by those who know the facts. Tomorrow, the Congress will welcome, in Joint-Session, the interim Prime Minister of Iraq, Dr. Allawi. Let us hear from him how things are going in Iraq. Let us listen to him to find out what the Iraqi people think of our policies and programs for restoring security and getting the Iraqi economy going.

Let me close by quoting from President Bush’s speech, which he gave at the UN yesterday. I believe it clearly shows why we are in Iraq, something that others do not seem to grasp. The President said:

“Our security is not merely found in spheres of influence, or some balance of power. The security of our world is found in the advancing rights of mankind. These rights are advancing across the world—and across the world, the enemies of human rights are responding with violence. Terrorists and their allies believe the Universal Declaration of Human Rights and the American Bill of Rights, and every charter of liberty ever written, are lies, to be burned and destroyed and forgotten.

He went on to say:

“We are determined to destroy terror networks who want to operate, and the United States is grateful to every nation that is helping to seize terrorist assets, track down their operatives, and disrupt their plans.

The Acting Secretary of the Army, Les Brownlee, has eloquently framed why this is tantamount to winning the war on terrorism when he said:

“This is not simply a fight against terror—terror is a tactic. This is not simply a fight against al Qaeda, its affiliates and adherents—they are foot soldiers. This is not simply a fight to bring democracy to the Middle East—that is a strategic objective. This is a fight for the very ideas at the foundation of our society, the way of life those ideas enable, and the freedoms we enjoy.

Thank you Mr. President, The PRESIDING OFFICER. The Senator from Kentucky, Mr. MCCONNELL, Mr. President, it is said that politics is the art of the possible. And while certain things are simply not possible, it is our duty to try all the same.

So today, I will try to explain the unexplainable. The distinguished junior Senator from Massachusetts has made so many statements on this country’s involvement in Iraq that he has taken every conceivable position possible, and many that are simply not possible. The result is a record of “dizzying contradictions,” as Charles Krauthammer recently wrote, so confusing that the more he speaks, the less we understand.

Mr. President, JOHN KERRY has spoken on so many aspects of the liberation of Iraq. He has been on both sides of just about every coin in this entire debate. I want to address just four different positions he has taken.

What is more disturbing is that he has taken them on the most basic question of the liberation of that country. The question is not nearly as difficult as the multiple answers we continue to get.

The question is: Would you have used force to remove Saddam Hussein?

Back in 2002, the answer was clear enough. Citing Saddam Hussein’s use of weapons of mass destruction, his terrorist-like actions, and the fact that he was a part of the global scourge of terrorism, Senator Kerry said he completely agreed with the President to effect regime change in Iraq, unilaterally if necessary. So he voted for the Iraq war resolution in October of 2002.

In January of 2004, the President claimed that the war resolution he supported in October 2002 did not empower the President to engage in regime change.

By January of 2004, around the time of the Iowa caucuses, Senator Kerry had a new position. He was now the “antiwar candidate.” In January of 2004, he was now the antiwar candidate, campaigning in the Iowa caucuses, having been, in October 2002, entirely supportive of the war.

He then went on to lock up the Democratic nomination for President. So we are into the general election season, Mr. President. When challenged by the President to answer whether he would have gone into Iraq and removed Saddam Hussein based on what we now know, KERRY stood on the edge of the Grand Canyon—a dramatic pose facing the Grand Canyon—and said on August 11:

“Yes, I would have voted for that authority.

In August of 2004, in the general election, he seems to be back where he was in October of 2002. He has gone from support to oppose and back to support.

But that was last month. A week ago, on the “Imus in the Morning” show, Senator Kerry was asked:

Do you think there are any circumstances we should have gone to war in Iraq?

That is a pretty simple question. Here was Senator Kerry’s response: No under the current circumstances, no. There are none that I know.

This was last week. A month ago, he was in support of the war, but last week he was back in opposition to the war. He says:

I voted based on weapons of mass destruction. If the President didn’t say that, I’ve said that. I mean, look, I can’t be clearer. But I think it was the right vote based on what Saddam Hussein had done, and I think it was the right thing to do to hold him accountable. I’ve said a hundred times, there was a right way to do it and a wrong way to do it. The President chose the wrong way. Can’t be more direct than that.

Let’s try this one more time. Senator Kerry, on the “Imus” show last week, said, in answer to the question:

Do you think there are any circumstances we should have gone to war in Iraq?

He said:

Not under the current circumstances, no. There are none that I know, KERRY stood on the edge of the Grand Canyon, Ayad Allawi, who will be here among us addressing Congress tomorrow morning. Dealing with the terrorists and Baathist insurgents, he needs, more than anyone, to know that the U.S. position of supporting the liberty of Iraq is clear, unequivocal, and steadfast. He would not get that from reading JOHN KERRY’s various positions on Iraq.

We could all use clarity from John Kerry with regard to Iraq’s liberation, but none more than Prime Minister Ayad Allawi, who will be here among us addressing Congress tomorrow morning. Dealing with the terrorists and Baathist insurgents, he needs, more than anyone, to know that the U.S. position of supporting the liberty of Iraq is clear, unequivocal, and steadfast. He would not get that from reading JOHN KERRY’s numerous positions.

Mr. President, a Senator’s position on Iraq should not be all that hard to explain because it is a tough question. It is, however, a tough question, representative of the sort of tough issue any Commander in Chief...
frequently gets. In trying to answer and re-answer the most important issue of this election, central to the struggle for freedom today and tomorrow, we have a Presidential candidate who constantly changes his mind. This is not some little issue; this is the biggest issue confronting the country today. We are 6 weeks from the election, and this is a man who flip-flops like a fish on the deck of a boat, back and forth, back and forth, who doesn’t know where he stands on the most important issue we are confronting in our era.

For example, when asked if he would have gone into Iraq to remove Saddam Hussein, KERRY recently answered:

You bet, we might have.

Let me read that one more time. When asked if he would have gone into Iraq to remove Saddam Hussein, KERRY recently said:

You bet, we might have.

Not exactly Winston Churchill. Perhaps there is some nuance here, such as an exclamation point or a question mark, that tells whether this is a declaration or a question, but the answer to the issue in this election should not leave the world wondering and more confused than before.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

HURRICAN DEVASTATION

Mrs. DOLE. Mr. President, so many States have been devastated this hurricane season. My own home State of North Carolina has been ravaged by the effects of not one, but four hurricanes in the last few weeks.

Most recently, western North Carolina suffered extensive damage caused by the torrential wind and rain of Hurricane Frances. Estimates from the storm’s destruction in Buncombe County alone are already topping $100 million. Sadly, this same county had already projected that exact amount in damages following Hurricane Frances.

Counties in western North Carolina had barely begun to recover from the flooding of Frances before Ivan roared through town late last week. The death toll from the storm, so far, is 10 people. In the town of Henderson, a man and his wife were sleeping soundly when a huge tree crashed through their house into their bedroom. The husband was pinned beneath the fallen tree, which ultimately took his life as the home had to be stabilized before the tree could be removed. In the Peeks Creek community in western Macon County, a landslide sent homes crashing against each other, killing at least four people, including an unborn child whose mother was forced to have a legal abortion and remains in critical condition.

Houses have literally been washed away, and some left standing have been split in two by fallen trees. Main roads and neighborhood streets have been shut down from landslides and pavement giving way. Well over 200,000 residents were left without power over the weekend. Needless to say, it will take time before western North Carolina can return to a sense of normalcy. I have been seeing devastated areas twice over the past two weeks. While my heart broke at the sight of destroyed homes and washed out roadways, my hopes were buoyed by the goodness of neighbor helping neighbor. It was as if Iimagined all over the United States have been devastated this hurricane season. Yes, there is destruction. Yes, there is great pain. But I find encouragement in the selfless hearts of North Carolinians who are going to great lengths to help those struggling through the wreckage left behind.

It is my desire that we, too, can add to that goodwill and deliver the financial aid these areas need to get back on their feet. Fifteen Western North Carolina counties have been declared federal disaster areas, including Buncombe, Haywood, Henderson and Macon. This designation means that homeowners and businesses are eligible for assistance in the form of loans or grants from the Federal Emergency Management Agency, FEMA, or the Small Business Administration. There is a $60 million request for North Carolina in the President’s emergency budget. We’re obviously going to need much more. I would encourage Congress to expedite this aid to those who need it most.

I can only hope the end of this devastating hurricane season comes quickly. The autumn season makes western North Carolina one of the most beautiful places on earth—and the good folks from the mountains are well suited to give some southern hospitality to visitors from around the country. It is important that we get the word out that the western part of our country is open for business during its prime tourism season. My thoughts and my prayers are with every person touched by these hurricanes, not only North Carolina but throughout the southern part of our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

INTELLIGENCE REFORM AND THE WAR ON TERRORISM

Mr. THOMAS. Mr. President, I believe it is appropriate, as we move toward the end of our war with terrorism, to take a look at those issues that are before us that are most important. Certainly, we have had a difficult 4 years. Unusual and difficult events have happened which have been very hard to deal with, and they have made a significant challenge. We have had an economic downturn starting before the beginning of this 4 years. So we have taken steps to develop and strengthen the economy, which is still a job before us. However, we are making good progress. I believe, with respect to that issue.

We had September 11, which is a tragedy we will all always remember. And then, as a part of and following that tragedy, we have had the war on terrorism.

Certainly one has to understand that we have had a tough time. I think we have done rather well moving through this kind of a background and dealing with this situation that is very unusual.

We continue to face tough decisions and the followup on those decisions. We have made an excellent start in the economy. We have made an excellent start in the war on terrorism and, indeed, are moving forward in that regard. We are faced with responsibilities and issues that have an impact on the movement we are seeking. It is up to us to deal with those issues.

In the short term, we are dealing with the budget, again those items—those items having to do with spending. One of the impacts of what has happened is a spending deficit. All of us, I think, would agree that under the circumstances, it was a reasonable and necessary thing to do. Most of us understand it is time we begin to do away with that deficit and get back to a balanced budget, about which I certainly feel strongly.

We are going to be faced as well with the reorganization of our Intelligence Community. Today, we will be faced with a new Director of the CIA, which is a place to begin. Obviously, there need to be some changes there.
Along with that, during the next several weeks, we will be involved in the reorganization of the entire intelligence operation which, again, is very important. Of course, the most important aspect of our future is winning the war on terror and support for what we are doing in Afghanistan.

We will take up the reform of our intelligence services. All of us recognize the hard work the Commission has done in putting together a plan, 41 suggestions and recommendations. We will look at those recommendations. They have done it under tough circumstances. We need to do our best to put into place the best program we can. This is not a political issue. This is an issue we ought to take a look at and say: How do we best avoid the kinds of problems we had in the past in collecting and putting to good use information and intelligence?

I do not think we should rush to complete this job. Obviously, it is something that is going to extend well beyond our tenure. I think the best way we know how as opposed to the fastest way we know how. Perhaps we need to do both.

We have weaknesses. Our Government institutions have not adapted to the growing threat of terrorism over more than a decade. We need to understand again, in terms of war, that the situation has changed so much since September 11. We fought a war with 17 divisions, landing boats on shores. That is not the case anymore. That is not the case at all. That is not the challenge. The challenge is not often knowing who the enemy is or where the enemy is. We have a totally different circumstance surrounding the need for intelligence.

We have to deal with the fact that terrorists are there to exploit the weaknesses in our defenses and in our knowledge, and there is interest in getting it done as quickly as possible. I hope our target is to do it in the best way we know how as opposed to the fastest way we know how. Perhaps we need to do both.

We are focused on our budget. We are focused on holding down spending in the nonessential areas so we can make up this deficit. We need to focus on creating jobs so that we can continue to get strength in the economy. We need to focus on holding down spending in the nonessential areas so we can make up this deficit. We need to focus on completing the task we have undertaken.

We are focused on holding down spending in the nonessential areas so we can make up this deficit. We need to focus on creating jobs so that we can continue to get strength in the economy. We need to focus on holding down spending in the nonessential areas so we can make up this deficit. We need to focus on completing the task we have undertaken.

So our focus is trying to figure out ways to improve the situation and correct the problem so the events of September 11 will not happen again. So this obviously involves increasing both the quality and quantity of human intelligence, and we need to take a look at our overall situation, intelligence as well as military, because things need to change. We need to have coordination certainly among all the intelligence agencies throughout the country, in different agencies than they have been in the past. Whether they put them all into one or whether they put them all into one is one of the questions before us, but whether we do it or not there is to be coordination and conversation and information exchange among them. There has to be sharing. We have to decide how we are going to do it. It is a very important question. We need to understand what it is we are putting forth and that each of these various units within our intelligence agencies know what their responsibilities are and their goals are and we can put them together.

We need, obviously, to invest more in the technical intelligence capabilities. Those things change constantly. So more importantly, I suppose most importantly, we need to ensure the coordinated use of these resources and the personnel and improve communications. It sounds like an easy thing, but apparently it is not. In the end, this type of reform and reform of our intelligence gathering process is necessary. I look forward to the debate we will have soon and I suppose starting today, as a matter of fact, with the recommendation before us for Director of the CIA.

Again, I hope that we can aim toward fixing the problems, aim toward moving to solutions rather than again finding ourselves in the 40-some days from elections where nearly everything is talked about having to do with the elections.

Of course, overall, the most important challenge we have before us now is to win the war on terrorism in places such as Iraq and Afghanistan. The problems and the failures in pre-war intelligence gathering are troubling, and I am pleased we are doing something about it so our leaders will have the best accurate information on which to make decisions.

And we acknowledge errors in the past. However, the coming debate should be focused on the fact that operations in Iraq are and always have been a critical part of the war on terrorism. The war being fought in Afghanistan and Iraq is one that is designed fundamentally to change the environment that has given rise and supported this terrorism. The war being fought in Afghanistan and Iraq is one that is designed fundamentally to change the environment that has given rise and supported this terrorism. The war being fought in Afghanistan and Iraq is one that is designed fundamentally to change the environment that has given rise and supported this terrorism.

The introduction of a stable democracy in that oppressed region of the world will create an environment in which freedom and liberty and peace will be acting out of desperation, and that is difficult. This is not the kind of war where somebody puts up a white flag and suddenly it is all over. That is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.

Again I understand the politics of saying it is too long, we need to get out, and we do and everyone agrees with that. But there is a sequence in completing our tasks. We are not just considering the first sequence. It will take a long time and there will be casualties and it will be difficult. But there are happy things to talk about. There are more than 400,000 security forces conducting stability operations there. The Government is in close consultation, training commanders; 99,000 Iraqis have been trained in various security forces. There is a lot going on there. Have we accomplished what we want yet? Of course not. Or else we would be acting out of desperation, and that is the case.

Is everything perfect? Of course not. In the end, this is difficult. This is not the kind of war that we can accomplish everything. But it is so important that we focus not only on that but on those things that now are important to us.

We are focused on our budget. We are focused on holding down spending in the nonessential areas so we can make up this deficit. We need to focus on creating jobs so that we can continue to get strength in the economy. We need to focus on holding down spending in the nonessential areas so we can make up this deficit. We need to focus on completing the task we have undertaken.

So we will have an opportunity in the next couple of weeks to do some things, and then certainly we will come back later. I guess my only hope is that we can continue to see the tasks clearly before us, seek to complete the task successfully as opposed to trying to make political issue out of wherever the controversies lie. That is the challenge for us and a challenge I believe we can accomplish.
Mr. President, I 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. KENNEDY. 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. KENNEDY. I understand now that we are on the time that has been designated for Senator DASCHLE, the minority leader.

THE PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I have been yielded 10 minutes and then I understand my colleague and friend from Washington has been yielded 5.

THE PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Would the Chair notify me when I have 2 minutes remaining?

THE PRESIDING OFFICER. Yes.

EDUCATION FUNDING

Mr. KENNEDY. Mr. President, yesterday, JOHN EDWARDS was in Cleveland, Ohio, and gave a powerful speech on the economy. He pointed out the struggles of the middle class and asked why President Bush made the choices he has to boost the wealthiest Americans and abandon hard working men and women. I urge my colleagues to take a 10-minute break speech.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR JOHN EDWARDS

It is an honor to be with you.

When I was in school, I remember coming down the stairs at night. I would see the glow of the television, hear the volume on low, and see my Dad working at the kitchen table. He wasn’t going over the family bills or paper work from his job at the mill. He was learning math on TV.

After a long day at work, he would come home and turn on a local TV station to learn. Every year, he’d see another young person with no experience and a college degree move past him. And he knew that if he didn’t try something his chances of moving up would disappear.

So my Dad—like millions of Americans—did work and he worked so hard that he could better provide for his family. I was proud of what he was trying to do. I was sad because he couldn’t get a college degree. And I realized that I lived in a country where I could.

Standing in that house, I always had hope. At that time, America was a place where hard work and determination could take you anywhere. My mother ran her own small business, refinishing furniture to help pay for my tuition. Thanks to my mother and father’s hard work in that mill, in that business, and at that kitchen table, they were able to buy a house. Later on, they were able to help me become the first person in my family to go to college. And I stand here today because I have lived in the bright light and the blessing of America.

What I saw in that house in Robbins, North Carolina was very American. It was two parents working hard, meeting their responsibilities, and living in an economy that believed in the future. It was a time when you knew that faith, responsibility and hard work would lift your family up. They would give you and your children the future you deserved. And this is the great promise of America.

But I fear today, that that light is flickering and there is no longer a chance for any but a few. And this great shift away from the power and the promise of our middle class means that the gifts and the graces of the American dream have too many young people never have a chance to shine.

Today, I fear that a young boy in Athens who goes downstairs and sees his parents at the kitchen table doesn’t sense hope in his house. He sees his parents trying to get through the month. He sees them divide up their bills into piles that say “pay now” and “pay later.” And he sees his mother and father work hard and they can’t even break even.

That boy thinks, “This is what life will be like.” He looks on with resignation and the false belief that this is as good as it gets.

Two people are responsible for causing this great shift in W. Bush and Dick Cheney. Their policies have decimated the economy of Ohio and the American values we believe in.

This campaign is about different leaders and different economic plans. It’s about different visions for America. And it’s about what’s holding down, the callous view of a few at the top who believe that the values that got us here can now be left behind.

It is because George Bush and Dick Cheney abandoned our values that Ohio has lost 297,000 jobs; family incomes have dropped by more than $1,500; health care costs have gone up more than $1,500; more people have been put out of work in Cleveland than in the 1930s; the State and Ohio State is up $3000; and once every five minutes an Ohio family files for bankruptcy.

The struggles people face in Ohio and the weakness in our economy are a direct result of decisions made by George Bush and Dick Cheney. And those decisions are the direct result of a vision that honors wealth and privilege rather than work and responsibility.

When our economy suffered after September 11, this President made a choice. He fought for tax cuts for the wealthiest Americans. And he did nothing to put more money into the pockets of working Americans. When our country went 7 straight months of losing jobs, this President made a choice. He proposed $25 billion in backward-looking tax cuts for big corporations like Enron. But he did nothing to pass tax cuts that would encourage businesses to create jobs.

When the incomes of working families began to fall after 7 years of strong growth, this President made a choice. He slashed the estate tax for the wealthiest Americans.

When health care costs skyrocketed out of control, this President made a choice. He gave away $40 billion to the big drug companies and fought to lift the responsibilities of HMOs and insurance companies while taking away the rights of families. But he did nothing to lower health care costs so Americans could keep their health care and the money they already pay.

When Ohio schools raised college tuition because of state budget deficits, this President made a choice. He spread the blame for layoffs to big banks and tried to cut off Pell Grants for 84,000 students. But he did nothing to relieve the burden on our state budgets and increase student aid.

Every choice he made did something to harm our middle class and weaken our economy. So when it comes to what working people need, this really is a Do-Nothing Presidency: Do Nothing to create jobs, do nothing to relieve the pressure on the middle class, do nothing to bring down college costs, and do nothing to help more young people go to college.

Don’t count on George Bush and Dick Cheney to do one thing: look out for their friends at the top. It is very simple: they honor wealth, not work.

This is the idea is the most radical and dangerous economic agenda to hit our shores since socialism a century ago. Like socialism, it corrupts the very nature of our democracy and our tradition. It is not a plan to grow the American economy. It is a plan to corrupt the American economy and shrink the winners circle.

John Kerry and I believe that the hard work and responsibility of the middle class are the engine of our economy. We believe our government should honor those values and give everyone who works hard and takes responsibility a chance to do well. We believe in expanding the winner’s circle.

History shows us that our approach works better for America. To have real economic growth in this country, we have to strengthen and expand the middle class with care.

We saw it with the G.I. Bill. Young men who fought for America, and America in return for their service. Millions of people went to college and triggered the greatest expansion of the middle class the world has ever seen.

And look where we are today. George Bush and Dick Cheney have replaced that virtuous path with a vicious circle when it comes to our economy.

We have a labor market that cannot keep up with our growing population. We see declining wages even as health care costs go through the roof. And the gap between the Two Americas is growing. Corporate profits are up. Our most expensive stores’ sales are up. But average wages are down over the last year, and the Targets and Gaps are seeing their sales stall. Instead of creating good middle-class jobs, we’re creating more temp positions, part-time jobs, and jobs in fast food restaurants.

When you have a government that does nothing to reward responsibility, our economy doesn’t pick up and this vicious circle continues. The people at the top do just fine. The people who make this country work struggle to get through the month, and our economy never picks up steam.

John Kerry and I will break this vicious circle. And we will put America back on a virtuous path where work is rewarded, the middle class expands, and the American Dream is there for all who are willing to work for it.

Our goal is to build one America with one economy that works for everyone. Where no child ever looks on at his parents and thinks, “I can’t hope for something better.” But dreams only of building something better. And this is the season for change. It is time to build an economy that honors our values and rewards work, to construct a truly American economy that truly means what it’s like when the factory or the plant closes down. The whole town suffers, and that’s what happens when the textile mill my father worked in closed down.

We can prevent some of these jobs from leaving America. And there are real steps we can take that will stem the loss of manufacturing jobs in Ohio. But that alone won’t be enough.
One constant of our new global economy is that there will always be change—one sector will be growing while another lags. It is the responsibility of our leaders to anticipate these shifts, so that they can help workers find new jobs and create new ones, and give our workforce the tools it needs to adapt to the new economy.

What I am presenting today is our plan to help Ohio and America build one economy. This plan will attract new business to Ohio and create more manufacturing jobs. And it will strengthen and expand the middle class so that the American dream of building something better is never replaced with the dream of just getting by.

First, we are going to create and keep good paying jobs right here in America. Today, if one company wants to move its factories to China, they can simply come to the company that ships its jobs overseas is rewarded. They get the tax break while their middle class watches more and more good paying jobs leave this country. They get the tax break while our middle class loses its muscle. And they get the tax break while your neighbors have to figure out how to live on $12,000 less in their new job.

This administration values America’s work so little that they actually proposed to offer new tax breaks to companies that ship their jobs overseas. Instead, we will cut taxes for businesses that create jobs here. In fact we will cut taxes for 99% of American companies that pay taxes and create jobs.

For those small businesses and manufacturers that want to hire new employees we will cut taxes to help them share of the payroll tax for every person you hire. And for those small business owners who want to hire more employees but cannot afford to insure them, we will give you up to a 50% tax cut on your health care to cover your employees.

You see, we believe that government should cut taxes on American business. But it shouldn’t cut and run from America’s values when it does.

Another way to honor work is to enforce our trade agreements and trade laws so we secure a more level playing field for our workers. We need to trade for our businesses, our community budget and our economy. But we need to make sure that our trading partners honor their part of the bargain.

Your own Senator, George Voinovich called America’s enforcement of trade laws, “nothing short of abysmal.” Right now, this administration is using our trade policy to compensate for their own failed policy, because laws in small countries willing to support us. And in the meantime, our major trading partners are cleaning our clock, bringing two or three trade cases against us for every one we bring against them.

Today we are running the biggest trade deficit in history. Exports are down for the first time in history. And no place feels the downside of an Administration that fails to look out for our businesses and our workers more than Ohio.

Ohio has lost 173,000 manufacturing jobs under this President. Here in Cleveland, CHC Industries shut down its plant because of CHC’s desire to make its product in China. Techneglas cut and run from America.

And I heard a similar story from the workers from Techneglas in Columbus. They were part of the television glass and components manufacturing businesses and were told to close the plant and sent 1,100 workers home. And one of the reasons they closed was China’s continued manip-ulation of its currency. They are able to sell products for up to 40 percent less—because they’re more efficient or cheaper, but because they play games in the currency markets. This President won’t even say it’s against the rules.

John Kerry will. He will fight China’s currency manipulation. And he will stand up for our workers. He has already won a court case that has delivered over $200 million to Ohio manufacturers over the last four years. These trade policies aren’t abstract ideas or some things that happen over there. They impact our lives. While we must always trade and open our markets, we must do so in a way that is right for our workers and the world’s workers.

We all have to do well if this economy is going to break this vicious circle and start to grow again. We have to grow businesses across the world. The health care costs add $100 to the cost of a Japanese car, but $1400 to the cost of an American car. American manufacturers that have always done right thing and offered health care are at a growing disadvantage compared to our international competitors. We have to change that. We can change it by lifting the burden of catastrophic costs from businesses and by offering tax credits to those who make them happen. We can change the rules that targets the lawyers who clog our court systems with meritless cases that should never be filed—and the victims whose injuries go unrewarded. John and I also understand that a strong economy isn’t just about Wall Street doing well. It’s about the strength and livelihoods of our Middle Class. Just as families live within a budget, so does our economy. We are going to break this vicious circle and start to grow again.

Since the Second World War, technology has accounted for nearly 50 percent of the state’s economic growth. There are 167,000 Ohio workers employed in high tech jobs.

If we expand investment in technology, we can create an economic environment where these kinds of high paying jobs are created every day. And by investing in education, we can use our best and our brightest to solve our countries greatest challenges. The strongest economy and growing middle class means a stronger Ohio.

Here in Ohio, as long as the state holds tuition in line with inflation. We will provide every person with a tax credit on $4,000 of college tuition. And if young people are willing to give two years of service to their community, state or country, then we’ll give them four years of college tuition.

In Cleveland, we will honor hard work by expanding tax credits for those who work. John Kerry and I have a plan to cut taxes on work and expand our middle class. To help middle class families pay for health care, health care reform and a tax credit to help lower premiums up to $1,000 a year. And we will change it by allowing the reimportation of prescription drugs and the government to negotiate a fair price. We can change it by reining in the drug companies.

It’s time to return to the idea that made this country great: Instead of helping the wealthy protect their wealth, we should reward the work of America’s middle class.

That is why John Kerry and I have a plan to cut taxes on work and expand our middle class. To help middle class families pay for health care, health care reform and a tax credit to help lower premiums up to $1,000 a year. And we will change it by allowing the reimportation of prescription drugs and the government to negotiate a fair price. We can change it by reining in the drug companies.

Here in Ohio, your leading universities, research institutes, and advanced manufacturing industries will spark new growth and innovation. They are critical for strengthening our economy and key to Ohio’s economic future.

Just as families live within a budget, Washington should too. And we will restore fiscal discipline in Washington. We will roll back tax cuts on multimillionaires, restore excessive deficit spending rules, and close corporate tax loopholes, corporate welfare, and the federal bureaucracy that is growing again under George W. Bush.

The plan will cut the deficit in half and this will restore confidence in our markets. It will free up new capital for new businesses and encourage them to start hiring again.

There is a fundamental American principle we all believe in creating wealth for those who work for it and expanding the middle class. But the very idea of the “working people having no place in our working society” is absurd.

Cleveland is a proud city, a great city. And it belongs at the top of many lists. But not the one we heard about last month—having the highest poverty rate in the nation. We need to see these numbers as a call to action.

Poverty isn’t something we can live with. It’s something we must strive to end. Based not on handouts, but based on hard work. We will encourage the job creation in Cleveland by fixing our tax policies and our trade policies to help our working men and women.

Cleveland, we have an opportunity to make this region again. We will honor hard work by raising the minimum wage. That will help 396,000 people in Ohio. And we will honor hard work by expanding tax credits for those who work.
don’t collect them. Thousands get advance “tax refunds” that are actually loans at interest rates of 100 percent or higher. And often these families see their earnings eroded even further. The predatory lending business no one should have to bear. Ohio has the highest foreclosure rate in the country, and in Cleveland, 1 in 66 homes were in foreclosure last year.

We can do something about it. First, we’ll work with Cleveland to lead an outreach campaign, expand voluntary help with taxes, speed foreclosed homes, and get the IRS out of the business of encouraging high-interest loans. We will crack down on predatory lending to save Ohio families $360 million a year, and we will prompt banks to offer more loans and services to low income families. And we can make sure fathers honor their responsibilities by paying child support and helping them work.

We can lead a rebirth right here in Cleveland. This city has 350 brownfields covering 6,000 acres. We can clean them up and replace hollowed out buildings with good new homes. And we can strengthen the public schools in Cleveland so that families stay in the city. You just laid off more than 800 teachers because you didn’t understand that future are we going to educate the best minds of tomorrow without a good teacher at the head of every classroom?

One thing that you understand here in Cleveland is that poverty isn’t “their” problem. Nobody is more eager than you to fight poverty, but I understand the simple fact of your city depends on the success of all of your residents. And that is exactly the same thing for America. Creating opportunity for all is not an expression of compassion. It is an expression of our commitment to do what is best for America.

At the heart of this campaign, we want to make sure everyone has those opportunities that I had growing up—no matter where you live, who your family is, and what the color of your skin is. This is the America we believe in.

You honor work and inspire confidence by building one economy that honors our values and strengthens our great middle class. With this simple and enduring principle serving as our moral compass, we can break this current vicious circle and put our economy back on a virtuous path.

This is what the politics of what’s possible can build and John and I need your support to make this happen in America.

For in the end, this election comes down to a simple choice. If you believe that our economy—Ohio’s economy—is strong when month after month jobs are lost and family incomes decline, then you can vote for George Bush and Dick Cheney. But if you want an economy that honors work and lifts up our middle class, then your choice is clear and it is time to make John Kerry our next president.

Many of us are angry at what George Bush and Dick Cheney have done to our great country and the values we cherish. But anger never changed America; our actions do. And this is what we will do create good paying jobs, invest in the jobs of the future, and lift up and expand our great middle class.

We belong to America.

So that once again, we can live in the bright light and the blessing of America.

When Mr. Kennedy sees despondent when his parents sort bills at the kitchen table, but believes in the promise of America. That hard work, responsibility and the love of his family that we create a future filled with hope and grace.

Mr. KENNEDY. Mr. President, few issues are more important to a strong America than strong schools. Education can open the doors of opportunity to our people. It helps the next generation realize their potential and fulfill their dreams. A good education strengthens our economy as it prepares young Americans to get good jobs and compete in today’s world. Parents want good schools, and over the past 4 years we have seen a President and an administration with an incompetent education policy and incompetent education budget.

President Bush has never once proposed funding to turn around schools that need improvement.

Here it is. The President said on January 23, 2001: “Ohio’s middle class, then your choice is clear

If you believe that our econ-

...
profits to the drug industry, $46 billion to the HMO industry. Now what do we have, the student loan scandal.

My friend from the State of Washington will speak to this issue, but I wish to point out what was written today in the New York Times that says it all.

I ask unanimous consent that the whole article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:


BANKS AND THE COLLEGE LOAN LOOPHOLE

The Bush administration has studiously looked the other way while well-connected lenders have exploited a loophole in the student loan program that will reap them nearly a billion dollars in undeserved subsidies this year alone. Congress, which rakes in contributions from banks and other lenders, was reluctant to even discuss this problem until a public outcry recently made it impossible to avoid. The Education Department has claimed that it lacks the authority to close the loophole unilaterally. But that position is certain to change this week in an unusually caustic report by the Government Accountability Office, which outlined the scope of the problem and urged the Education Department to solve it quickly.

At issue is a special category of student loans for which the government guarantees the lenders a whopping return of 9.5 percent, even while the interest rate charged to students is now less than 3.5 percent. The 9.5 percent loans, backed by tax-exempt bonds, were designed to lower interest rates more high in the 1990's to keep lenders in the college loan business, Congress tried to phase out the high-interest loans in 1993, when it rightly concluded that they were no longer needed, but they have not gone away.

As interest rates declined, the lenders, abetted by the Education Department, developed a series of accounting tricks that create new 9.5 percent loans essentially out of thin air. This process, sometimes described as cloning, has made the number of 9.5 percent loans soar to 500,000. The Bush administration has studiously delayed in dealing with this problem for months arguing that the firm does not need to be regulated. It made multiple references to statements by Rep. Michael G. Oxley (R-Ohio) that “Congress provided a distinct regulatory mandate for utility [hazardous emissions] because of the logic of basing any decisions to regulate on the results of scientific studies and because, given the extremely high costs that electric utilities will face under other provisions of the new Clean Air Act amendments.

The EPA used nearly identical language in its rule, changing just eight words. In a separate section, the agency used the same italics Latham & Watkins used in their memo, saying the EPA is required to regulate only the pollutants under Section 122 of the Clean Air Act “after considering the results of the studies required by CAAA 122.” The memo uses the word “subparagraph” instead of paragraph but is otherwise identical.

She added that pollutants such as lead and arsenic are not the central issue: “EPA-concerned with mercury. We will be regulating mercury emissions from power plants for the first time, and we will concentrate on the need to protect children and pregnant women. Environmentalists have assailed the EPA for months arguing that the mercury rule, slated to be finalized next March, would not adequately curb a toxin that can enter the food chain through fish and cause development damage in infants and young children.

I wish to point out what was written today in the New York Times that says it all.

The rule, they said, does nothing to limit chronic levels of other toxic emissions from utilities, all of which exceed mercury emissions and could pose a health threat.

“The big story here is public health story: things like arsenic, lead and chromium are being released in very large quantities and pose a very serious health threat.”
President, how much time do I have?

The PRESIDENT. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to talk about this scandal to which the Senator from Massachusetts alluded. It is mentioned in the New York Times today. “Banks and college loan loopholes are taking the money to the bank. They want the truth. We have a candidate who will give it to them. I say to my friend and colleague in the Chamber, Senator Murray. Whatever remaining time I have, I yield to her, and I thank the Chair.

The PRESIDENT. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to talk about this scandal to which the Senator from Massachusetts alluded. It is mentioned in the New York Times today. “Banks and college loan loopholes are taking the money to the bank. They want the truth. We have a candidate who will give it to them. I say to my friend and colleague in the Chamber, Senator Murray. Whatever remaining time I have, I yield to her, and I thank the Chair.

STUDENT LOAN SCANDAL

Mrs. MURRAY. Mr. President, I come to the floor today to talk about this scandal to which the Senator from Massachusetts alluded. It is mentioned in the New York Times today. “Banks and college loan loopholes are taking the money to the bank. They want the truth. We have a candidate who will give it to them. I say to my friend and colleague in the Chamber, Senator Murray. Whatever remaining time I have, I yield to her, and I thank the Chair.

I talk to families all over the State of Washington, and they are struggling to pay for college for their kids. They all agree college education is far too expensive for many families. You would think that Federal Governments would be doing everything possible today to make college more accessible for all of our families. Sadly, that is not the case.

Last week in the Senate we had a chance to help students get to and get through college. Unfortunately, the majority on the Appropriations Committee blocked my commonsense, student-friendly proposal. Instead of standing up for students, unfortunately the committee stood up for banks and other special interests that have been gaming the system for years, at taxpayer expense.

I am on the Senate floor today to say that students should come before special interests. Student loan programs were started to help our students. They were not started to line the pockets of special interests. Student loan programs were intended to help students get another $3,000 for college. It would have helped the parents of 25,000 low-income students get child care on campus. It would have helped another 60,000 students prepare for college through TRIO and GEAR UP. And it would have helped students of migrant students attend college.

When I offered my amendment, everybody on the committee seemed to agree that this subsidy should end. But when it came time to vote, every Republican member voted against my amendment. Every last taxpayer, they voted against students, and they voted against our families. They said they wanted to deal with it later. I am here today to say that taxpayers are getting ripped off every day we delay. If we wait 6 months, as was suggested, taxpayers will lose billions of dollars, and students will not get the help they need. The time to do this is now.

I am not willing to waste another dollar that could be in the pockets of many families. That is why the Senate needs to act now. The Government is paying 30 times more than it should for these special interest subsidies—30 times more. That is a ripoff.

This is as if you walk into a college book store and a textbook on the shelf costs $100. If that textbook had the same outrageous markup as these loans, that student would be paying $3,000 for the same textbook. Taxpayers are paying $3,000 for something that only cost 100 cents of this runaway subsidy, and that is outrageous. There is no reason for taxpayers to be paying a markup of 30 times the real cost.

We were all outraged when Halliburton charged taxpayers $45 for a case of soda that sells for $7 at the supermarket. Halliburton marked those prices up 6 times. Today, lenders are marking up student loans at a price 30 times higher than they should. No wonder the Washington Post called this a scandal.

I ask unanimous consent to have the Washington Post editorial on this printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

From the Washington Post, Sept, 10, 2004

STUDENT LOAN SCANDAL

There are bureaucratic errors, there is congressional negligence—and then there are bureaucratic errors and congressional negligence on a scale so vast that it is hard to believe they could be accidental. Hundreds of millions of dollars in unnecessary government payments to the student loan industry

in the past 18 months amount to such a scandal. The loans in question, established in 1980, are guaranteed by the government at 9.5 percent. Yet most students are paying interest at rates of 5.0 percent. That is pure profit for the companies that have taken advantage of a loophole in the law.

A report released this year by the Institute for College Access and Success, a non-profit education think tank, Congress had actually intended to end in 1993 the 9.5 percent loan guarantee, one of many programs that provide incentives for institutions to lend to students. In May 2003, one company, Nelnet, wrote to the Department of Education to confirm its intention to expand its holdings of old loans with the 9.5 percent interest rate. Nelnet received no answer from the department for a year, during which time the department continued paying the company. In June of this year, the department replied inconclusively—at which point the company’s stock price climbed 20 percent. Although Nelnet is the largest holder of loans guaranteed at 9.5 percent—and its holdings of such loans have increased by 50 percent since January 2003—there is no reason for taxpayers to be paying a 9.5 percent interest rate.

Mr. President, will the Senator from Washington yield back the remainder of her time?

The PRESIDENT. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have 3 minutes remaining.

There could be other explanations for their reluctance. One is that the president of Halliburton, Don R. Bogue, may have had an interest in the loophole being closed for the loophole to be shut and the money to be better used—is well-connected enough to have been appointed to Mr. Paige’s advisory commission? Or did he just happen to be a former CEO of Halliburton? And then there are other solutions could have been found: In the wake of revelations about the scale of the payments, the House yesterday passed an amendment to an appropriations bill, offered by Mr. Van Hollen and Mr. Klidée, that would close the loophole completely, albeit temporarily. Of course, there is no guarantee it will become law.

There could be other solutions could have been found: In the wake of revelations about the scale of the payments, the House yesterday passed an amendment to an appropriations bill, offered by Mr. Van Hollen and Mr. Klidée, that would close the loophole completely, albeit temporarily. Of course, there is no guarantee it will become law.

There could be other solutions could have been found: In the wake of revelations about the scale of the payments, the House yesterday passed an amendment to an appropriations bill, offered by Mr. Van Hollen and Mr. Klidée, that would close the loophole completely, albeit temporarily. Of course, there is no guarantee it will become law.

There could be other solutions could have been found: In the wake of revelations about the scale of the payments, the House yesterday passed an amendment to an appropriations bill, offered by Mr. Van Hollen and Mr. Klidée, that would close the loophole completely, albeit temporarily. Of course, there is no guarantee it will become law.
For nearly a decade we have argued that Congress should reduce subsidies for banks that lend to students, and instead expand the direct-loan program, which provides about a quarter of the loans—and else reform the system to make it harder to manipulate. This scandal provides an excellent reason to look again at these questions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. MURRAY. I ask for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, the Senator from Massachusetts asked unanimous consent to have the New York Times editorial from today printed in the Record. It clearly laid out the case for what is happening today to taxpayers who are paying a tremendous price. And who is losing? It is our students.

We have to stop overcharging the American people. We still have time to do it this year and help students get to college at a time when we all know tuition is skyrocketing. We need to do more to get more students there.

I warn the Senate, the clock is ticking. Every Member of the Senate has to decide if they stand with students and families and taxpayers, or if they are going to stand with the special interests. Millions of students and millions of families are waiting for this answer. We have to stop the special interest subsidy today.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I understand we have a colleague who is on her way to the floor. I ask unanimous consent she be entitled to 5 minutes and that we have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask the Chair to remind me when I have 1 minute left.

I ask the Senator from the State of Washington, does she not agree with me that this administration has the power to do something about this, and could do something about it today, this giveaway that is written about in the prominent national newspapers as a giveaway to the banks? Does she agree with me that the Department of Education has said we don’t have the authority, we don’t have the power, we don’t have the legal ability to do something about it? Yet we have the General Accounting Office report:

Family education loan program, statutory and regulatory changes could avert billions—

Hear that? Billions—

... in unnecessary Federal subsidy payments.

On page 8:

We disagree with the department’s characterization of their authority.

It seems to me, if this President were interested in protecting middle-income families, in avoiding the kind of continued wasteful subsidy and giveaway to the banks, that the President, the Department of Education, this administration, could do something and do something today.

Would the Senator be willing to express an opinion on that?

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely correct. The Department of Education could end this today with a simple ruling, implementing rules that are pointing fingers, saying Congress has to do it. Congress had the opportunity in the Appropriations Committee last week. They said, no, we have to wait for an authorization 6 months from now. Every month that goes by, it’s billions more in taxpayers’ money and thousands of students don’t get access to college. We don’t need any more fingerpointing on this.

I think the Senator would agree that we don’t need the Department of Education pointing to Congress and Congress pointing to the Department of Education. We need to stop this now. The Department of Education can do it by rulemaking and we can do it on any time. We can do it now. But we need to do it and we need to do it quickly.

Mr. KENNEDY. I thank the Senator for her comments.

On August 27, Sally Stroupe, Assistant Secretary for Education, said, “I don’t think we have the legal authority to stop them.”

They made no effort to try to stop them. Senator MURRAY is leading the fight in the Appropriations Committee to try to save the taxpayers and save middle-income families who are stretched with their tuition. Now we have the General Accounting Office saying they do have the power.

I wonder if the Senator would agree with me that we see a whole pattern from this morning’s newspapers about how the administration is effectively right in the tank for the powerplants with regard to mercury, coal-fired powerplants, and is now with the bank on student loans. We have seen it with regard to the HMOs. I am wondering who is going to stand up for working families and who is going to stand up for middle America.

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely right. This is outrageous. We have the Department of Education pointing fingers at Congress when they can make a ruling and stop this practice today. According to all accounts, the delay of this is costing billions of dollars. Congress has to act on reauthorization of the act 6 months or longer from now. Taxpayers are going to lose $2.8 billion in interest payments. We are in the Senate where we know that access to Head Start is critical, we know access to college is critical, and we know that $2.8 billion sent to the bank today means students are not getting higher education.

Mr. KENNEDY. Mr. President, when we made the commitment of No Child Left Behind, we put millions of children, including all children. When this body committed to Medicare, we didn’t say we are going to leave some senior citizens out; we said all seniors. When we made a commitment to voting rights, we said voting rights for all Americans. When we made our commitment to all children in this country, we meant all children.

There it is. This is not disputed. We are facing a budget crisis of more than 4 million children. That is unacceptable, particularly when we find that this administration is looking out for their special interests.

I think we have an opportunity to change that on election day, and hopefully.

I thank the Senator. I yield the floor.

Mr. President, the Senator from Massachusetts is absolutely correct. The Department of Education can do it by rulemaking and we can do it on any time. We can do it now. But we need to do it and we need to do it quickly.

Mr. KENNEDY. I thank the Senator for her comments.

On August 27, Sally Stroupe, Assistant Secretary for Education, said, “I don’t think we have the legal authority to stop them.”

They made no effort to try to stop them. Senator MURRAY is leading the fight in the Appropriations Committee to try to save the taxpayers and save middle-income families who are stretched with their tuition. Now we have the General Accounting Office saying they do have the power.

I wonder if the Senator would agree with me that we see a whole pattern from this morning’s newspapers about how the administration is effectively right in the tank for the powerplants with regard to mercury, coal-fired powerplants, and is now with the bank on student loans. We have seen it with regard to the HMOs. I am wondering who is going to stand up for working families and who is going to stand up for middle America.

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely right. This is outrageous. We have the Department of Education pointing fingers at Congress when they can make a ruling and stop this practice today. According to all accounts, the delay of this is costing billions of dollars. Congress has to act on reauthorization of the act 6 months or longer from now. Taxpayers are going to lose $2.8 billion in interest payments. We are in the Senate where we know that access to Head Start is critical, we know access to college is critical, and we know that $2.8 billion sent to the bank today means students are not getting higher education.

Mr. KENNEDY. Mr. President, when we made the commitment of No Child Left Behind, we put millions of children, including all children. When this body committed to Medicare, we didn’t say we are going to leave some senior citizens out; we said all seniors. When we made a commitment to voting rights, we said voting rights for all Americans. When we made our commitment to all children in this country, we meant all children.

There it is. This is not disputed. We are facing a budget crisis of more than 4 million children. That is unacceptable, particularly when we find that this administration is looking out for their special interests.

I think we have an opportunity to change that on election day, and hopefully.

I thank the Senator. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes.

THE ECONOMY

Mr. CONRAD. Mr. President, yesterday we heard a number of my colleagues talk about their view of the economy and their view of the fiscal affairs of the country and their view that things are on a positive track. Today, I would like to respectfully offer the other side of the story and what I view as a very dangerous course the Nation is pursuing under the leadership of President Bush.

Earlier this year, on August 30, the President was on the NBC “Today” show and the host asked him this question:

Let me ask you about deficits. This year, $45 billion. Bailout, do you think that’s pretty good?

President Bush: Yes. I do. I do.

That is an odd sense of accomplishment because that is the biggest deficit in the history of the United States.

The deficit that is now estimated to be some $422 billion we know is going to be larger because we are funding some of next year’s defense money this year because of mounting costs in Iraq. But even at the $422 billion figure, that is the largest deficit in the Nation’s history, and by a big margin.

Last year, under President Bush’s fiscal plan, we had what was then a record deficit of $375 billion. Now it has increased to $422 billion. But frankly, that understates how serious the situation is.

By contrast, if you go back to the Clinton years, each and every year of the Clinton administration the deficits were reduced and held for a 3-year period. We actually ran budget surpluses. This President has punched us back into deficit, and by a country mile.

The Bush administration now claims that the deficits are coming down. This is the budget director, OMB, chosen by President Bush. He says:

We continue to have deficits, even though they are coming down dramatically.

I don’t know what his notion of coming down is, but here is the record. The
deficits are not coming down. The deficits are getting bigger.

The last year of the Clinton administration, the first year of the Bush administration, which is a budget that the President inherited, the budget was in surplus by $1.8 trillion. The next year, 2002, it went to $158 billion of deficit. That was the first year under the Bush administration. The next year, $375 billion of deficits, then the largest dollar decline in history. This year, it is $122 billion, and the President’s budget director says the deficits are going down dramatically. What is he talking about? The deficits are not going down. The deficits are going up.

The truth is the official deficit is called the deficit by the press, what is called the deficit by this administration, badly understates how serious the fiscal condition is of the United States. The debt of the country is not going to increase by the advertised deficit of $422 billion. This may come as a great surprise and shock to many to find that the debt is going to increase by much more than the deficit. But the truth is the money that is going to be paid back, the debt of the United States, other trust fund, which they have to pay back, the money they are borrowing from every penny they are borrowing from Medicare, which they have to pay back; it is not in his budget; if you put in the money needed to fix the alternative minimum tax or the money for the ongoing war costs — this is what emerges as a realistic analysis of what is going to get added to the debt and what the deficits are going to look like over the next decade. Actually, this is not the real story. We have left out a lot of things that are also being done by this administration that will add to the debt. So this, too, understates how serious the situation will become.

But even with this look, on just a limited budget — the President’s request for additional tax cuts, the President’s need for additional funding for defense, the President leaving out the cost of the alternative minimum tax — you can see we are not going to see a reduction in the deficit in the coming years under the President’s plan. No. The amount being added to the debt is going to increase, and increase, and increase. What we see is an ocean of red ink over the next decade.

Let me show you some of the things the President has left out as he has structured his budget. As I have indicated, on the tax cut, he only shows now in his budget the first 5 years of the 10-year budget window he submitted 10-year budgets; this year, just a 5-year budget. Why? Because we have left out a lot of things that are also being done by this administration that will add to the debt. The President is hiding that from the American people what all of us know is the pattern of his tax cuts.

Past the 5-year budget window, the cost of these tax cuts explode. The President is hiding that from the American people with a 5-year budget. He is doing the same thing with the alternative minimum tax, the same pattern. The cost of the alternative minimum tax explodes. He only provided for 1 year of addressing the alternative minimum tax in his budget.

The war cost, it is the same pattern. The President has $25 billion he supported in a reserve fund for next year, money, by the way, he is not waiting to spend next year. He is spending it now. He is spending next year’s money this year. Even that dramatically understates what the Congressional Budget Office says the cost of the ongoing wars will be, if you add $25 billion he reserved in his budget. It was not in his budget, by the way. The budget he sent up had nothing in it. But when Congress said that is not realistic, he supported Congress’s move to put in a $25 billion reserve fund. But look what the Congressional Budget Office says the real cost is going to be: over $300 billion. It is not in the President’s budget.

The President has left out the money he is borrowing from Social Security. Mr. President, $2.4 trillion is being borrowed from Social Security over the next 10 years, every penny of which has to be paid back. He has no plan to do so. In fact, he has a plan to add even more costs by having a privatization of Social Security, or at least a partial privatization that would cost trillions of dollars more. From where is the money coming? From where is the money coming? It is all being borrowed.

Is anybody paying attention to what this administration is doing to the fiscal policy of this country? Is anybody paying attention to what this means to our economic future? Is anybody paying attention to what this means to our future military strength? You cannot be strong militarily if you are weak financially. This administration is digging a deeper and deeper hole for this country on the financial front. Remember, this President unveiled his tax cuts, 3 years ago, he said he was going to have maximum paydown of the Federal debt. Do you remember that? He said he was going to pay off all of the Federal debt that he inherited, the Federal debt, and the cost of the alternative minimum tax, that affects 30 million taxpayers. Yet the President is doing the same thing with Medicare — he is also now borrowing from countries all over the world. It may surprise people to find out that, under this administration, the borrowing from Japan has risen to almost $700 billion. We borrowed $167 billion from China; $130 billion from the United Kingdom. We have even borrowed over $90 billion from the Caribbean banking centers. The Caribbean banking centers, we are in hock to them for over $90 billion. South Korea — who would have believed it? We have believed we have borrowed over $60 billion from South Korea? That is the reality. That is the hole that this President is digging.

Just in the last 3 years, this is the increase in our foreign holdings of our debt. When the President came in in January of 2001, we owed $1 trillion abroad. Now we are up over $1.8 trillion in indebtedness to foreign countries, an 80 percent increase in our foreign indebtedness in just 3 years.

If it was just what has happened so far I would not be so concerned, but it is the direction this President is taking...
us that has to be of foremost concern because the President’s plan for the future is more of the same and a whole lot more—a whole lot more debt, a whole lot more in deficits. This fundamentally threatens the economic security.

This chart I show you is not a chart made by me or my staff; this is from the Congressional Budget Office. It is their analysis, assuming an extension of the President’s tax cuts, the need for alternative minimum tax reform, maintaining current spending policies. Look where we are headed. This is what CBO says will happen to the deficits and the debt of the country if, roughly, the President’s budget policy is pursued.

In fact, this is just the deficit. I misspoke when I said debt. The debt chart would be much worse than this chart. This is just the deficit. This leaves out the money being borrowed from Social Security, this leaves out the money being borrowed from Medicare—trillions of dollars that are not in the President’s calculations at all.

This is a course that makes no sense. This is what the CBO Director said, because some around this town say we will grow out of this problem. This is what the Director of the Congressional Budget Office says. By the way, this man came from the Bush administration. He came directly from the President’s Council of Economic Advisers. This is what he said:

‘‘This is a fiscal situation in which we cannot rely on economic growth to cause deficits to disappear. He is telling the truth. This is what the Federal Reserve Chairman said, Chairman Greenspan, who opposes deficit-financed tax cuts. Everybody knows Chairman Greenspan is a big fan of tax cuts but not deficit-financed tax cuts. This is what he says:

‘‘If you’re going to lower taxes, you shouldn’t be borrowing essentially the tax cut. And that over the long run is not a stable fiscal situation. But that is exactly what this President is advocating, not just for this year, for every year for the next 10 years.

Mr. President, what is the outcome of this set of policies? I think the Chairman of the Federal Reserve is warning us of where this is all headed. Back in February, he urged a cut in Social Security and Medicare. That is where is all headed. Why? In part, it is because the tax cuts the President has gotten passed overwhelmingly go to the wealthiest. 68.7 percent of the benefits went to the top 20 percent. What is most startling is over a third of the benefits—right at a third, 33.1 percent of the benefits—went to the top 1 percent, or the people earning over $337,000 a year. The people in the bottom 20 percent got virtually nothing. Those in the middle class got pretty modest relief. Those in the middle 20 percent got 17.7 percent of the benefits. The top 20 percent got 68 percent of the benefits. The top 1 percent, over 33 percent of the benefits.

Mr. President, when our colleagues say everything is going well in the economy, we know they are comparing our economy to different economy than the one I am watching. Look at the difference on this chart. This is what has happened in the last nine recessions. The dotted red line is what has happened to job growth as an average of the last nine recoveries since World War II. This black line is what is happening this time. Do you notice the difference? Something dramatically different is occurring between recoveries in the last nine recessions and this one. At this stage of the recovery, we would expect to have, based on what has happened in the nine previous recoveries since World War II, 5.5 million more private sector jobs than we have today.

Something is wrong. We have already seen 1.6 million jobs lost since January 2001. These are the job loss numbers. We are still 1.6 million jobs below where we were in 2001. The Chairman of the President’s Economic Advisers said we expect, sort of on average, jobs in 2004 to be 2.6 million more than jobs in 2003. For that to happen, we would have to have monthly job growth of 1.725 million. But what we are getting is 150,000 jobs. That is a jobs gap of enormous proportion. The hard reality is that the President’s record on jobs shows a loss of private sector jobs for the first time since back to the administration of Herbert Hoover.

The President’s comparison. In some ways, it is unfair because Hoover presided over the Great Depression. That is certainly not the case now. We are not in a depression. We are not in a recession. But the fact is that every time the administration has seen a private sector job growth—every single administration, except this one.

The President’s record on jobs, the President’s record on deficits and debt is the worst record of any President we have had, certainly in my memory, because he has taken a reckless fiscal course. We all know the story on manufacturing jobs. The story on manufacturing jobs was told to us in January of 2001. Now we get an economic report of the President in February of this year saying they ought to consider changing the definition of manufacturing jobs. The way out of this is not to create more manufacturing jobs, it is to change the definition of what is a manufacturing job. Here is what the President’s economic report said:

‘‘The definition of a manufactured product is not straightforward. When a fast food restaurant is providing a service, for example, is it providing a service or is it combining inputs to manufacture a product?’’

Now, there are all kinds of ways to deal with a bad jobs record, but to try to redefine manufacturing as McDonald’s manufacturing hamburgers is not going to sell.

Mr. DODD. Will my colleague yield for a question?

Mr. CONRAD. Yes.

Mr. DODD. Mr. President, I don’t want to interrupt the flow. The Senator is going through a lot of numbers and statistics, and we owe a debt of gratitude to Senator CONRAD for this analysis. I would like to come back to this deficit picture. I think these other numbers on jobs and so forth are in direct relation to our fiscal policies. There is a correlation because of our inability—and I am posing a question to the Senator—or unwillingness to make the kind of important investments that any period of economic growth requires, which are obviously being adversely affected by the amount of debt we are accumulating.

I don’t know if my colleague from North Dakota saw the same article I did yesterday, which was the lead story in the World Business section of the New York Times in which the IMF was warning us of a hazard in U.S. fiscal policies. I quote:

‘‘We believe that such a large imbalance’’

Talking about debt and deficit.

‘‘is a risk not only to the United States economy, but for the world economy’’ as well.

There are implications of allowing this fiscal situation to get so out of hand so quickly. As I recall it, in January 2001, we were looking at 10 years of surplus of $5.6 trillion. We are told now that the projections over the next 10 years of debt is somewhere around $5.5 trillion.

My question is, what are the implications for the younger generation? We have heard debate about death taxes. What about a birth tax here? What are the implications of the children being born who are accumulating the debt that is occurring here? I wonder if he might comment on the IMF story and what it means for a child born in the 21st century with this kind of debt, what sort of price tag have they been saddled with as a result of the mismanagement of our fiscal economy?

Mr. CONRAD. It is interesting. This is the second warning the IMF has issued this year about the U.S. deficits and debt threat not only our own economic security but the world’s economic security. Why? Because as the United States accumulates more and more debt, at some point those dollars that we are sending—that are being borrowed by us, money that is coming from China and Japan and, amazingly enough, South Korea—can we imagine that we would be able to borrow $60 billion—borrowed $60 billion from South Korea. At some point, that money has to be repaid. How is it repaid? How can it be repaid? Well, we have to reduce
our standard of living in order to produce the funds to pay back the rest of the world.

Mr. DODD. Mr. President, I was stunned by those numbers. As I recall, I think you said that we have borrowed around $900 billion from Japan, about $150 billion from China, and billions more from other countries. To make the picture clear, that is like bank holding a mortgage on your home. They hold the paper on America. They can call due those notes at any time. I presume it is a reasonable time, and could insist upon us paying back those obligations. So, in other words, our economic well-being is in no small measure tied to the desires of nations that may not have the same goals as we do, either in economic or foreign policy. They hold the mortgage, in a sense, on our future; is that correct?

Mr. CONRAD. That is exactly correct. The foreign debt of the United States under this administration has gone from $1 trillion to 1.8 trillion, an 80-percent increase in our foreign indebtedness.

Mr. DODD. In 40 months.

Mr. CONRAD. In 42 months. I was teaching back home in North Dakota at one point in time, and I asked the students there: Does it make a difference, should you care, does it matter to you that we owe Japan almost $700 billion? Does it matter we owe China over $150 billion? Does it matter that we have borrowed $60 billion from South Korea? They said it matters. I said: How do you think it matters? They said: If there is a military confrontation of some kind, maybe that affects our ability to do things we might think is in the national interest because we owe them so much money.

On trade, can we really call their concessions the consequences here if all of a sudden we do return to economic growth and we have borrowed all this money and we have to start paying it back, what is the effect on interest rates here?

That is what frightens the International Monetary Fund. That is what concerns people such as Chairman Greenspan. That as we see rising interest rates because of this enormous indebtedness, and we have to start paying more interest to keep getting people to loan us money, that all of a sudden, the cost of servicing this debt will go up dramatically, it makes it much worse, and, more importantly, for the economy—because we have millions of people who have variable interest rates on their homes, on their cars, on their student loans—these interest rates will start going up dramatically because countries are less willing to continue to loan us money, and all of a sudden the economic strength of America is weakened.

Mr. DODD. Mr. President, if I may further add, that is just the exact point I wanted to raise with my colleague from North Dakota. We talk about rising interest rates, and we are talking about some tax cuts. As I understand it, when we begin to talk about an interest rate hike, which we invariably are going to see, the actual cost of a college loan, a home mortgage, a car payment, all a consequence of the fact that which middle-income families have to borrow to meet these obligations—we have watched higher education costs go up more than 30 percent; we have watched health care premiums go up 45 percent. We have watched the price of gasoline go up 20 percent; all under this President’s watch. To make those payments, it will actually exceed whatever tax cut we may be providing to that middle-income family because of our inability or the unwillingness of this administration to actually be more responsible in managing the fiscal picture of this country, and average consumers are going to see interest rate hikes that are going to dwarf any tax cut they may get; isn’t that the case?

Mr. CONRAD. None of us can predict with clarity what is going to happen with interest rates, although we know under this fiscal condition, interest rates are going to go up. Clearly, that is going to offset, if not completely eliminate, the advantage of some of the tax reductions we get.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. I know we are out of time. I ask for an additional 30 seconds to close.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I am going to go right to the end of my charts. Real median household income has gone down under this President. That is a serious problem for this country, a serious problem for the middle class, and wages are falling behind inflation. And what the Senator should concern all of us because we see wage increases falling behind inflation. That is why people feel squeezed, and we have not seen anything yet if the fiscal policies of the country are not altered, if we do not begin to get back to fiscal balance to reduce the threat to the long-term economic security of our country.

I thank the Chair.

Mr. DODD. Mr. President, I ask unanimous consent for 1 minute to conclude my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank my colleagues. Mr. President, I thank the Senator from North Dakota for taking a little time to go over this issue. These are our choices. There are those who may think the path we are on is a reasonable and sound one, that these numbers really do not make any difference. We hear that all the time: Deficits don’t matter. Mr. President, North Dakota has laid out exactly why they do matter and why we are going to have to pay for these things and get our fiscal picture in shape, or we are going to pay an awful price.

When we think of the IMF warning countries about their economic policies or fiscal policies, we are normally talking about third and fourth world nations. Here is the head of the IMF now telling the greatest economy in the history of the world: You better get your act together; not only are you going to hurt yourself, but you are going to hurt the world economy.

In a few days, Americans have a choice to make, and the choice the Senator from North Dakota laid out is a clear one. Politics is about the future. What the Senator is talking about is the future. I am tired hearing about debates 40 years ago. Americans want to know what is going to happen to their kids and grandchildren, and the Senator from North Dakota laid out the scenario that if we do not make the right choices, it will cost us dearly.

I thank the Senator.

THE TAX BILL

Mr. REID. Mr. President, we are shortly going to have before us a tax bill that will increase the debt of this country by, in some estimates, more than $1 trillion. This year’s deficit that the President acknowledges is $430 billion. Of course, as we have learned here today in the presentation of Senator Conrad, the ranking member of the Budget Committee, that doesn’t take into consideration the cost of the war, nor does it take into consideration the fact that he is borrowing money from the Social Security trust fund. So the debt, of course, is closer to $600 billion, this year.

Today we learn from any newspaper we pick up that one way the President is going to try to save a few bucks is by going after the poorest of the poor. He is doing this by changing housing subsidies. I quote: "He is changing the housing sub-

Mr. DODD. I thank you, Mr. President. The Chair is correct. In a few days, the American public has a choice to make. The Senator from North Dakota laid out exactly why they do matter and why we are going to have to pay for these things and get our fiscal picture in shape, or we are going to pay an awful price.

When we think of the IMF warning countries about their economic policies or fiscal policies, we are normally talking about third and fourth world nations. Here is the head of the IMF now telling the greatest economy in the history of the world: You better get your act together; not only are you going to hurt yourself, but you are going to hurt the world economy.

In a few days, Americans have a choice to make, and the choice the Senator from North Dakota laid out is a clear one. Politics is about the future. What the Senator is talking about is the future. I am tired hearing about debates 40 years ago. Americans want to know what is going to happen to their kids and grandchildren, and the Senator from North Dakota laid out the scenario that if we do not make the right choices, it will cost us dearly. I thank the Senator.
about a safety net. There is no safety net anymore. It has been eradicated in the last 4 years. Section 8 tenants in the major cities of America are going to really suffer. It is too bad. It is too bad that the poor are getting poorer, the rich are getting richer, the middle class is becoming smaller and smaller. That is what this administration has done to America.

I yield the floor, and any time I have left in morning business, I yield back.

LOBBING ABOUT MEDICARE

Ms. STABENOW. Mr. President, I felt compelled to come to the Senate floor today to respond to something I read today that was in the newspaper, the Hill, that relates to another effort to confuse people about what happened with the Medicare prescription drug bill, the Medicare cards that I hate to even call discount cards because they are not discounts. In fact, we are now seeing an effort to pay people to reach out and say something nice about the Medicare prescription drug bill and to get seniors to do it. Let me read to you some of this article.

A Republican lobbying firm is offering healthcare consultants almost $4,000 each to find seniors willing to speak out in favor of the Medicare drug discount card and write letters to Congress thanking members for saving them money on pharmaceuticals.

Obviously, it is difficult to find people to do that, so now they are paying people to go out in the form of headhunters, if you will, to find people who are willing to say something nice about the new Medicare prescription drug bill.

The DCI Group, a Washington, DC-based lobbying shop that advertises to potential clients that it can treat “corporate issues like campaigns,” is offering healthcare consultants $3,750 plus expenses over six weeks [between now and the election] to generate positive news stories about the drug card and offer support to Congress for voting for the Medicare drug law. A recent e-mail sent from the DCI Group’s Starlee Rhoades to healthcare consultants says that the campaign will run from September 15 to October 31 and that the client is RetireSafe, which has sponsored the hiring of healthcare consultants . . . to go out and say good things about the Medicare prescription drug bill.

The DCI Group represents the Pharmaceutical Research and Manufacturers of America—PhRMA.

That is not surprising.

Tony Feather, who helped found the DCI Group, has close ties to President Bush’s top political adviser, Karl Rove.

Also not a surprise.

The DCI Group e-mail to healthcare consultants, obtained by The Hill, stipulates a number of “minimum deliverables” that come with the job of touting the drug card:

Or duties, if you will.

The e-mail says that RetireSafe wants seniors, families of seniors and healthcare community leaders “to send letters to their congressmen and senators thanking them for supporting the Medicare benefit, or asking for that support in the future.” [And by the way] “We have help available to write letters if the signer is not comfortable drafting the letter entirely on their own.”

For $3,750 plus expenses, health care officials claim they have an expert source of information to the media and that community and personally stop by the offices of their Congressman and Senators and thank them.

This is also very important as part of the deliverability. They must bring at least one senior or health care community leader to stand up at a townhall meeting and thank the lawmaker. I look forward to that.

The DCI group also asked the health care consultant to speak out on their own in support of the drug card.

Finally, every Wednesday from now until the 31st they are expected to send a report to the DCI that answers many questions, including how many events they attended. Did you speak in favor of the card and benefit? How many health care leaders did you ask to stop by the office of their Congressman or Senators? And how many actually did.

Then it says you will be responsible for acting as a local spokesperson at community events to get health care professionals’ opinions, which goes a long way in making the story seem credible to the general public.

Reached yesterday, the lady involved initially denied she was involved in this campaign. But when told that her e-mail had been distributed widely, she said, “I can’t talk about it.”

I feel compelled to talk about this and to take a moment and say that $3,750 will buy a lot of Medicare for seniors. In fact, I am tempted to actually encourage seniors in my State and around the country to offer to say something nice between now and the election because they can buy a lot of medicine with this. That would be a better way to put it if, in fact, we were giving it directly to seniors.

The truth is, this was a good bill. If the discount cards were really a discount, if the Medicare prescription drug bill was really good for seniors, you would not have to pay consultants $3,750 plus expenses for 6 weeks. And the truth is, it doesn’t matter how much you pay. Seniors know. They are the ones who have to go to the counter every day and every month to figure out how to get some kind of discount. Then they look at prices continuing to go up.

But in the meantime, they ask people to go out and say something nice about the Medicare bill for $3,750 plus expenses to go find the senior citizen who would say something nice about a Medicare bill. People would say it because it would be true and it would be real.

I hear stories every day of people who have gone to the Web site for Medicare and tried to wade through all of the cards—up to 70-some different cards—to figure out how to get some kind of discount. Then they look at prices continuing to go up.

I hear stories every day of people who are willing to say something nice about our country. It doesn’t matter what you have or how much you spend. People know whether they are better off. People know what is really happening.

We need to get about the business of getting this Medicare prescription drug bill right. We need to go back and do it over again, and do it right. Pharmacists need to have the ability of doing business with pharmacists in Canada who can really cut prices in half. Then we don’t have to pay consultants $3,750 plus expenses. Then we can find the senior citizen who would say something nice about a Medicare bill. People would say it because it would be true and it would be real.

In the meantime, we do try to figure out who will pay for their medicine, you might want to try offering, during the next 6 weeks, to say something nice about the Medicare bill for $3,750 plus expenses. I know it would buy my mom a lot of medicine. It would buy a lot of folks a lot of medicine, and it would be a better way to spend it than have more lobbyists trying to tell folks something that is not true.

The PRESIDING OFFICER. All time has expired.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the remainder of the morning business time be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PORTER J. GOSS TO BE DIRECTOR OF CENTRAL INTELLIGENCE

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to begin consideration of Calendar No. 815, which the clerk will report.

The legislative clerk read the nomination of Porter J. Goss, of Florida, to be Director of Central Intelligence.

The PRESIDING OFFICER. Under the previous order, there are 6 hours of debate on the nomination equally divided between the chairman and vice
chairman of the Select Committee on Intelligence.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that any quorum calls that take place during the consideration of this nomination be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I rise today to urge my colleagues in the Senate to confirm Mr. Porter J. Goss, of Florida, to be the next Director of Intelligence.

On August 10, 2004, President Bush nominated PORTER GOSS to be the next Director of Central Intelligence, or the DCI. In doing so, the President stated that Mr. Goss “is a leader with strong experience in intelligence and in the fight against terrorism. He knows the CIA inside and out. He is the right man to lead this important agency at this critical moment in our Nation’s history.”

The Goss nomination was received in the Senate on September 7. On September 14 and September 20, the Select Committee on Intelligence held extraordinary open hearings on this nomination. This nomination is viewed and widely covered in the press.

At the September 14 hearing, Mr. Goss was introduced to the committee by both of Florida’s distinguished Senators, Bob Graham, former chairman of the Select Committee on Intelligence, and Bill Nelson, who is well known to the Intelligence Committee as an interested and informed supporter of our efforts.

That both Florida Senators reached across the aisle to support this nomination is a testament to the wide bipartisan support that it enjoys.

After 2 days of thorough and wide-ranging public hearings, the Goss nomination was placed before the Intelligence Committee for a vote yesterday morning.

In yet another impressive display of bipartisanship, the committee approved the Goss nomination and ordered it reported in a vote of 12 to 4. At this time, I would like to congratulate the Intelligence Committee members of both parties for their sober, penetrating, and thorough consideration of this nomination. The committee’s handling of this nomination is very much in keeping with the bipartisan spirit that has animated its work during a very difficult year of challenges in the global war on terrorism in Iraq and in other areas around the world.

This bipartisan spirit did produce important steps forward, such as the committee’s report on Iraq WMD. In understanding intelligence problems and gaps and also making recommendations in that regard.

As such, the committee’s work will certainly help Mr. Goss as he strives to make the intelligence community better and to produce the best possible intelligence product. I want to say I also appreciate Mr. Goss’s efforts during his 2 days of public hearings to respond to members’ concerns and questions. He took these hearings very seriously and with attention to detail demanded by consideration for a position that has in the past been part of the Cabinet.

In my opinion, during his confirmation hearings Mr. Goss showed the qualities we want to see in a good DCI. They are coolness under pressure, a willingness to look at alternative views and, very importantly, a willingness to “talk” his way through critical judgments. Most important of all, he demonstrated his ability to put the lawmaker’s so-called partisan hat aside and take up the strictly nonpartisan duties of this critical executive branch office.

As I noted at Mr. Goss’s first public hearing on September 14, the role of the Director of Central Intelligence is of paramount importance to the security of our Nation. The most challenging jobs in the executive branch today.

Obviously, this Nation is currently engaged in a war not only in Iraq, not only in Afghanistan but elsewhere around the globe. In this war, for the most part there are no trenches. There is no barbed wire. There is no history. On the contrary, in this war of shadows and darkness, intelligence defines the front line and indicates its weak points and gaps.

Recently, a distinguished former National Security Adviser remarked to Senators that during the last 3 years our world has changed dramatically. In the old world, threats were posed by nation states and organized military forces. In our new world, the greatest threats may be domestic. These threats may come from nation states and their agents and terrorist groups, such as al-Qaida. Organized military conflict is only one of many threats.

In our new world, we are not fighting against nation states but against a network of terrorist groups that operate not only in the shadows but at times right in our own midst. Whether Afghanistan or Iraq or here at home, defeating this enemy depends primarily upon the ability of our intelligence services to locate, to penetrate and, yes, to destroy the terrorist cells.

We are involved in a world war which requires timely and actionable intelligence to ensure victory and the safety of the American people.

The Director of Central Intelligence is personally responsible for producing this intelligence. As we fight Islamic terror, other global threats continue to menace our Nation, and among them are these: The development of nuclear weapons by rogue states such as those in Iran and also North Korea; the steady transformation of the People’s Republic of China into a power capable of challenging our interests broadly and exercising influence over the region; and the continuing worldwide expansion of WMD technology.

The Director of Central Intelligence is also responsible for producing intelligence to keep the President and policymakers informed about these threats.

And if that were not daunting enough, Mr. Goss has been nominated for a position which in all probability may exist for much longer. As Senators know, the President and many in the Congress now support the creation of a new national intelligence director. There has been a great deal of discussion among my colleagues about reform. Above all, we must ensure that a new national intelligence director be something more than a weak and ineffective figurehead.

Most of the debate outside the Intelligence Committee has centered on how to grant increased authority to the new national intelligence director while leaving the structural status quo undisturbed.

Many on the Intelligence Committee believe this is simply unworkable. In other words, significant structural changes are vital to real reform. I believe strongly that we must create a new structure. This new structure must accommodate the diverse activities of our intelligence agency by giving direct responsibility and control of primary intelligence to the director and the corresponding agencies to a truly empowered national intelligence director and his assistants. And true empowerment includes both budget authority and line authority to direct and control the activities of the intelligence activities. One without the other may leave us with an intelligence head who can neither succeed nor be held accountable, and that would be a most unfortunate outcome.

We don’t know how or when reform will finally be enacted. Until then, however, we need a strong Director of Central Intelligence with the necessary skills to manage a community which needs reform. PORTER Goss understands these issues. As Chairman of the House Intelligence Committee, he helped create momentum for reform.

PORTER Goss will be a good man to have in the intelligence community driver’s seat as Congress, in cooperation with the executive branch, goes through the consideration of major reform. His unique background will serve him well as he meets these and other challenges while directing our intelligence community.

For over 40 years, PORTER Goss has been serving his Nation, his State, and his community. As an Army intelligence officer, a clandestine CIA case officer, a newspaper man, a county commissioner, a U.S. Representative, and chairman of the House Intelligence Committee, PORTER Goss has done his duty with skill, with honor, and with integrity. I believe, and Members on both sides agree, that his experience makes him uniquely suited to serve as the Director of Central Intelligence.

I have known Mr. Goss personally for 16 years. I served with him in the other body, the House of Representatives. I have worked with him on a weekly
basis since I joined the Intelligence Committee. I have formed a strong opinion about his fitness to lead the intelligence community.

One of PORTER GOSS’s most important characteristics is that he does not ride a party horse. In the Senate and in many others, the President has selected an outstanding public servant to be his principal adviser on intelligence.

In concluding my opening statement on the Goss nomination, I would like to underscore an important point. If, as I earnestly hope, the Senate approves this nomination today, this body will not simply have performed a routine pro forma duty. On the contrary, PORTER Goss’s confirmation as the DCI represents perhaps the most important changing of the guard for our intelligence community since 1947. This confirmation represents a fresh start for our Nation’s intelligence community. He will be the first Director of Central Intelligence in a new and hopefully better intelligence community. It is not the same entity that George Tenet inherited when he was confirmed by this body 7 years ago.

It is not the same entity that existed on September 10, 2001. The intelligence community has undergone vitally important changes since the terrorist attacks of 2001. These changes are the result of many factors: statutory requirements, Executive orders, and other major changes in policy. That snapshot that we took of the intelligence community back on September 10, 2001, and the snapshot today is much better in terms of improvement. A key factor is the vigilance and dedication of the intelligence community rank and file, to include those men and women who, today, as I speak, are putting their lives at risk in remote and dangerous places to protect our Nation.

Still other changes are on the immediate horizon as Congress considers lives at risk in remote and dangerous parts of the globe. The President has selected an outstanding public servant to be his principal adviser on intelligence.

So let us take into account the fact that this important intelligence community reform will be corrected. P ORTER GOSS

I rise today in support of the nomination of PORTER Goss to be the Director of Central Intelligence. There is no more important time in the history of our country, from an intelligence perspective, than we are in today. PORTER GOSS has been nominated by the President to be the chief intelligence officer for the United States.

PORTER Goss brings to the office an unparalleled wealth of experience and knowledge relative to intelligence matters. PORTER Goss has extensive experience working with the intelligence community under the chairmanship of PORTER Goss.

I will discuss very quickly why I feel that he is too partisan and too political to carry out the job of the DCI.

Well, I will say this about this man for whom I have so much respect: I have seen him in an atmosphere of committee work. I have seen him in an atmosphere of social work. I appreciate the Senator from West Virginia who is a very effective, very popular, and very efficacious man. He is a very strong advocate for his position on any issue than PORTER Goss. He is very direct. He is very plain spoken, and it is pretty obvious which side of the issue he is on. But he always does his arguing in a very respectful way, and in a way which advocates his position but does not get into personalities. Unfortunately, that is where the partisanship occurs in both this body and the body across the U.S. Capitol.

PORTER Goss is a man who has stood himself in a professional and nonpartisan way as chairman of the House Select Committee on Intelligence, as well as a member of the Rules Committee and otherwise in this U.S. House. He is a very effective chairman of his positions but he is not a partisan person.

I will discuss very quickly why I feel so strongly about his background and what it brings to the table relative to his confirmation. PORTER Goss started out early in his career as a military intelligence officer in the U.S. Army. He then moved into the realm of the Central Intelligence Agency and was a
clandestine officer for the CIA in two different overseas posts. He knows the people within the CIA. A number of individuals who he served with during his CIA years are still employees at the CIA. He knows not only the organization but he knows the personalities, and he knows what kinds of people are led, and the kinds of people who need to lead at the Central Intelligence Agency.

PORTER Goss followed his time as an Intelligence Officer in the field with years as chairman of the House Select Committee on Intelligence. He has covered the spectrum from an intelligence perspective. He has been on the ground as an Army intelligence officer, and the Department of Defense is the largest customer of the CIA. He has been at the ground level of the CIA, where the real work is done and where the real intelligence is gathered, by being a clandestine officer within the CIA. Then in his years as chairman of the House Select Committee on Intelligence he has been in a position to provide oversight for the work that not only he did as an active member of the intelligence community but following, particularly, post-September 11 he has provided oversight and been critical where he needed to be, and yet complimentary where he needed to compliment the intelligence community relative to the work they were doing.

I don't know of anyone else who has the same diversified background as a soldier, a clandestine case officer, and a legislator as does PORTER. It is pretty obvious that his background and vast experience are two of the main reasons why the President selected Mr. Goss to be the next Director of Central Intelligence.

PORTER Goss is a personal friend and he is somebody for whom I have great respect. I know what kind of family man he is, I know the wealth of intelligence he has been in a position to provide oversight for the work that not only he did as an active member of the intelligence community but following, particularly, post-September 11 he has provided oversight and been critical where he needed to be, and yet complimentary where he needed to compliment the intelligence community relative to the work they were doing.

I don't know of anyone else who has the same diversified background as a soldier, a clandestine case officer, and a legislator as does PORTER. It is pretty obvious that his background and vast experience are two of the main reasons why the President selected Mr. Goss to be the next Director of Central Intelligence.

PORTER Goss is a personal friend and he is somebody for whom I have great respect. I know what kind of family man he is, I know the wealth of intelligence he has been in a position to provide oversight for the work that not only he did as an active member of the intelligence community but following, particularly, post-September 11 he has provided oversight and been critical where he needed to be, and yet complimentary where he needed to compliment the intelligence community relative to the work they were doing.

PORTER Goss is a personal friend and he is somebody for whom I have great respect. I know what kind of family man he is, I know the wealth of intelligence he has been in a position to provide oversight for the work that not only he did as an active member of the intelligence community but following, particularly, post-September 11 he has provided oversight and been critical where he needed to be, and yet complimentary where he needed to compliment the intelligence community relative to the work they were doing.

I don't know of anyone else who has the same diversified background as a soldier, a clandestine case officer, and a legislator as does PORTER. It is pretty obvious that his background and vast experience are two of the main reasons why the President selected Mr. Goss to be the next Director of Central Intelligence.

PORTER Goss has been praised by his Democratic colleagues year after year for being nonpartisan on national security.

Senator GRAHAM of Florida said of PORTER Goss, in our hearing:

Mr. GOSS has also earned the respect of his colleagues and fellow policymakers on both sides of the aisle. One of the most, if not the most important principles that applies to our intelligence community’s ability to counter terrorists. He is someone who will work with the Congress and the administration to implement needed reforms.

PORTER Goss has been praised by his Democratic colleagues year after year for being nonpartisan on national security.

Mr. GOSS has also earned the respect of his colleagues and fellow policymakers on both sides of the aisle. One of the most, if not the most important principles that applies to our intelligence community’s ability to counter terrorists. He is someone who will work with the Congress and the administration to implement needed reforms.

Senator GRAHAM of Florida said of PORTER Goss, in our hearing:

He is uniquely qualified to be here today as the President’s nominee to serve as the Director of Central Intelligence. . . . He is a man of great character, unusual intelligence, a tremendous work ethic and an outstanding personal and professional standard of integrity.
He's a class act. Goss combines all of those characteristics, which are kind of somebody I like.

My colleague and friend from Missouri, Representative IKE SKELTON, the gentleman from the Armed Services Committee, said, in 1997, talking about the work on the intelligence authorization bill:

I salute both the chairman, the gentleman from Florida [Mr. G oss], and the ranking Democrat, the gentleman from Washington [Mr. Dicks] for their dedicated and bipartisan work.

I believe he can work on a bipartisan basis. In addition, PORTER G OSS understands the endemic deficiencies within the intelligence community. There can only be true, meaningful changes if there is a solid understanding of why change is necessary. PORTER G OSS understands what is broken and is determined to make sure the changes that need to be fixed and not to mess with what does not need to be fixed.

There are some glaring problems we identified in our report on the prewar intelligence. One of those was the poor state of human intelligence. That is spies on the ground, HUMINT as it is called in intel-speak. We did not have any. What a disaster. We also have problems in collection in general, analysis, and the consistent problems with information sharing. These are problems that PORTER G OSS has, during his tenure as chairman of the House Intelligence Committee, devoted himself to improving.

As Chairman ROBERTS mentioned in yesterday's open session, PORTER G OSS held over 62 hearings on intelligence community reform issues this year.

Under Chairman G OSS's leadership, the House Intelligence Committee advocated changes and added resources annually to address the intelligence community's most pressing problems, especially those related to HUMINT and analysis.

His commitment to reform forced the CIA to repeal its restrictive internal guidelines that had a "chilling effect" on HUMINT operations. He attempted to refocus CIA analytic resources toward longer term, predictive, strategic intelligence, and directed that more attention be paid to language training, breaking down stovepipes, and enhancing information sharing.

I can tell you, the stovepipes still exist. We still have bureaucracies that only want to share information up and down within their little fiefdoms, and we need somebody in charge who is willing to break down those barriers and make sure sensitive information is shared on a need-to-know basis.

PORTER G OSS was a member of the Aspin-Brown commission which was formed to assess the future direction, priorities, and structure of the intelligence community in the post-Cold War world. The commission made a number of recommendations, including looking into streamlining the directorate responsibilities and give him more flexibility in managing the intelligence community.

Those who question PORTER G OSS's commitment to change must remember that his leadership and dedication to intelligence community reform is apparent in his work on the "Joint Inquiry into Intelligence Community Activities Prior to and During the Terrorist Attacks of September 11, 2001." This report contained 19 recommendations. It laid the foundation for the 9/11 Commission recommendations—the changes that have been the subject of much discussion over the press over the last several months.

Those who question Representative G OSS's commitment to reform as well as his commitment to operate independent of the current administration should recall that Mr. G oss took the initiative to introduce his intelligence reform legislation on June 16 of this year, H.R. 4584, which called for significant changes in the intelligence community structure in addition to providing DCI with the much needed personnel and budgetary authority required to be a truly effective leader. It should be noted that PORTER G OSS's legislation did not fall in lockstep with the recent Executive order issued by President BUSH. I understand that Mr. G oss will take the necessary bold steps to do what is right for the community.

I quoted Senator N ELSON of Florida earlier, but he also said of PORTER G OSS:

...Congressman G oss is someone whose public life has been illustrative of being nonpartisan, fair and independent.

When PORTER G OSS was pressed to defend past partisan statements before our committee, he acknowledged there are times on Capitol Hill when partisanship will rear its head. That is, unfortunately, part of the job. However, he told our committee the following:

I well understand that I am leaving one arena and, if confirmed, heading to another arena that operates completely differently. I stress again the importance of approving Mr. G oss's nomination at this time of paramount importance in the intelligence community. I hope my colleagues will join with the chairman, with me, and other members of the committee in extending him our support.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer.

Mr. President, the nomination of Representative PORTER G OSS to be the next Director of the Central Intelligence Agency comes, obviously, at an absolutely critical time in our Nation's history.

The documented intelligence failures prior to the terrorist attacks of September 11 and leading up to the war in Iraq have left the intelligence community's credibility bruised and their image tarnished, which none of us wants.

The community's objectivity, their independence, their credibility, their competence, have been called into question. That is fair in some cases. As a result, a bipartisan call for reform has steadily grown to the point where the Congress is on the threshold of passing landmark legislation. I believe and I hope, to create a more effective, better informed intelligence community before we adjourn this year. I do not think we should stretch it out and wait. I think we should do it, and do it now.

The next Director of Central Intelligence will be the most important person for that position ever confirmed by the Senate. Our decision on who should lead the Central Intelligence Agency, and the other 14 intelligence agencies, according to the law, should not be a rubber stamp job.

The importance of this position requires a thorough examination of the nominee's record and his ability to carry out the weighty responsibilities of the job.

As I have indicated, never before in the 57-year history of the intelligence community has there been such a need for a Director of Central Intelligence with unimpeachable character, proven leadership and management experience, and strong national security credentials.

The new Director will face, in my judgment, no fewer than four major challenges: waging an unrelenting offensive clandestine campaign against al-Qaida and other terrorist organizations around the world; supporting ongoing military operations in Afghanistan and Iraq; managing an intelligence community in a state of transition; and, restoring the intelligence community's lost credibility.

The next Director of Central Intelligence must be extraordinarily qualified in order to successfully carry out these and other national security tasks.

I simply say all of this to say the stakes are enormous. Perhaps most importantly, the next Director of Central Intelligence must be nonpartisan, independent, and objective. This standard is not simply this Senator's; it is what the National Security Act law, requires specifically in language.

I know of no other position of importance in Government requiring that independence, objectivity, and non-partisanship as a requirement for confirmation. The very first responsibility of the Director of Central Intelligence under the National Security Act—and these are the words—says that his advice to the President, the executive branch, the military, and the Congress must be timely, must be objective, and must be independent of political considerations, and based upon all sources available to the intelligence community. That is the law.
I have reviewed Representative Goss’s record closely. I have gone over his writings and his speeches of the past 10 years. We have just completed two open hearings, which I thought were good hearings, in the Intelligence Community, where Representative Goss was asked questions about his past record, his commitment to reform the intelligence community, and his ability to be forthright, objective, and independent.

Representative Goss is, without question, qualified in many respects. He is a fine person. I have been able to work with him well over the past few years—that is not one of the requirements, but it happens to be true—both in the joint congressional inquiry into 9/11, and also in House-Senate conferences. His past employment with the Central Intelligence Agency, doing extremely dangerous work, and his 7-year tenure as chairman of the House Intelligence Committee, have given him both an insider’s and outsider’s perspective of the intelligence community. There is no doubt that he is an extremely knowledgeable person with respect to the inner workings of the Central Intelligence Agency and the other agencies he is nominated to manage.

But Representative Goss’s record is troubling in other regards. I wish to speak about them. He has made a number of statements relative to intelligence matters—many in the past year—that are, in fact, highly partisan and displayed a willingness on his part to use intelligence issues as a political broadsword against members of the Democratic Party. Again, ordinarily, that is kind of routine around here, but with respect to the Director of Central Intelligence, that should not be and cannot be according to the law. When taken collectively, this list of partisan statements and actions on intelligence matters raise a serious doubt in my mind as to whether PORTER GOSS can be an independent, objective, and nonpartisan, nonideological representative of the American people.

What is the public record of the person the President has nominated to be the next director of the CIA? Has he been independent, objective, and nonpartisan on intelligence issues, again, as required by law?

In March of this year, Representative Goss coauthored an intelligence op-ed piece that I read. It read, ‘‘Intelligence Gaps? Don’t ask John Kerry.’’ In this political attack piece, he made a number of highly charged political allegations relating to intelligence spending. These are quotes from the Congressman:

‘‘In 1994, when Democrats controlled the Congress, they cut intelligence funding. In 1996, when the Democrats controlled both Houses of Congress, and the Congress cut the President’s request in 1996, 1997, 1998, and 2001. In 1999, the Republican-controlled Congress initially cut the intelligence budget, but then passed a large one-time supplemental appropriation. In fiscal year 2001, the Republican-controlled Congress returned to its pattern of cutting intelligence funding. After the 9/11 attacks, Congress once again passed emergency supplemental funding. By that point, the Democrats had a majority of the Senate—briefly. Representative Goss voted for every Intelligence authorization bill and every Defense appropriation bill during this period, including bills that, based on his own admission, he felt might have been in error. He now insists that his opposition to the subscription to the record, about four or five times. He also refused to admit that his accusations might have been in error. When asked whether anyone from the White House or the President’s reelection campaign asked him to write the March editorial and to give the June floor statement against John Kerry, he said he couldn’t recall.

Representative Goss’s unwillingness to be forthright in his answers on this matter was troubling to me and a number of my colleagues on the committee. His dismissive answers to tough, but as I said repeatedly, I thought fair questions lacked candor.

I was left with doubt that as Director of Central Intelligence, he would have a forceful and independent voice on intelligence assessments that do not necessarily support a political agenda, if there is one, of the current President.

There are other instances where Representative Goss, as the chairman of the House Intelligence Committee, played the partisan blame game. It is again the law for the Director of the CIA to...
be involved in such. That was then. He is being confirmed now. Does this man’s life change completely after 15 years from partisanship to total non-partisanship?

In 1999, when it was disclosed that the Agency efforts against our Department of Energy weapons laboratories may have resulted in loss of sensitive nuclear weapons design information, a counter-investigation was begun, eventually resulting in charges being brought against Los Alamos scientist Wen Ho Lee.

Representative Goss repeatedly laid the blame for this espionage activity on the Clinton administration’s failure to protect national security. In the final days of the 2000 Presidential election campaign, Representative Goss took to the House floor and stated:

We have in the Clinton-Gore administration seen a cultural disdain for security.

Again, Representative Goss’s statements on important intelligence issues missed the record in the attempt to score political points.

The Cox Commission, which PORTER Goss served on as vice chairman, found that the security problems at the Department of Energy weapons laboratories predated the Clinton administration and congressional Democrats’ lab began in the 1970s.

The Cox Commission report also noted it was the Clinton administration that issued Presidential Decision Directive 61 requiring the Department of Energy to improve counterintelligence programs.

Evidently, mentioning these points was not helpful to Representative Goss when he was making sweeping statements about “a cultural disdain for security,“ which is highly offensive to me as a Democrat who is vice chairman of the Intelligence Committee, and I think all Republicans and all Democrats care desperately, seriously about what happens in intelligence.

In the rush to assign partisan blame, Representative Goss ignored the record. In a number of other statements, Representative Goss erroneously singled out the Clinton administration and congressional Democrats for cutting human intelligence programs in the 1990s that, in turn, he said, limited the intelligence community’s ability to carry out its mission.

Yet, Representative Goss himself who said in 1998 that human intelligence collection programs needed to be cut by the time the 1990s began. His comment specifically was:

I am convinced that the U.S. clandestine service, the CIA Directorate of Operations was in the mid to late 1980s too large.

When the identity of Valerie Plame, an intelligence officer with the CIA whose clandestine identity is protected by law from unauthorized disclosure, was leaked and published by columnist Robert Novak, Representative Goss was asked whether the disclosure warranted investigation. His response was stunning. He said:

Someone sends me a blue dress and some DNA, I’ll have an investigation.

The whole basis for the law protecting the identity of covered intelligence community employees from being disclosed is to protect the lives of American officials that are endangered if their true identity is known to our adversaries.

As a former CIA case officer and chairman of the House Intelligence Committee, Representative Goss knows that a false and impulsive statement, with its clearly implied shot at President Clinton, was wrong, inappropriate, and insensitive to the gravity of the matter. I hope Representative Goss, if confirmed by the Senate to lead the CIA, will have a more serious attitude toward the outing of CIA employees undercover.

When Richard Clarke, the coordinator for counterterrorism for the National Security Council from 1993 to October 2001, provided testimony to the Intelligence Committee, he made it clear that he would not declassify his testimony to prove it.

These claims were never substantiated, and when the National Security Council forwarded to Chairman Goss, as requested, a declassified version of Richard Clarke’s testimony on June 25, 2004, he nearly took action by publicly release it so that allegations of perjury and the lie could be laid to rest.

While the Senate voted to support the creation of the independent National 9/11 Commission, which eventually became the Commission led by Senator Thomas Kean and Representative Lee Hamilton, Representative Goss opposed the measure on the House floor.

When the Senate and House Intelligence Committees met in the fall of 2002 to conference this issue, he continued to oppose the creation of an independent 9/11 Commission stating that the issue would be decided “above my pay grade.”

When the Senate Intelligence Committee undertook an investigation into the use of intelligence—not the collection, analysis, and production of intelligence, but when you hand it to policymakers—representative of Members of Congress and the administration, during his nomination hearing, Representative Goss assured the committee that these partisan inclinations of the past would not prevent him from carrying out his duties as Director of Central Intelligence.

He said he understood the Director must be an independent adviser to the President and the Congress, beyond reproach and beyond the reach of politics.

While I appreciate his testimony and commitment to being a nonpartisan Director of Intelligence. I cannot say with absolute certainty that he will be exactly that. I must vote on his record. I cannot vote on his promise, and I do not think the Senate should. His record is his record. He said it.

The truth is, Chairman Goss and I have a very good working relationship, one that I expect will continue and improve in the future. We had a good exchange in recent days, even during difficult nomination hearings. In contrast to those who wish to gloss over this issue, PORTER Goss himself understands exactly the dilemma that I and
many of my colleagues face with this nomination. He knows this is one of only a handful of positions in the entire U.S. Government that requires by law nonpartisanship and objectivity, and in this case the demand is all the greater because it is about our national security.

PORTER GOSS openly acknowledged in his testimony before the committee this week that he has at times approached national security issues with excessive partisanship, and he expressed regret about that. And I respect that. I believe PORTER GOSS knows that in essence, on this whole question of independence, he is asking us to take it on faith, so to speak, that he can make a clean break from the last 10 to 20 years of his political career.

I hope he is right. I very much want him to be right about that, but at end of the day I do not think taking it on faith is enough for this vice chairman of the Committee when it comes to such a critical position of Director of Central Intelligence. It does not meet the legal standard, and it does not meet my obligation, in my judgment, as vice chairman.

Thank you, Mr. President, for the way in which he conducted the hearing. He was eminently fair. I believe I had five rounds of questions for myself, the nominee, and I want to express my appreciation to the chairman for the way he conducted the hearings, and also express my thanks to Senator ROCKEFELLER. His leadership on the committee has been invaluable to me.

I also want to commend the vice chairman for an excellent statement this afternoon, much of which I agree with, as he knows.

PORTER GOSS is a good man and a good Congressman, but his long record on structural issues and national security issues is not good enough to warrant his appointment as CIA Director at this dangerous hour. Mr. Goss showed that on his watch, as chairman of the House Intelligence Committee, he passed on virtually every opportunity to move aggressively for reform. His commitment to public service is unquestioned, but his unwillingness to displease the powerful to force change in our intelligence community is unfortunate.

In the committee, there were three major areas that came up as we sought to evaluate the nominee. The first, as the distinguished Senator from West Virginia has talked about today, has been the issue of partisanship. The second area that Senator PORTER GOSS should stop at our borders. We all possibly can. We understand politics and intelligence at the CIA, I must vote no.

I yield such time as he may consume to the Senator from Oregon.

The PRESIDENTING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, in beginning my comments, I first want to commend the chairman, Senator ROBBINS, for the way in which he conducted the hearing. He was eminently fair. I believe I had five rounds of questions for myself, the nominee, and I asked in the committee, good questions by Senator ROCKEFELLER, and I am willing to give the nominee the benefit of the doubt with respect to the partisanship issue.

But I will tell you, the answers that were given with respect to why it took the nominee so long to push for changes in the intelligence community still leave me unconvinced. For example, at one point in our hearings the nominee told me it was hard to get attention to the issues of intelligence on his watch. He said the reason he had not introduced legislation is that people were not focused on it; it was hard to get people’s attention.

Let’s think about what happened in those years when we evaluate the nominee’s response on that question. PORTER GOSS was chairman of the Intelligence Committee in 1998 when al-Qaeda bombed our embassies in Kenya and Tanzania. He was chairman of the Intelligence Committee in 1999 when the United States was investigating allegations of Chinese theft of our nuclear materials. He was chairman of the Intelligence Committee when the U.S. was bombed by al-Qaeda in October of 2000. And, of course, he was chairman of the House Intelligence Committee when we faced 9/11.

It took him nearly 3 years to introduce reform legislation after 9/11. I believe that is not good enough. I believe a chairman of a key committee can get attention when that chairman wants to use that chairmanship as a bully pulpit to be an agent for change. I believe a chairman who is committed to intelligence reform has the chance, when he bangs his gavel, to speak out for why changes are needed.

A leader must lead. We all get election certificates, in the U.S. Congress, to try to tackle problems, important problems, but chairmen have a special opportunity. If you look at the long record—and he said the record is the record—the nominee passed on virtually every opportunity to use his bully pulpit, to use his high visibility, to work for the kind of changes that would make this country as safe as necessary.

We, all of us, understand it takes courage to rock the boat. It takes courage to be an agent for bold change. But if you want an example of an individual who did it, an individual who is a prominent Republican, you need look no further than former New Jersey Governor Tom Kean. Kean was the Chairman of the 9/11 Commission. This stalwart Republican made truth his only goal. He pressed Republicans and Democrats alike to do the same. He was more successful and has more courage in this fractured political climate. What a boon it would have been, had we had the same commitment to change on the issue of intelligence, intelligence reform, by the current nominee to head the CIA.

The current nominee had a front row seat during all those years, the years I
outlined when those terrible acts of terrorism occurred, when he could have pushed for reform. Yet after weeks of going through the nominee’s record and 2 full days of questioning, I am hard pressed to find anywhere—in a bill, an inquiry—that demonstrates the nominee will hold people accountable, for example, rather than just going along with the status quo.

The record shows, to me, again and again, the nominee chose to play it safe rather than take the risks necessary to bring about change in the intelligence community. When I looked at Mr. Goss’s record, the first question that occurred to me was could he give us some examples, some concrete examples of when he was willing to stand up, to go against the popular wisdom and even his own party to bring about change; whether he was willing to take the tough risks that take us, as Congressmen and elected officials than lots of other people do, certainly those wearing the uniform.

Right now, we need somebody to head the CIA who is willing to stand up, who is willing to help this country come up with policies that leave the Cold War mentality behind—those are fit for a very different kind of threat—and to hold himself and others accountable.

Mr. Goss has a long, distinguished career as a Member of Congress. I know him personally. I served with him in the other body. It would be hard to find a more decent individual. I will say there are jobs in the Government of our country at which I don’t think Porter Goss would do a good job. But being effective here on Capitol Hill and in other parts of the Government is not where I set the bar for this key appointment. The bar is that we take as Congressmen and elected officials as fit for a very different kind of threat—and to hold himself and others accountable.

Porter Goss has a long, distinguished career as a Member of Congress. I know him personally. I served with him in the other body. It would be hard to find a more decent individual. I will say there are jobs in the Government of our country at which I don’t think Porter Goss would do a good job. But being effective here on Capitol Hill and in other parts of the Government is not where I set the bar for this key appointment. The bar is that we take as Congressmen and elected officials as fit for a very different kind of threat—and to hold himself and others accountable.

For example, I have come to the conclusion that on the intelligence reform legislation we, hopefully, will be dealing with today. If I am wrong, if the Senate agrees that on the intelligence reform legislation we, hopefully, will be dealing with today, I will be willing to look at that record. I will be willing to look at his record. He has had the opportunity to see it from the inside, to work there in a distinguished career. For the last few years, he has had the opportunity to serve in the Congress, to serve on the Intelligence Committee, and then for the last few years as the chairman. I think it is significant that he has been the chairman for the last few years at the same time many of us have served on the Senate Intelligence Committee, when the force of history was compelling us to examine as we have never done before the role of the intelligence community in the world we live in today, a world confronted by the failures of the intelligence community, where we have taken a magnifying glass for the last several years as Members of the House and Members of the Senate to see exactly what is wrong with the intelligence community. There has only been a handful of people who have had that experience. Some of them are in this room today.

Porter Goss has distinguished himself in that exercise as chairman of the House Intelligence Committee, as the leader in the House when we went through the joint Senate-House investigation. I had the chance to watch him through that endeavor. I had the chance to watch him learn, as all of us did, about the tragedy of September 11 and how the intelligence community did not function the way we wanted it to function.

In Porter Goss we will have someone who knows the community from the inside, but also has stood back, been on the other side, been on the outside, and has looked at it to see what is wrong, and has looked at it in a critical time in our history. I think that is so very important as we begin the task as a country and he begins the task as the new Director of the CIA to bring about needed change.

This is a tough job, but I believe Porter Goss is a tough man. I believe he is the right man. Some people might say this is an impossible job. I do not know if it is an impossible job, but it is a very difficult job. Let us think about it for a moment.

This is the man who walks in to see the President every morning, walks in to the Oval Office and greets him, gives him his intelligence report. I think we all understand there has to be chemistry between the President and the Director; that if there isn’t, that relationship—and we have seen that in the past with Presidents and Directors, sometimes the relationship—if there isn’t that relationship, they do not talk and the country suffers.

There has to be a relationship of trust, of confidence. Yet that same man who comes in to see the President every morning where there has to be that relationship, that trust, that rapport, is also a man who has to tell the President what the President does not want to hear; a man who has to have the guts to do it; a man who has to look the President in the eye and have the guts to tell the President of the United States, the most powerful man in the world, Mr. President, that is not the way it is; or maybe a more difficult thing to say, Mr. President, we messed up and 6 months ago or 3 months ago, what we told you was not right; or maybe this is the toughest thing of all to say to the President, Mr. President, we don’t know.

And when we look at some of the problems, some hypothetical, some factual, some of the things that occurred, those have been some of the problems. That man has to also be able to look at the President of the United States and say, Well, here is what we think it is, but also there are people in the intelligence community who have a minority view. That man has to have the guts to tell the President that as well. That is a difficult job.

This man also is the person who protects us every day; for example, because he is the one who has to be in charge of putting together all of the intelligence. And today it is the intelligence that protects us just as much as our national defense. The facts he comes up with, our intelligence community comes up with, are our first line of defense today. Yet we are telling this man today, if you get this job, at the same time you are carrying on this war on terrorism and you are providing these facts, we expect you to go and say you can carry out reform.

Further, we tell this man that he has to deal with whatever today’s crisis is. What we are focused on, of course, is terrorism today. But he has to deal with the long-term crises—nuclear proliferation, what is going on in China, you pick the challenge. He has to be 5 years out, 10 or 15 years out, and he had better not get it wrong.

This is a new era for the CIA, a new era for the intelligence community which came to maturity in the Cold War, the Soviet Union versus the United States. We sort of understood in those decades when we developed that
intelligence community. Official cover worked pretty well. The new head of the intelligence community has to continue that change, continue to change away from that. We have to move out from the official cover to a nonofficial cover. That is just one of the changes that has to take place. It is a tough job.

I think when you vote on someone’s confirmation, a lot of this is kind of a gut check. You don’t know what the exact issues are going to be in the future. This is an important policy job, as I have pointed out. The person who runs the agency, I suspect we are going to end up giving a lot more power. If Porter Goss is confirmed, he may end up with an entirely different job later on. He is going to run a big intelligence community, but it is also an intensely personal job in that relationship with the Congress and that relationship with all of the consumers. And the ultimate consumer, of course, being the Commander in Chief, the President of the United States.

I think it gets down to a lot of the person. What do you think of this guy, or woman if that be the case? Can they handle it?

I think it is helpful to talk to some of the persons who know this person best. I was struck by the testimony of the two Senators from Florida, Senator Bob Graham, of course, the senior Senator, but also significantly the chairman of the Select Intelligence Committee of the Senate, and a pretty harsh critic of the intelligence community and of the administration. This is what he had to say:

Let me say at the beginning that I am not unbiased. I believe that Porter Goss is an exceptional human being and will be an exceptional head of our Central Intelligence.

Senator Graham also said:

Mr. Chairman, I have known Porter Goss for well over two decades, and I can tell you from personal experience that he is uniquely qualified to be here today as the President’s nominee to serve as the Director of Central Intelligence. He has human intelligence, a tremendous work ethic, and an outstanding personal and professional standard of integrity.

Senator Graham added that as Governor of Florida, when he first met the nominee:

Party affiliation did not matter then. What was necessary, good men and women who could carry out a difficult task.

My colleagues, I believe party affiliation does not matter today. The challenge that Porter Goss, on a much magnified scale, will face as Director of Central Intelligence is very analogous to the challenge he faced 20 years ago in restoring integrity to his local community and completing a very complex project.

As to Porter Goss’s fitness to serve as an independent, unbiased DCI, this is what Senator Graham of Florida said:

... when it comes to the intelligence community, Congressman Goss has, in my judgment, a balanced perspective, a perspective gained both as an insider and then as an outside observer. For a decade, early in his career, Congressman Goss served our Nation in both the Army and the CIA. He knows firsthand the value and the risk of clandestine operations. Since he has been in Congress, especially as a member and chair of the House Permanent Select Committee on Intelligence, he came to know the agencies from an oversight capacity.

Senator Graham continued:

Some have said he is too close to the intelligence agencies, that he would be too protective of the status quo. Well, most of you served with Porter and myself on the joint inquiry into the 9/11 attacks. Do you believe you would join me in saying from that experience Porter is a man who will be independent in his judgments and unflinching in his criticism where he believes it is necessary?

Senator Graham concluded with these words:

I am confident he will not be a part of the problem but rather a leader in taking us toward principled, thoughtful solutions when it comes to reforming the intelligence community. I strongly recommend the confirmation of Porter Goss.

Senator Bill Nelson also participated in the September 14 Goss confirmation hearing. Here are some of the things Senator Nelson had to say:

I think we need intelligence reform. I think we need it now. And I think Porter Goss is the man to lead the effort.

Senator Nelson also called Porter Goss:

... a uniquely gifted individual whose public life has been a creative of being nonpartisan, fair, and independent.

The Senator further pointed out that:

Those characteristics in this town that is so highly charged with partisanship are sorely needed in a Director of Central Intelligence.

Those statements are from his two colleagues on the other side of the aisle from Florida.

I think sometimes it is good to know and talk to people who know someone best.

Mr. President and Members of the Senate, let me conclude by saying I have known Porter Goss for a long time. I have dealt with him on issues not just in the area of intelligence. Sometimes you get to know people in the Senate and the House working in Congress on a variety of issues.

Porter Goss and I had shared a tragic situation when we had constituents, hemophiliacs who acquired AIDS because they had to take massive amounts of blood because of their condition. The blood was tainted. It is a long story. I will not go into it now. But the blood was tainted because we thought there was an error made by the Federal Government, that the Federal Government did not become involved early enough, that the Federal Government made mistakes.

I had constituents. I listened to their tragic story. Porter Goss listened to some of these constituents. These are areas of the community and his years of experience inside the community and his years of experience of watching the community in the oversight capacity while being on the committee and of being the chairman.

He has a passion and an understanding of the intelligence community and of what needs to be done to change it. He understands the importance of human intelligence. Long before it was fashionable in this town to be saying, oh, we have to have more human intelligence, Porter Goss was pushing, pushing, and pushing the intelligence community for more human intelligence.

It may not have been flashy, it may not have been with a lot of big speeches, but he was there. He understood it. He understood what the needs were. This man gets it. If you want someone to lead the reform of this community, if you want someone who understands what the problems are, can do it from the inside, if you want someone who will have the guts to report to the President of the United States and tell him like it is, Porter Goss is your man.

So, Mr. President, I am proud to come to the floor today to recommend to my colleagues, based on my personal experience with the man before me, that you have seen over the years, that we vote for his confirmation. He has a tough job and, yes, it may be almost an impossible job, but I think he is the right man at the right time at this point in our history.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, may I inquire how much time is remaining on each side?

The PRESIDING OFFICER. The majority has 124 minutes remaining; the minority has 128 minutes remaining.

Mr. LOTT. Mr. President, I believe the chairman of the committee had indicated a desire to yield 5 minutes, or what time the Senator may consume, to the Senator from Colorado. It would be my intent to follow Senator Allard.

The PRESIDING OFFICER. The Senator from Colorado.
Mr. ALLARD. Mr. President, I thank the acting chairman for yielding 5 minutes.

Mr. President, I would like to associate myself with the comments of the distinguished Senator from Ohio. I, too, am proud to claim Representative Porter Goss as a friend and somebody who I think will do a great job.

There is no doubt that the intelligence community right now is in some difficulty, concerned about their jobs and the job they are doing and the public perception.

I say, first, there are a lot of good people at the Central Intelligence Agency. I think Congressman Goss recognizes that. I think there are substantial bureaucratic problems over there, too. I think he has the temperament to deal with some of those problems. Porter Goss is a strong leader. He is a quiet individual. He doesn’t grandstand. He is intellectual. He understands the intelligence community.

I have had an opportunity to serve on the Intelligence Committee in the Senate for 4 years, and I even developed a greater appreciation for the job Mr. Goss did on the House side in his service on the Intelligence Committee.

For those reasons, I rise to support the President’s nomination to head the Central Intelligence Agency. That nominee is Representative Porter Goss. I believe he is the right man at the right time for the job. That has been a stated couple of times already. I truly think that is the case. I am glad to see Senator Goss recognize that fact. I am asking my colleagues to join me in voting for his confirmation.

The intelligence community is at a critical juncture. It is clear that after the horrific attacks of September 11, and the problems involved with uncovering weapons of mass destruction in Iraq, the intelligence community needs firm leadership during a time when reforms are needed. The President has needed that leadership.

President Bush has put into motion, through executive order, most of the recommendations of the 9/11 Commission, and he is committed to strengthening the budget authority given to the intelligence community head administrator. The next step in intelligence reform is to bring in someone who is committed to reforming the Central Intelligence Agency from the inside out. That man is Porter Goss.

I have the pleasure of knowing Representative Goss personally and professionally. I was lucky enough to serve with him in the House of Representatives, and I value his knowledge of national security issues. Even then, when I served with him in the House, he was a voice both Democrats and Republicans turned to when debating important intelligence issues, and he continues to be a leader in the House today. More importantly, I got to know Porter Goss as a personal level. He is a someone I trust and have come to call my friend. There is no one I would rather see as director of the agency.

I am convinced Representative Goss is ready for this challenging task. Representative Goss will bring a unique perspective to the Director’s office in the Central Intelligence Agency. His perspective will not only drive the much-needed changes in the CIA, but will also bring his concerns as a Congress to the agency.

Porter Goss has been an Army intelligence officer. He has served as a clandestine agent in the CIA and has chaired the House Intelligence Committee. He is better prepared or qualified to be the Director of the Central Intelligence Agency. There should be no doubt that the combination of experience Representative Goss has will serve the American people well.

I have heard concerns raised that Mr. Goss is too partisan. I simply have to discount those concerns. This is a man who has served as an officer in the Army and understands very well his duty to the United States and the citizens he will soon swear to defend.

I am pleased to see the bipartisan support Representative Goss has already received. His nomination was approved by the Senate Intelligence Committee by a 12-to-4 vote. His colleague, a Democrat from Florida, Bob Graham, has come out strongly in favor of Mr. Goss.

It is time for the Senate to act on this nomination so we can continue the reforms to the intelligence community that are badly needed. Representative Goss is prepared to take the agency in a direction that will strengthen our collection and analytical intelligence activities and provide the information we need to keep America safe. He is a man who is truly interested in the needs of our country. He is somebody that I feel I can work with on the Armed Services Committee. I have some of the intelligence programs under my jurisdiction in the subcommittee which I chair, and they are extremely important programs. They are programs that are badly needed, they are expensive programs, and they do have some problems. We need somebody who has the background in intelligence to tackle those, and somebody I think I can work with.

I ask my colleagues to support his nomination because I personally think he is the best man for the job.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. LOTT. I yield to the chairman.

Mr. ROBERTS. Mr. President, I will be happy to soon yield to the distinguished Senator from Mississippi, a valued member of the Intelligence Committee.

On the issue of the HPSCI activity, the House intelligence activity, in regard to reform and other intelligence challenges during the last 3 Congresses, which has been brought up, I ask unanimous consent that I print in the RECORD the Survey of Activities of the Permanent Select Committee on Intelligence During the 107th Congress. I also commend to my colleagues the Survey of Activities of the Permanent Select Committee on Intelligence during the 106th Congress and the 105th Congress.

There being no objection, the material ordered to be printed in the RECORD, as follows:

SURVEY OF ACTIVITIES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE DURING THE 107TH CONGRESS

Mr. Goss, from the Permanent Select Committee on Intelligence submitted the following report.

This report covers the activities of the House Permanent Select Committee on Intelligence during the One Hundred Seventh Congress. Porter J. Goss (Republican, Florida) served as Chairman; Nancy Pelosi (Democrat, California) served as the Ranking Minority Member.

The stated purpose of H. Res. 658 of the 95th Congress, which created the House Permanent Select Committee on Intelligence, was to establish a committee “to oversee and make continuing studies of the intelligence and intelligence-related activities of the United States Government and to submit to the House appropriate proposals for legislation and report to the House concerning such intelligence and intelligence-related activities of the United States to assure that such activities are in conformity with the Constitution and the laws of the United States.” In carrying out its mandate from the House regarding oversight of U.S. intelligence and intelligence-related activities, the Committee created four subcommittees:

SUBCOMMITTEE ON HUMAN INTELLIGENCE, ANALYSIS, AND COUNTERINTELLIGENCE

Jim Gibbons (R-NV), Chairman, Leonard L. Boswell (D-IA), Ranking Member,

Sherwood Boehlert (R-NY), Alcee L. Hastings (D-FL)*, Ray LaHood (R-IL), Silvestre Reyes (D-TX)*, Randy “Duke” Cunningham (R-CA), Gary Condit (D-CA), Peter Hoekstra (R-MI), Collin C. Peterson (D-MN), Richard M. Burr (R-NC), Sanford D. Bishop, Jr. (D-GA)*, Saxby Chambliss (R-GA)*, Robert E. (Bud) Cramer, Jr.* (D-AL),

SUBCOMMITTEE ON TECHNICAL AND TACTICAL INTELLIGENCE

Michael N. Castle (R-DE), Chairman, Sanford D. Bishop, Jr. (D-GA),

Jim Gibbons (R-NV), Jane Harman (D-CA), Sherwood L. Boehlert (R-NY), Alcee L. Hastings (D-FL)*, Randy “Duke” Cunningham (R-CA), Silvestre Reyes (D-TX), Peter Hoekstra (R-MI), Leonard L. Boswell (D-IA), Richard M. Burr (R-NC), Robert E. (Bud) Cramer, Jr.* (D-AL), Terry Everett (R-AL),

SUBCOMMITTEE ON INTELLIGENCE POLICY AND NATIONAL SECURITY

Douglas K. Bereuter (R-Nebraska), Chairman,
Gary A. Condit (D-CA), Ranking Member, Ray LaHood (R-IL), Sanford D. Bishop, Jr. (D-GA), Michael N. Castle (R-DE), Tim Roemer (D-IN), John M. Shimkus (R-IL), Saxby Chambliss (R-GA), Collin C. Peterson (D-MN), Jim Demint (R-SC), and Terry Everett (R-AL).

**SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY**

Saxby Chambliss (R-GA), Chairman, Jane Harman (D-CA), Ranking Member, Peter DeFazio (D-OR), Peter King (R-NY), Gary A. Condit (D-CA), Jim Gibbons (R-NV), Tim Johnson (D-SD), Ray LaHood (R-IL), Alice L. Hastings (D-FL)*, Richard M. Burr (R-NC), Silvestre Reyes (D-TX)*, and Terry Everett (R-AL).*

*Member served on Subcommittee for only part of 107th Congress.

**CONGRESSIONAL RECORD**

September 22, 2004

**S9498**

**THE COMMITTEE**

Responded effectively to the catastrophic terrorist attacks of September 11, 2001, and the al Qai’sa terrorists by conducting investigations jointly with its sister committee in the Senate, the Senate Select Committee on Intelligence, to determine whether the IC should have been more adept, better resourced and more capable of thwarting the attacks. Responded effectively to the catastrophic terrorist attacks of September 11, 2001, and the al Qai’sas terrorists by conducting investigations jointly with its sister committee in the Senate, the Senate Select Committee on Intelligence, to determine whether the IC should have been more adept, better resourced and more capable of thwarting the attacks.

The Committee, however, recognizes that the Intelligence Community has engaged in a continuing pattern by which many individual programs have been provided resources with little or no reference to the extraction of intelligence capabilities, including space-based and airborne. The Committee believes that, although individual systems certainly have specific priorities, it was the Intelligence Community to consider whether the overall collective mix brings the appropriate volume of threats to U.S. national security. Moreover, the ability to fund legacy, developmental, and desired systems has a finite limit. Therefore, the Committee, in reviewing each program mindful of the strategic needs so that that and necessary tradeoffs are made based on substantive requirements.

**SCOPE OF COMMITTEE REVIEW**

U.S. intelligence and intelligence-related activities under the jurisdiction of the Committee include the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), the Department of Defense's Intelligence Community (DCI); and the permanent Select Committee on Intelligence (HPSCI), under the leadership of Chairman Porter Goss—

The TIARA are a diverse array of reconnaissance and target acquisition programs that are a fundamental part of the basic military force structure and provide direct information support to military operations. TIARA, the Joint Chiefs of Staff and the Secretary of Defense, include those military intelligence activities outside the defense intelligence programs that represent a critical need to support operational commanders for operational support information, as well as to national command, control, and intelligence requirements. The program comprising TIARA also falls within the jurisdiction of the Senate Select Committee on Intelligence. TIARA, the Joint Chiefs of Staff and the Secretary of Defense, include those military intelligence activities outside the defense intelligence programs that represent a critical need to support operational commanders for operational support information, as well as to national command, control, and intelligence requirements. The program comprising TIARA also falls within the jurisdiction of the Senate Select Committee on Intelligence.

**OVERSIGHT ACTIVITIES**

During the 107th Congress, the House Permanent Select Committee on Intelligence (HPSCI), under the leadership of Chairman Porter Goss—

During the 107th Congress, the House Permanent Select Committee on Intelligence (HPSCI), under the leadership of Chairman Porter Goss—

The Committee believes that the IC must continuously renew itself in this ever-changing world. Intelligence is the first line of defense against elusive and unstructured threats and enemies that use asymmetric means to harm America and her people. Only through providing these much-needed resources and a long-term commitment can the IC be prepared for the global challenges that confront us.

**INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2002 AND 2003**

**During the 107th Congress, particularly in the wake of the September 11 attacks, the Committee continued to pursue its objective of rebuilding and revitalizing our national intelligence capabilities to better meet the threats of the 21st century.**

Finally, after eight years of congressional administration to the executive branch to develop a long-term funding program to correct serious and critical Intelligence Community (IC) deficiencies, the President's budget requests provided a down payment on the resources needed to ensure that our policymakers and military commanders receive reliable and intelligence support that is crucial to our nation's security.

The Committee has addressed the known FIA problems as well as the need to develop imagery alternatives if developmental programs exist or persist. The Committee has, however, repeatedly noted that the Administration's Intelligence Community has engaged in a continuing pattern by which many individual programs have been provided resources with little or no reference to the extraction of intelligence capabilities, including space-based and airborne. The Committee believes that, although individual systems certainly have specific priorities, it was the Intelligence Community to consider whether the overall collective mix brings the appropriate volume of threats to U.S. national security. Moreover, the ability to fund legacy, developmental, and desired systems has a finite limit. Therefore, the Committee, in reviewing each program mindful of the strategic needs so that that and necessary tradeoffs are made based on substantive requirements.

The Committee, however, recognizes that the Intelligence Community has engaged in a continuing pattern by which many individual programs have been provided resources with little or no reference to the extraction of intelligence capabilities, including space-based and airborne. The Committee believes that, although individual systems certainly have specific priorities, it was the Intelligence Community to consider whether the overall collective mix brings the appropriate volume of threats to U.S. national security. Moreover, the ability to fund legacy, developmental, and desired systems has a finite limit. Therefore, the Committee, in reviewing each program mindful of the strategic needs so that that and necessary tradeoffs are made based on substantive requirements.
The Committee’s examination of the President’s Fiscal Years 2002 and 2003 intelligence budgets included 13 committee budget-related hearings principally on a program level. These hearings were held during the DCCI’s overall budget submission, the state of health of the IC, and the DCCI’s views and plans for the future of intelligence and the IC.

In reviewing the President’s budget requests, the Committee found that the President’s budget proposals consistently address the lack of investment and years of neglect that has harmed our nation’s intelligence capabilities. The fiscal year 2002 budget request submitted before the tragic events of September 11, 2001, reflected no major improvements or investment in intelligence capabilities. The fiscal year 2003 budget submitted by the President included the most substantial increase for programs funded in the National Foreign Intelligence Program in history, however, the intelligence authorizations for both fiscal years 2002 and 2003 reiterated the need for renewed investment by focusing on enhancing programs and information sharing across the various IC agencies.

In addition to budget-related hearings, the Committee held over 50 committee hearings and briefings on various issues vital to our counterterrorism efforts and the security of our nation. In the last two budget authorizations, the Committee found that the President included the most substantial increase for programs funded in the National Foreign Intelligence Program in history, however, the intelligence authorizations for both fiscal years 2002 and 2003 reiterated the need for renewed investment by focusing on enhancing programs and information sharing across the various IC agencies.

Given the September 11, 2001, terrorist attacks, the Committee immediately prioritized, and continues to be, the effectiveness of our counterterrorism efforts and the security of our nation. In the last two budget authorization bills, the Committee addressed critical and immediate counterterrorism needs. The 11th attacks significantly affected the long-term intelligence issues facing the United States.

The “Intelligence Authorization Act of Fiscal Year 2002,” (P.L. 107–101), in addition to authorizing generally the activities of the U.S. IC, directly addressed IC shortfalls in domestic counterterrorism efforts, intelligence collection and analysis, terrorist threat reporting, aggressive recruitment of human assets, foreign language capabilities, and sharing of intelligence information and analysis across the government. For example, the Committee added legislatively enacted legislation that repealed restrictions on human intelligence sources. In the wake of the September 11, 2001, attacks on America, the House of Representatives, through its National Commission on Terrorist Attacks and Homeland Security, established the 9/11 Commission, whose work ushered in a new era of counterterrorism.

At the behest of the Speaker and Minority Leader as the focal point and coordinating mechanism for post-9/11 counterterrorism and homeland security oversight activities. Prior to the 9/11 terrorist attacks, the Committee’s Working Group on Terrorism and Homeland Security held numerous classified hearings and briefings on the terrorist threat, gaps in the IC’s counterterrorism capabilities, the need for a more focused and better coordinated national effort on homeland security, and a variety of related matters. The new Subcommittee was created in the wake of the September 11, 2001, terrorist attacks against the United States. This bicameral investigation, supported by a separate, unified, professional staff, sought to identify what the Community knew or should have known regarding those attacks prior to September 11th, the nature of any systemic problems that may have impeded the Community’s ability to prevent those attacks, and recommendations for reform to improve the Community’s ability to save and prevent similar attacks in the future.

In the months that followed, the Inquiry’s investigative staff reviewed massive amounts of information, including IC and Intelligence Community, and information from federal agencies outside the Intelligence Community; from state and local authorities; from foreign government authorities; and from private sector individuals and organizations.

The Joint Inquiry Investigations

In February, 2002, the House Permanent Select Committee on Intelligence, the investigation also considered relevant information from federal agencies outside the Intelligence Community, the investigation also considered relevant information from federal agencies outside the Intelligence Community, from state and local authorities; from foreign government authorities; and from private sector individuals and organizations.

Building on the extensive investigative work of the 9/11 Commission and joint public hearings and, given the highly classified nature of much of this information, thirteen joint closed sessions.

In December, 2002, both Committees approved, by separate votes, the classified Final Report of the Joint Inquiry.

The Committees are currently working with the Intelligence Community in an effort to develop a comprehensive overall plan of action for addressing these concerns and to develop and implement new technical capabilities aggressively, and inadequate sharing of intelligence that was overlooked but also a number of systemic weaknesses that contributed to the Community’s inability to detect and prevent the 9/11 attacks.

The Joint Inquiry confirmed that the Intelligence Community had relevant information that was, in retrospect, significant regarding the September 11th attacks, the Community too often failed to focus on the information and to appreciate its collective significance in terms of a probable terrorist attack. The Inquiry’s findings do not impugn the Intelligence Community’s ability to prevent the tragic event of September 11th, when the intelligence community had relevant information but was focused on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, inefficient analysis from multiple sources, and a focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, inefficient analysis from multiple sources, and a focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, inefficient analysis from multiple sources, and a focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, inefficient analysis from multiple sources, and a focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, inefficient analysis from multiple sources, and a focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, inefficient analysis from multiple sources, and a focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, inefficient analysis from multiple sources, and a focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, inefficient analysis from multiple sources, and a focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, inefficient analysis from multiple sources, and a focus on the potential for a domestic attack.
relevant counterterrorism information. To correct such deficiencies, the Final Report includes nineteen recommendations for reform, including such things as the creation of a Chief Technology Officer. While committed to the protection of sources and methods and ensuring the security of our nation’s secrets, it is the intention of the Committee, whenever possible, to hold open hearings in an unclassified setting on issues of vital importance and concern to the public.

The Committee held four open hearings: Defining Terrorism—September 26, 2001; Asymmetric Threats to Homeland—October 3, 2001; Role of NSC in Current Crisis—October 11, 2001; Domestic Preparedness & Emergence Response—October 29, 2001.

The Joint Inquiry Committee held nine open hearings: Family Advocates for September 11—September 12, 2001; September 19, 2002; Intelligence Community Knowledge of September 11 Hijackers—September 20, 2002; Phoenix Memo—September 24, 2002; September 28, 2002; Counterterrorism Information Sharing—October 1, 2002; Intelligence Community Reform Proposals—October 3, 2002; Past Terrorist Attacks—October 8, 2002; Factual Finding of Inquiry—October 17, 2002.

Mr. ROBERTS. Mr. President, I yield as much time as he may consume to the distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the chairman. I also commend the chairman and the vice chairman of the Intelligence Committee for the very difficult job they have been performing, leading the Intelligence Committee. It has been one of the toughest jobs that I have witnessed in the Senate. It takes time, it takes experience, and it takes intellect to be able to deal with the issues that come before this committee.

I also commend them for the way they have handled this particular nomination. They were patient. They gave every Senator ample time to make their points and ask questions, and they have been commended by Members of both sides of the aisle for the way they handled the nomination. That is why I think the nomination was approved by the Intelligence Committee, and why I believe this nomination will be confirmed by a wide margin.

Before I get into a little more discussion about why I support PORTER GOSS to be head of the CIA and director of intelligence, I will talk about my overall concerns regarding the intelligence area.

As a member of the leadership over the years, I was able to have briefings and meet with Director Tenet. There are specific requirements in the law that certain Members have to be notified when certain actions are taken. I always took those matters very seriously and spent the time that was necessary to get those briefings. For the

last year and a half, I have been on the Intelligence Committee. I must confess that when I went on the committee, I thought I would be a big defender and big supporter of our intelligence community, because I think that what they do is so important, I support the men and women who work in that community.

But I must say, over the last year and a half, I have developed many concerns about being done right. How does the Congress do its job? I didn’t appreciate how important oversight is regarding intelligence matters, how important it is that a Senator develop expertise to be able to ask the right questions, do the oversight, and understand what is going on.

I have come to the conclusion that our intelligence community is not set up properly and we are not doing our job in the Congress. We can point fingers and come down on every body else, but a lot of the problem resides here in this body and in the Congress—not because we don’t try to do our job, but we are not organized properly to do it. We have this multifaceted process of so many committees, jurisdiction, and with good reason. Armed Services needs to be aware of what’s going on, as do Foreign Relations, Appropriations, and Governmental Affairs. Is there anybody who doesn’t have the day-to-day intelligence pie a little bit? Basically, nobody is doing the oversight job properly, because the members of the Intelligence Committee are not there permanently; they come and go and are on the Committee maybe 2 years, 4 years, or 8 years. Once you get to where you know what to ask and what is going on, you leave the Committee.

Frankly, I think the CIA and the intelligence community’s attitude is: Don’t give them anything; give them a little bit of a courtesy, a brush-off, and we will get what we want from the appropriators in the end.

I think we have real problems in the intelligence community and in the Congress, and we need to fix them. I don’t have a magic design. I want to hear what the experts have to say and see what legislation is proposed. I know this: Something has to be done in the way the intelligence community operates. You cannot operate under a construct where you have 15 different agencies and 80 percent of the money going to the Defense Department, with the director of intelligence having little or no control over the money or many of those intelligence agencies.

We need major changes, and we need them now. I am concerned about concerns that were raised yesterday that if we rush to reorganize the intelligence community, we could do damage because the job of gathering intelligence has to go on every day. Men and women are putting their lives on the line to gather intelligence. We need to be careful, but we need to press forward with change.

I know this body is loath to change anything. Any kind of reform is looked at suspiciously: Oh, we can’t do that; it has always been done this way. I have taken the time over the years to look at a lot of these issues, and it has not always been done this way. A lot of what we do and say around here, which some say is sacrosanct and cannot be changed, is relatively new. It evolved over the years.

At some point, you have to say there is a higher priority, that there is something more important than turf or jurisdiction or the way it was or is being done.

What is most important is how we are going to do the best job for the men and women in uniform, men and women in intelligence, and for the American people. So I think we need to take necessary changes.

The important point is that we have to have somebody in charge. We have good people in the CIA doing the job. We have an Acting Director who is a good man doing a good job. But we do need a permanent Director sooner. We need a man or woman in charge making decisions, making changes that need to be carried out even without legislation that overhauls the whole organization, and we need it now.

This is a dangerous time we are in. We need to not only confirm this nominee right away, but we need to do it overwhelmingly. We need to show him, we need to show the agencies, and we need to show the departments that he is the one who is confident the American people through their representatives in the Senate. We are dealing with very important issues, and it is so important that we have leadership at the top. We need to do it right away.

We have a good man who has been nominated. A lot of thought went into his selection. I know the President sought out the counsel, advice, and the thinking of a number of Members of Congress on both sides of the aisle, in the House and Senate before he went forward with this nomination. He has nominated a man who is uniquely qualified to be the Director of Intelligence.

PORTER GOSS is the right age. He is in his mid-sixties, still young enough to do the job, and old enough to know what needs to be done. He has a background of military experience, where he was in Army intelligence for 2 years. He worked in the Directorate of Operations of the CIA for 8 years. Most of this is in the RCOI, but I think it is worth repeating so that my statement will make sense, hopefully, in its entirety.

When he left the CIA, he continued to be involved in trying to serve his fellow man and his community. He was a leader in his hometown in Florida. He served on the city council, was mayor, was a member of the board of commissioners, and has served in Congress since 1988, which is a pretty good pe
I have watched him. I have watched him deal with difficult issues. I have watched him take a leadership role, and I have watched him work with the ranking member of that committee and with Democrats, and I have been impressed with the job he has done on the Intelligence Committee in the House.

So he knows the CIA. He knows it from having been in Army intelligence, he knows it from having been in the CIA, and he held the position he held as chairman of the Intelligence Committee. He knows where the problems are because he was there, and he knows how to strengthen the intelligence community and make it better. He is no stranger to the difficulty and the complexity of foreign intelligence.

When I look back on some of the former heads of the CIA, frankly, some of them did not have much of a background in that area. But here is a man who is uniquely qualified. He has been in this committee to al-Qaeda. I know that some people say that if you are in the institution, you are part of the problem. But, my experience leads me to ask, how can you solve a problem if you do not really understand an institution? In Washington, that say, if you know the subject, whether it is transportation or oil or intelligence, you should not be in government because you have been co-opted.

I think absolutely the opposite is the case. Practical experience is invaluable. You have to understand the culture, you have to understand the people, and anybody who has paid close attention to the intelligence community in recent months and years knows what changes should be made and have to be made. PORTER Goss, a Member of Congress, has been critical of the intelligence community. He does not sugar-coat it. He has said that the human intelligence program is dysfunctional. He has spoken the truth about the way we have funded the CIA, which he says has not been adequate, it has not been done in the right way, and we have not put enough emphasis on human intelligence. In fact, Congress stopped this nation from having the human intelligence we needed, if we go back and look at the results of the Church Commission some 30 years ago. Once again, we are part of the problem.

He knows we need to do more in linguistic training, and he has raised these questions as chairman of the committee and in his communications with the DNI.

His confirmation would bring stability and experience to the intelligence community. One thing that worries me, as I have talked to some of our intelligence personnel, is a certain concern about whether they are really appreciated, and are the old experiences being going to stay, or are they going to leave. I have noticed some of the intelligence people I see are getting younger, younger, and younger. They need a firm and experienced leader. They need a person who has been there with them, understands their needs, and appreciates the job they do, and PORTER Goss would do that.

He does support what Congress is about to do. He is going to create a national intelligence director position, and we are going to pass legislation that is going to reorganize the intelligence community at some point, maybe sooner than later.

Again, he has the right attitude and supports the position I believe that Congress is going to be taking. There are those who have questioned his independence. Is he a partisan? Is he a politician? Whatever happened to congressional courtesy? Over the years, I have supported Members of the other party from this body and the other body, even though they have sometimes been very partisan politicians, very vocal critics of some of the positions he has taken, but he satisfied the members of the Intelligence Committee by a vote of 12 to 4 with several Democrats voting for his confirmation. They asked him the tough questions. They had their reservations, and those reservations have been satisfied.

I cite one point of how he dealt with the former Director. On September of 2003, he wrote a letter to DCI Tenet pointing out concerns he had with intelligence. He joined with the ranking member of the Intelligence Committee in the House, Congresswoman HARMAN, and indicated there were significant deficiencies with respect to the intelligence community’s collection activities concerning Iraq’s WMD programs and ties to al-Qaeda prior to the commencement of hostilities there.

So he did not wait until after the fact; he raised concerns when they needed to be raised. If my colleagues have taken a look at that letter, it certainly shows independence. It was the kind of thing that the DCI needed to hear at that particular time.

So I can attest from experience, from observation, and from a written record that this Congressman will be an independent, thoughtful, strong voice at the CIA.

I urge my colleagues, let us have our discussion but let us have a vote and let us make it overwhelming. Let us do it now because we need strong leadership and we have the right man to do this job. PORTER Goss will provide leadership for the intelligence community. He will be able to work with Congress and he will help give the intelligence community the ability to do an even better job.

I thank the chairman for yielding me this time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I yield such time as he may consume to the distinguished Senator from Utah and thank him for his service on the Intelligence Committee.

Also, I thank the Senator from Mississippi for his excellent commentary, and especially highlighting Mr. Goss’s independence and the fact he will be a nonpartisan DCI.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague and I certainly appreciate the leadership Senators on the Intelligence Committee, in particular the Senator from Kansas. He has done a great job. I think Senator ROCKEFELLER has worked with him very well for the most part. I will close myself with the remarks of the distinguished Senator from Mississippi. There are very few people around here who have had to deal with
the personalities of so many people as Senator Lott has. He has done a ter-
ific job throughout both his House and Senate career, and I think we ought to
listen to the wise people like that with regard to whether we should vote for
Porter Goss to be confirmed. There is no doubt in my mind that Porter Goss is
worthy of this position and, in my mind, he will do it in an ef-
fecitive way. I compliment the distin-
guished Senator from Mississippi for his cogent thesis and his very prac-
tical remarks to which we ought to all
be paying attention.
I remember when George Tenet was
ominated, and George Tenet was a
Democrat. He was a staffer to Senator
Boren. Senator Boren, George Tenet, and
I traveled all over the world to-
gether. There was not any question
that we were going to support George
Tenet when he came up for CIA Direc-
tor, and I think he did a much better
job than all of his critics are saying. A
lot of this was because he worked very
hard for Senator Boren and for the
committee and knew an awful lot
about intelligence to begin with. This
is a tough job. It is almost an impos-
ible job to do. In fact, I think it is an
impossibility to do it in any way, in
every respect, totally right.
The fact is, we supported Mr. Tenet
and he was a member of our family. I
believe Porter Goss is a member of
our family, too, and a person who is
worthy of it. He is a Member of Con-
gress. He is a person who deserves our
support. I hope we all get together and
get along.
I have had the opportunity to work
closely with the chairman of the House
Permanent Select Committee on Intel-
ligence. In the months of collaboration
between our two committees which
produced the joint inquiry, I had the
opportunity to take the measure of
Porter Goss’s mind, as well as his ex-
perience and his commitment to the
intelligence community. I totally sup-
port this nomination.
As we all recognize, the intelligence
community is going to undergo a major
reform, a process that can only succeed
if there is close cooperation between the
White House and all the relevant
executive agencies, the Congress—and
that includes the Democrats and Repub-
licans—and especially this committee,
and the intelligence community.
Another problem is that the next
Director of Central Intelligence
must understand that the new
initiatives we are debating in draft leg-
islation this month, legislation we are
referring to intelligence community
reform, will be the beginning, not
the end, of reform. In fact, I fear that
once we pass a reform package some of
us will believe we will have accom-
plished reform. In fact, we will have
only begun.
Everyone agrees that we need better
results from our intelligence commu-
nity. I suppose that is always going to
be the case. Most of us, I hope, also
agree that the intelligence community,
from the Director on down, have been admirable, brave,
selfless, and intense. I believe former
Director Tenet worked hard to revi-
talize capabilities that devolved after
the end of the Cold War. I know he
worked hard. He inherited an agency
that needed a lot of improvement, and
to the extent that he could, he did his
best to do so.
I am pleased to note that an over-
whelming majority of my colleagues on
the other side as well. I
occasionally made statements that
have irritated the other side of this
aisle. That is probably true of everyone
on both sides of the floor. I have to
admit I have been irritated from time
to time by statements made by my
colleagues on the other side—and even by
some of my colleagues on our side—and
I am sure I have made statements from
time to time that have irritated col-
leagues on the other side as well. I
have not wanted to, but I am sure I
have. It is just the nature of being in
this political arena. But to then pre-
sume a person is an indecent partisan
because occasionally they find fault
with the other side, I think shows a de-
gree of immaturity, of political and
personal immaturity that is unwor-
thy of the nomination process.
Nobody is going to come before us
who is perfect in every way. But I have
to say, there are very few people who
have served as much as Porter Goss
has and who have as much knowledge of
the intelligence community as he
has, who have ever been members of
the top echelon of the CIA.
I have every confidence in him. I am
going to support him. I hope all my
colleagues also will support him. He is
worthy of it. He is a Member of Con-
gress. He is a person who deserves our
support. I hope we all get together and
gain a strategic advantage against the
threat we face now and will face for
some time to come: the threat of
armed groups—terrorists, if you will.
I strongly believe al-Qaeda will be de-
feated in the coming years. It is not
gonna be easy, but we will defeat
them. On the other hand, I think a
sombre analysis of the world we live in
today should remind us that, even
when al-Qaeda is defeated, we will face
the threat of other armed groups. Na-
tions that have developed strategic
advantage to understand, penetrate, co-opt and, when necessary, destroy
armed groups will enhance their na-
tional security.
We rely on our intelligence commu-
nity for that strategic advantage. Por-
ter Goss understands these require-
ments. He has worked within the intel-
ligence community, and he has per-
formed years of congressional over-
sight over that community. He re-
spects the community and he knows
what is expected of him. As our
jobs, I can assure Porter Goss, when
he is confirmed, he will be the Director
made most accountable to Congress in the history of intelligence community
oversight.
As I said, when the next director
comes before our committee, we should
not settle for reports. We must demand
strategy for achieving reform and
measurement standards. Our legisla-
tive initiatives can only do so much.
Right, and I think we need the leadership of a
responsible and experienced director,
will be what advances reform.
There is no doubt in my mind that
this man can do the job and can do it
well. There is no doubt in my mind
that as a Member of Congress he has
occasionally made statements that
have irritated the other side of this
aisle. That is probably true of everyone
on both sides of the floor. I have to
admit I have been irritated from time
to time by statements made by my
colleagues on the other side—and even by
some of my colleagues on our side—and
I am sure I have made statements from
time to time that have irritated col-
leagues on the other side as well. I
have not wanted to, but I am sure I
have. It is just the nature of being in
this political arena. But to then pre-
sume a person is an indecent partisan
because occasionally they find fault
with the other side, I think shows a de-
gree of immaturity, of political and
personal immaturity that is unwor-
thy of the nomination process.
Nobody is going to come before us
who is perfect in every way. But I have
to say, there are very few people who
have served as much as Porter Goss
has and who have as much knowledge of
the intelligence community as he
has, who have ever been members of
the top echelon of the CIA.
support him and continue to support him as he serves in this job which almost nobody can completely fulfill. This is a job that takes immense capabilities and, I might add, commitment. He has both and we should support him.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from West Virginia.

Mr. ROCKEFELLER. I yield such time as the Senator from New Jersey wishes to express his views. I yield him that amount of time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, we are discussing the nomination of Representative PORTER GOSS to be Director of Central Intelligence. This nomination comes to the floor at a critical time for our Nation’s intelligence community. With Chairman COLLINS and Senator LIEBERMAN’s ranking membership, the Governmental Affairs Committee is in the process this very day of marking up legislation to reform the intelligence community. It is a task that all of us on the committee are taking very seriously.

It was the failure of intelligence that led to the horrors of 9/11 and the loss of almost 3,000 lives. Seven hundred of them came from my home State of New Jersey. It was a painful moment in American history.

It was the failure of intelligence that led to our false premises for invading Iraq. I thought everyone from the President on down had agreed that we needed to take intelligence data more seriously. That is why it was so shocking to hear President Bush’s odd statement yesterday about our Nation’s intelligence data on Iraq. A few hours after the President spoke at the United Nations about why we went it alone in Iraq, President Bush was asked by a reporter about the CIA report that he had received in July, regarding the deteriorating situation in Iraq, which could even lead to a full-blown civil war. The President at that moment dismissed the CIA report by saying that the CIA might have been “just guessing.” Just guessing? The Central Intelligence Agency just guessing? That is quite a way to describe their activities.

On this placard we see what President Bush called the Senator from Maryland is recognized.

Mr. ROBERTS. Thank you, Mr. President.

I now yield as much time as the distinguished Senator from Maryland may use. I thank the distinguished Senator for her service on this committee as she always provides the committee with very candid, independent, and right-on views. I am delighted to yield time to her at this time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKY. I thank the chairman of the Intelligence Committee for his words. I also thank him for the process he provided for us to evaluate the suitability of PORTER GOSS to be the Director of the Central Intelligence Agency. He gave us a lot of time to be able to interview Mr. GOSS directly. His staff has been quite collegial and quite cooperative, and we want to thank him for providing us with that type of environment in which to make a responsible decision.

Indeed, deciding on this nomination is vitally important. The Director of the CIA needs to be up to the job.
These are very dangerous times, and it is vitally important that we make the right choice. Now more than ever, the security of our Nation depends on timely, reliable intelligence to detect, disrupt, and deter terrorist attacks on the U.S. of America and our friends around the world. We must also make sure attacks don’t happen to treasured allies, and to help policymakers, from the President and his Cabinet to Members of Congress, to make the right decisions about what we need to do related to diplomacy and the deployment of our troops.

The next Director of the CIA will have to do all of this and even more. The next Director will also have to push through the much needed reform at the CIA and to cooperate in the reforming of other intelligence agencies. We want to make sure there are no more 9/11’s and no more wars based on dated and dubious evidence.

The constitutional duty of the Senate is to review the nominations of the President. I take that very seriously. When a nominee comes, regardless for what position or from whatever party is in power, for an important position like this, I ask four questions: Is that person competent? Do they bring integrity to the job? Are they committed to the core mission of the agency? And will they function in an independent way?

As I said at our hearings, I know Porter Goss, and I have worked with him over the years. I have no doubt that Congressman Goss is competent based on his years of service, both as an agent at the CIA as well as in the House of Representatives chairing the House Intelligence Committee. From my knowledge, he has been a man of integrity. And yes, he is committed to the mission of the CIA and the importance of intelligence to help protect the United States of America. The great big caution yellow light I have is the question of independence—the willingness to speak truth to power, committed to reform, to be nonpartisan, and also never to sugarcoat, dilute, or twist the information going to the President of the United States and top policymakers.

During the last year, I have become very concerned about Mr. Goss’s partisan activities. He has unfairly attacked Democrats. He has been strident in other statements in terms of the political campaign for the Presidency.

My questions are, Who is this Porter Goss? Is he the one I served with in the House who was a moderate conservative, straightforward, willing to work across the aisle, or is this the aggressively partisan and even intemperate person, I take him at his word. However, in the words of Ronald Reagan, who said “trust but verify,” that is the way I feel about the Porter Goss nomination. I accept him at his word, which he not only gave to me but he gave to the entire committee in a public format, that he would be nonpartisan, committed to the truth, a leader for independence and reform, and would always speak truth to power. So I accept him at his word, but I also believe we must engage in vigorous congressional oversight to make sure Porter Goss does the job he is to do, and to make sure he does what he has committed to do.

So when my name is called, I will vote for Porter Goss. But I want to make it very clear that in voting for Porter Goss to be the Director of the CIA, I am not voting for him to be the future NID. As you know, we are not clear on what is the framework for reform we will adopt. There are ideas coming forth that I know we will be debating and voting on next week and in the weeks ahead. So we want to be sure that we have the best information based on the best information. And if we do create the National Intelligence Director, a position I have supported for many months, that person’s nomination comes to us separately. In voting for Porter Goss, I am voting for him to be the head of CIA, but I am not using this vote for him to be the NID by proxy.

Again, let me conclude by thanking the Chairman and the vice chairman for their hard work on this committee. It is a committee with great responsibility. We take it seriously. But at the end of the day, my analysis concludes that I will vote for Porter Goss. I will vote, but I will use congressional oversight to verify.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

MR. ROBERTS. Mr. President, I thank Senator Mikulski for her very forthright statement. Like the Senator, I understand the point raised by Senator Lautenberg and would only make two points about the notion of Porter Goss’s alleged lack of independence from the administration.

First, Mr. Goss sent a very candid letter to DCI Tenet, along with Congresswoman Jane Harman, who is the ranking member of the House Intelligence Committee, expressing deep concern about our intelligence on Iraq. That letter is not the work of a shrinking violet, I can assure you.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE.


Hon. George J. Tenet,
Director of Central Intelligence.

Dear Mr. Tenet:

At the outset, we reaffirm our support for the dedicated men and women working in the Intelligence Community (IC). Their deep commitment to our country and to their profession is evident. We recognize the challenges and women its gratitude for their tireless efforts to provide policymakers with the intelligence they need to make informed decisions about the security of Americans at home and in places like Iraq.

Thank you, again, for promptly responding to the Committee’s request for all intelligence information related to Iraq’s weapons of mass destruction (WMD) capabilities, as well as any ties to terrorist organizations, including al-Qaeda. The Committee has reviewed all 9 volumes of material that you provided. Additionally, it has held several closed hearings and an open hearing, conducted a number of oversight trips to Iraq, and reviewed additional materials over the last four months. Although the Committee’s work continues, we have some preliminary views that we offer so that the IC can begin to consider necessary improvements. In addition, we offer these views to provide you a chance to answer questions or offer clarity on issues that will assist us in concluding our review.

At this point, several months into our review, we believe there were significant deficiencies with respect to the IC’s intelligence collection activities concerning Iraq’s WMD programs and ties to al-Qaeda prior to the commencement of hostilities in Iraq.

We have a fundamental disagreement generally on whether the National Intelligence
Estimate on Iraq's WMD programs and the intelligence on Iraq's ties to al-Qa'ida were deficient with regard to the analysis and presentation, especially in the certainty of the IC's judgments. The Ranking Member believed that the Chairman believed it was not.

Additionally, the Committee is also reviewing the intelligence assessments that existed pre-March 2003 regarding the nature and level of resistance that U.S. troops could expect in Iraq and the health of Iraq's civilian infrastructure.

**IRAQ'S WMD**

In October 2002, the Intelligence Community produced a National Intelligence Estimate (NIE) with the following statement: "We judge that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad's biological and chemical weapon programs . . . and in the view of most agencies, Baghdad is reconstituting its nuclear weapons programs." (Iraq's Continuing Programs of Weapons of Mass Destruction: 1998-2003 (OIA-WMD-99-02)).

The Committee thoroughly reviewed the underlying intelligence supporting these conclusions, that you have provided, in an effort to determine whether the underlying intelligence was sufficient to provide policymakers with a clear understanding of the nature and level of resistance our troops would face in Iraq. Thus far, it appears that these judgments were based on too many uncertainties.

**IRAQ'S POSSESSION OF CHEMICAL AND BIOLOGICAL WEAPONS**

The U.S. and the U.K. took limited air strikes in 1998 (Operation Desert Fox), based on Iraq's lack of cooperation and violation of United Nations Security Council resolutions regarding weapons of mass destruction. In early 1998, while the UN inspectors were still in Iraq, they determined that information about the WMD programs, the IC's judgments were based, in substantial part, on circumstantial information. Such information is weaker than direct evidence; Saddam has engaged in activities; Saddam's efforts to declare certain sites exempt from inspections; and Saddam's efforts to end inspections entirely.

After all of UN weapons inspectors and Operation Desert Fox, in 1998, some new information continued to be developed on Iraq's capabilities, but access to some amounts of information about the WMD programs, the IC's judgments were based, in substantial part, on circumstantial information. Such information is weaker than direct evidence; Saddam has engaged in activities; Saddam's efforts to declare certain sites exempt from inspections; and Saddam's efforts to end inspections entirely.

We would appreciate your response to the following:

**IRAQ'S TIES TO TERRORISTS INCLUDING AL-QA'IDA**

The Committee has reviewed the three volumes of information provided by you on Iraq's ties to terrorism, most of which remained classified. We have found no reason to question the State Department's decision to designate Iraq as a state sponsor of terrorism.

In the case of Iraq's ties to al-Qa'ida, however, we believe substantial gaps in collection continue to exist, which should raise concern. We have not found any clear information that is still classified that was any more definitive.

In order to contribute to a clear understanding of the nature of the relationship.

In place of characterizing the relationship between Saddam and al-Qa'ida, the Intelligence Community reported on possible contacts between al-Qa'ida and Saddam Hussein. We believe that there was a "low threshold" for disseminating information on Iraq and al-Qa'ida. As a result, intelligence reports that might have been screened out by a more rigorous vetting process made their way to the analysts' desks, providing ample room for vagary to intrude.

**POLICYMAKERS STATEMENTS ON IRAQ**

The Committee has reviewed extensively allegations that there was a disconnect between public statements by Administration officials and the underlying intelligence. The Committee's purview does not extend to the formulation or articulation of foreign policy. We do believe, however, that if public officials claim intelligence incorrectly, the IC has a responsibility to go back to that policy maker and make clear that the public statement mischaracterized the available intelligence and should not be influencing policy makers on matters of foreign intelligence. It does not make policy. The IC is one of many sources of information available to policymakers. Policymakers are under no obligation to believe or adhere to the IC's judgments. Nor should the IC dictate U.S. foreign policy.

**SUMMARY**

The assessment that Iraq continued to pursue chemical and biological weapons remained constant and static over the past ten years. The U.S. understanding of Iraq's ties to terror groups was also longstanding. We believe substantial gaps in collection continue to exist, which should raise concern. We have not found any clear information that is still classified that was any more definitive.

**NATURE OF IRAQI RESISTANCE AND THE STATE OF IRAQ'S INFRASTRUCTURE**

In addition to these two issues, we are concerned whether the U.S. was warned adequately about the nature and level of resistance our troops would face in Iraq, or about the dilapidated state of Iraq's civilian infrastructure. The Committee will be reviewing the intelligence available to policymakers prior to the commencement of hostilities to determine if there were shortcomings in the support provided on these issues. The Committee will seek to understand what requirements were levied on the IC prior to the invasion, what assessments were made, whether the assessments were completed in a timely manner, and, with the benefit of hindsight, how well the assessments matched what has been found in Iraq since the cessation of the war.

The Committee has reviewed extensively allegations that there was a disconnect between public statements by Administration officials and the underlying intelligence. The Committee's purview does not extend to the formulation or articulation of foreign policy. We do believe, however, that if public officials claim intelligence incorrectly, the IC has a responsibility to go back to that policy maker and make clear that the public statement mischaracterized the available intelligence and should not be influencing policy makers on matters of foreign intelligence. It does not make policy. The IC is one of many sources of information available to policymakers. Policymakers are under no obligation to believe or adhere to the IC's judgments. Nor should the IC dictate U.S. foreign policy.
Mr. ROBERTS. The President, seeing the record that suggests he is a reformer, and there is some piece of that record that suggests there is some partisanship, which bothers me. But I know PORTER Goss. I have known him for a long while. When I served in the House of Representatives, I knew him.

While I would not have made this choice had I been President, the President has the opportunity to make the selection and deserves, in this case, his own team. My hope is the questions asked of Mr. Goss at his hearings will make certain he will run the CIA with a reformist attitude, with an understanding that things need to change, with an understanding that this cannot, under any circumstance, be a partisan choice, from which partisanship flows, and that we have to get straight answers, as does the President, from the Central Intelligence Agency.

Mr. ROBERTS. Mr. President, seeing no other Senators requesting time now, 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. ROBERTS of Florida. 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. ROBERTS. Mr. President, following Senator DORGAN’s remarks, I ask unanimous consent that the Senate stand in adjournment until 4 o’clock, and that the time during the 4 o’clock period be equally charged against both sides.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERTS. Reserving the right to object, and I shall not object, it is my understanding, or I can ask the distinguished Senator—

Mr. REID. He said he has a short statement.

Mr. ROBERTS. He would be able to finish his remarks at 3, in time for the meeting?

Mr. REID. Especially if we didn’t talk more.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERTS. No.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I do not have a long presentation. My guess is the 3 o’clock briefing is one most Senators want to attend. I do want to, however, visit a bit about this issue of the Director of the Central Intelligence Agency.

We have been through pretty tough times with respect to intelligence in this country, and this is a critically important position. The President’s choice is an important choice, especially given what we have been through. Let me make a couple of comments.

First of all, I am going to vote for this nomination, but I do so without great enthusiasm, and I would like to explain why.

PORTER Goss, I think, is qualified to assume this role. There is little in his record that suggests he is a reformer, and there is some piece of that record that suggests there is some partisanship, which bothers me. But I know PORTER Goss. I have known him for a long while. When I served in the House of Representatives, I knew him.

While I would not have made this choice had I been President, the President has the opportunity to make the selection and deserves, in this case, his own team. My hope is the questions asked of Mr. Goss at his hearings will make certain he will run the CIA with a reformist attitude, with an understanding that things need to change, with an understanding that this cannot, under any circumstance, be a partisan choice, from which partisanship flows, and that we have to get straight answers, as does the President, from the Central Intelligence Agency.
Over the years, we have had many, many failures in intelligence. For those of us who have been through top secret briefings in room 407 of the Capitol Building, it is nearly unbelievable what they told us they knew from all their different kinds of intelligence-gathering devices and their analysis, and what we subsequently learned were the facts or the truth of the matter.

I am telling you because we need a good intelligence system to protect our country and our homeland. I worry about all of this, knowing that the intelligence system was deeply flawed. In candid moments, most Members of the Senate would tell you that which was told them as top secret intelligence has not turned out to be fundamentally wrong.

We now read, for example—and I am not now discussing that which comes from top secret briefings; I am discussing things that come from the periodicals, for example, that the intelligence we were given in briefings about the issue of mobile chemical weapons laboratories, it turns out came from one source, a source they called "the Back." I am describing this from Newsweek and Time magazine, not from top secret briefings. One source turns out to apparently have been a drunk and a fabricator and, as a result of that source, we get top secret briefings in room 407 of the Capitol, the CIA here in the United States and the CIA; I am talking about the FBI. The intelligence system was deeply flawed. In candid moments, most Members of the Senate would tell you that which was told them as top secret intelligence has not turned out to be fundamentally wrong.

There is so much that is wrong here. When we are talking about 9/11, we must know what is in those 28 pages dealing with Saudi Arabia. It is interesting, even the Saudi Ambassador and the Saudi Foreign Minister, publicly insisted that this information be declassified. Senator Shelby, the Chairman of the 9/11 inquiry, said that 95 percent of the classified pages of these 28 pages could be released without jeopardizing our national security.

I say once again to the administration and to my colleagues that the 28 pages dealing with Saudi Arabia and 9/11 needs to be released to the American people. This Congress and the American people should not be evaluating 9/11 and our intelligence without releasing those 28 pages dealing with the Saudis.

Whether we are talking about Iraq, Afghanistan, Pakistan, Syria, or back even further, Libya or the old Soviet Union, there have been intelligence failures. We spend a great deal of money on U.S. intelligence. We want it to work. I do not want our intelligence system to fail our country, because our country’s most important intelligence system is very important when talking about preemption, which is a doctrine that is very important when talking about the next terrorist attack and to attack terrorists where they live.

The attack on Iraq was a preemptive strike that the President said was necessary to protect our country. Well, it is very important when talking about preemption, which is a doctrine that has been foreign to this country’s interests in the past, to have good intelligence. Preemption can never occur based on what one thinks. Preemption could only occur based on what one knows. What one knows must come from good intelligence.

We have discovered, since the time preemption was discussed by this administration, that the intelligence was just plain wrong. The White House delivered in top secret briefings to Members of this Congress. Our intelligence community was just flat wrong. So we all need to fix it.

There is no Republican or Democrat way to deal with intelligence. We need to fix this system in the interests of this country. Our safety depends on it.

I am going to vote for Mr. Goss. I think he is qualified to do this job. As I indicated, I am concerned about some things he has done in the past. I hope that is over. I am concerned about the intelligence agencies themselves. I believe they are in desperate need of reform. Most importantly, our country, all of us, each of us, needs to work together to create an intelligence system that works for the safety of this country and works in a way that a President, a Congress, a Director of the CIA can rely on good intelligence from all around the world.

My understanding is that we will be in recess for 1 hour until the hour of 4 p.m.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, we will now stand in recess until the hour of 4, with the time charged evenly to both sides.

Thereupon, the Senate, at 3:04 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. Cornyn).

EXECUTIVE SESSION

NOMINATION OF PORTER J. GOSS TO BE DIRECTOR OF CENTRAL INTELLIGENCE—Continued

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the nomination of Porter Goss.

Mr. DURBIN. Mr. President, I rise to speak in reference to that nomination. Mr. President, I will vote against the nomination of Congressman Porter Goss to serve as the next Director of Central Intelligence. I do so reluctantly. I have known Congressman Goss for a number of years, and I consider him a good person and a good public servant. But we are on the verge of enacting significant, historic, and much needed reform of the U.S. intelligence community. It is more important than ever that the next leader of the intelligence community be nonpartisan and firmly committed to meaningful intelligence reform.

Based on his record and his public statements, and on the confirmation hearings before the Intelligence Committee on which I serve, I do not believe Mr. Goss is the right person at this moment in time for this vitally important national security position.

Mr. Goss has served as chairman of the House Intelligence Committee for almost 8 years, the second longest tenure in that position in the almost 30 years that it has existed. A member of a congressional committee has considerable power in determining on which issues the committee will focus,
and the manner in which they will conduct their oversight. I believe this oversight record is a reasonable measure of Mr. Goss’s likely effectiveness in managing the intelligence community during this highly challenging transition period.

Despite having served on the Aspin-Brown-Rudman commission on the roles and capabilities of the U.S. intelligence community in 1996, 8 years ago, and cochairing, along with Senator Bob Graham, the Senate Select Committee on Intelligence into Iraq's challenge to the U.S. role in protecting the American people, having overseen almost 10 years of intelligence oversight, I believe this record demonstrates that he has been a more protector of the status quo than an agent of meaningful reform. Only a few months ago did Congressman Goss introduce, for the first time, legislation to reform the intelligence community. It should be noted that on July 25, 2002, Mr. Goss voted against the amendment of Congressman Ron Paul of Texas to create a 9/11 Commission.

That is an incredible fact that must not go unmentioned.

The man who is seeking to be head of the Central Intelligence Agency, at this moment, when significant reform is about to take place, voted against the creation of the 9/11 Commission, which is now a cornerstone of our current strategy.

This 9/11 Commission Report is the foundation upon which current intelligence reform efforts are being undertaken. I met personally with Congressman Goss because I do respect him, and I wanted to hear his explanation. How can he ask to be head of the CIA, when he voted against the creation of the 9/11 Commission?

His argument was not convincing. He argued it was timing. Better to dismantle the 9/11 Commission proposal while he was undertaking a joint inquiry about 9/11, the creation of a separate commission might, in fact, lead to the executive branch stalling information or refusing to cooperate. That was hardly a satisfying answer.

In addition, it appears that as chairman of the House Intelligence Oversight Committee, Congressman Goss has been reluctant to conduct aggressive oversight of Intelligence Community performance regarding prewar intelligence related to Iraq, and issued a public report, the House Intelligence Community, under Mr. Goss’s leadership, has yet to complete a similar thorough investigation, despite starting it last year.

As another example, in June of this year during the House Intelligence Committee’s markup of the fiscal year 2005 Intelligence Authorization Act, Mr. Goss led a party-line vote to reject an amendment that would have required the Department of Defense to provide an accounting of the nature and extent of its contacts with the Iraq exile Ahmed Chalabi.

Why is that significant? I hope that people who are following this debate remember Ahmed Chalabi. He was the self-proclaimed leader of an Iraqi national congress. He was the one you saw on television in the days before the invasion of Iraq. He was the one spreading the information far and wide across America and around the world about the threats of Saddam Hussein. He was the person who was the favored trusted ally of this administration when they made critical decisions about committing thousands of American soldiers and their lives to the cause of Iraq.

What do we know of Ahmed Chalabi? We know that some 5 years ago, the Central Intelligence Agency and the Department of State stopped dealing with Mr. Chalabi because they did not believe he was credible. They didn’t trust him. They wouldn’t bring him into the councils to make important decisions.

But Department of Defense Under Secretary Rumsfeld and his special assistant, Mr. Douglas Feith, thought Mr. Chalabi was just what the doctor ordered. He was there to confirm the fears that they spread across America about Saddam Hussein. He was there to confirm the presence of weapons of mass destruction, which became the chief catalyst of this administration, drawing us into an invasion of Iraq. He was the one constantly suggesting that there was a connection between the 9/11 terrorism in the United States and Saddam Hussein.

What happened to Ahmed Chalabi? Those who follow news know what happened. He went to Iraq, became a somewhat controversial figure in the provisional government, returned to the United States, and was treated by some in the administration as a conquering hero.

In fact, at one moment in time, to the embarrassment, I am sure, of everyone involved today, Ahmed Chalabi was positioned behind the First Lady at one of President Bush’s State of the Union Addresses so that he would be on camera, showcased before the American people.

Fast forward just a few months. Ahmed Chalabi has now been the subject of extensive searches by the American Government because of our suspicion that he has not only misled us about information on Iraq but has had some connection with Iran of an entirely dubious nature. Ahmed Chalabi is persona non grata in this country.

We are no longer sending him some $350,000 to $360,000 a month to subsidize his lifestyle. He virtually has been banished from his role as prime adviser to the United States.

When Mr. Goss was confronted with this and asked by his own committee for an investigation as to how Mr. Chalabi, discredited by the CIA, discredited by the State Department, became the darling and favorite of the Department of Defense, peddled bad information to the United States and the American people, and may have been tasked by the Iraqis to investigate this, he declined. He refused. You have to ask yourself: If Mr. Goss was unable or unwilling to ask the most basic questions about Ahmed Chalabi, how aggressive, how objective will he be as Director of the CIA?

That is not the only thing. One of the most important issues we have to keep in mind is that the men and women of our intelligence community are dedicated, patriotic, hard-working people committed to the security of our Nation. Occasionally, there will be those who will disappoint us, but that is true of virtually every institution in America. But remembering their patriotism and the fact that many of them put their lives on the line, I believe that moment in time when columnist Robert Novak outed the identity of a CIA agent, Valerie Plame. This is not only disgraceful, it is dangerous. It meant that her life and her career were in danger. It sent ripples through the intelligence community of men and women in similar positions wondering who would step forward in Washington to stand up for the integrity of our agents in the intelligence community.

Mr. Goss was then chairman of the House Select Committee on Intelligence. He was asked in October 2003 whether he would investigate the purposeful identification of covert CIA agent Valerie Plame. Mr. Goss responded, "If somebody sends me a blue dress and some DNA, I’ll have an investigation."

Mr. Goss apologized publicly and privately for that statement, but the fact remains that he was loathe to challenge any intelligence-related decision of this administration.

That is not at all reassuring when we consider the well-documented intelligence failures leading up to 9/11 and prior to the invasion of Iraq.

This is not a routine appointment. This is not a routine position. Intelligence is the first line of defense in our war against terrorism. It is the first line of defense for the American people and our national security. Having the best intelligence network and the best intelligence agency will be critical if we want our children to live in peace and safety. That is why it is so essential that we bring a person to this job who understands what we have lived through during the past 4 years.

Lengthy reports by the 9/11 Commission, as well as the Joint Intelligence Committee’s inquiry, have come to the conclusion that our intelligence agency failed us before the 9/11 attack. We know now that they should have gathered more information, shared more information, drawn obvious conclusions, and done something proactive to protect America. They did not and 3,000
innocent Americans died in Pennsylvania, Virginia, and New York.

Similarly, there came a point in time when we had to make a critical decision in America whether to launch a preemptive attack against Saddam Hussein. First such pre-emptive attack in our history. We were told it was essential that we do so. We were told by the President, the Vice President, the Secretary of State, the Secretary of Defense, the head of the CIA, the head of the FBI, every spokesman of the Government that it was essential that we attack Saddam Hussein because he had arsenals of weapons of mass destruction which could be used against the Middle East, other countries in the region and the United States, that he was developing nuclear weapons that would be a danger to the world, that he possessed unmanned aerial vehicles that could even strike the United States, that he was linked with the al-Qaeda attacks of 9/11, and the list goes on and on. And a year and a half after the invasion, we have found that intelligence information was wrong, just plain wrong.

Think of it. Depending on the intelligence community as our first line of defense failed. It failed to alert us of the danger of 9/11. It failed to accurately assess the state of one nation, Iraq, before we launched an invasion which has cost us over 1,000 American soldiers’ lives, over 7,000 seriously wounded, and literally billions of dollars.

Can the intelligence community continue with business as usual? No. If there was ever a time in our history when we needed someone clearly non-partisan, someone who would stand up to a President of either political party and tell them the sober, cold truth, even if it wasn’t popular, if there was ever a time that we needed a Director of the CIA determined to reform that agency, it would be under his supervision, that time is today. This is not a routine nomination. This is a nomination as important as any to be considered by the Senate.

I will not go into the lengthy partisan statements made by Mr. Goss so many times in the past where he has taken to task my political party, members of it, suggesting that we were weak on defense, weak on intelligence. In fact, he was drawn into this Presidential campaign in a role now which he has neither explained nor given us much to work with.

When we went to Mr. Goss and said, You have criticized Senator Kerry, you have criticized Democrats for intelligence spending but back in 1995 you were the cosponsor of a budget proposal that would have had a minimum 20-percent cut in our intelligence community personnel, he wouldn’t answer the question. When confronted by Senator Rockefeller with his accusations and his actions, Mr. Goss refused to acknowledge the obvious. The best he could tell us was, “The record is the record.” I don’t know what that means. I have never before heard it from another witness nor nominee. But it basically told the Intelligence Committee he wasn’t about to discuss the issue with us.

I am sorry. I think Mr. Goss should have been open and told us exactly what he meant, and if he made a mistake to concede that point. It would have put him in a much better position to be a credible agent for non-partisan leadership and for change as Director of the CIA.

Because I have serious doubts about Mr. Goss’s commitment to reform, his ability to be independent and non-partisan, I do not believe he is the right person to be serving at the helm of the intelligence community during this extraordinarily challenging time and I will oppose his nomination.

I concede the outcome of the vote on this nomination. I assume he will be comfortably confirmed by the Senate.

I will since my comments and the comments of those who vote against him as a challenge to him in his new role at the CIA. I hope he proves me wrong. I hope that I stand before this Chamber in the future and tell you that he is not a non-partisan, he was committed to reform, he was prepared to tell this administration and any administration he served the truth, even if it was politically painful. I hope that day will come.

I yield.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I have listened with interest to the comments of my good friend from Illinois, as I did earlier today by my friend from West Virginia. I respect their analysis of this nomination. I hope they respect my disagreement with that analysis.

I rise today to support the nomination of Mr. Porter. Mr. Porter is a Republican, it was my feeling that his personal characteristics were more important than his party label, and I appointed him to one of those three positions. And from that appointment, he quickly became the chair of the Lee County commission.

Party affiliation did not matter then. I do not believe party affiliation should matter now. Senator Goss is the best person who should be the next Director of our Central Intelligence operation. What mattered then was the fact that Porter, with his clear commitment to public service, his integrity and his leadership skills, at a time when his constituency desperately needed all of them, was able to recapture the confidence of the people, was able to restart this important airport project, which now is one of the most important economic assets of the community.

When it comes to the intelligence community, Congressman Goss has the balanced perspective of having been
both an insider and an outsider. For a decade early in his career, he served the Nation both in Army Intelligence and the CIA. He knows from personal, firsthand experience the value and the risks of clandestine operations.

Since he has been in Congress—elected in 1988—and especially as a member of the House Permanent Select Committee on Intelligence, he has come to know the agencies from an oversight capacity.

Now, some have said he is too close to the intelligence agencies, that he is too protective of the status quo. But from my partnership with him as co-chairmen of the congressional joint inquiry into the events of September 11, it is my firm belief, and my assurance to my colleagues, that PORTER GOSS can and will be independent in his judgments. PORTER G OSS will also be clear and tough minded in determining where there are needed reforms and leading us to those reforms.

If any colleagues or citizens of this great Nation wish to have an indication of where those reforms are likely to take us, I would direct you to the 19 reforms recommended by that congressional joint inquiry, upon which our leadership participated with great distinction.

As we move to implement much-needed reforms in our intelligence community, I am confident PORTER G OSS will not be part of the problem but will be a leader in taking us toward principled and effective solutions which will make Americans safer.

This time the President got it right. I strongly urge the confirmation of his nominee to be the Director of Central Intelligence, PORTER G OSS.

Mr. KOHL. Mr. President, I intend to vote today to confirm the nomination of Representative PORTER G OSS to be the Director of Central Intelligence. I recognize the deep experience that Representative GOSS brings to this position as the recent Chairman of the House Permanent Select Committee on Intelligence, and as a former CIA officer and Army intelligence officer, I also understand the unique role the DCI plays in providing the President with intelligence and advising him on intelligence matters. Thus, I believe that on balance Mr. G OSS’s qualifications are sufficient to confirm the President’s choice for this position.

How to express my concerns about PORTER G OSS and the very partisan way in which he has conducted himself. His statements mischaracterizing Democratic presidential nominee Senator JOHN KERRY’s positions on intelligence and accusing Congressional Democrats of being weak on intelligence are not the sort of rhetoric we want associated with the leader of our intelligence community. As former Secretary of State Henry Kissinger testified in the Appropriations Committee, the ideal leader for our Nation’s intelligence community should be as non-partisan as possible. Mr. G OSS has acknowledged that as DCI he will need to be non-partisan and objective if he is to provide the President with independent judgments about the intelligence he provides, and during his nomination hearings, he made a commitment to do just that. We must hold him to his commitment.

Mr. President, I am not convinced that PORTER G OSS is capable of managing the changes that need to take place. Instead, I am hopeful that he will dedicate himself to these efforts.

Mr. LEVIN. Mr. President, the most important quality I am looking for in a Director of Central Intelligence is someone who can be relied upon to provide objective intelligence assessments independent of the policy and political agenda of the White House. Too often we haven’t had that.

The massive intelligence failures before the Iraq war were, to a significant degree, the result of the CIA shaping intelligence to support administration policy. The CIA’s errors were all in one direction, making the Iraqi threat clearer, sharper and more imminent, thereby promoting the administration’s policy of promoting Hussein from power. Nuances, qualifications and caveats were dropped; a “slam-dunk” was the assessment. The CIA was saying to the administration, to the Congress, and to the American people what it thought the administration wanted to hear.

The problem of intelligence being manipulated and politicized is not new. Forty years ago, Secretary of Defense McNamara used classified communications intercepts, later proved to be very dubious, in support of the Gulf of Tonkin resolution, which was then used by President Johnson as the legislative foundation to expand the war in Vietnam.

Intelligence was manipulated by then-DCI William Casey during the Iran Contra period. The bipartisan Iran-Contra report cited evidence that Director Casey “misrepresented or selectively used available intelligence to support the policy he was promoting.”

We need someone who is not going to be influenced by the policy choices or politics of whatever administration is in power. After reviewing Congressman G OSS’s record, I am not convinced that he would be that kind of DCI. For example, the Washington Post reported that in 2002, when asked about intelligence failures in Iraq, Congressman G OSS said “I don’t like to see the left-wingers splat-tating speeches.” What we need is someone who is committed to independence and reform, not an ideology.

During his nomination hearing, Congress- man G OSS was very reluctant to admit there had been intelligence failures on the part of the intelligence community during the most recent Iraq War. And, when asked questions about some of his partisan comments, Congressman G OSS answered many of them by simply saying “the record is on the table.” Whatever that means, it is not an acceptable answer from a nominee for Director of Central Intelligence.

I will vote against Congressman G OSS. I hope that, if confirmed, he will prove me wrong.

Mr. DODD. Mr. President, I rise today to speak about the nomination of PORTER G OSS to be the Director of the Central Intelligence Agency, CIA. Yesterday the Senate Intelligence Committee voted 12-4 to send Representative G OSS’ nomination to the Senate floor. I welcome the opportunity to say a few words about this important nomination and about the state of our Nation’s intelligence community.

As my colleagues know, in 1947, President Harry Truman signed legislation which provided for the establishment of the CIA. This important agency supports the President, the National Security Council, and other officials who play a role in shaping or executing the national security policy of the United States. The CIA engages in research and analysis of information, as well as a host of other activities related to foreign intelligence and national security.

However, as every American knows all too well, times have changed since 1947. We are now engaged in new battles. We are facing new threats. The Soviet Union is no longer our arch enemy. Instead we face an enemy that is dispersed throughout the world in small cells—sometimes connected, sometimes acting independently. The new threat—terrorism—is an asymmetric one.

Nonetheless, we must remember that terrorism alone is not our enemy. It is a tactic used by our enemies. Therefore, our task is twofold. First, we must defeat soundly those who would attack our country and endanger the security of Americans. But secondly, we must also defeat the murderous ideology of terrorism. That is because terrorism is the enemy of all humankind.
It knows no faces, names, or nationalities. And I am confident that a strong America, which is respected by our friends and allies, can defeat this scourge.

Indeed, one thing we can all agree upon is that a strong and capable intelligence effort has never been more important to the security of our Nation. That brings me to the nomination before us today. At the best of times the job of Director of Central Intelligence is a difficult one. And we all know that these are not the best of times. Our intelligence infrastructure failed this Nation when we needed it most.

There are two important traits that the next Director of the CIA needs to possess in order to be successful in restoring the effectiveness of our intelligence capabilities.

First, it is of the utmost importance that the Director of the CIA be nonpartisan. Responsibility for the American people is not a matter of political parties. National security is an issue that must unite us in a common cause. To that end, I share the deep concerns of several of my colleagues that some of Representative Goss’s comments during his time as chairman of the House Intelligence Committee were overly partisan and blindly supportive of the Bush administration.

Moreover, it is critical to recognize that he chose to become involved in the political process. That decision was not forced on him. He chose it freely. And I believe that it has undermined his ability to be a nonpartisan Director of Central Intelligence, DDI. There is no question that intelligence has been politicized in this administration. I know it. The American people know it. And the civil servants who work at the CIA know it. To rush to confirm an individual who has played a role in politicizing intelligence is extremely unwise and only serves to further demoralize the individuals who are working so hard to protect our national security.

Second, he or she must have the knowledge and experience necessary to lead some of our most critical intelligence efforts. We cannot ignore the need for the kind of knowledge and experience necessary to carry out the restructuring of that agency. He will have to have credibility within the institution of the CIA if he is to be successful. Institutions resist change. Based upon Mr. Goss’ weak oversight of the agency, I am not confident that he has the.getLength(), whitespace(0), startMark(0), endMark(0)
of Central Intelligence at a difficult and important time for the U.S. Intelligence Community. In the coming months, he must help both Congress and the administration to take sensible steps on intelligence reform. In the years to come, if he remains in office, Mr. Goss must oversee our intelligence agencies into a new era of flexibility, skill, and inter-agency cooperation.

I will vote in favor of confirming Mr. Goss to this position, although not with the enthusiasm motivating I will support his confirmation in part because I know him to be a gentleman and a man with a deep and sincere interest in intelligence, as well as substantial background in the field. I will support him because many others who know him well, including our colleagues from Florida and others whose views I respect, have contacted me and testified to his integrity and capabilities.

And I will support Mr. Goss because the President wants him. A CIA Director or unless the President likes and respects him enough to take seriously the facts and warnings the Director conveys to him. The President must be willing to accept advice when the Director says that something needs to be done. I hope that this President will be willing to accept such advice from this nominee.

As a matter of general policy, however, I have real concerns about appointing a partisan politician to such a sensitive position as Director of Central Intelligence or Director of the FBI. In 1976, I voted against George H. W. Bush as Director of Central Intelligence for precisely that reason. I suggested: “The chances for forceful integrity will be infinitely greater if the Director of Central Intelligence is a highly respected nonpolitical figure.”

The need for a DCI to transcend partisan politics is crystal clear. He is the person who must be able to tell the President what the world is not telling us. The President might wish it, that a cherished policy proposal will not work, or that some unforeseen development poses a threat to our national security. As we remove the walls between domestic and foreign intelligence, moreover, the DCI—like the FBI Director—will be handling and presenting sensitive information on American citizens.

The next DCI will preside, moreover, over great and perhaps wrenching transition in U.S. intelligence. The report of the 9/11 Commission highlighted a series of long-standing shortfalls in our intelligence agencies. Although the particulars regarding the fight against al-Qaeda may have been new, the challenges facing U.S. intelligence are ones that go back many years:

We need to provide instant and accurate intelligence to our military forces, and this drives much of our intelligence collection and analysis today. At the same time, however, we need to provide a wide range of so-called “national” intelligence to the rest of the national security community. Balancing those needs is a continuing challenge, especially as the funds for intelligence will often compete against other defense priorities.

We need intelligence collectors and analysts with a wider range of linguistic and cultural skills than ever before. Once we fought a communist enemy that was worldwide, but centrally directed. Now we must vanquish the twin perils of radical Islamic terrorism and the proliferation of weapons of mass destruction, both of which are nearly impossible to counter by a central, well-defined enemy.

And we need technical intelligence collection systems that are ever more powerful, that provide more real-time information, and that will be effective in a world where technology often favors secrecy over transparency.

We need seamless sharing of very sensitive intelligence information—between agencies, between countries, and between the State and local forces that guard us from terrorism on a daily basis. “Stovepipes” and “rice bowls” are outmoded and in need of a real make-over to meet the needs of the 21st century.

At the same time, however, we need strong protections for our civil liberties, which are the very foundation of our society. When the most recognizable member of this Senate is denied an airline ticket in his home town because his name is on the Government list, we know that the intelligence feeding into our homeland security programs leaves a lot to be desired.

That is quite a menu of challenges, and they must all be addressed. There is no “pick one from column A” option in heading U.S. intelligence.

In addition to all that, the Director must be willing and able to “speak truth to power.” He must have the status, the credibility, and the mandate that leads top officials to accept his warnings and advice. And he must be an able defender of the independence of intelligence analysis, while still insuring that it is relevant to the needs and concerns of policy-makers.

I will support the confirmation of Mr. Goss in the hope that he will transition successfully from a serious congressman and a leading partisan figure to a clear-eyed, independent Director of Central Intelligence. We must be able to rally his troops, to make them as effective as possible, and to keep policymakers from misusing or ignoring the work of the thousands of skilled and patriotic men and women who work in U.S. intelligence today. The perilous times in which we live demand nothing less than complete dedication to those objectives.

Mr. CORZINE. Mr. President, after much deliberation, I have decided to vote against the confirmation of Port- er Goss to be Director of Central Intelligence. The conclusions of the 9/11 Commission, as well as the failures of our pre-war intelligence on Iraq, have demonstrated the enormous challenges we face in restructuring, reforming and improving our intelligence capabilities. At this critical moment, we should be focusing our efforts on enacting into law the recommendations of the commission, including the reorganization of the position of National Intelligence Director. The confirmation of a new Director of Central Intelligence, when the role of the DCI has yet to even be defined, does not advance the hard reform needed to be done. The appointment of PORTER Goss, whose objectivity, capacity to work across party lines, and openness to reform are subject to serious question.

The National Intelligence Director envisioned by the 9/11 Commission will oversee our intelligence community, including the DCI. It is critical that we clarify, in law, the relationship between these two positions. Unfortu- nately, by prioritizing the nomination of the DCI over the restructuring of our intel- ligence community, seems to be sig- naling an attachment to the status quo.

Congressman Goss’s record, in which he has repeatedly rejected independent efforts to improve our intelligence whenever those efforts were perceived to be contrary to the interests of the George W. Bush administration, is also cause for concern. He opposed the establishment of the 9/11 Commission, he attacked the integrity of Richard Clarke, the former coordinator for counter-terrorism at the National Security Council, he opposed investigations into the disclosure of the identity of a CIA operative, and he referred to the bipartisan Senate investigation into the abuse of Iraqi detainees as a “circus.”

Congressman Goss has also opposed investigations into intelligence on Iraq, in particular the use of intel- ligence by the administration. He dis- missed Senators who called for an ex- amination of the circumstances that led us to war as “attack dogs” and claimed that they were “ar- tificial outrage.” He has also implied that open discussions of the challenges facing our intelligence damage the mo- role of our armed forces and aid our en- emies. These are not the statements of someone who appears prepared to un- dertake the difficult work of reform, without regard to political consider- ations.

This reform will require cooperation between the administration and the Congress and between Republicans and Democrats. Unfortunately, Congress- man Goss has made repeated, incen- diary charges, including allegations that the Democratic Party does not respect the intelligence community and that Senator KERRY seeks to “dis- mantle the nation’s intelligence capa- bilities.” These charges are not only flat wrong, they are completely counterproductive to the bipartisan effort that is urgently needed at this mo- ment.

Repairing our intelligence capabili- ties is critical to fighting the war on
terrorism and is an urgent priority. We must enact into law the recommendations of the 9/11 Commission. We must examine the failures of our intelligence related to Iraq. We must begin the work of restructuring our intelligence community so that it is more effective and less politicized. These challenges require the utmost objectivity, independence, and nonpartisanship from the Director of Central Intelligence. Any reluctance on the part of the DCI to fully engage in the reform process, for whatever reason, could set us back at a moment when we can least afford it.

Mr. BUNNING. Mr. President, I speak today in support of the nomination of Representative Portman J. Goss to the Director of Central Intelligence. He is a good man and a good friend. President Bush could not have selected a more capable and qualified man for the job. He brings to the Central Intelligence Agency and the intelligence community what they have needed for years—intelligence experience, political experience, an open mind, and forward thinking.

I first met Representative Goss shortly after he was elected to the House of Representatives in 1988. We served together for 10 years before I was elected to this body. Representative Goss and his wife, Mariel, are personal friends of my wife and myself to this day. I know his personal character and I am confident in his courage, integrity, honesty, and forthrightness to his new job.

The Director of Central Intelligence holds one of the most important and unforgiving jobs in our Government. All his actions and decisions are analyzed and criticized by politicians, the press, and the public. And the pressures on the intelligence community are immense. They must be right 100 percent of the time, while the terrorists only need to be right once. That is a heavy burden for one man to bear, but I believe Representative Goss is up to the challenge.

I cannot think of anyone with more experience for this job. Representative Goss has extensive experience in intelligence, on both the practical and policy sides. He knows firsthand the importance of human intelligence, serving as an intelligence officer in the Army and as a case officer in the agency he now lead. At that time, the United States was promoting freedom and fighting the evil of communism. Though the evil we now face takes a different form, the value of information and power of knowledge remain the same.

We are in the midst of a review and reform of our intelligence organizations, and, going forward, one of the most important jobs for the Director of Central Intelligence will be working with Congress. Again, Representative Goss’s experiences will be an asset to the intelligence community and the Congress. For the last 8 years he has been chairman of the House Permanent Select Committee on Intelligence. In that position he has worked fairly with both parties and both bodies of Congress without compromising his beliefs. I am confident he will continue to work honestly and fairly with Representatives and Senators of both parties in this position.

Representative Goss’s practical and political experience will also pay dividends as the entire intelligence community is reformed in the coming weeks and months. He brought his openmindedness, in constantly seeking to improve our intelligence capabilities and structures during his tenure in Congress. He has held dozens of hearings on problems in the intelligence community and how to fix them. He was a member of the Aspin-Brown Commission, which took a deep look at our intelligence community and provided some of the recommendations that we are currently reviewing. He also cochaired the bicameral investigation into intelligence failures surrounding the 9/11 terrorist attacks. His open mind and willingness to think critically about the status quo will serve us all well.

I have seen firsthand his dedication, integrity, and character, and I support Representative Goss’s nomination without reservation. I wish him well in that extremely important job and I look forward to seeing him in briefings and hearings in the coming months.

Mr. MCCAIN. Mr. President, I rise to discuss the nomination of PORTER Goss to be Director of Central Intelligence. I served with PORTER Goss in the House of Representatives and I respect him. However, I do not believe he is the best choice for the position in these times.

On September 11, 2001, our country suffered a devastating attack. Now our country is in the midst of a war on terror and a war in Iraq. There have been many examinations of our intelligence failures in the past year. There were many unanswered questions about whether the intelligence was accurate, whether it was manipulated, whether our soldiers and leaders can rely on it each and every day as they make difficult decisions.

I recognize that members of the President’s Cabinet, like the Secretary of Defense and the Secretary of State, have these tools to help them develop policy. However, the Director of Central Intelligence is in a unique position. It should stand above politics. The citizens of the United States have the right to assume that the Director of Central Intelligence is providing objective information and analysis to allow the President to make the best possible decisions.

When Director Tenet resigned, the President had an opportunity to appoint a nominee who was nonpartisan. He did not do so. Instead, he chose Mr. Goss, who clearly knows the intelligence community well, but is also clearly partisan and political.
Iraq, and faced with comprehensive reorganization, the community’s leadership has rarely been so important. I am confident that Mr. Goss will lead the CIA in an independent and nonpolitical manner as he has committed to do, ensuring that policymakers receive the best and most effective analysis that the government can provide. I am also confident that he will be helpful as the Congress reorganizes itself in order to better conduct oversight over the intelligence community. We in the Congress sometimes forget that intelligence failures the Nation has experienced are not limited to the agencies alone. Congressional oversight has been, as the 9/11 Commission put it, “dysfunctional,” and must be changed.

As we face the national security challenges that are so evident to all of us, the Nation will be privileged to have PORTER GOSS at the helm of the CIA. America needs an individual who will help lead our intelligence agencies into the 21st century. I wholeheartedly support his confirmation.

Mr. DOMENICI. Mr. President, I rise today in strong support of the nomination of PORTER Goss to be Director of Central Intelligence. Few people are as appropriately qualified as he to lead the CIA at this critical time in our Nation’s history.

PORTER Goss combines experience as both a U.S. Army Intelligence and CIA officer with 15 years as a Member of the U.S. House of Representatives. During his time in Congress he has used his knowledge and experience to serve as chairman of the House Permanent Select Committee on Intelligence. He is a public servant who has earned our confidence and that of the President to lead the dedicated men and women of the CIA who work tirelessly to preserve our Nation’s security.

Now at this time when Congress is working hard to reshape our intelligence community, I applaud the President for nominating a man like PORTER GOSS who understands what is working with intelligence and that which needs to be improved. And based on his experience, he will undoubtedly be as well prepared as any DCI to communicate with Congress concerning the needs of the CIA, and to understand the oversight responsibilities of the legislative branch as it pertains to the intelligence community.

The challenge we face in defeating global terrorism remain great. PORTER Goss understands where we have made mistakes in both intelligence operations and assessment. He understands that we need improved human intelligence capabilities, as well as a culture change among intelligence analysts, to ensure that policymakers have objective information and a range of options to choose from in meeting the terrorist challenge. PORTER Goss is committed to making these changes on behalf of the American people.

In conclusion, I believe the President has chosen the right man to lead the CIA in its very important work, and I strongly support the nomination of PORTER GOSS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, we have two speakers. I inform the distinguished leader, the minority whip, a man nearby, of what I have two speakers. If I could ask Senator SNOWE how much time she would like to have.

Ms. SNOWE. About 15 minutes, if possible.

Mr. ROBERTS. All right. So a total of what, 15 or 20 minutes?

Ms. SNOWE. Yes. Mr. ROBERTS. I am assuming by about 4:45—I am not anticipating any further speakers on our side. That could change.

Mr. REID. If my friend will yield?

Mr. ROBERTS. I am delighted to yield.

Mr. REID. We could not have a vote before 5 o’clock.

Mr. ROBERTS. Right.

Mr. REID. We have a couple people off campus doing other things.

Mr. ROBERTS. Could we agree to have a UC request in regard to a vote certain at 5 o’clock?

Mr. REID. Mr. President, I would be happy to agree to having a vote at 5 o’clock and having the time between now and then evenly divided. I frankly don’t think we are going to be using any more time, so if you need your time on your side, you could have part of ours.

Mr. President, I ask unanimous consent that the vote occur at 5 o’clock and that the time between now and then be evenly divided.

Mr. ROBERTS. I have no objection. I think that is an excellent suggestion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I yield whatever the majority consumes to the Senator from Maine.

Ms. SNOWE. Fifteen minutes.

Mr. President, I thank the Senator from Kansas, and I am glad to yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Maine.

Let me make a couple comments about this man.

First of all, before he leaves the Chamber, I want to thank the Senator from Florida for his comments and for his efforts in this nomination. I also thank the chairman of our select committee in the Senate, the Senator from Kansas.

Two years after I was elected to the House—I believe it was 2 years afterward—PORTER Goss was elected to the House from Florida. It took us no time at all to figure out this guy was one of the foremost authorities on the intelligence community. He had experience with the CIA, with Army Intelligence. We relied on him. I am talking about 16 years ago.

When I went from the House to the Senate in 1994, I took the place of Senator David Boren, who is now the president of Oklahoma University. He is a very close friend of mine. He was my predecessor in this Senate seat. He was also chairman of the Senate Select Committee on Intelligence. The thing he warned me of when I first came in was: You are going to have to do something about this mess we have in intelligence. He said: You have the DIA and the CIA and the FBI and the NSA, and national talking to each other.

I found out before too long that was the case. He said he had been working on this for about 6 or 7 years and had not been able to achieve it. It became a turf battle. On one occasion I found there was a listening device the NSA had that they would not even share with the FBI for some of their investigations. This was wrong.

We have come a long way since that time. It has been my experience in both Kosovo and Bosnia that you have a lot of these agencies around the table sharing information and working together that did not do so before. So I believe we have come a long way.

One of the reasons I have been resisting a lot of change in the intelligence system is I wanted to wait until PORTER Goss came on board. I believe PORTER Goss has more knowledge on intelligence than anybody else who could have been nominated.

The President made an excellent nomination. I think we see by this bipartisan support that we are going to be able to overcome the obstacles and move ahead aggressively in achieving quality intelligence to protect the American people.

I thank the Senator from Maine for yielding to me.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today regarding the nomination of PORTER Goss as our next Director of Central Intelligence. I commend the President for his timely submission of this nomination as Director of the Central Intelligence Agency. Given our war on terror and the missions in Afghanistan and Iraq, now is not the time to leave a vacuum in leadership for our Nation’s intelligence.

On that note, I also commend our chairman, Senator ROBERTS, for his leadership of the hearings and shepherding the entire process so we can complete this confirmation and ensure our intelligence apparatus has the direction it deserves and the leadership it must have in order to move forward.

As we all know, this nomination arrived during a time in which we are compelled to undertake the most profound, sweeping reform of our entire intelligence community in nearly 60 years, 3 years after the worst attack ever on American soil. Indeed, there is no longer a question whether we are at the threshold of the single most comprehensive and critical restructuring of
the manner in which intelligence is gathered, analyzed, and disseminated in at least a generation. The questions are: What shape will this reform take? How will the leadership of the intelligence community implement and execute these changes? And does the nominee, PORTER Goss, synthesize and translate his knowledge and depth of experience into specific, tangible changes in how the intelligence community performs? Because the person who is asked to implement this type of reform must be firm, bold, visionary, and lay the foundation for our intelligence community for the 21st century.

Many of us who serve on the Intelligence Committee—indeed, throughout the Senate—have been advocating for comprehensive improvements in the intelligence community structures and methods. Shortly, the Senate will have the opportunity to deliberate with respect to the attacks on September 11, 2001, as well as the pre-Iraq war and pre-9/11 intelligence failures. That preoccupation has certainly found its way into the 9/11 Joint Inquiry, the Senate Intelligence Committee, the 9/11 Commission, and others have found with respect to the attacks on September 11, 2001, as well as the pre-Iraq-war and 9/11 intelligence failures. That preoccupation has certainly been thoroughly explored in the intelligence community's performance. It revealed a pervasive complacency that the President must embrace; this permanent reform is essential to address the grave failures in communication, cooperation, and coordination that coalesced to produce broad failures in our intelligence community.

One of the most critical and defining issues spanned across the President's own record of reform initiatives. I know there has been some concern expressed by some that maybe PORTER Goss will be too wedded to the CIA or that he is too CIA-centric and, therefore, will not have the independent vision necessary to institute the required changes and the reforms that surely are to come. I would argue that it is precisely because of his past work within the community that he is best suited to take it into the future, all the more so as his service imbues him with an indispensable credibility that would engender the kind of trust within a community where some continue to believe that necessary changes have already been made, and do not identify the failures that we did in our comprehensive report within the intelligence community in the prewar assessments as egregious or systemic or broad or comprehensive failures. That is the kind of atmosphere that he will be entering as the new Director of the Central Intelligence Agency and trying to bring about the kind of reform that is absolutely vital.

His own record of reform initiatives is also important to explore because it also will belie the claim that somehow he will not be predisposed or have a predilection for the type of reform we certainly are going to be considering, including the next intelligence reform prior to the attacks of 9/11. Again, I think as we review the 9/11 Commission's recommendations, we can see much could...
have been done in all spheres. Whether it was on the part of former Presidents, on the part of Congress, committees, individuals, agencies, and bureaucracies, we know that the history documented in the 9/11 report was replete with examples of what would have been done differently and what could have been done differently.

What is required now is that we look at the totality of the record of the nominee we are considering today. In so doing, I believe we will see an individual who is uniquely committed to providing the impetus and the leadership required to institute critical reform. Indeed, who better than someone who has not only been a member of the intelligence world but also one who has investigated that world to understand why change is necessary.

The most glaring of problems—those we identified in the Senate Intelligence Committee report, such as the poor state of human intelligence, operations intelligence collection in general, the pervasive problems with information sharing—these have all been issues that Porter Goss has been committed to addressing throughout his tenure as chairman of the House Intelligence Committee. Indeed, he held over hearings on intelligence community reform just this year. So I do believe that he shows a predisposition and indeed a drive for reform.

I think we also see that commitment reflected in Mr. Goss’s contributions as a member of the Aspin-Brown commission, which was formed to assess the future direction, priorities, and structure of the intelligence community in the post-Cold-War world. This commission made a number of recommendations including looking at how to streamline the DCI’s responsibilities and provide him with additional flexibility in managing the community. He provided insights and leadership in the transition to intelligence community activities before and after the terrorist attacks of September 11, 2001—a report that contained 19 recommendations, including the creation of a director of national intelligence among the many changes that we have now been debating in Congress.

So all of this undoubtedly served as a catalyst for Congressman Goss authoring his own reform legislation, which he introduced this past June, that calls for a thorough reform of the intelligence community’s structure, as well as enhanced DCI, with critically needed personnel and budgetary authority—going beyond even what the President issued in his own Executive orders.

But I think Porter Goss also understands, in response to many of the questions that were raised during the course of the confirmation hearing, that a director of national intelligence will need to possess both the budgetary and personnel authorities that will be vital to directed national intelligence in order for that individual to be effective in implementing the kinds of changes that need to be brought about within the overall intelligence community.

Finally, there is further evidence of the extent to which Porter Goss is compelled to remedy our intelligence shortcomings. He has recognized—after careful investigation into the failures that occurred prior to the Iraq war—that the intelligence community has repeatedly fallen short in the area of information collection, most notably in the area of human intelligence.

In addition to those investigations, I believe he understands what is required to be done—particularly in this regard—as Porter Goss himself has said, the CIA’s human spy operation was headed “over a proverbial cliff” and in danger of becoming only a fleeting memory of “the nimble, flexible, core, mission-oriented enterprise” it once was. Sounds like a person who is convinced of the need for change.

He has also stated that the intelligence community failed to provide the President and policy-makers, and that the requisite, both from a collection and analytical viewpoint, was not provided.

I believe Porter Goss embodies the credibility and credentials that will be required of the intelligence community agencies and the professionals within that community in implementing the types of reforms from within—by Executive order or through congressional enactment. He brings unique and exceptional experience both in the field and behind the gavel. I believe he is well prepared to see our intelligence apparatus as it undergoes the major transformation necessary for a new era.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the distinguished chairman of the Armed Services Committee, a vital member of the Intelligence Committee, be recognized for 5 minutes. The Chair is pleased that we have a previous member of the Intelligence Committee, now again on the Intelligence Committee, and he is chairman of the Armed Services Committee. He has a unique perspective to offer my colleagues. Is 5 minutes appropriate?

Mr. WARNER. Yes, thank you.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my good friend and colleague, the distinguished chairman of the Intelligence Committee. I hope the Senate appreciates the thoroughness with which Chairman Roberts has gone into this nomination. He has provided the members of the committee and many others with an opportunity to express their views with regard to the nomination. An extensive series of hearings have been held—more than have been held on a nominee in a long time. Maybe only Supreme Court Justices occasionally see the volume and thoroughness with which an intelligence director can be carefully viewed by the Senate. I compliment the chairman, and indeed the ranking member who participated very actively in this, as well as the members of the committee.

I first came to know the nominee about a decade ago. I remember one of our most revered, distinguished contemporary colleagues, Senator Moynihan, who sat right back there on the floor and he stood up and said it was time to abolish the CIA. He had a lot of concerns about the Agency. At that time, I was the vice chairman of the Intelligence Committee. Together, with Porter Goss and some others, we put forth a plan for examining in establishing a commission to examine some of the concerns of our distinguished late colleague from New York. Porter Goss and I served on that commission. Les Aspin was the first chair. He had an untimely early death and he was followed by Harold Brown. That was my initiation to work with this fine, able individual.

I commend the President for selecting him to take on this important assignment. I think that the President is making a wise choice in Representative Goss. We just concluded a very extensive briefing upstairs with the Secretary of Defense, Ambassador Negroponte, the commander of CENTCOM, the Chairman of the Joint Chiefs, and the Acting Secretary of State, almost three-quarters of the Senate being present. The briefing was about the situations primarily in the Iraq and Afghanistan theater, but it was about terrorism on the whole.

As part of our discussion, we talked about the ongoing work in the Congress of the United States with regard to the 9/11 report, which all of us believe is a very significant contribution by a conscientious group of tried, tested, and true friends and colleagues of the House and the Senate. And we worked through these equations and options. The Governmental Affairs Committee is doing the markup of what will be the primary vehicle. Senator Roberts contributed his views on it.

The Senate Armed Services Committee had a hearing with the Secretary of Defense, as well as the Acting Director of the CIA. So the Senate has done a lot of work in preparation. How does that relate to Porter Goss? I cannot predict, but I don’t think anyone can, at this time what will eventually evolve with regard to the legislative achievements of this body and the House in a conference. Perhaps a lot of people have high expectations that a bill will be before our President shortly.

I intend to work conscientiously, as I have, and will continue to work, forgetting any question of turf, to try to achieve a strong bill that clearly improves and strengthens our intelligence system.

I brought in a reference to the briefing today because in some discussion
Mr. President, again I thank the distinguished chairman and the distinguished vice chairman of the committee for their work in making it possible for this nomination to have been carefully reviewed by the Senate in terms of a series of hearings and a very active and thorough debate on the Senate floor.

I yield the floor.

Mr. President, with this debate and the vote certain at 5 o'clock, I think there has been an extraordinary level of examination of this nomination. Two days of open hearings were held. By way of comparison, that is one day more than Secretary of State Powell had during his confirmation in early 2001.

It is certainly understandable that an official of the DCI stature would be the subject of close Senate scrutiny. I think we have achieved that level of examination. The Intelligence Committee on both sides have expressed satisfaction with the way this process has unfolded. It was not by accident. It was in close conference and cooperation with the distinguished vice chairman of the Intelligence Committee, the Senator from West Virginia.

I think Mr. Goss has been forthcoming. I think he has been candid with the committee. He provided literally 20 written answers to questions sent to him by the committee, both before and after his confirmation hearings. He also provided complete and exhaustive details about his background and his professional life in connection with his nomination.

In short, I believe the examination of this nomination has been thorough and informative. The nominee and Members on both sides should be complimented for the way it has unfolded.

Expressions of support for his nomination have come from both sides of the aisle and both sides of Capitol Hill. This nominee is ready to go to work, and he is needed.

I urge the Senate to vote for his confirmation, and I look forward to working with Porter Goss as the next DCI, by the way, possibly last DCI.

Mr. President, at the proper time, which I believe will be at 5 o'clock, I will call for the yeas and nays, or can I do that now before I make a statement?

Mr. President, do you want me to call the yeas and nays?

I wish to make a short statement, and then I will call for the yeas and nays.

Porter Goss has been very well vetted. What has come from this discussion back and forth are several things. One, he is a very good man. Second, he is a very good intelligence business. Third, I think there is still a question of whether he has run any larger organizations, and that becomes a factor.

The third had to do with partisanship. It was interesting to me that a number of people said everybody around here is partisan. Of course, that is true. But this has to do with a nomination for the Central Intelligence Agency. That is a position where we need to stand up for the intelligence very recently at a time, obviously, when we are engaged in a broad election.

It is probably that he will be confirmed, but that does not take away from my responsibility to point out what I think is very important. That now, more than ever, it is important for a CIA Director or for anybody in intelligence to tell the truth, to make sure that if there was a reference in a Cincinnati October 2 speech about Niger and uranium enrichment and the possible seeking of it by Iraq, and then when it comes to the State of the Union that somehow that the CIA Director disappeared and never said, Oh, no, that shouldn't be in the State of the Union because it was never true—don't want to get into that now. The point is we need somebody who is independent and takes pride, who defines himself as being independent and standing up for the intelligence business and, therefore, is speaking the truth. I hope that person will be Porter Goss. That is not yet proven, and based upon the record it is not possible for me to vote anything but no at this time.

The nomination is very close to 5, I ask for the yeas and nays.

Mr. President, do you want me to call the yeas and nays?

There appears to be a sufficient second.

The question is, will the Senate advise and consent to the nomination of Porter J. Goss, of Florida, to be Director of Central Intelligence? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll. Mr. McConnel. I announce that the Senator from Pennsylvania (Mr. Santorum) and the Senator from Pennsylvania (Mr. Specter) are necessarily absent.

Mr. Reid. I announce that the Senator from Hawaii (Mr. Akaka), the Senator from North Carolina (Mr. Edwards), the Senator from Vermont (Mr. Jeffords), and the Senator from Massachusetts (Mr. Kerry) are necessarily absent.

The PRESIDING OFFICER: The Senator from Hawaii.

Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 17, as follows:
Mr. LEAHY. Mr. President, I am pleased to be an original cosponsor of S. 2742, which is a short but important piece of legislation that Senator HATCH and I have cosponsored at the request of the Supreme Court. This legislation would renew authority to provide security for the Justices when they leave the Supreme Court. Recent reports of the assault of Justice Souter when he was outside of the Supreme Court highlight the importance of security for Justices. If no congressional action is taken, the authority of Supreme Court police to protect Justices off court grounds will expire at the end of this year.

Another provision in this legislation allows the Supreme Court to accept gifts “pertaining to the history of the Supreme Court, of the United States or its justices.” The administrative office of the Courts currently has statutory authority to accept gifts on behalf of the judiciary. This provision would grant the Supreme Court authority to accept gifts but it would narrow the types of gifts that can be received to historical items. I think this provision strikes the proper balance.

Finally, this legislation also would provide an additional venue for the prosecution of offenses that occur on the Supreme Court grounds. Currently, the DC Superior Court is the only place of proper venue despite the uniquely Federal interest at stake. This legislation would allow suit to be brought in United States District Court in the District of Columbia.

LANTHAM ACT CLARIFICATION

Mr. CRAIG. Mr. President, I ask unanimous consent to have printed in the RECORD some additional information about the genesis and intent of a bill introduced last week, strengthening and clarifying a provision of the Lanham Act. Specifically, S. 2796 was introduced to clarify that service marks, collective marks, certification marks are entitled to the same protections, rights, privileges of trademarks.

It is my hope that the Congress will act on this measure in short order, and I urge my colleagues to assist my colleagues in evaluating the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENTS TO LANHAM ACT

[Indicated by Brackets] Sec. 3 [15 U.S.C. 1053]. Service marks registrable Subject to the provisions relating to the registration of trademarks, so far as they are

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.

SECURITY FOR SUPREME COURT JUSTICES

Mr. LEAHY. Mr. President, I am pleased to be an original cosponsor of S. 2742, which is a short but important piece of legislation that Senator HATCH and I have cosponsored at the request of the Supreme Court. This legislation would renew authority to provide security for the Justices when they leave the Supreme Court. Recent reports of the assault of Justice Souter when he was outside of the Supreme Court highlight the importance of security for Justices. If no congressional action is taken, the authority of Supreme Court police to protect Justices off court grounds will expire at the end of this year.

Another provision in this legislation allows the Supreme Court to accept gifts “pertaining to the history of the Supreme Court, of the United States or its justices.” The administrative office of the Courts currently has statutory authority to accept gifts on behalf of the judiciary. This provision would grant the Supreme Court authority to accept gifts but it would narrow the types of gifts that can be received to historical items. I think this provision strikes the proper balance.

Finally, this legislation also would provide an additional venue for the prosecution of offenses that occur on the Supreme Court grounds. Currently, the DC Superior Court is the only place of proper venue despite the uniquely Federal interest at stake. This legislation would allow suit to be brought in United States District Court in the District of Columbia.
It is important to remove any perceived distinction between certification marks and collective marks as compared to trademarks, except as expressly provided otherwise by statute. No challenge to the bill clarifies Congress' original intentions regarding the treatment of certification marks and collective marks through this amendment to Section 4 of the Lanham Act. Any certification mark, and the provisions contained in such licenses, should be treated no less favorably than licenses for trademarks and other non-quality related provisions, and other non-quality related provisions in certification mark licenses or agreements are to be accorded the same respect and treatment, and are to be accorded the same principles of equity, as like provisions in trademark licenses and agreements. While nothing in this revision to the Lanham Act should be read as impairing a court's ability to apply existing principles of equity, where their application is appropriate, such licensing provisions are essential to preserving the public benefits of such marks without increasing the litigation and other transactional costs for certification mark owners. Similarly, certification and collective mark licenses are to be accorded the same rights and protections except as specifically provided by statute.

MISSOURI RIVER DROUGHT CONSERVATION PLAN

Mr. JOHNSON. Mr. President, last Tuesday, September 14, the Senate Appropriations Committee reported out the Fiscal Year 2005 Interior Appropriations bill on a unanimous and bipartisan vote. The bill funds several of the Federal agencies that are responsible for managing millions of acres of land in South Dakota, including the U.S. Forest Service, the Fish and Wildlife Service, and the National Park Service. Included in that bill was a provision directing the Corps of Engineers to immediately implement drought conservation measures outlined in the 2004 Missouri River Master Water Control Manual. This is an important provision that will better balance the competing uses of Missouri River water and, more importantly, bring a sense of equity and fair play to a process long-slanted toward a single group of navigation interests. Perhaps no Federal agency has a more direct impact on South Dakotans than the U.S. Army Corps of Engineers. The Corps of Engineers has a tough job in South Dakota, balancing a host of competing and, it appears from time to time, mutually exclusive interests. However, on the key issue of managing the Missouri, the Corps has consistently come up short as a steward of America’s longest river. With a current water storage rate of 35.9 million acre-feet, the main-stem Missouri River reservoirs are at the lowest level in history. The provision included in the Interior Appropriations bill faces up to this reality by taking a strong step toward conserving our water resources. Unfortunately, yesterday, in an unprecedented maneuver to strike out and cancel the express will of the Appropriations Committee, a provision was inserted in the fiscal year 2005 Veterans, Housing and Urban Development, and Independent Agencies Appropriations bill that cancels out the drought conservation plan. The proponents of this new provision had already come up short as a steward of the nation’s longest river. I expect an uphill battle, but I will do everything I can to fight for the needs of upstream states.

JUMPSTART OUR BUSINESS STRENGTH ACT

Mr. SMITH. Mr. President, I rise to speak about a provision of legislation that is pending before Congress. The Jumpstart Our Business Strength, JOBS, Act, also known as FSC/ETI. This bill was passed by both the House and the Senate earlier this year and now awaits the appointment of conferees by the House and Senate. As a Senate conferee, I am hopeful that we can move quickly toward a conference with the House and
complete action on FSC before the 108th Congress adjourns.

This bill has aptly been named the JOBS Act because of the direct impact it will have on businesses and employment in the United States. I believe this bill can strengthen the U.S. shipping industry. Over the past year I have worked closely with my colleagues, Senators TRENT LOTT, JOHN BREAUX and others, to provide critical tax relief to the U.S. maritime industry. I intend to work in conference to provide necessary relief to the maritime industry in Oregon and elsewhere throughout our country.

It is clear to me that the ability of the American mariner to operate ships on a comparable economic basis as foreign competitors is vital to the competitiveness of the U.S.-flag industry. Yet United States shipping companies are subject to significantly higher taxes than their foreign-based competitors, particularly those that operate foreign vessels under what are commonly known as “flag-of-convenience” countries. Thus, American shipowners are unable to compete with their foreign-flag counterparts in the foreign trade of the United States.

Recently, many of the industrialized trading partners of the U.S., including the United Kingdom, Norway and Germany have developed tonnage-based corporation tax regimes, known as “tonnage tax” regimes, to enable their fleets to compete fairly on the international stage. In a similar manner, our proposed tonnage tax provisions would authorize an alternative U.S. tax regime based upon the tonnage of a taxpayer’s U.S.-flag fleet. That alternative regime would create a positive economic environment for U.S.-flag international shipping operations in line with that of other major U.S. trading partners.

This legislative provision is urgently needed to preserve U.S.-flag shipping and related employment opportunities for U.S. mariners. Generally, at any time, there are only 89 U.S.-flag vessels engaged in the foreign trade that are operated by U.S. companies to which the tonnage tax regime would apply. Implementation of the tonnage tax regime is required now to prevent further reductions in an already decimated U.S.-flag commercial fleet and depleted U.S. mariner pool.

It is also important to the U.S. maritime industry that we enact an additional provision to defend the tax on the foreign shipping income of a controlled foreign corporation, CFC— but only if that CFC is affiliated with a U.S. company that maintains a qualified fleet of at least two U.S.-flag commercial vessels. Generally, a CFC does not tax foreign-source income earned by a CFC until that income is repatriated as a dividend to the U.S. shareholders of the CFC. However, a CFC’s foreign shipping income is taxed to its shareholders in the year earned without regard to whether it is then, or ever, distributed to those shareholders.

I look forward to working with my Senate and House colleagues towards enactment of the FSC/ETI tax legislation and to ensure that these critical maritime provisions are included in the final version of the bill.

ROBERTO CLEMENTE DAY

Mr. SANTORUM. Mr. President, today I rise to speak about a topic that holds a special place in my life and the lives of many, have developed tonnage-based corporation tax regimes, known as “tonnage tax” regimes, to enable their fleets to compete fairly on the international stage. In a similar manner, our proposed tonnage tax provisions would authorize an alternative U.S. tax regime based upon the tonnage of a taxpayer’s U.S.-flag fleet. That alternative regime would create a positive economic environment for U.S.-flag international shipping operations in line with that of other major U.S. trading partners.

This legislative provision is urgently needed to preserve U.S.-flag shipping and related employment opportunities for U.S. mariners. Generally, at any time, there are only 89 U.S.-flag vessels engaged in the foreign trade that are operated by U.S. companies to which the tonnage tax regime would apply. Implementation of the tonnage tax regime is required now to prevent further reductions in an already decimated U.S.-flag commercial fleet and depleted U.S. mariner pool.

It is also important to the U.S. maritime industry that we enact an additional provision to defend the tax on the foreign shipping income of a controlled foreign corporation, CFC—but only if that CFC is affiliated with a U.S. company that maintains a qualified fleet of at least two U.S.-flag commercial vessels. Generally, a CFC does not tax foreign-source income earned by a CFC until that income is repatriated as a dividend to the U.S. shareholders of the CFC. However, a CFC’s foreign shipping income is taxed to its shareholders in the year earned without regard to whether it is then, or ever, distributed to those shareholders.

I look forward to working with my Senate and House colleagues towards enactment of the FSC/ETI tax legislation and to ensure that these critical maritime provisions are included in the final version of the bill.

ROBERTO CLEMENTE DAY

Mr. SANTORUM. Mr. President, today I rise to speak about a topic that holds a special place in my life and the lives of many, have developed tonnage-based corporation tax regimes, known as “tonnage tax” regimes, to enable their fleets to compete fairly on the international stage. In a similar manner, our proposed tonnage tax provisions would authorize an alternative U.S. tax regime based upon the tonnage of a taxpayer’s U.S.-flag fleet. That alternative regime would create a positive economic environment for U.S.-flag international shipping operations in line with that of other major U.S. trading partners.

This legislative provision is urgently needed to preserve U.S.-flag shipping and related employment opportunities for U.S. mariners. Generally, at any time, there are only 89 U.S.-flag vessels engaged in the foreign trade that are operated by U.S. companies to which the tonnage tax regime would apply. Implementation of the tonnage tax regime is required now to prevent further reductions in an already decimated U.S.-flag commercial fleet and depleted U.S. mariner pool.

It is also important to the U.S. maritime industry that we enact an additional provision to defend the tax on the foreign shipping income of a controlled foreign corporation, CFC—but only if that CFC is affiliated with a U.S. company that maintains a qualified fleet of at least two U.S.-flag commercial vessels. Generally, a CFC does not tax foreign-source income earned by a CFC until that income is repatriated as a dividend to the U.S. shareholders of the CFC. However, a CFC’s foreign shipping income is taxed to its shareholders in the year earned without regard to whether it is then, or ever, distributed to those shareholders.

I look forward to working with my Senate and House colleagues towards enactment of the FSC/ETI tax legislation and to ensure that these critical maritime provisions are included in the final version of the bill.

ROBERTO CLEMENTE DAY

Mr. SANTORUM. Mr. President, today I rise to speak about a topic that holds a special place in my life and the lives of many, have developed tonnage-based corporation tax regimes, known as “tonnage tax” regimes, to enable their fleets to compete fairly on the international stage. In a similar manner, our proposed tonnage tax provisions would authorize an alternative U.S. tax regime based upon the tonnage of a taxpayer’s U.S.-flag fleet. That alternative regime would create a positive economic environment for U.S.-flag international shipping operations in line with that of other major U.S. trading partners.

This legislative provision is urgently needed to preserve U.S.-flag shipping and related employment opportunities for U.S. mariners. Generally, at any time, there are only 89 U.S.-flag vessels engaged in the foreign trade that are operated by U.S. companies to which the tonnage tax regime would apply. Implementation of the tonnage tax regime is required now to prevent further reductions in an already decimated U.S.-flag commercial fleet and depleted U.S. mariner pool.

It is also important to the U.S. maritime industry that we enact an additional provision to defend the tax on the foreign shipping income of a controlled foreign corporation, CFC—but only if that CFC is affiliated with a U.S. company that maintains a qualified fleet of at least two U.S.-flag commercial vessels. Generally, a CFC does not tax foreign-source income earned by a CFC until that income is repatriated as a dividend to the U.S. shareholders of the CFC. However, a CFC’s foreign shipping income is taxed to its shareholders in the year earned without regard to whether it is then, or ever, distributed to those shareholders.

I look forward to working with my Senate and House colleagues towards enactment of the FSC/ETI tax legislation and to ensure that these critical maritime provisions are included in the final version of the bill.

ROBERTO CLEMENTE DAY

Mr. SANTORUM. Mr. President, today I rise to speak about a topic that holds a special place in my life and the lives of many, have developed tonnage-based corporation tax regimes, known as “tonnage tax” regimes, to enable their fleets to compete fairly on the international stage. In a similar manner, our proposed tonnage tax provisions would authorize an alternative U.S. tax regime based upon the tonnage of a taxpayer’s U.S.-flag fleet. That alternative regime would create a positive economic environment for U.S.-flag international shipping operations in line with that of other major U.S. trading partners.

This legislative provision is urgently needed to preserve U.S.-flag shipping and related employment opportunities for U.S. mariners. Generally, at any time, there are only 89 U.S.-flag vessels engaged in the foreign trade that are operated by U.S. companies to which the tonnage tax regime would apply. Implementation of the tonnage tax regime is required now to prevent further reductions in an already decimated U.S.-flag commercial fleet and depleted U.S. mariner pool.

It is also important to the U.S. maritime industry that we enact an additional provision to defend the tax on the foreign shipping income of a controlled foreign corporation, CFC—but only if that CFC is affiliated with a U.S. company that maintains a qualified fleet of at least two U.S.-flag commercial vessels. Generally, a CFC does not tax foreign-source income earned by a CFC until that income is repatriated as a dividend to the U.S. shareholders of the CFC. However, a CFC’s foreign shipping income is taxed to its shareholders in the year earned without regard to whether it is then, or ever, distributed to those shareholders.

I look forward to working with my Senate and House colleagues towards enactment of the FSC/ETI tax legislation and to ensure that these critical maritime provisions are included in the final version of the bill. 
Senior Legislature, and the conversion of Fort Ord Army Base into California State University Monterey Bay. A particular highlight in his career, Senator Mello cosponsored the Mello-Roos Act, which established tax-exempt bonds and special districts for school construction and other public improvements.

Senator Mello was proud of his Portuguese heritage, and regularly traveled to Washington, DC to advocate for increased foreign aid to Portugal. The King of Portugal knighted Senator Mello for his efforts. In his spare time, Senator Mello was also an avid deep-sea fisherman and jazz pianist. In 2002, Senator Mello played with the Jimmy Dorsey Orchestra at the performing arts center in Watsonville that is named after him—the Henry J. Mello Center for the Performing Arts.

Senator Mello was a deeply loved member of both the California State legislature and the central coast community, and a strong, tenacious man who championed the causes of those he represented. He will be missed by all who knew him. We take comfort in knowing that future generations will benefit from his spirit, his vision, and his leadership.

ADDITIONAL STATEMENTS

HONORING THE ACCOMPLISHMENTS OF DISHA PANCHOLI

- Mr. BUNNING. Mr. President, I wish to pay tribute to and congratulate Disha Pancholi of Louisville, KY, on being selected to receive a Scholarship from the David L. Boren National Security Education Program, NSEP.

Ms. Pancholi was one of 181 applicants nationwide to receive one of these scholarships. NSEP administered within the National Defense University in the Department of Defense. It funds outstanding U.S. students to study critical languages and world regions in exchange for a commitment to seek employment with the Federal Government in the arena of national security.

Ms. Pancholi has been studying Arabic and will spend her fall term in Egypt. She attends the University of Louisville and is majoring in biology and political science.

The people of Jefferson County should be proud to have a woman such as Disha Pancholi in their community. Her example of dedication and hard work should be an inspiration to the community, and a strong, tenacious man who knew him. We take comfort in knowing that future generations will benefit from his spirit, his vision, and his leadership.

My family and I will miss him very much.

TRIBUTE TO DONALD COMLISH

- Mr. TALENT. Mr. President, I rise today to mourn the passing of Donald Comlish, who was the vice president for international affairs of the Air Transport Association. Through his years of service, Mr. Comlish helped provide great service to our airline industry as well as the traveling public, and he will be truly missed.

Mr. Comlish worked for the ATA for 22 years as the chief representative of the airline industry in the negotiation of the international agreements between the United States and foreign countries that provide the legal and operational basis for international airline flights.

He participated in the negotiation of aviation agreements with France, Germany, Japan, Thailand and many other countries during his career, helping to literally open up the skies, and provided an avenue for American travelers. Mr. Comlish helped to negotiate the 1977 Bermuda II agreement, which eased restrictions on air travel between the United States and Britain. He also helped to complete a partnership between the United States and China that provided for post-World War II resumption of direct air service between the two countries.

Donald Comlish was born in Stratford, CT and enlisted in the Navy after high school. He attended the Navy School of Music in Washington and played with the Navy Band. He graduated from St. Bonaventure University in 1961, and received a law degree from Catholic University in 1966. He began his career as a law clerk for the firm of Spencer & Whalen and the Civil Aeronautics Board, and then began working for the ATA. Donald was a well-respected and accomplished attorney who was admitted and qualified as an attorney and counselor to the Supreme Court. After leaving the ATA in the mid-1990s, he remained a consultant to the airline industry until his retirement in 1999.

Shortly before he retired, he decided to once again pursue his love of music and began playing saxophone and clarinet for the Montgomery Village Community Band and the Virginia Grand Military Band. He was also a member of the International Aviation Club.

Donald Comlish’s survivors include his wife of 42 years, Carol Comlish; 6 children: Jeannie, Michael, Gregory, Matthew, Paul, and Chrissy; and 1 grandson. His efforts improved the lives of every American who travels, and he certainly left the world better than he found it.

MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1658) to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

The message also announced that the House has passed the following bill and joint resolution, without amendment:

S. 1301. An act to amend title 18, United States Code, to prohibit video voyeurism in maritime and territorial jurisdiction of the United States, and for other purposes.

S. J. Res. 41. Joint resolution commemorating the opening of the National Museum of the American Indian.

The message further announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 2966. An act to authorize the Secretary of the Interior to determine the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System and for other purposes.

H.R. 2966. An act to preserve the use and access of pack and saddle stock animals on
MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2663. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area.

H.R. 3257. An act to authorize the Secretary of the Interior to participate in the design and construction of the Riverside-Corona Feeder in cooperation with the Western Municipal Water District of Riverside, California.

H.R. 3632. An act to prevent and punish counterfeiting and copyrighted copies and phonorecords, and for other purposes.

H.R. 4459. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes; to the Committee on Energy and Natural Resources.

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-9353. A communication from the Acting Assistant Director, Directives and Regulations Branch, Forest Service, transmitting, pursuant to law, the report of a rule entitled “Sawtooth National Recreation Area—Private Lands: Increasing Residential Outbuilding Size” (RIN9009-AC00) received on September 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9354. A communication from the Congressional Review Coordinator, Animal Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Citrus Canker: Quarantined Areas” (Doc. No. 04-045-1) received on September 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9355. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement to the Committee on Armed Services.

EC-9356. A communication from the Under Secretary of Defense and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement to the Committee on Armed Services.

EC-9357. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement to the Committee on Armed Services.

EC-9358. A communication from the Deputy Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “31 CFR part 592, Rough Diamonds Control Regulations” received on September 24, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9359. A communication from the Deputy Secretary of the Treasury, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “31 CFR part 592, Rough Diamonds Control Regulations” received on September 24, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9360. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled the “Massachusetts Water Reclamation Authority Act”; to the Committee on Commerce, Science, and Transportation.

EC-9361. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Safety Zone (Including 3 Regulations): CGD05-04-0111” (RIN1625-AA00) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9362. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations (Including 3 Regulations): CGD06-04-143, CGD05-04-145” (RIN1625-AA08) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9363. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Safety Zone (Including 3 Regulations): CGD03-04-031, CGD05-04-170, CGD05-04-172” (RIN1625-AA10) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9364. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Operation Regulations (Including 4 Regulations): CGD01-04-114, CGD01-04-105, CGD06-04-031, CGD06-04-145” (RIN1625-AE27) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9365. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Safety Zone: Wiscasset, Maine; Demolition of Maine Yacht Club Former Building CGD01-04-069” (RIN1625-AA00) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9366. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulation for Marine Events: Patapsco River, Inner Harbor, Baltimore, MD CGD05-04-158” (RIN1625-AA06) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9367. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Mandatory Ballast Water Management Program for U.S. Waters USCG-2003-14273” (RIN1625-AA52) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9368. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA CGD13-04-019” (RIN1625-AE7) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9370. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Generic Letter 2004-02: Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized Water Reactors: 10 CFR part 52, Appendix AA52” received on September 17, 2004; to the Committee on Environment and Public Works.
EC-9371. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Quality Management Plan for the 8-Hour Ozone National Ambient Air Quality Standards” (FRL#7816-2) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9372. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approvals and Promulgation of Implementation Plans; Kentucky and Indiana: Approval of Revisions to 1-Hour Ozone Maintenance Plan for Louisville Area” (FRL#7812-4) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9373. 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; North Carolina: Raleigh/Durham Area and Greensboro/Winston-Salem/High Point Area Maintenance Plan Updates” (FRL#7815-9) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9374. A communication from the Deputy Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Las Vegas Valley: Carbon Monoxide Nonattainment Area” (FRL#7801-4) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9375. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Miscellaneous Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion” (FRL#7816-9) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9376. 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, Antelope Valley Air Quality Management District” (FRL#7812-2) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9377. 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, Antelope Valley Air Quality Management District” (FRL#7812-2) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9378. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Method of Certain Settlement Funds as Pertaining to Purchase Price Allocations in December 2003” (RIN 1545-BD59) received on September 17, 2004; to the Committee on Finance.

EC-9379. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Place for Filing Returns or Other Documents” (TD9601) received on September 17, 2004; to the Committee on Finance.

EC-9380. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—October 2004” (Rev. Rul. 2004-96) received on September 17, 2004; to the Committee on Finance.

EC-9381. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Returns Relating to Interest Payments on Qualified Education Loans” (Notice 2004-63) received on September 17, 2004; to the Committee on Finance.

EC-9382. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Guidance Concerning Use of 2001 CSO Tables Under Section 7522 of the Internal Revenue Code” (Ann. 2004-61) received on September 17, 2004; to the Committee on Finance.

EC-9383. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Fringe Benefits Aircraft Valuation Formula” (Rev. Rule 2004-70) received on September 17, 2004; to the Committee on Finance.

EC-9384. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Request for Comments on Staggered Remedial Amendment Period Revenue Procedure” (Ann. 2004-65) received on September 17, 2004; to the Committee on Finance.

EC-9385. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Electronic Filing of Duplicate Form 5472” (TD 9531) received on September 17, 2004; to the Committee on Finance.

EC-9386. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Manufacturer’s Submission of Average Sales Price Data for Medicare Part B Drugs and Biologicals (ASP)” (RIN 0938-AN05) received on September 17, 2004; to the Committee on Finance.

EC-9388. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to a proposed manufacturing license agreement for the manufacture of significant military equipment to Spain; to the Committee on Foreign Relations.

EC-9391. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment to Spain; to the Committee on Foreign Relations.
*Deborah P. Majoras, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2001.

Coast Guard nominations beginning Capt. Gary T. Hlore and ending Capt. Joel R. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2001.

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting and the Senate Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Kenneth W. Megan.

Coast Guard nominations beginning John B. McDermott and ending David C. Clippinger, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2004.

Coast Guard nomination of Karen W. Quiachon.

Coast Guard nominations beginning Michael H Anderson and ending Gordon K Weeks, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2004.

National Oceanic and Atmospheric Administration nominations beginning Jonathan W Bailey and ending Richard A Edmondson, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2004.

National Oceanic and Atmospheric Administration nominations beginning Timothy J Gallagher and ending Bernerv R Archer, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2004.

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Gerard Schwarz, of Washington, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2010.

*James Ballinger, of Arizona, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

*Terence Alan Teachout, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

*Jonathan Mann, of Maine, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Elizabeth Ann Bryan, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Eric Alan Hanshek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Caroline M. Hoxy, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Roberto Ibarra Lopez, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Richard James Milgram, of New Mexico, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Joseph K. Torgesen, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Herbert John Walberg, of Illinois, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred, as indicated:

By Mrs. CLINTON:

S. 2827. A bill to amend the Federal Rules of Evidence to create an explicit privilege to preserve medical privacy; to the Committee on the Judiciary.

S. 2829. A bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1986 may form political committees, and for other purposes; to the Committee on Rules and Administration.

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. MCCAIN (for himself, Mr. FENGOLD, Mr. LIEBERMAN, and Mr. SCHUMER):

S. 2828. A bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1986 may form political committees, and for other purposes; to the Committee on Rules and Administration.

CONGRESSIONAL RECORD — SENATE September 22, 2004
S. 2526. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to clarify that federally recognized Indian tribal governments are to be regulated under the same government employer rules and procedures that apply to Federal, State, and other local government employers with regard to the establishment and maintenance of employee benefit plans; 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. CORZINE (for himself, Mr. Baucus, Mr. Durbin, and Mr. Daschle):
S. Res. 432. A resolution expressing the sense of the Senate that Congress should reject Social Security privatization proposals, including those that require deep cuts in Social Security benefits, such as the proposals of President Bush's Social Security Commission; to the Committee on Finance.

ADDITIONAL COSPONSORS

At the request of Mr. Breaux, the name of the Senator from Louisiana (Ms. Allard) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

At the request of Mr. Smith, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low income individuals infected with HIV.

At the request of Mr. Harkin, the name of the Senator from Iowa (Ms. Inouye) was added as a cosponsor of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

At the request of Mr. Johnson, the name of the Senator from Missouri (Mr. Talent) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

At the request of Mr. McConnell, the name of the Senator from Missouri (Mr. Talent) was added as a cosponsor of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

At the request of Mr. Enzi, the name of the Senator from Tennessee (Mr. Alexander) was added as a cosponsor of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

At the request of Mr. McCain, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 1945, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

At the request of Ms. Collins, the name of the Senator from Hawaii (Ms. Inouye) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

At the request of Mr. Bond, the names of the Senator from Minnesota (Mr. Dayton) and the Senator from California (Mrs. Feinstein) were added as cosponsors of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

At the request of Mr. Leahy, the name of the Senator from Florida (Mr. Graham) was added as a cosponsor of S. 2560, a bill to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes.

At the request of Mr. Johnson, the name of the Senator from South Dakota (Mr. Daschle) was added as a cosponsor of S. 2561, a bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill.

At the request of Mr. Biden, the name of the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the birth of Benjamin Franklin, and for other purposes.

At the request of Mr. Lautenberg, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 2731, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

At the request of Mr. Rockefeller, the name of the Senator from South Dakota (Mr. Daschle) was added as a cosponsor of S. 2759, a bill to amend title XXI of the Social Security Act to make the rules related to weight gain, obesity, or any health condition related to weight gain or obesity.

At the request of Mrs. Murray, her name was added as a cosponsor of S. 2781, a bill to amend the Social Security Act to promote the care of children of certain servicemembers who became disabled for life as a result of active duty military service.

At the request of Mr. Kennedy, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 2794, a bill to improve elementary and secondary education.

At the request of Mr. Crapo, the name of the Senator from Minnesota (Mr. Coleman) was added as a cosponsor of S. 2815, a bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes.

At the request of Mr. Reid, the names of the Senator from Alabama (Mr. Shelby) and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of S. 2822, a bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st century.

At the request of Mrs. Feinstein, her name was added as a cosponsor of S.J. Res. 31, a joint resolution to provide for Congressional disapproval of certain regulations issued by the Office of the Comptroller of the Currency, in accordance with section 602 of title 5, United States Code.

At the request of Mrs. Feinstein, her name was added as a cosponsor of S.J. Res. 32, a joint resolution to provide...
for Congressional disapproval of certain regulations issued by the Office of the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code.

S. CON. RES. 8

At the request of Ms. Collins, the name of the Senator from New York (Mr. SCHUMER) was added as a co-sponsor of S. Con. Res. 8, a concurrent resolution designating the second week in may each year as "National Visiting Nurse Association Week."

S. CON. RES. 127

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a co-sponsor 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. CON. RES. 136

At the request of Mr. CONRAD, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from New Mexico (Mr. BINGMAN) were added as co-sponsors of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 406

At the request of Mr. SMITH, the name of the Senator from Montana (Mr. BURNS) was added as a co-sponsor of S. Res. 406, a resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks, condemning the decision of the International Court of Justice on the legality of the security fence, and urging no further action by the United Nations to delay or prevent the construction of the security fence.

S. RES. 424

At the request of Mr. CRAIG, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Kentucky (Mr. BUNNING), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. BYRD) and the Senator from Alabama (Mr. SESSIONS) were added as co-sponsors of S. Res. 424, a resolution designating October 2004 as "Protecting Older Americans From Fraud Month."

S. RES. 427

At the request of Mr. SARBANES, the name of the Senator from Hawaii (Mr. INOUYE) was added as a co-sponsor of S. Res. 427, a resolution congratulating the citizens of Greece, the members of the Athens 2004 Organizing Committee for the Olympic and Paralympic Games, the International Olympic Committee, the United States Olympic Committee, the 2004 United States Olympic Team, athletes from around the world, and all the personnel who participated in the 2004 Olympic Summer Games in Athens, Greece.

S. RES. 431

At the request of Mrs. FEINSTEIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a co-sponsor of S. Res. 431, a resolution expressing the sense of the Senate that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threat posed by concerns in Burma under the illegal and genocidal rule of the State Peace and Development Council.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON:

S. 2827. A bill to amend the Federal Rules of Evidence to create an explicit privilege to preserve medical privacy, to the Committee on the Judiciary.

Mrs. CLINTON. Mr. President, today, I rise to introduce the Patients' Privacy Protection Act, legislation that will close a loophole in the Federal Rules of Evidence and ensure that every American's medical records remain confidential to the same degree that financial and legal information is protected.

I began exploring this issue when I learned that Attorney General John Ashcroft had subpoenaed the confidential medical records from thousands of women around the country to defend the first-ever Federal abortion ban in Federal court. The fact that the women in question were not a party to the lawsuit did not deter him.

Such a deliberate intrusion into people's medical privacy record is deeply disturbing. Americans deserve full confidence that the government is not looking into their medical records. Without such an assurance, how will Americans trust their doctors? What procedures, discussions, and diagnoses will they avoid for fear that their records could shame them or adversely impact their future if unearthed?

At issue in this bill is what a reasonable person should expect when they walk into a doctor's office. That person expects that what they say to her doctor stays with her doctor. Only because of that confidence are people able to be honest. And only through that honesty are people able to obtain the healthcare they need.

The right of every American to have confidence that his or her medical records and any communications about them will remain confidential is constitutionally protected. The 4th Amendment requires that the government obtain a warrant before it searches and seizes private information about an individual. While the Constitution does not define what information is protected, it is clear that the privacy of information is a fundamental right.

The right to private medical records is an issue that, in rhetoric at least, has broad support on both sides of the partisan divide. In fact, it was President Bush himself who, as recently as 2001 during a statement on the Medical Privacy Rule said, "I believe that we must protect both vital health care services and the right of every American to have confidence that his or her personal medical records will remain private."

Even Attorney General Ashcroft has made strong statements in support of the privacy of medical records. Back in 1998, in a press release put out by his Senate office in which he is referred to as a "consistent champion of privacy rights," then-Senator Ashcroft says "We should guarantee that the federal government does not undermine an individual's fundamental right to privacy . . . Without privacy protections in place, people may be dissuaded from seeking help or taking advantage of the access to health care."

I agree. But unlike Attorney General Ashcroft, I believe preserving patient privacy entails more than issuing a press release. Patient privacy doesn't end when it conflicts with a political agenda, no matter how deeply felt that conviction.

Throughout this Administration we have seen Attorney General Ashcroft disregard civil liberties in the name of preventing terrorism. But through this action, we see him disregarding civil rights in the name of outlawing abortion. This is a very slippery slope that, if not checked by the privacy afforded every woman seeking reproductive healthcare, but all Americans. Over the past few months, the Department of Justice has asserted that federal law does not recognize the doctor-patient privilege and that individuals no longer have a reasonable expectation of medical privacy. These are alarming statements.

Thankfully, Attorney General Ashcroft is not being allowed to run roughshod over our right to privacy and medical confidentiality. On March 5, 2004, a San Francisco court ruled that the Department of Justice has no right to view the records in question in the Planned Parenthood Federation of America lawsuit against the abortion ban. The decision issued by Judge Phyllis Hamilton soundly affirmed women's right to privacy. She said, "There is no question that the patient is entitled to privacy and protection . . . Women are entitled to not have the government looking at their records."

Nevertheless, we cannot take a chance that once again, when it suits the political or ideological interests of this Administration, our constitutional rights in question will be disregarded. When this Administration begins to see individual rights as an agenda, no matter how deeply felt that agenda, the government will intrude upon the most personal of information. That is why I stand before you today.

The Patient Privacy Protection Act of 2004 is very simple. It states that a patient's medical records and any communication about their medical history are confidential unless a judge determines that the public interest in releasing the medical records being significantly outweighs the patient's privilege. In the cases where a judge orders the records to be disclosed, the court shall, to the extent practicable, eliminate any and all personally identifiable information.

I am pleased to be introducing this simple, straightforward, common-sense piece of legislation. I do not believe there is a Member of either Chamber of Congress who in good faith could oppose this measure, and I look forward to working with my colleagues, Representative NADLER and others to see it enacted into law expediently.
By Mr. McCaIN (for himself, Mr. FeINGold, Mr. Lieberman, and Mr. SchumEER):

S. 2828. A bill to amend the Federal Election Campaign Act of 1971 to define political committees and clarify when organizations are considered political committees, to require that the Federal Election Commission (FEC) register all political committees and political action committees under FEC regulations, to impose certain limits on expenditures by political committees, to protect the voluntary contributions and expenditures of the public from the influence of favored special interests, and for other purposes; to the Committee on Rules and Administration.

Mr. McCaIN. Mr. President, I am pleased to be joined by my good friend and colleague from Wisconsin, Senator FeINGold, and my good friends who lead the campaign finance reform fight in the House, Representatives SNAYS and MIERAN, in introducing a bill to end the illegal practice of 527 groups spending soft money on ads and other activities to influence Federal elections.

As my colleagues know, a number of 527 groups have been raising and spending substantial amounts of soft money in a blatant effort to influence the outcome of this year’s Presidential election. These activities are illegal under existing laws, and yet once again, the Federal Election Commission (FEC) has failed to do its job and has refused to do anything to stop these illegal activities. Therefore, we must pursue all possible steps to overturn the FEC’s misinterpretation of the campaign finance laws, which is improperly allowing 527 groups whose purpose is to influence Federal elections to spend soft money on these efforts.

Last week, we filed a lawsuit to overturn the FEC’s failure to issue regulations to stop these illegal practices by 527 groups. President Bush and his campaign filed a similar lawsuit against the FEC last week as well, and I also appreciate President Bush’s support for the legislative effort we begin today on 527s. We are introducing legislation that will accomplish the same result. We are going to follow every possible avenue to stop 527s from effectively breaking the law, and doing what the FEC is already prohibited from doing by longstanding laws.

The bill we introduce today is simply. It would require that all 527s register as political committees and comply with Federal campaign finance laws, including Federal limits on the contributions they receive, unless the money they raise and spend is only in connection with non-Federal candidate elections, State or local ballot initiatives, or the nomination or confirmation of individuals to non-elected offices.

Additionally, this legislation would set new rules for Federal political committees that spend funds on voter mobilization activities by these Federal political committees.

Under the new rules, at least half of the funds spent on these voter mobilization activities by Federal political committees would have to be hard money from their Federal account. More importantly, the funds raised for their non-Federal account would have to come from individuals and would be limited to no more than $25,000 per year per donor. Corporations and labor unions could not contribute to these non-Federal accounts. To put it in simple terms, a George Soros could give $25,000 per year as opposed to $10 million to financiers of 527s.

Let me be perfectly clear on one point here. Our proposal will not shut down 527s, it will simply require them to abide by the same Federal regulations every other Federal political committee must abide by in spending money to influence Federal elections.

It is unfortunate that we even need to be here introducing this bill today. This legislation would not be necessary if it weren’t for the abject failure of the FEC to enforce existing laws. As my colleagues well know, some organizations, registered under section 527 of the Internal Revenue Code, have had a major impact on this year’s Presidential election by raising and spending millions of dollars attacking both President Bush and Senator Kerry. The use of soft money to finance these activities is clearly illegal under current statute, and the fact that they have been allowed to continue undisciplined is unacceptable.

The blame for this lack of enforcement does not lie with the Congress, nor with the Administration. The blame for this continuing illegal activity lies squarely with the FEC. This agency has a duty to issue regulations to properly implement and enforce the nation’s campaign laws—and the FEC has failed, and it has failed miserably to carry out that responsibility. The Supreme Court found that to be the case in its McConnell decision and Judge Collyer found that to be the case in her recent decision overturning 15 regulations incorrectly adopted by the FEC to implement the new BCRA law. That is why a Los Angeles Times editorial today stated that, “her decision would make a fitting obituary for an agency that deserves to die.”

It should be clear by now why we have introduced legislation to abolish the FEC and replace it with a new enforcement agency that will be conducting a major effort starting at the beginning of next year to enact our bill to get a new, true enforcement agency and to pass the 527 reform act we are introducing today. We are not going to allow the destructive FEC to continue to undermine the nation’s campaign finance laws as it has been consistently doing for the past two decades. In the mean time, given the unmitigated failure of this agency, I believe that its Chair, Brad Smith and its Vice Chair, Ellen Weintraub should resign and recognize that they have failed to carry out their responsibilities as public officials.

Opponents of campaign reform like to point out that the activities of these 527s serve as proof that the Bipartisan Campaign Finance Reform Act of 2002 (BCRA) has failed in its stated purpose to eliminate the corrupting influence of soft money in political campaigns. Let me be perfectly clear on this. The 527 issue has nothing to do with BCRA, it has everything to do with the 194 laws and the failure of the FEC to do its job and properly regulate the activities of these groups.

As further evidence of the FEC’s lack of capability, let me quote from a couple of recent court decisions which highlight this agency’s shortcomings. First, in its decision upholding the constitutionality of FECA’s limitations on contributions. Additionally, just this past Saturday, a federal district court judge threw out 15 of the FEC’s regulations implementing BCRA. Among the reasons for her actions were that one proposed regulation would foster corruption, another runs completely afoul of current law, another would render the statute largely meaningless and, finally, that another had “no rational basis.”

The track record of the FEC is clear, and by their continued stonewalling, the Commission has proven itself to be nothing more than a bureaucratic nightmare, and the time has come to put an end to its destructive tactics. The FEC has had ample, and well documented, opportunities to address the issue of these 527s illegal activities, and each time they have taken a pass, choosing instead to delay, postpone, and refuse to act.

Enough is enough. It is time to stop wasting taxpayer’s dollars on an agency that runs roughshod over the will of the Congress, the Supreme Court, the American people, and the Constitution. We fought too hard and too hard to sit back and allow this worthless agency to undermine the law.

So, here is the bottom line: if the FEC won’t do its job, and its commissioners have proven time and time again that they won’t, then we’ll do it for them. The bill Senator FeINGold and I introduce today will put an end to the abusive, illegal practices of these 527s. And we will fight beginning next year to replace this rogue agency with a real enforcement agency.

I urge my colleagues to support swift passage of these bills and put an end to this problem once and for all.

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. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
makes expenditures aggregating in excess of $1,000 or makes contributions aggregating in excess of $1,000; and

(ii) has as its major purpose the nomination or election of one or more candidates;“;

(b) DEFINITION OF MAJOR PURPOSE FOR SECTION 527 ORGANIZATIONS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

“SEC. 325. DEFINITIONS AND RULES FOR DETERMINING ORGANIZATIONS AND DISBURSEMENTS INFLUENCING FEDERAL ELECTIONS.

“(a) MAJOR PURPOSE OF SECTION 527 ORGANIZATIONS.—For purposes of section 301(4)(A):

“(1) IN GENERAL.—A committee, club, association, or group of persons that—

“(A) is an organization described in section 527 of the Internal Revenue Code of 1986, and

“(B) is not described in paragraph (2), has as its major purpose the nomination or election of one or more candidates.

“(2) EXCEPTED ORGANIZATIONS.—Subject to paragraph (3), a committee, club, association, or other group of persons described in this paragraph is—

“(A) an organization described in section 527(a)(5) of the Internal Revenue Code of 1986, or

“(B) any other organization which is one of the following:

“(i) A committee, club, association, or group of persons whose election or nomination activities relate exclusively to elections where no candidate for Federal office appears on the ballot.

“(ii) A committee, club, association, or other group of persons that is organized, operated, and makes disbursements exclusively for one or more of the following purposes:

“(A) election, nomination, election, or appointment of one or more candidates to non-Federal offices.

“(B) Influencing one or more State or local ballot measures, State or local constitutional amendments, State or local legislative committees, State or local local bond issues, or other State or local ballot issues.

“(C) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

“(D) Paying expenses described in the last sentence of section 325(e)(2) of the Internal Revenue Code of 1986 or expenses of a newsletter fund described in section 327(g) of such Code.

“(3) SECT 527 ORGANIZATIONS MAKING CERTAIN DISBURSEMENTS.—A committee, club, association, or other group of persons described in paragraph (1) shall not be considered to be described in such paragraph for purposes of purposes of paragraph (1)(B) if it makes disbursements for a public communication that promotes, supports, attacks, or opposes a clearly identified candidate for Federal office during the period beginning on the first day of the calendar year preceding the calendar year in which the general election for the office for which the clearly identified candidate occurs and ending on the date of the general election.”;
solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this subsection or in section 329(b)(3)(B)(i) shall be construed to in any way limit or modify the limits under section 315(a)(1)(C) applies to contributions to the account.

SEC. 3. CONSTRUCTION.

No provisions of this Act, or amendment made by this Act, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission under section 311(b)(2)(B) of the Federal Election Campaign Act of 1971, as amended; or

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on January 1, 2005.

Mr. FEINGOLD. Mr. President, I am pleased to once again be working with my partner in reform, the Senator from Arizona, Senator McCaIN, and also with the Senator from Connecticut, Senator Lieberman, who was so instrumental in getting the 527 disclosure rule passed.

It may be a little after the fact introducing today the 527 Reform Act of 2004. This bill will do what the FEC could and should do under current law, but, once again, has failed to do.

It sometimes seems like our mission in life in the Senate is to patch the mess that the FEC has made. We had to do that with BCRA, the Bipartisan Campaign Reform Act, which passed in 2002, closing the soft money loophole that the FEC created in the late '70s and expanded in the '80s. The mistake was made.

Then we had to introduce today the 527 Reform Act of 2004.

The soft money loophole was opened by FEC rulings in the late '70s. By the time we started work on BCRA, the problem had mushroomed and led to the scandals we saw in the 1996 campaign season. I said we would have to be vigilant to make sure that the FEC enforced the law and that similar loopholes did not develop. That is what we have been doing for the past 2 years, and what are again doing today.

I have no doubt that if we don't act on this 527 problem now, we will see the problem explode into scandals over the next few election cycles. This time we're not going to let that happen.

I ask unanimous consent that the text of our bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

527 Reform Act of 2004 Section-by-Section Analysis

Section 1. Short Title. The bill may be cited as the 527 Reform Act of 2004.

Section 2. The Definition of 527 Organizations. This section revises the definition of “political committee” in the Federal Election Campaign Act to add the requirement that an organization “has as its major purpose the nomination or election of one or more candidates.” This language is taken from the Supreme Court's decision in Buckley v. Valeo, which added this “major purpose” test to the existing statutory definition of a “political committee” to avoid the payment of expenditures to campaigns that are not primarily for the nomination or election of one or more candidates. This section also provides that 527 organizations that do not have major purpose provisions in their code of conduct, as required under section 329(b)(3)(B)(i), shall be treated as 527 organizations for purposes of this Act.

Section 3. Construction of Political Committees Expenditures. This section makes it clear that expenditures for the selection, nomination, election or appointment of non-Federal candidates are subject to the same limitations, prohibitions, and reporting requirements as expenditures for the selection, nomination, election or appointment of Federal candidates.

Section 4. Rules for Allocation of Expenses. This section provides for the allocation of expenditures for political committees for the nomination or election of candidates for Federal office. This section applies to contributions by individuals to non-Federal accounts. And we propose limits on the amount of money that non-Federal accounts may pay for get-out-the-vote efforts in the Presidential campaign.

Section 5. Construction of Political Committee Expenditure Limits. This section provides that the 527 Reform Act shall not be construed as amending or modifying the Federal Election Campaign Act of 1971, as amended, or any other provision of Federal law.

Section 6. Effective Date. The amendments made by the 527 Reform Act shall take effect...
on January 1, 2005. They will have no effect on the 2004 elections.

Mr. LIEBERMAN. Mr. President, I rise today as a cosponsor of the legislative efforts of my friends and colleagues Senators MCCAIN and FEINGOLD to close the “527” loophole that threatens the health of our Federal elections by allowing unlimited amounts of soft money to dictate the terms of debate in defiance of the letter and spirit of the McCain-Feingold Bipartisan Campaign Reform Act.

These 527 groups have become nothing more than multi-million dollar megaphones advocating the special interests of wealthy individuals and groups. And we will only get worse in years to come.

527 groups have been growing since the mid-1990s thanks to loopholes resulting in part from puzzling decisions by the Internal Revenue Service and the Federal Election Commission.

The 527 groups would get tax-exempt status from the IRS by claiming they were trying to influence elections because they did not use the magic words like “vote for” or “vote against.”

The result was a tax exemption for groups influencing Federal campaigns, but a lack of disclosure so voters did not know who the groups were, who they gave their money to and where they got their money from.

Congress partially closed this loophole in 2000 by enacting the Federal Election Campaign Act of 2000, which required 527s to file annual information returns along the lines of those filed by virtually all other tax-exempt organizations.

But this only partially closed this loophole. Despite the McCain-Feingold campaign finance reform measure in a quarter century. This legislation was passed out of the Government Affairs Committee, of which I was chairman at the time, and signed into law later that year by President Clinton.

The new law required 527 groups to give notice of their intent to claim tax-exempt status; to disclose information about their sources of contributions and expenditures; and to file annual informational returns along the lines of those filed by virtually all other tax-exempt organizations.

But this only partially closed this loophole. Despite the McCain-Feingold campaign finance reform, 527s can still raise unlimited amounts of cash from just a few wealthy individuals or groups whose interests and motivations are likely unknown to the American people. The Federal Election Commission could have closed this loophole but has failed to act despite massive evidence that 527s are skirting Federal election law.

This is neither an end around our campaign finance laws as well as a direct assault on our democracy. Elections should be determined by millions of individual voters who cast their ballots uninfluenced by the millions of dollars of advertising paid for by a few wealthy individuals or groups with special interests.

Reform of the 527 loophole does not mean silencing these groups or taking away their right to put their message on the air. All this reform would require from 527s is to follow the same rules as other political advocacy groups when it comes to raising and spending money on federal elections. The money must come from individuals in amounts no larger than $5,000, with no contributions from corporations or unions allowed.

If the 527 groups’ support is as widespread as they claim, they will have no problem getting their message out. We started the job in 2000. We knew it was not enough. Now it’s time to finish the job and get unlimited soft money out of the system.

The voices of millions of average Americans should not be reduced to a whisper because they can’t afford the price of the pulpit.

And the voices of a few should not shout like thunder because they have the money to command the air waves.

By Mr. ALLARD (for himself and Mrs. DOLE):

S. 2829. To establish a grant program administered under an agreement among the Secretaries of Housing and Urban Development, Health and Human Services, and Veterans Affairs, in consultation with the U.S. Interagency Council on Homelessness, to address the goal of ending chronic homelessness through coordinated provision of housing, health care, mental health and substance abuse treatment, and supportive and other services, including coordinated provision of homeless-specific benefits and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I rise today to introduce the Samaritan Initiative Act of 2004, and I am pleased to have Senator DOLE join me in this effort. The Samaritan Initiative would mark the beginning of a new, collaborative approach to the Federal effort to end chronic homelessness.

The Initiative would create a groundbreaking joint effort between the Department of Housing and Urban Development, the Department of Health and Human Resources, and the Department of Veterans Affairs. Each department would contribute money to a joint fund and would coordinate in the effort to end chronic homelessness. This coordinated approach will streamline the grant application process that will ensure consistent standards. It will also ensure that each department continues to provide its own particular expertise. I am hopeful that other Federal agencies will join in the effort as well.

Homeless individuals often have needs far beyond simple shelter; they may need assistance with healthcare, substance abuse, mental illness, job training, or other basics of life. Providing shelter without any supportive services may fail to address some of the underlying problems that can cause an individual to become, and remain, homeless.

By addressing the comprehensive needs of homeless individuals, the Samaritan Initiative will help reduce incidents of chronic homelessness. According to the Interagency Council on Homelessness, this 10 percent of the homeless population consumes more than half of the resources. The Samaritan Initiative will help provide the flexible resources necessary to move chronically homeless individuals into stable, permanent, supportive housing, which will in turn free up other resources.

For many years now I have been a strong advocate for the Government Performance and Results Act, which requires a focus on outcomes through clear, measurable goals. I am pleased to say that the Samaritan Initiative embodies this outcome-based focus and requires visible, measurable, quantifiable performance outcomes in reducing and ending homelessness. A focus on outcomes, rather than case management process, allows for new, innovative solutions to chronic homelessness. This will ensure that taxpayer dollars are spent in a responsible, effective manner.

I am proud to say that the Samaritan Initiative is supported by the U.S. Conference of Mayors, The National Association of Counties, The National League of Cities, The Enterprise Foundation, The National Alliance for the Mentally Ill, the National AIDS Housing Coalition, The National Alliance to End Homelessness, the Corporation for Supportive Housing, the Association for Service Disabled Veterans, The National Coalition for Homeless Veterans, and many other groups. I look forward to working with them, along with my colleagues in the Senate, to end chronic homelessness in America.

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. 2829

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 “Samaritan Initiative Act of 2004”.

SEC. 2. SAMARITAN INITIATIVE.

Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11316 et seq.) is amended by adding at the end the following:

"Subtitle H—Samaritan Initiative

SEC. 485. PURPOSE.

The purpose of this subtitle is to authorize competitive grants for coordinated comprehensive housing, treatment, and support services to chronically homeless persons—

"(1) to reduce the prevalence of chronic homelessness;

"(2) to support promising strategies to move chronically homeless persons in urban and rural communities from the streets to safe, permanent housing;

"(3) to provide for integrated systems of services to improve the effectiveness of programs serving chronically homeless persons;

"(4) to promote self-sufficiency and recovery among chronically homeless persons; and
“(5) to encourage programs serving chronically homeless persons to promote access to Federal, State, and local non-homeless specific programs of assistance for which such persons are eligible; and

SEC. 495A. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) CHRONICALLY HOMELESS PERSON.—The term ‘chronically homeless person’ means an unaccompanied individual with a disabling condition who—

(A) has been sleeping in 1 or more places not meant for human habitation, or in 1 or more emergency homeless shelters, for longer than 1 year; or

(B) has had 4 or more periods of homelessness that, in total, have lasted more than 3 years.

(2) DISABLING CONDITION.—The term ‘disabling condition’ means a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of 2 or more of such conditions, that limits the ability of an individual to work or perform one or more activities of daily living.

(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State, unit of general local government, public housing agency, local workforce investment board, or private nonprofit organization, including a faith-based or community organization.

(4) ELIGIBLE VETERAN.—The term ‘eligible veteran’ means a person who served in the active United States military, naval, or air service, and who was discharged or released under conditions other than dishonorable.

(5) HOMELESS MANAGEMENT INFORMATION SYSTEM.—The term ‘homeless management information system’ shall mean a computerized data collection application maintained by an eligible entity, that—

(A) has the homeless population within the jurisdiction of the eligible entity and the number of homeless individuals that received services from the eligible entity; and

(B) compiles information on the characteristics and service needs of homeless individuals.

(6) HOMELESSNESS.—The term ‘homelessness’ means sleeping in a place not meant for human habitation or in an emergency homeless shelter.

(7) INTERAGENCY IMPLEMENTATION AND MONITORING TEAM.—The term ‘interagency implementation and monitoring team’ means the interagency implementation and monitoring team established under section 495B(d).

(8) PARTICIPATING FEDERAL AGENCY.—The term ‘participating Federal agency’ means the Departments of Housing and Urban Development, Health and Human Services, and Veterans Affairs, or any other Federal agency that may receive appropriations for purposes of implementing under the provisions of this subtitle.

(9) PRIVATE NONPROFIT ORGANIZATION.—The term ‘private nonprofit organization’ means an organization that—

(A) is not part of the net earnings of which inures to the benefit of any member, found-

er, contributor, or individual;

(B) has an elected or appointed policy-making body; and

(C) that has an accounting system or a designated fiscal agent in accordance with requirements established by the participating Federal agencies.

(10) PUBLIC HOUSING AGENCY.—The term ‘public housing agency’ has the same meaning as in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)).

(11) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, or any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the State with regard to provisions of this subtitle.

(12) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ‘unit of general local government’ means—

(A) a city, town, township, county, parish, village, or other general purpose political subdivision of a State; and

(B) any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the jurisdiction with regard to provisions of this subtitle.

SEC. 495B. GRANT AUTHORITY AND ADMINISTRATION.

(a) IN GENERAL.—The participating Federal agencies shall enter into a cooperative agreement to make and administer competitive grants to eligible entities, including faith-based and community-based organizations, in accordance with the provisions of this subtitle for the purpose of providing treatment and support services that are coordinated with the provision of housing for chronically homeless persons and are coordinated with the provision of other supportive services that are necessary or appropriate.

(b) DELEGATIONS.—No provision of this subtitle shall limit the ability of the participating Federal agencies to delegate, assign, or otherwise transfer responsibilities under this subtitle to the participating Federal agencies may determine to be necessary or appropriate.

(c) COORDINATION AMONG PARTICIPATING FEDERAL AGENCIES.—The Secretary of Housing and Urban Development shall coordinate with the participating Federal agencies to implement and administer the grant program established under this subtitle.

(d) INTERAGENCY IMPLEMENTATION AND MONITORING TEAM.—The participating Federal agencies shall establish an interagency implementation and monitoring team to review and conduct oversight of the award of grants, and the use of grant funds awarded under this subtitle. Each participating Federal agency shall appoint appropriate designees to serve on the interagency implementation and monitoring team.

(e) COORDINATION REQUIREMENTS.—

(1) IN GENERAL.—In carrying out this subtitle, the interagency implementation and monitoring team shall, as appropriate and to the extent feasible, establish uniform or coordinated requirements, standards, procedures, and timetables with respect to—

(A) application procedures and grant requirements, including those providing for—

(i) a single consolidated application form; and

(ii) a single timetable, location, and procedure for filing of a consolidated application;

(B) criteria for the award of grants;

(C) a coordinated process for review and the approval or denial of the consolidated application; and

(D) the establishment of performance standards and measures of performance outcomes, including—

(i) the requirement that the Secretary of Housing and Urban Development attempt to quantify the reduction in chronic homelessness; and

(ii) the requirement that, where applicable, the grantees utilize a homeless management information system;

(E) oversight, including monitoring, audits, and investigations, and requirements for annual reports by grantees; and

(F) such other factors that the interagency implementation and monitoring team determines are necessary or appropriate.

(2) PERFORMANCE ASSESSMENT.—

(A) IN GENERAL.—The interagency implementation and monitoring team shall establish such performance standards, performance measures, and accountability requirements, and make such performance reviews and audits as may be necessary or appropriate.

(B) PROVISION OF SUPPORT AND STAFF.—The Secretary of Veterans Affairs may provide program monitoring and evaluation services and staff to participating Federal agencies. In such cases, participating Federal agencies may reimburse the Department of Veterans Affairs for the cost of such staff and services.

(3) PROVISIONS AND REQUIREMENTS APPLICABLE TO GRANTS UNDER THIS SUBTITLE.—

(A) IN GENERAL.—A grantees under this subtitle shall establish a system of assistance to chronically homeless persons that identifies such persons and provides them access to affordable permanent housing that is coordinated with appropriate treatment and support.

(B) REQUIRED GRANTEE ACTIVITIES.—A grantee under this subtitle shall carry out, directly or through arrangements with a network of other entities, activities relating to the housing, treatment, and support of homeless persons, which may include the following:

(1) HOUSING ACTIVITIES.—Eligible activities specified in section 495C(a) that ensure the placement of chronically homeless persons in safe, affordable, permanent housing.

(B) TREATMENT AND SUPPORT ACTIVITIES.—Eligible activities specified in section 495D(a) to address the multiple physical health, mental health, and substance abuse treatment needs of chronically homeless persons who are eligible for or residents in housing under section 495C(a).

(C) SERVICE COORDINATION.—Activities, including those coordinating the provision of personal care, supportive, and other services, that provide access to eligible chronically homeless persons to a range of services that contribute to self-sufficiency, recovery, employment, stability in housing, and access to health care.

(D) ADMINISTRATION.—Administrative and planning activities, including the development and implementation of comprehensive plans for housing and services at the grantee level with costs not to exceed 6 percent of total costs of carrying out the program under this subtitle.

(E) OTHER SERVICES.—Such services and activities as the participating Federal agencies may find necessary and appropriate.

(4) PERFORMANCE ASSESSMENT.—In awarding grants under this subtitle, the participating Federal agencies shall consider—

(A) the extent to which the applicant demonstrates an understanding of the unique characteristics of chronically homeless persons;

(B) the adequacy of the approach to the application in addressing the needs of the chronically homeless;

(C) the capacity of the applicant to carry out and sustain required activities;

(D) the extent to which the services provided through a network of entities, the adequacy of the qualifications of such entities, and the
stated willingness of such entities, to collaborate and participate in carrying out proposed activities;

(2) the extent to which the grantee has demonstrated ability to achieve the reduction in the number of chronically homeless persons and?

(3) the extent to which the grantee has demonstrated ability of the applicant to achieve the reduction in the number of chronically homeless persons; and

(4) the extent to which the grantee has demonstrated ability of the applicant to achieve the reduction in the number of chronically homeless persons.

(5) Grant Renewal.—Upon the expiration of a grant under this section, the participating Federal agencies may award, on a competitive basis, a renewal grant under this subtitle for an additional 3-year term, subject to the continued qualification of the grantee for the grant as determined by the participating Federal agencies. The amount of a renewal grant under this paragraph may be up to 50 percent of the cost of the activities to be carried out by the grantee.

(6) Geographic Distribution.—The participating Federal agencies shall ensure that consideration is given to geographic distribution to maximize the impact of projects to serve homeless persons, including the following:

(a) In General.—A grant under this subsection shall be available to pay the Federal share of the costs incurred by the grantee for activities under this subtitle.

(b) Federal Share.—For purposes of subparagraph (A), the Federal share shall be—

(1) 75 percent of the cost of the program for the first year of the grant;

(2) 50 percent for each succeeding year, including each year of a renewal grant term under paragraph (5); and

(c) Non-Federal Share.—The non-Federal share of costs incurred by the grantee may be in cash or in kind, as appropriate.

(7) Geographic Distribution.—The participating Federal agencies shall ensure that consideration is given to geographic distribution in the awarding of grants under subsection (a).

(c) Authorization of Appropriations.—

(1) Fiscal Year 2005.—There are authorized to be appropriated to this title $76,000,000 for fiscal year 2005, of which—

(A) $50,000,000 is authorized to be appropriated to the Department of Housing and Urban Development; and

(B) $10,000,000 is authorized to be appropriated to the Department of Health and Human Services; and

(C) $16,000,000 is authorized to be appropriated to the Department of Veterans Affairs for the care and treatment of homeless veterans under medical care to carry out section 495D.

(2) Fiscal Years 2006, 2007, and 2008.—There are authorized to be appropriated to this title $76,000,000 for fiscal years 2006, 2007, and 2008.

(h) Authority To Consolidate Funds.—

(1) For the purpose of carrying out this subsection, and in accordance with the agreement under subsection (a), the participating Federal agencies are authorized to transfer funds of Housing and Urban Development funds appropriated for use under this subtitle, and the Secretary of Housing and Urban Development may receive such funds.

(2) Rule of Construction.—Notwithstanding section 495, in the event that funds otherwise appropriated accordance with this title are used for the purpose of carrying out the provisions of this section, such funds shall be credited to the account of the Federal agency that provided such funds and shall be used in accordance with the purpose of the provision of funds.

(b) Program Requirements for Housing Activities.—

(1) Requirements Concerning the Selection and Assessment of Projects.—(A) Project Selection.—The costs of operating a housing project, including salaries and benefits, maintenance, insurance, utilities, replacement reserve accounts, and furnishings may be used by the participating Federal agencies for administrative costs, including costs associated with—

(1) providing technical assistance to applicants and grantees; and

(2) providing support and assistance in selecting and assessing projects to carry out this subtitle, including any preparation necessary for such selection and assessment.

(2) Eligible Housing Activities.—Subject to section 495B, a grant under this subsection shall be used to support permanent housing for chronically homeless persons, including the following:

(a) Provision of Housing—

(A) Acquisition.—The acquisition of occupancy-ready real property.

(B) Rehabilitation.—The rehabilitation of real property for housing.

(C) Operating Costs.—The costs of operating and maintaining a housing project, including salaries and benefits, maintenance, insurance, utilities, replacement reserve accounts, and furnishings.

(D) Leasing.—Leasing of an existing structure or structures, or portions thereof to provide housing.

(E) Housing Counseling.—The costs of counseling and advice services with respect to property maintenance, financial management, and other such matters as may be appropriate for occupationally homeless persons in obtaining housing.

(2) RENTAL ASSISTANCE.—Project-based or tenant-based rental assistance for chronically homeless persons shall be provided to the extent practicable, and administered in the manner provided under the rules and regulations governing the provision of assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(3) Other Activities.—Such other activities as the Secretary determines are necessary to provide safe and affordable housing for chronically homeless persons, including the following:

(A) Access to Supportive Services.—Services or activities designed to prevent, deter, reduce, or eliminate substance abuse or addictive behaviors, including a comprehensive range of personal and family counseling methods, early interventions, methadone treatment for opiate abusers, or detoxification for alcohol and other drug use.

(4) Outreach and Engagement.—Outreach services including extending services or help to homeless persons to develop a relationship of trust and engage such persons into appropriate services programs.

(c) Mental Health and Counseling Services.—Mental health and counseling services, including services and activities that provide therapeutic programs and services for family or situational problems in order to bring about a positive resolution of the problem or improved individual functioning or circumstances, including crisis interventions, individual supportive therapy, and prescription of psychotropic medications or explanations about the use and management of medications.

(d) Preventive Services.—Preventive health services.

(e) Emergency Medical Services.—Emergency medical services.

(f) Access to Pharmaceutical Services.—Access to pharmaceutical services.

(g) Alcohol and Drug Abuse Services.—Services or activities designed to prevent, deter, reduce, or eliminate substance abuse or addictive behaviors, including a comprehensive range of personal and family counseling methods, early interventions, methadone treatment for opiate abusers, or detoxification for alcohol and other drug use.

(h) Case Management.—Case management services and activities, including the arrangement, coordination, monitoring, and delivery of services to meet the needs of individuals who are homeless individuals, including coordination of an individual service plan development, counseling, monitoring, securing and coordinating services.

(i) Other Services.—Such other services as the Secretary of Health and Human Services determines appropriate.
SEC. 495F. VETERANS’ BENEFITS.

"Subject to section 495B, the Secretary of Veterans Affairs is authorized to provide eligibility veterans with case management services.

SEC. 495F. AUTHORITY OF OTHER FEDERAL AGENCIES TO PARTICIPATE UNDER GENERAL PENSION PLAN EQUALIZATION ACT.

"Federal agencies other than the participating Federal agencies may participate in the grant program established under this subsection to the extent that funds are appropriated for such purpose to each agency."

By Mr. SMITH (for himself, Mr. BINGMAN, Mr. CONRAD, Mr. DASCHLE, Mr. HATCH, and Mr. THOMAS): S. 2381. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to clarify that federally recognized Indian tribal governments are to be regulated under the same government employer rules and procedures that apply to Federal, State, and other local government employers with regard to the establishment and maintenance of employee benefit plans; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to speak about the need to clarify the legal status of employee benefit plans offered by Indian tribal governments.

In the past, the pension and welfare benefit plans of Indian tribal governments enjoyed the same status as granted to state and local governments. However, in recent years, a legal cloud has developed over the status of these plans. Confusion has arisen regarding whether or not the existing definition of a governmental plan includes plans sponsored by Indian tribal governments. In part, this has been a result of the Internal Revenue Service’s lack of guidance to tribal governments on this issue; the inconsistent practice of granting governmental plan status to plans sponsored by Indian tribal governments; and finally a January “no ruling” position by the Internal Revenue Service that places many plans in the status of operating without a current determination letter recognizing the legality of their plan. As a result, many tribal governments have limited their offering of such welfare and retirement benefits to employees.

Today, I am introducing legislation—the Government Pensions Equalization Act—to remove this legal uncertainty by amendment of a definition of a governmental plan to explicitly include plans offered by Indian tribal governments. Indian tribes, like all employers, require legal certainty regarding the status of their employee benefit under the Internal Revenue Code and ERISA. Moreover, Indian tribes should be afforded the same sovereignty status given state and local governments.

Governmental plans are relieved from many of the requirements governing the operation of tax qualified pension plans. There are several reasons for this relief. Governments exist for the benefit of their citizens and are not subject to the profit and loss pressures affecting the private sector. Governments offer redress for grievances under their own judicial systems. Elected officials who are responsible for government benefit programs are directly accountable to their constituents via the ballot box. Governments often offer more generous benefit plans for key officers, such as judges, legislators, and key executive personnel as a means to gain the valuable services of these skilled individuals. They also offer special pensions to their public safety employees at a relatively young age and short period of service. This flexibility is impossible without the special relief provided governmental plans.

Indian tribal governments meet all the special protections, conditions, and needs I have described. This legislation clarifies once and for all that they should be afforded the same treatment as their state and local government counterparts.

Passage of this legislation is an important step in the fight to protect the sovereignty of Indian country and to foster the ability of tribal governments to provide retirement security to their employees and nation. I look forward to President Bush signing this legislation into law. I seek unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2381

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 “Government Pension Plan Equalization Act of 2004”.

SEC. 2. CLARIFICATION OF “GOVERNMENTAL PLANS.”

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 414(d) of the Internal Revenue Code of 1986 (definition of governmental plan) is amended by striking the end thereof and inserting the following-new sentence: “The term ‘governmental plan’ also includes a plan established or maintained for its employees by an Indian tribal government (as defined in section 7701(a)(49)), a subdivision of an Indian tribal government (determined in accordance with section 7701(d)), an agency or instrumentality of a State tribal government or a subdivision thereof, or an entity established under tribal, Federal, or State law which is wholly owned or controlled by any of the foregoing.”.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 401(a)(5) of such Code is amended to read as follows: “(G) GOVERNMENTAL PLANS.”.

(2) The heading for section 401(a)(26) of such Code is amended to read as follows: “(H) EXCEPTION FOR GOVERNMENTAL PLANS.”.

(c) EXTENSION TO OTHER LOCAL GOVERNMENTS.—

(3) Section 401(k)(3)(G) of such Code is amended by inserting “GOVERNMENTAL PLAN” after “Executive”.

SEC. 3. EXTENSION TO ALL GOVERNMENTAL PLANS OF CURRENT MORATORIUM ON APPLICATION OF CERTAIN NON-DISCRIMINATION RULES APPLYABLE TO STATE AND LOCAL PLANS.

(a) IN GENERAL.—

(1) Subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) of the Internal Revenue Code of 1986 are each amended by striking “(414(d))” and all that follows and inserting “(414(d)).”.

(b) CONFORMING/amendment and paragraph (2) of section 401(k) of such Code and paragraph (2) of section 195(d) of the Taxpayer Relief Act of 1997 are each amended by striking “maintained by a State tribal government (determined in accordance with section 7701(d) of such Code)” and inserting “Indian tribal government (determined in accordance with section 7701(d) of such Code)”.

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 401(a)(5) of such Code is amended to read as follows: “(G) GOVERNMENTAL PLANS.”.

(2) The heading for section 401(a)(26) of such Code is amended to read as follows: “(H) EXCEPTION FOR GOVERNMENTAL PLANS.”.

SEC. 4. EXTENSION TO ADDITIONAL LOCAL GOVERNMENTS.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) POLICE AND FIREFIGHTERS.—Subparagraph (H) section 415(b)(2) of the Internal Revenue Code of 1986 (defining participant) is amended—

(A) in clause (i) by inserting “Indian tribal government” after “State”;

(B) in clause (ii) by inserting “Indian tribal government” after “State” both places it appears.

(2) STATE AND INDIAN TRIBAL GOVERNMENTS.

(A) IN GENERAL.—Subparagraph (A) of section 415(b)(10) of such Code (relating to limitation to equal accrued benefit) is amended by inserting “Indian tribal government” after “State”.

(3) STATE AND OTHER LOCAL GOVERNMENTS.

(A) IN GENERAL.—Subparagraph (2) of section 414(h) of such Code (relating to designation of units of government) is amended by inserting “Indian tribal government” after “State”.

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) Section 402(b)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(b)) is amended—

(A) by adding at the end the following new sentence: “(14) established and maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40) of the Internal Revenue Code of 1986), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof, or an entity established under tribal, Federal, or State law which is wholly owned or controlled by any of the foregoing.”;

(2) in paragraph (12), by striking “or” at the end; and

(3) by adding at the end the following new paragraph:

“(14) established and maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40) of the Internal Revenue Code of 1986), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof, or an entity established under tribal, Federal, or State law which is wholly owned or controlled by any of the foregoing.”;

(4) in paragraph (13), by striking “plan,” and inserting “plan;” and

(5) in paragraph (15), by inserting “for Indian tribal government.”;

(6) Section 402(b)(10) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(b)) is amended—

(1) in paragraph (12), by striking “or” at the end; and

(2) in paragraph (13), by striking “plan,” and inserting “plan;” and

(3) by adding at the end the following new paragraph:

“(14) established and maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40) of the Internal Revenue Code of 1986), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof, or an entity established under tribal, Federal, or State law which is wholly owned or controlled by any of the foregoing.”;

September 22, 2004
The amendments made by this Act shall apply to years beginning before, on, or after the date of the enactment of this Act.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 432—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD REJECT SOCIAL SECURITY PRIVATIZATION PROPOSALS, INCLUDING THOSE THAT REQUIRE DEEP CUTS IN SOCIAL SECURITY BENEFITS, SUCH AS THE PROPOSALS OF PRESIDENT BUSH’S SOCIAL SECURITY COMMISSION**

Mr. CORZINE (for himself, Mr. BAUCUS, Mr. DURBIN, and Mr. DASCHLE) submitted the following resolution; which was referred to the Committee on Finance:

S. Res. 432

Whereas Social Security is based on a promise to the American people; if you work hard and contribute to Social Security, you will be able to retire and live in dignity;

Whereas Social Security is the primary source of income for two-thirds of American seniors;

Whereas Social Security benefits for retired workers average only about $900 per month;

Whereas $900 per month is insufficient to maintain a decent standard of living in many parts of the United States, especially for seniors with relatively high health care costs;

Whereas in 2001, President George W. Bush created the President’s Commission to Strengthen Social Security (referred to in this resolution as the “Bush Social Security Commission”), naming as Commission members only those who advocated Social Security privatization, and mandating that the proposals put forward by the Commission include privatization of Social Security;

Whereas the Bush Social Security Commission proposed Social Security privatization proposals that required deep cuts in Social Security benefits;

Whereas the Bush Social Security Commission’s proposed changes could reduce Social Security benefits to future retirees by as much as 46 percent;

Whereas under the Bush Social Security Commission’s proposal, the cuts in Social Security benefits would apply to all seniors, not just those seniors who choose to participate in privatized accounts;

Whereas the cuts in Social Security benefits could be even deeper if individuals do shift funds to privatized accounts;

Whereas Bush Administration advocates attempt to justify cuts in Social Security benefits by pointing to future projected shortfalls in the Social Security trust fund, but diversion of payroll tax revenues from the trust fund into privatized accounts would substantially accelerate the date by which the Social Security trust fund becomes insolvent;

Whereas in order to avoid accelerating the insolvency of the Social Security trust fund, the Bush Social Security Commission was forced to propose that the Federal Government incur as much as $1,700,000,000,000 in Federal debt (in today’s dollars) by 2041;

Whereas in response to the Bush Social Security Commission’s report, 50 members of the Senate wrote President Bush, urging him to reject the Commission’s proposed cuts in Social Security benefits;

Whereas the President has not complied with the request of the Senators and instead has reiterated his intention to move toward the privatization of Social Security; and

Whereas the Bush Social Security benefits cut even deeper.

Resolved, That it is the sense of the Senate that Congress should reject Social Security privatization proposals, including those that require deep cuts in Social Security benefits, such as the proposals of President Bush’s Social Security Commission.

Mr. CORZINE. Mr. President, today, along with Senator DASCHLE, Senator BAUCUS and Senator DURBIN, I am submitting a resolution that calls on the Congress to reject Social Security privatization plans, including those that require deep cuts in guaranteed benefits, such as the proposals by President Bush’s Social Security Commission.

For nearly 70 years, Social Security has reflected the best of America’s values. Social Security promises Americans that if you work hard, pay your taxes, and play by the rules, you will be able to retire and live in dignity.

Social Security benefits are far from lavish. The average retiree receives only about $900 a month. That doesn’t go far in many parts of the country—certainly not in New Jersey. Unfortunately, even the benefits promised under current law are now at risk.

The President likes to argue that privatization almost inevitably leads to deep cuts in guaranteed benefits.

To appreciate the depth of the cuts that flow from privatization, one need only consider the privatization plans developed by President Bush’s own Social Security Commission. That commission included only proponents of privatization selected by President Bush, and it developed privatization plans that call for deep benefits cuts. According to the nonpartisan actuaries at the Social Security Administration, those cuts would exceed 25 percent for some current workers. In the future, seniors could face a 45 percent cut in benefits.

The President likes to argue that privatization is about choice. But what he does not say is that shifting funds from the Social Security Trust Fund into privatized accounts almost inevitably leads to deep cuts in guaranteed benefits.

We must never accept any plan that takes the security out of Social Security.

**NOTICES OF HEARINGS/MEETINGS**

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held Wednesday, September 22, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2378, to provide the conveyance of certain public land in Clark County, NV, for use as a heliport; S. 2410, to promote wildland firefighter safety; H.R. 1651, to provide for the exchange of land within the Sierra National Forest, CA, and for other purposes; H.R. 2400, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; H.R. 3874, to convey for public purposes certain Federal lands in Riverside County, CA, that have been identified for disposal; H.R. 4170, to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; and Senate Resolution 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510–6150.


**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ROBERTS. 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 September 22, 2004, at 2 p.m., to conduct a hearing on “Examination and
Oversight of the Condition and Regulation of the Insurance Industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 22, 2004, at 9:30 a.m., on pending committee business.

AGENDA

2. S. 2393, A bill to improve transportation security, Robert Chamberlin/Chris Bertram/Sam Whitehorn/Gael Sullivan;
7. S. 2145, The Spy Block Act, Paul Martino/James Assey/Rachel Welch;
8. S. 2647, National Ocean Policy and Leadership Act, Drew Minkiewicz/Margaret Spring;
9. S. 2489, Coastal and Ocean Mapping Integration Act, Drew Minkiewicz/Margaret Spring;
12. Nomination of Jon D. Leibowitz, PN 1989, of Maryland, to be a Commissioner of the Federal Trade Commission, Pablo Chavez/Ken Nahigian/Virginia Pounds/David Strickland/Cathy McCullough; and

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate, September 22, 2004, at 2 p.m., to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 22, 2004, at 9:30 a.m., on “A Counter-Terrorism Legislation and Proposals, including the USA Patriot Act and the SAFE Act” in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: The Honorable Larry Craig, United States Senator, R-ID and The Honorable Richard Durbin, United States Senator, D-IL;
Panel II: The Honorable James Comey, Deputy Attorney General, United States Department of Justice, Washington, DC.
Panel III: The Honorable Bob Barr, R-GA, former Member, United States House of Representatives and Daniel Collins, Esq., Munger, Tolles & Olson, LLP, Los Angeles, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 22, 2004, at 9:30 a.m. on “A Counter-Terrorism Legislation and Proposals, including the USA Patriot Act and the SAFE Act” in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: Senators
Panel II: Christopher Boyko, to be United States District Judge for the Northern District of Ohio

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 2273

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, which is S. 2273, at a time to be determined by the majority leader, in consultation with the Democratic leader, no later than Friday, October 1, and that the measure be considered under the following limitations: There be 30 minutes equally divided and controlled in the usual form for debate on the bill and the committee-reported amendments; that the only amendments in order other than the committee-reported amendment be a Reed-Sarbanes transit amendment, the text of which is S. 2453; that there be 1 hour of debate on the amendments that the time be equally divided and controlled between the bill managers and the amendment sponsors or their designees; that upon the use or yielding back of the time on that amendment without further intervening action or debate the Senate proceed to a vote with respect to the amendment; that upon disposition of the Reed-Sarbanes amendment all time be yielded back; that the committee amendments be agreed to, the bill, as amended, be read a third time, and the Senate vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, and I will have to object because there is objection on our side, we are prepared to pass the Rail Safety Act, S. 2273, without amendment, but I am not at liberty to agree to taking up the bill in the context that was suggested by my good friend from Nevada. Therefore, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCONNELL. Mr. President, consistent with what I just said, I am going to propose a unanimous-consent agreement to which I am sure my good friend will then object. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, S. 2273, the rail safety bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes, I object.

The PRESIDING OFFICER. The objection is heard.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 709, S. 2826, the District of Columbia appropriations bill; that the bill be read a third time; that the Appropriations Committee then be discharged from further consideration of H.R. 4850, the House-passed DC appropriations bill, and the Senate proceed to its consideration.

I further ask unanimous consent that all after the enacting clause of H.R. 4850 be stricken; the text of S. 2826 be inserted in lieu thereof; the bill, as amended, be read a third time and passed; and the motion to reconsider be laid upon the table.

I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on behalf of the Senate.

Finally, I ask unanimous consent that S. 2826 then be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I thank the Senator from Louisiana, Ms. LANDRIEU, the ranking member on the DC Appropriations Subcommittee, for her hard work and efforts in helping to...
draft the appropriations bill before us today. This bill provides $560 million in Federal funds for the District of Columbia and includes the city's own local budget of $6.2 billion.

The funds in this bill focus on a number of key priorities for the District of Columbia: First, improving the lives and opportunities for children in the District; second, reducing and preventing crime in the District; and third, increasing security in our Nation's capital.

The bill continues an initiative we began last year to help improve the city's long-troubled foster care system by providing funds for intensive intervention when children first enter care; providing resources for early and continued mental health services for all children in foster care; providing incentives to retain qualified social workers and foster parents; and funding a new computer tracking system for children in foster care.

The second priority in this bill focuses on enhancing educational opportunities for inner-city students. We are continuing to provide a total of $40 million for three interrelated educational components: $15 million to promote excellence in the city's public schools; $3 million to expand choice through high quality charter schools; and $13 million for opportunity scholarships for low-income students in failing schools.

The second priority in this bill focuses on improving public safety in the District. The federal government entirely funds the D.C. Courts and the Court Services and Supervision Agency. The committee is providing a total of $337 million for these agencies, which is $35 million more than the fiscal year enacted level. Most of these additional resources are for renovations and repairs to the City's 4th oldest building, the Historic Old Courthouse, which will make it habitable once again and provide courtroom capacity. The bill also provides additional resources to enhance supervision of high-risk sex offenders, offenders with mental health problems, and domestic violence offenders.

With this bill, we are beginning an important federal investment in a new forensics lab for the District of Columbia. Currently, the city must rely on the generosity of the FBI's crime lab. Because of its own heavy workload, the Bureau limits the amount of evidence that it processes for the city. With so many unsolved rape, murder, and other violent crime cases in the District, a new crime lab is a crucial need.

The sobering fact is that, as the seat of our Nation's capital, the District of Columbia is a target of terrorism attacks. And, those attacks must be investigated. Indeed, the anthrax attacks of 2001 and the ricin scare of 2004 have shown that a forensics lab is vital to public safety in the District and serving of federal support.

The final priority in this bill is improving security in the District. As the seat of the federal government and as a symbol of our democracy, the District of Columbia faces increased risks of terrorist attacks. Therefore, the bill includes security funding, including resources to complete a Unified Communications Center, which will be the center for coordinated multi-agency response to regional and national emergencies. The bill also continues to provide funds to reimburse the city for increased police, fire, and emergency personnel costs associated with events that occur in the District because of the presence of the Federal Government.

I take this opportunity to recognize the city's leadership in improving the financial condition of the District. Recently, the District received a vote of confidence from Wall Street when its bonds were upgraded two steps from "BBB+" to "A". Despite this good news about the city's short-term financial performance, I am well aware that the city faces a long-term economic structural imbalance that represents a gap between the District's ability to raise revenue at reasonable tax rates and its ability to provide services of reasonable quality to its residents.

I recognize that the structural imbalance is driven by expenditure requirements and revenue restrictions which are mostly beyond the control of the District's leadership. Clearly, the city's revenue capacity would be larger without Federal constraints on its taxing authority, such as its inability to tax Federal property or the income of non-residents.

I agree that the city faces a troubling problem in the long-term. I want to help close the financial gap and help ensure the long-term economic health of our Nation's capital. This is a Federal enclave, established by the Constitution, and it must live by the constraints imposed on it by the Federal Government. The Federal Government must recognize the costs it places on the city and the burden it places on the city's infrastructure, all the while limiting the ability of the city to raise revenue. Indeed, many of the problems facing the District result from it being the seat of the Federal Government.

This bill takes two small steps to begin to address the structural imbalance. First, we are providing $4 million to assist the city with its annual operating payment to the Washington Metropolitan Transit Authority, commonly referred to as the "Metro". The District's share of the Metro operating subsidy is $208 million. Whereas the State governments of Maryland and Virginia both help subsidize the Metro, the District does not have a State to help share the burden of this cost. In addition, many Federal workers use the Metro system to travel between Federal buildings throughout the workday.

Second, the bill provides $10 million for a combined sewer overflow system. The current system was constructed in 1890 and overflows 60 to 70 times each year, dumping raw sewage into the Anacostia River. Clearly, the Federal Government places a heavy burden on this system and should help share the cost of upgrading it. I believe these small Federal contributions for infrastructure are important, but clearly the Federal Government must do more to help eliminate this structural imbalance that it has helped create.

I again thank Senator LANDRIEU. She and I share the same concerns for the children and residents who live in the District of Columbia, as well as the millions of visitors who come here every year to see America's seat of government. She and I have worked as close partners in writing this bill. Together, we have put together a bill that focuses on improving the well-being of the District's children and protecting the safety of all who live and work here. I thank the Senator from Louisiana, and I turn to her now for her remarks.

Ms. LANDRIEU. Mr. President, I am pleased to join Chairman DeWine in presenting the bipartisan fiscal year 2005 District of Columbia appropriations bill to the Senate. The bill totals $560 million, which is an increase of $18.3 million from fiscal year 2004. The chairman and I moved this bill through the full Appropriations Committee on Tuesday, September 21 by a near-unanimous vote with no controversial amendments. During our 3-year chairmanship and ranking membership of the D.C. subcommittee, we have met many policy and partisan challenges and remained great friends. This year is truly an achievement of the chairman's bipartisan lead of this bill. We continue to marry our interests in strengthening education and child welfare in the District.

Great communities need great schools. This bill includes $26 million for a new federal education incentive program to support the chairman's goal to improve education in the District. Fifty years after the landmark Brown v. the Board of Education decision of the Supreme Court, 3 years after enactment of the significant No Child Left Behind Act, we are still working to shape the two-sided face of public education, excellence and failure, into a more equal experience for children. The District's schools have been mired in years of changing superintendents, multiple operating subsidies, and oversight challenges. A new superintendent has been hired, Dr. Clifford Janey, we are excited about his energy to reform and improve and want to support his efforts as strongly as possible. This bill includes certain tools to, hopefully, contribute to Dr. Janey's work.

In our public schools we must recognize and reward excellence. We must acknowledge and eliminate failure. This bill directs a total of $7 million for a new incentive program for public education improvement in both traditional public schools and public charter schools. These grants will be
awarded to the principal of high performing or significantly improved public schools to reward their good work. A reward is a powerful incentive to build on success and meet some of the areas which can make their school thrive, and could be the answer for some struggling school districts. The success of specialized librarians, new books, and bonuses for excellent teachers, or even to support sports and recreation with a new basketball court. It is entirely up to the principal to decide. In addition, the bill includes $5 million to support the very successful D.C. program to reconstitute the schools designated as in need of improvement by the standards of the No Child Left Behind Act. The Transformation School Initiative has successfully breathed new life into 15 of the lowest performing public schools in the District with innovative ways to reinvigorate teachers, reinvest parents, and get kids excited about going to school and excited about learning. We are very pleased to support these programs with $40 million for 41 charter schools as part of the $40 million School Improvement Fund created last year.

The second prong of the School Improvement Fund, $15 million for public charter schools, supported by robust support to strengthen the chartering system. With 41 charters granted to date, the District has achieved the distinction of having the highest number of charter schools per capita. As such, the District is in a position to serve as a leader in the effort to use charter schools to spur system-wide improvement from within our system of public education. Senator DeWine and I maintain our commitment to serve as a full and equal partner in this endeavor.

It is important to note that while the primary reason for the rapid growth in the number of charter schools was the unmet desire of education reformers to find a way to “step out of the box” that system of public schools as they were operating and innovate, charter schools are by definition independent public schools. With their relative autonomy, charter schools are a way to provide greater educational choice and innovation while not abandoning the public school system. Recent studies show that the existence of a charter school in a district not only increases the quality of education available to the students served directly by the charter school but in all surrounding schools. This has been a success story, but unfortunately, charter schools provide a healthy dose of competition into the public school system and have the effect of accelerating reforms and improvements in traditional public schools.

Despite the increased challenge of educating students with the greatest need, objective surveys and reports show that the academic progress among charter schools students outpacing that of their cohorts in traditional public schools. These successes include gains in reading and math performances; test scores higher than district, state and neighborhood schools; increased parental involvement; and higher attendance and fewer disciplinary problems.

Strengthening charter schools, which were created in the D.C. by Congress in the 1995 School Reform Act, is a primary tenant of our work to improve the charter school law. Section 120 of P.L. 106-522, the Fiscal Year 2001 DC Appropriations Act, the local government is prohibited from amending the School Reform Act. Therefore, Congress has continued our oversight responsibility of the charter school law for this year. The bill fortifies the environment where strong, accountable, academically excellent charter schools flourish.

This bill includes language which will encourage public schools to convert to charter schools. The 1996 School Reform Act allows for traditional public schools to petition to convert to a public charter school, if the teachers and parents in the community want a more responsive and engaging school. One of the schools in the District, Paul Junior High, has exercised that option. We are not trying to say that every public school should be a charter school, but we support if the community of a particular school sees a benefit in becoming a charter school and can gain a majority consensus of that community, a conversion is possible.

In addition, we toughen oversight of chartering boards to better screen applications and strengthen oversight of existing charters. What this will make a stronger public charter school community, and should not create any additional bureaucracy which would tamp down reform. Finally, we included language which will improve access to facilities for charter schools, which can be their greatest challenge. The buildings in which children learn are just as critical as the other tools available to make these kids a success.

Under the kind leadership of Chairwoman Eleanor Holmes Norton, the House have invested in the welfare of the most vulnerable children in the District, those in the custody of the abuse and neglect welfare system. Just in the last week, the District has suffered the loss of another child. This is a heartbreaking and very personal issue for Chairman DeWine and I to ensure the bill meet the needs of the District. I appreciate the chairwoman’s consideration and our ability to work together on this bill.

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

The bill (H.R. 4850), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the Record.)

The Chair appointed Mr. DeWine, Mrs. Hutchison, Mr. Brownback, Mr. Stevens, Ms. Landrieu, Mr. Dern, and Mr. Inouye confer on the part of the Senate.

MEASURE READ THE FIRST TIME—S. 2830

Mr. McCONNELL. Mr. President, I understand that S. 2830 is at the desk. I ask its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2830) to amend part A of title IV of the Social Security Act to promote healthy marriages and responsible fatherhood, and for other purposes.

Mr. McCONNELL. I ask for its second reading.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

RESPONDING TO CONDITIONS IN BURMA UNDER THE ILLEGITIMATE RULE OF THE STATE Peace and Development Council

Mr. McCONNELL. I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Res. 431 and the Senate
The table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 431

Whereas the National League for Democracy, headed by Daw Aung San Suu Kyi, is the legitimately elected political leadership in Burma;

Whereas the ruling State Peace and Development Council, headed by General Than Shwe, and its affiliated organizations continue, through a variety of means, to violate the human rights and dignity of the people of Burma through murder, torture, rape, forced relocation, the employment of child soldiers, the use of forced labor, and the exploitation of child laborers;

Whereas the State Peace and Development Council, the situation in Burma poses an immediate and growing threat to the Southeast Asia region, including through the unchecked spread of HIV/AIDS, the illicit proliferation of, and trafficking in, narcotics, trafficking in persons, and alleged efforts to purchase weapons from North Korea, China, and Russia.

Whereas, at the 58th session of the United Nations General Assembly, a resolution was adopted by the General Assembly that expresses grave concern about the ongoing systematic violations of human rights inflicted upon the people of Burma and calls on the State Peace and Development Council to release all political prisoners, respect the results of the national elections in 1990, and restore democracy to Burma; and

Whereas the National League for Democracy has been denied the opportunity to participate in the United Nations Security Council to intervene on behalf of the people of Burma: Now, therefore, be it

Resolved (S. Res. 431) that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threats posed to the Southeast Asia region by conditions in Burma under the illegitimate rule of the State Peace and Development Council, including the threats posed by widespread human rights violations, the unchecked spread of HIV/AIDS, the illicit production of, and trafficking in, narcotics, trafficking in persons, and alleged efforts by the State Peace and Development Council to purchase weapons from North Korea, China, and Russia.

MEASURE PLACED ON THE CALENDAR—S. 2823

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for a second time by title.

Mr. MCCONNELL. Mr. President, I object to further proceedings on the measure at this time in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. The bill will be placed on the calendar.

ORDERS FOR THURSDAY, SEPTEMBER 23, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Thursday, September 23. I further ask unanimous consent that following the prayer and the reading of the first 15 minutes under the control of the Democrat leader or his designee and then begin a period of morning business for up to 30 minutes with the first 15 minutes under the control of the Republican leader.

The PRESIDING OFFICER. The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow morning there will be a joint meeting of Congress to receive a speech from Prime Minister Allawi of Iraq. We will convene following that speech for a short period of morning business.

Following morning business, we hope to consider the Foreign Operations appropriations bill. We have been working on an agreement and we hope to have that language worked out by tomorrow morning. We would like to finish that legislation and consider the friendly tax bill when that conference report becomes available sometime tomorrow. Therefore, Senators can expect votes throughout the day.

Mr. REID. Mr. President, on the Foreign Operations bill, we are anxious and ready and willing to have an agreement. We think the bill can be resolved very quickly, and we want the Record to reflect our willingness to go to the bill tonight, tomorrow, anytime. We think it is very important that we get as many appropriations bills completed as possible. We are not in any way standing in the way of this. There is no objection on our side to going to this bill.

I also say that this Friday is the most holy of all holidays for those of Jewish faith. We have a number of Senators who must travel west that day to prepare for the holiday. They cannot make their transportation arrangements unless they can leave here at 10:20 on Friday morning. The leader has spoken to some of the Jewish Members of the Senate and he recognizes the problem. We have this tax bill of which we know the importance. But we have to let the high holy day take precedence over what has to be done here on Friday.

I hope the two leaders and my distinguished friend on the floor now and the Republican leader will take that into consideration. It has been brought to my attention by several Senators this afternoon.

Mr. MCCONNELL, Mr. President, let me say that there are Members on both sides of the aisle for whom Friday is an exceedingly important day. We are certainly aware of that. That is another good reason for finishing the family friendly tax bill tonight. We will press on and try to complete both Foreign Operations and the family friendly tax bill tomorrow night.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Thursday, September 23, 2004, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 22, 2004:

CENTRAL INTELLIGENCE

PORTER J. GOSB, OF FLORIDA, TO BE DIRECTOR OF CENTRAL INTELLIGENCE

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.
A PROCLAMATION THANKING PRIVATE FIRST CLASS RYAN A. MARTIN FOR HIS SERVICE TO OUR COUNTRY

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker, we hereby offer our heartfelt condolences to the family, friends, and community of Private First Class Ryan A. Martin upon the death of this outstanding soldier; and

Whereas, Private First Class Ryan A. Martin was a member of the 216th Engineer Battalion of the Army National Guard serving his great nation in the country of Iraq. He was a leader in his unit and is to be commended for the honor and bravery that he displayed while serving our nation in this time of war; and

Whereas, Private First Class Ryan A. Martin will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

Therefore, we join with the family, friends and the citizens of our great nation in thanking Private First Class Ryan A. Martin of the United States Army for his service to our country. Your service has made us proud.

HONORING FRED HATMAKER

HON. LINCOLN DAVIS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. DAVIS of Tennessee. Mr. Speaker, Fred Hatmaker of LaFollette and Knoxville, TN, recently passed away at the early age of 63.

Fred was a good friend not only to me, but many within the community. He can best be characterized as one who loved to be in the middle of things. Fred was always there for a laugh, a serious discussion, a game of cards, and was more than willing to take a good humored poke at someone whenever an appropriate occasion arose.

Fred was an educator, banker, and businessman. He was as devoted to his profession as he was to his friends and family. He was restless in every venture he undertook. I think this came from his need to find his place in the world. This I can say for sure, he brought an unending amount of energy with him and will forever be remembered for his storytelling. You can rest assured that he probably never believed what he said himself.

Fred will be missed very much by all who knew him.

COMMENDING CHARLES A. COHEN, AN OUTSTANDING CITIZEN OF INDIANAPOLIS, INDIANA AND RECIPIENT OF THE NEW JERUSALEM AWARD

HON. JULIA CARSON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. CARSON of Indiana. Mr. Speaker, it is with profound pleasure and privilege that I rise to commend to the nation, Charles A. (Chuck) Cohen, an outstanding American and citizen of Indianapolis, Indiana.

Mr. Cohen will be honored October 17, with the New Jerusalem Award at the Indianapolis-Israel Dinner of State. Chuck is an active community leader, a prominent attorney and a longtime supporter of Israel Bonds.

State of Israel Bonds/Development Corporation for Israel is an international organization offering securities issued by the government of Israel. Since the first bond was sold in 1951, Israel Bonds has secured close to $26 billion in investment capital for the development of every aspect of Israel's economy, including agriculture, commerce and industry.

Charles Cohen was born in Greenville, KY, and graduated from Greenville High School as the salutatorian. He received a B.S. degree in Accounting in 1963 and a J.D. degree in 1966 at Indiana University-Bloomington. At school, Chuck was commissioned a 2nd Lieutenant in the U.S. Army and made the Law Review.

After completing his education, the honoree served with the U.S. Army in the Medical Service Corps. His display of leadership earned him the Bronze Star for meritorious service in a combat zone and the rank of Captain.

In 1971, Chuck moved to Indianapolis and co-founded the firm of Garelick & Cohen (now Cohen, Garelick & Glazier). He is currently the managing partner.

Mr. Cohen is an active member of the Jewish Community Center of Indianapolis, serving as a life board member and past president. He is also active with the Jewish Federation of Greater Indianapolis and has served in numerous positions including president and campaign chairman, as well as chairman of the Benefits Committee, the Israel Emergency Campaign, and currently serves as chairman of the Long Term Endowment Campaign and the Overseas Committee.

In addition, he is a member of the board of directors of America’s Voices in Israel and an intermediate cities representative on the United Jewish Communities board of trustees. Mr. Cohen is the recipient of the L.L. Goldman Young Leadership Award, the Liebert Mossler Award, the Martin L. Narner Leadership Award, the Endowment Achievement Award, and the Hasten Hebrew Academy Hal-Life Award.

Chuck and his wife, Karen, are the parents of three children: Brad, Amy Kaissar, and Danielle Bautista.

PAYING TRIBUTE TO FBI DEPUTY DIRECTOR BRUCE GEBHARDT

HON. MIKE ROGERS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Deputy Director Bruce Gebhardt for his 30 years of distinguished service to the Federal Bureau of Investigation. His breadth of knowledge and experience in national security, terrorism and intelligence issues have made America markedly safer in the wake of September 11, 2001. Mr. Gebhardt entered on duty as a Special Agent with the Bureau on July 7, 1974, and began his career investigating organized crime and narcotics. Mr. Gebhardt was the recipient of the FBI Medal of Valor as a result of action taken during an airplane hijacking event in Denver, Colorado in 1976. More recently as a Special Agent in Charge, Mr. Gebhardt oversaw numerous operational successes in organized crime, counterintelligence, counterterrorism, cyber crimes and white collar crimes. But today, more than ever, America owes a debt of gratitude to Bruce Gebhardt for his work to retool and reshape the FBI after September 11, 2001.

In August 2002, Mr. Gebhardt was appointed by Director Mueller to serve as Deputy Director for the FBI and for the last 2 years he has been responsible for restructuring the FBI into a counterterrorism and intelligence focused agency. As Deputy Director, Mr. Gebhardt has made important contributions to the national security of the United States and more fully prepared the Federal Bureau of Investigation to fight terrorism both at home and abroad.

Mr. Speaker, I would like to offer my best personal regards to Deputy Director Gebhardt on his retirement from the FBI and wish him all the best in the future. I would also like to ask my colleagues to join me in thanking him on behalf of the American people for his service and commitment to our collective security.

IN OUR THOUGHTS AND PRAYERS

HON. LINCOLN DAVIS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. DAVIS of Tennessee. Mr. Speaker, the 278th Armored Cavalry Regiment having been activated and mobilized as the 278th Regimental Combat Team has some of Tennessee’s finest soldiers. They are currently...
training in Camp Shelby, Mississippi, before moving to the National Training Center in Ft. Irwin, California, for additional training. Before departing for their duty location in Northern Iraq they will return to Tennessee where they will appropriately have a sendoff on Veterans Day.

Headquartered in Knoxville, the 278th is the only enhanced Armored Cavalry Regiment in the National Guard and one of only two in the United States Army. The 278th is the largest unit in the Tennessee Army National Guard, with units stretching from one end of Tennessee to the other. A large portion of the 278th’s soldiers live in the 4th Congressional District.

While visiting the 278th at Camp Shelby I talked with soldiers from across the 4th District. Every soldier I talked with expressed a devotion to family and country. Our troops have the energy and patriotism needed to encourage democracy abroad by promoting strong American values and ideals. The families should know that their loved ones are receiving world class training and equipment.

In a State that claims Sgt. Alvin York as its hero, we could see that the 278th is a group of soldiers who carry on a tradition of selflessness that was exemplified by 1/LT Conway a generation ago. While visiting the 278th at Camp Shelby I talked with soldiers from across the 4th District. Every soldier I talked with expressed a devotion to family and country. Our troops have the energy and patriotism needed to encourage democracy abroad by promoting strong American values and ideals. The families should know that their loved ones are receiving world class training and equipment.

IN MEMORY OF AIR NATIONAL GUARDSMAN FIRST LIEUTENANT JAMES O. CONWAY

HON. MICHAEL E. CAPUANO
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. CAPUANO. Mr. Speaker, I rise today to remember the brave actions of a hero. First Lieutenant (1/LT) James O. Conway will be memorialized this weekend in East Boston, Massachusetts where he gave his own life half a century ago to save the lives of many neighborhood residents. On October 2, 1954, 1/LT Conway, a member of the Air National Guard, 101st Fighter Interceptor Squadron, flew his jet into an embankment after it had lost power upon take-off at Logan Airport. This undaunted act of courage was done in an effort to save the neighborhood of East Boston from the trauma, damage and potential loss of life that more than likely would have resulted from the crash landing of a military jet in a densely populated residential area.

The residents of East Boston have long recognized 1/LT Conway as a hero. This Saturday, the East Boston community will formally memorialize this act of heroism in a dedication ceremony. This ceremony comes at a time when thousands of men and women in the National Guard are serving our country in its latest time of need. These modern-day heroes carry on a tradition of selflessness that was exemplified by 1/LT Conway a generation ago.

Mr. Speaker, I ask my colleagues to join me in expressing our solemn gratitude to 1/LT James O. Conway, his family and all of the men and women who have made the supreme sacrifice protecting our Nation at home and abroad.

THE HENRY FORD COMMEMORATIVE CELEBRATION

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. DINGELL. Mr. Speaker, I rise today to honor the contributions of the late Henry Ford as the “Father of Industrial Education” and to express my deep gratitude for his enormous contributions to education, particularly technical training.

Henry Ford was a strong advocate of providing educational opportunities. At Highland Park, where the Model T was produced, he organized English classes for newly hired immigrants, which assisted them in receiving their first citizenship papers. In 1930, Henry Ford announced that he would spend $100 million and devote the remainder of his life promoting and supporting educational concepts. Of the some 60 schools supported by Henry Ford, the one that brought him the greatest satisfaction and pride was the Henry Ford Trade School.

The Henry Ford Trade School, established in Highland Park in 1916 with one instructor and a class of six disadvantaged students, quickly emerged as a pioneer of the modern concept of combining vocational training with related formal classroom instruction. Upon its move to the Rouge Complex in Dearborn in 1931, the school continued to offer educational opportunities to young men through the year 1952. At its peak, there were more than 2,800 students, aged 13–17, and 136 instructors. A hot lunch was furnished without charge and for their effort, students were awarded a weekly cash scholarship and a monthly stipend to deposit in a bank savings account until they left school.

The training offered at Henry Ford Trade School took on new meaning with the advent of World War II and the technical skills of the graduates were employed and challenged in various capacities to support the war effort. Many students also served in the military.

In order to properly acknowledge the inspiration and guidance of Henry Ford, the members of the Henry Ford Trade School Alumni Association, some 400 strong, will perpetuate his memory with the unveiling of a life-size bronze statue to be displayed at the welcome center for guests touring the factory at the newly reopened Rouge Complex. Mr. Speaker, I ask that you and all of my colleagues rise and join me in honoring the members of the Henry Ford Trade School Alumni Association on the occasion of their celebration, and to pay tribute and recognize the commitment and dedication of the late Henry Ford.

RECOGNIZING MR. GREG HALL

HON. HILDA L. SOLIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize Mr. Greg Hall for his life-long contributions to the city of El Monte. Mr. Hall has been an active and loyal employee for the city of El Monte. He has worked as a Park Caretaker for 6½ years, Water Systems Operator for 2 years, Senior Water Systems Operator for 1½ years, Maintenance Supervisor for 7 years, and held his current position as Public Works Maintenance Superintendent for 16 years.

Exemplifying the best in humanitarian leadership, Mr. Hall was awarded Volunteer of the Year for all greater Los Angeles for his contributions to build the Saint Harriet’s Children’s Home. He was also awarded Kiwanian of the Year in 1984, 1990, and 1992. He was also president of the Kiwanis Club from 1989–1990, secretary from 1992–1993 and lieutenant governor in 2002. Mr. Hall has also served in the U.S. Navy for 3 years and is a Vietnam veteran.

Mr. Hall has served on many committees over the years, such as Maintenance Superintendents Association for 16 years, Traffic Control Supervisors Association for 22 years, and the American Water Works Association for 26 years.

Mr. Hall’s involvement with the Hazmat Drop-Off/Intake building for El Monte residents, the modernization of the Public Works Maintenance Division offices as well as the Water Department, are just some of his many accomplishments. Mr. Hall leaves behind a leadership model of teamwork. His leadership style has improved the reputation of the Maintenance Division and Saint Harriet’s, as well as the 35 employees and members of the Maintenance Yard closer together.

Please join me in wishing Mr. Greg Hall, maintenance superintendent, Public Works Maintenance Division good luck and a happy retirement.

HON. JIM COOPER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. COOPER. Mr. Speaker, I have the privilege today of recognizing Robert and Colleen Goodale, an extraordinary couple from Nashville, TN, who have opened their home and their hearts to children in foster care.

I am proud to announce that the Goodales are this year’s Angels in Adoption from the Fifth District of Tennessee. As many of my colleagues know, Angels in Adoption is an annual award sponsored by the Congressional Coalition on Adoption Institute to honor families such as the Goodales who are among the nation’s heroes of adoption.

The Goodales have a story that is nothing short of amazing. After raising four biological children of their own, the Goodales decided to fill their empty nest by adopting children out of foster care. The first of these children was Richard, who came to the Goodales’ home at the age of 2 for what was intended to have been a 2-week stay. Richard, who is severely mentally disabled, was in the process of being institutionalized at a local facility when he came to the Goodales’ home. Richard, however, never left their care, and instead became their first adopted son. Now 18, Richard is still severely developmentally delayed and cannot speak. He also suffers from emphysema, and requires round-the-clock supervision and assistance. As nurses by profession, the Goodales have provided Richard with the ideal loving home.

HONORING ROBERT AND COLLEEN GOODALE, 2004 ANGELS IN ADOPTION
Soon after Richard's adoption, the Goodales adopted two brothers, Jonathan and Christopher, who were 11 and 9 at the age of their adoption and are now 24 and 23. They then adopted another group of siblings, James, Tracy, Jerrome, and Lorri. Now also grown, these children were 7, 5, 4, and 2 when they joined the Goodale family.

The Goodales, who are white, are blessed with a diverse, multiracial family. Richard is African-American, Jonathan and Christopher are white, and the remaining four are biracial. Despite their commitment and perseverance, the Goodales have had to battle skepticism from caseworkers who initially believed these diverse placements to be inappropriate. Eventually, the Goodales even moved into an all-black neighborhood to demonstrate their respect for their children's racial heritage.

The Goodales are a truly remarkable family, and I am privileged to have been witness to the strength of this family's love.

IN RECOGNITION OF THE HEROISM OF BETTY ONG

HON. NANCY PELOSI
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to Betty Ong, a native daughter of San Francisco’s Chinatown and a hero for our Nation on September 11, 2001.

On that tragic day, Betty Ong was a flight attendant on American Airlines Flight 11 from Boston bound for Los Angeles. Flight 11 left Boston’s Logan Airport at 7:59 a.m. with Mohammed Atta and four other terrorists on board. From the time the terrorists took over the plane until she lost contact, Betty remained calm and professional. For 23 minutes, she relayed vital information to her colleagues on the ground. The information Betty provided in that horrifying situation later allowed the FBI to discern the identity of the terrorists onboard Flight 11.

In January of this year, the 9/11 Commission heard a tape of Betty’s urgent message. In its report, the Commission confirmed that Betty was indeed the first person to report the hijacking. 9/11 Commission Chairman Thomas Kean declared, “Betty Ong is a true American hero.”

On September 21, 2001, a memorial service for Betty was held in San Francisco’s Chinatown where Betty was born and maintained strong family and community ties. At that time Mayor Willie Brown proclaimed September 21 to be “Betty Ong Day.” This year, the Chinatown Community Development Center is again honoring her.

It is with pride and sadness that I join in paying tribute to Betty’s courage and her heroism. I hope it is a comfort to her family that so many people remember and honor her heroic acts.

CALLING FOR TAIWANESE REPRESENTATION AT THE UNITED NATIONS

HON. PETER DEUTSCH
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. DEUTSCH. Mr. Speaker, the Republic of China (Taiwan) has once again tried to return to the United Nations this fall. In recent years, Taiwan has repeatedly expressed its strong desire to participate in the United Nations and other international organizations. I am pleased that the United States has pledged to support Taiwan’s bid to become an observer in the World Health Organization and to obtain OAS (Organization of American States) observership for Taiwan. Many of us in this body have long supported that. In fact, in our Taiwan Policy Review of September 1994, we declared the intent to build stronger and more active ties of the United Nations year after year. When SARS hit Taiwan in the spring of 2003, Taiwan, without United Nations membership, was denied the World Health Organization’s expertise and assistance for weeks. Taiwan’s doctors had difficulty obtaining information about SARS, and as a result, Taiwanese SARS patients suffered and waited.

Taiwan’s immense population is also worth noting. Its 23 million people constitute a population that is larger than that of two-thirds of UN member states. Small states such as Andorra (population 54,000) and San Marino (population 23,000) have UN membership while Taiwan is denied?

Furthermore, Taiwan’s exclusion from the UN clearly violates the UN principle of universality. The UN’s mission is to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of nations large and small.” What of the rights of the 23 million people on Taiwan? Don’t we believe that the Taiwanese populace counts?

Taiwan is a democracy. It endorses the UN’s ideals of peace, human rights, and development. It has been a responsible global citizen, contributing to aid projects like relief supplies for AIDS prevention in Africa, and the dispatch of a rescue team following earthquakes to El Salvador in 2001.

If Taiwan were allowed to return to the United Nations, reconciliation and rapprochement between Taiwan and the People’s Republic of China would help to stabilize the entire Asia-Pacific region for generations to come, while making the United Nations a much more representative body.

Mr. Speaker, Taiwan’s exclusion from the United Nations is unjust. We must speak up for Taiwan, our friend and ally, this year and every other until this injustice is corrected.

INTRODUCTION OF THE 527 REFORM ACT

HON. CHRISTOPHER SHAYS
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. SHAYS. Mr. Speaker, I am pleased to join with Congressman MARTY MEEHAN and Senators JOHN MCCAIN and RUSSELL FEINGOLD to introduce the 527 Reform Act, which will close an election law loophole created by the Federal Election Commission’s (FEC) failure to enforce the 1974 Federal Election Campaign Act (FECA).

This failure on the part of the Commission is a long-standing tradition underscored by a recent decision in Shays v. FEC, which struck down 15 poorly-drafted rules promulgated by the FEC that undermined, rather than enforced, the Bipartisan Campaign Reform Act.

The legislation will require 527 groups to register as political committees with the FEC—as they should have been doing all along. It also establishes new, effective allocation rules to ensure groups primarily focused on impacting federal races are regulated accordingly.

For too long, the FEC has looked the other way as 527 groups have channeled soft money into federal elections, clearly violating the letter and the spirit of the campaign finance law.

The 527 Reform Act does the job the FEC has failed to do—it brings 527 groups under the same set of rules as every other political committee.

In doing so, it ensures all groups acting primarily to influence federal elections play by the rules Congress and the Supreme Court intended, rather than allowing some to exist in a parallel world of election law anarchy.

The bottom line is, groups that are in the business of influencing federal elections should be regulated by federal election law, and, by overriding the FEC’s long-standing misinterpretation of the 1974 Federal Election Campaign Act, that is exactly what this legislation will accomplish.

WELCOME HOME 1175TH

HON. LINCOLN DAVIS
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. DAVIS of Tennessee. Mr. Speaker, I am happy to welcome back the 1175th Transportation Company of the Tennessee National Guard. The soldiers, who deployed to Fort Knox, Kentucky in February 2003, had been in Kuwait and Iraq since April 2003. When they returned home in mid-May 2004 they were surrounded by loved ones who hadn’t seen them in over a year.

The transportation company was involved in various aspects of transportation, convoy operations and supply missions. Within the first
69 hours of arriving in Kuwait they pulled their first mission—not an easy feat. Often, they drove Humvees mounted with .50 caliber machine guns, escorting vital equipment throughout Iraq. The unit logged some 2.3 million miles in the 13 months they were overseas.

I am very proud of the safety and performance of the 1175th. They serve with distinction by implementing the largest track vehicle movement since World War II not once, but twice in the matter of a few months, while training in the U.S. They also had the best safety record and operational readiness status of the other 15 plus transportation companies working in Iraq/Kuwait.

Iraq is hot, dry, and dusty. Sometimes temperatures reached upwards of 135 to 140 degrees. Knowing the numerous dangers and environment it surprised me to read and hear statements from soldiers such as Sergeant Tommy Adcock say, “Our Country has taken care of us, now it’s payback time.”

It is sad that the 1175th lost two of its own. Staff Sergeant Nathan Jerome Bailey and Staff Sergeant David Leroy Lyod lost their lives defending a country they cared so deeply about. We need to remember that our countrymen are making the ultimate sacrifice in defense of this country. These men and women have served honorably and with distinction. What makes our country so great are all of the brave Americans that step up and defend this nation.

Some comments from soldiers such as Sergeant Tommy Adcock say, “Our Country has taken care of us, now it’s payback time.”

RECOGNIZING THE ACCOMPLISHMENTS OF WOMEN ATHLETES AT THE 2004 SUMMER OLYMPICS

HON. LOUISE MCINTOSH SLAUGHTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to honor the amazing achievements of the women athletes at the 2004 Olympics in Athens, Greece. In particular, I want to celebrate the success of the U.S. Women’s Soccer Team, who made us proud by winning a gold medal at the 2004 Olympics in Athens, Greece, beating Brazil 2–1 in overtime, on August 26, 2004.

These women have become some of the most famous athletic role models on earth. They have taught our children that if you work hard and you believe in yourself, you can accomplish anything. Indeed, these women are helping to fundamentally change perceptions about athletics. It is not surprise that our little girls look up to these strongly motivated women for inspiration. But to also see little boys wearing jerseys emblazoned with the names of their favorite women players is a wonderful sight.

I would especially like to recognize Abby Wambach, who is from my district in Rochester, New York. When she scored the goal that secured the gold medal, nowhere in the world cheered louder than Rochester. In addition, every other woman on the Olympic soccer team also deserves our recognition and congratulations: Shannon Boxx, Brandi Chastain, Joy Fawcett, Julie Foudy, Mia Hamm, Angela Hucles, Kristine Lilly, Kristin Luckenbill, Kate Markgraf, Heather Mitts, Heather O’Reilly, Cindy Parlow, Christie Rampone, Cat Reddick, Briana Scurry, Lindsay Tarpley, and Aly Wagner.

As a testament to the power of these women, their fan appreciation tour, which kicked off in Rochester, on September 25, sold out all 14,000 seats in just minutes. I have introduced a resolution in Congress, H. Res. 373, which supports the reestablishment of the Women’s United Soccer Association (WUSA). Hopefully, some day the WUSA will return, to give these amazing female athletes the professional athletic opportunities in the United States they so deeply deserve.

Thank you to all the women Olympic athletes for transforming the lives and attitudes of today’s young women, and for those of generations to come. We all know that girls who compete in sports perform better in school, are physically healthier and have a stronger self-esteem. Our girls have learned that sweat is sexy, brace this strong and a little dirt never hurt anyone. You have truly given us all a whole lot more to celebrate, work hard for and dream about.

75TH ANNIVERSARY TRIBUTE TO THE CALIFORNIA MARITIME ACADEMY

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, today I rise to invite my colleagues to join me in honoring the California Maritime Academy as it celebrates its 75th anniversary.

The California Maritime Academy was founded in 1929 under the name of the California Nautical School and was located in Tiburon, and is the third oldest active maritime
academy in the United States. In 1936 the U.S. Congress passed the Merchant Marine Act, which directed the creation and maintenance of an adequate merchant marine to support U.S. international and domestic commerce and to meet the needs for national defense. Responding to this mandate, the federal government and the California state legislature began contributing matching funds in support of the school's mission. In these early days, only three-year deck and engineering programs were offered.

In 1939 Cal Maritime changed its name to the California Maritime Academy. In 1940, with war looming, the academy was relocated to San Francisco. During World War II, the course of study was accelerated to 17 months and many graduates served in the war. A new permanent site for the academy was found on a 67-acre site at Morrow Cove in Vallejo; in 1943 campus construction was completed, making the site the academy’s permanent home.

In 1973 Cal Maritime became the first maritime academy to enroll women in a licensed maritime program, a milestone of whom graduates in 1976. In 1974 the curriculum was expanded to a four-year undergraduate program, laying the groundwork for accreditation by the Western Association of Schools and Colleges. Naval industrial technology and marine engineering were added to the four-year majors offered at this time. In the late 1980s, two new majors in mechanical engineering and business administration were added, and the nautical industrial technology program was replaced by marine transportation. Cal Maritime currently offers degrees in business administration, facilities engineering technology, global studies and maritime affairs, marine engineering technology, marine transportation, and mechanical engineering. A program of intellectual learning, applied technology, and leadership development prepares graduates for positions of significant responsibility in the areas of maritime, business, logistics, inter-modal transportation, and engineering.

In addition to earning a bachelor’s degree, students earn professional licensing in one or more of several areas: Third Mate or Third Assistant Engineer, U.S. Coast Guard; Certified Plant Engineer-in-Training, Association for Facilities Engineering; or professional certification in transportation, management, or international business and logistics. The curriculum further expanded during the fall of 2003, when Cal Maritime introduced a major in global studies and maritime affairs—the first new major to be accepted after the academy’s full transition into the CSU system. Also in the fall of 2003, Cal Maritime dedicated its new Technology Center.

In 1995, Cal Maritime became a campus of The California State University (CSU), which opened new opportunities for educational and institutional enhancement. By 1996 Cal Maritime expanded beyond its maritime curriculum, introducing a bachelor’s engineering technology major. A new science and engineering lab building was completed in 1999. Cal Maritime is one of only seven degree-granting maritime academies in the United States, and the only one on the West Coast.

For the last several years, Cal Maritime students have enjoyed a nearly 100% job placement rate upon graduation and starting salaries above the national average. In addition, Cal Maritime’s completion time and degree rates are some of the best of any public institution in the state. At Cal Maritime, students benefit from a small student-to-teacher ratio and small class sizes—with an average of 18 students per class. Each student at Cal Maritime has the opportunity to participate in at least one of the four intercollegiate athletic teams or housing cruises aboard the Training Ship Golden Bear. While at sea, students apply the skills learned during the school year and visit domestic and international ports of call.

As Cal Maritime celebrates its 75th anniversary, the future looks bright with applications for enrollment at an all-time high. The academy’s strategic plan calls for growth to 750–800 students in the next few years and Cal Maritime is well on its way to meeting that goal.

Mr. Speaker, it is appropriate that we congratulate the California Maritime Academy for its 75 years of contributions to the maritime industry of our great nation.

SALUTE TO ROBIN STONE AND THE D.C. CHILDREN’S ADVOCACY CENTER FOR COMBATING CHILD SEXUAL ABUSE

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. NORTON. Mr. Speaker, I rise today to salute accomplished journalist and author Ms. Robin D. Stone for her courageous and thoughtful efforts to bring light to darkness by educating and raising public awareness about the heinous crime of child sexual abuse. I also want to acknowledge the outstanding work of my constituent Safe Shores—the D.C. Children’s Advocacy Center in its front line work to support physically and sexually abused children and thank the Center for bringing Ms. Stone to the District of Columbia to give the plenary address at its second annual multidisciplinary conference: "Safe Childhoods: Strengthening D.C.’s Clinical Response to Childhood Trauma."

Safe Shores is the coordinating agency for the District of Columbia’s multidisciplinary team for child abuse investigation and prosecution, which is known as the MDT. As a not-for-profit organization Safe Shores works in a unique public-private partnership with the agencies that comprise the District’s MDT, which are the Metropolitan Police Department, Child and Family Services Agency, the Office of the Attorney General for the District of Columbia, the U.S. Attorney’s Office for the District of Columbia, and Children’s National Medical Center. Safe Shores—The D.C. Children’s Advocacy Center was founded for the express purpose of reducing the trauma of child victims of abuse during the investigative and prosecutorial processes. Safe Shores operates pursuant to the children’s advocacy center developed back in the late 1980s by our esteemed colleague Representative ROBERT “BUD” CRAMER of Alabama when he was a prosecutor.

As part of its work, Safe Shores provides training and education on child abuse prevention and treatment for local professionals. It is in this context that Robin Stone has brought her vital message to my hometown, Washington, DC, to shine light on what some would like to keep hidden in the shadows, child sexual abuse. Bravely using her own personal history of abuse as a catalyst for her journalistic treatment of this issue, Ms. Stone is the author of No Secrets, No Lies: How Black Families Can Heal from Sexual Abuse, published by Doubleday/Broadway Books earlier this year.

Ms. Stone brings an illustrious professional history to this important cause. She is a 2004 Casey Fellow, one of 30 journalists selected by the Casey Journalism Center on Children and Families to attend its five-day seminar “Condition Critical: Covering Children’s Health.” A 2002–03 Kaiser Media Fellow, she was one of six journalists selected by the Kaiser Family Foundation to research and report on health issues. Her fellowship project was sexual abuse in Black families. Ms. Stone was founding editor in chief of essence.com, the interactive version of the premiere African-American women’s magazine, Essence. She joined the magazine in September 1997 as a senior editor and ultimately was appointed executive editor. Before joining Essence, Ms. Stone was deputy editor of The Living Section at The New York Times. She came to The Times from The Boston Globe, where she was an editor in the living/arts department.

I commend Ms. Stone for the courage and eloquence she has shown in bringing this issue before the American people. We know she has performed an invaluable public service in so doing. Indeed, Dr. Alvin F. Poussaint, a preeminent child psychiatrist and professor at Harvard Medical School, has commented that “No Secrets, No Lies breaks the silence about sexual abuse within the Black community . . . [and] Robin Stone makes a major contribution to the well being of Black children and families.

Robin Stone’s professional success and her personal fulfillment as a wife and mother exemplify that child sexual abuse does not have to determine the life course of those who are victims of this vile crime. Indeed, there is tremendous power, triumph, and hope to be found in the survivor’s story. So, it behooves those of us who make and shape the laws and who care about building a safer and saner society to listen, learn and heed the lessons from these survivors and the professionals who seek to help them move beyond the pain. Paying attention to the issues raised in No Secrets, No Lies is our challenge and responsibility if we are to keep our promises to children, that is, to protect every child from abuse and ensure that all children—regardless of what family they are born to—have a safe, healthy and happy childhood.

IN RECOGNITION OF DAVID POLLOCK’S SERVICE AS PRESIDENT OF THE CALIFORNIA SCHOOL BOARD ASSOCIATION

HON. ELTON GALLEGLY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. GALLEGLY. Mr. Speaker, I rise to recognize David Pollock, a school board member for the Moorpark Unified School District in my district, for his service as the 2003–2004 president of the California School Boards Association.
David Pollock has served on Moorpark’s board of education since 1994 and was board president in 1998–1999. He also served as president of the Ventura County School Boards Association from 1999–2002. He represented Region 11 as a member of the California School Boards Association’s Delegate Assembly and as a member and chair of the California School Boards Association’s Nominating Committee from 1999–2002.

He has also served on the Legislative Committee, the Federal Issues Council, the Collective Bargaining Task Force and as a governmental relations chair and Golden Bell onsite validator. As president-elect, David Pollock served as chair of the Legislative Committee, a board member of the CCS Partnership and a delegate to the National School Boards Association.

David Pollock completed his undergraduate work at Pepperdine University and earned a master’s in business administration from the University of California, Los Angeles. He holds a commercial pilot’s license and is the manager of market planning for Rocketdyne, a business unit of The Boeing Company.

Mr. Speaker, I know my colleagues will thank David Pollock for his service to the Moorpark, Ventura County and California school board associations and congratulate him for his year as president of the California School Boards Association.

CONGRATULATING KIT CARSON ELEMENTARY SCHOOL

HON. MARILYN N. MUSGRAVE
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mrs. MUSGRAVE. Mr. Speaker, today, I rise to congratulate Kit Carson R–1 Elementary School in Kit Carson, Colorado for being chosen as a No Child Left Behind Blue Ribbon School of 2004. The Blue Ribbon Schools program honors public and private K–12 schools that are academically superior in their states or have demonstrated dramatic gains in student achievement.

Schools chosen for the Blue Ribbon are meeting the mission of ensuring every child is learning and achieving. Blue Ribbon recipients are national models of excellence from which other schools can learn. I am proud of Kit Carson R–1 Elementary School for serving as a model in the great state of Colorado, and throughout the entire nation.

The Blue Ribbon Schools program requires schools to meet specific assessment criteria. It recognizes schools that have at least 40 percent of their students from disadvantaged backgrounds that dramatically improve student performance in accordance with state assessment systems. The program also rewards schools that score in the top 10 percent on state assessments.

Kit Carson’s 37 students scored in the top 10 percent nationwide in math and reading. Additionally, Kit Carson Elementary is only one of 27 rural schools in the nation that received the Blue Ribbon title.

It is an honor to announce this award and it is a testament to the exceptional students of rural Colorado. It proves that a quality education is obtainable when teachers, parents, and students strive for achievement. Com pared to other elementary schools around the nation, Kit Carson may be small in size, but it is prominent in its standing.

Mr. Speaker, I am pleased to offer my warmest congratulations to Kit Carson Elementary for this achievement.

IN HONOR OF THE MEMORY OF CESAR HERNANDEZ

HON. HEATHER WILSON
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to honor the memory of Cesar Hernandez.

Cesar died on July 5th of this year at age 61. His contribution to New Mexico lives on. Cesar was publisher of the Spanish language newspaper, La Razon.

With a circulation of 17,000 copies, Cesar’s newspaper is a major source of news and information for the substantial Spanish-speaking population of New Mexico.

This newspaper’s importance to the population it serves is difficult to over-emphasize. We live in an era of news up-to-the-minute and always available, but to a person who reads or understands primarily Spanish, the sources of information are often rare or incomplete. La Razon fills that gap and offers its readers valuable, practical information for their day-to-day lives.

Cesar’s family will never forget the day they became New Mexicans, because it was September 11, 2001. Cesar started his newspaper one week later. Cesar logged decades of experience in radio and newspaper, and got his start in Chicago, Illinois. Today, his work goes on in New Mexico under the direction of his wife, Antoinette, and his family.

In three years, Cesar contributed much to his adopted state, New Mexico. As his daughter Leslie put it, “My father loved the newspaper.” We’re proud to recognize Cesar Hernandez, and we honor his memory and contribution to New Mexico.

TRIBUTE TO ORANGE “BUDDY” HAYS

HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. MEEK of Florida. Mr. Speaker, it is with deep sorrow that I inform my colleagues of the passing of Orange “Buddy” Hays, one of Miami-Dade County’s most quietly effective and dignified patriarchs and a community leader and mentor who had the ability to transform the lives of everyone he met.

Mr. Hays death on Sunday, September 12, 2004, has cast a veil of deep sadness over our community. The funeral services to celebrate his life were held Saturday, September 18, at Mt. Olive Primitive Baptist Church in Miami, Florida.

Buddy Hays was a good and decent man who contributed greatly to our community, professionally, as a City of Miami police officer and as the District Manager of HUD for more than 30 years. But I knew him, much more closely and at a young age, as someone who was wise, and strong, and fair—a great role model.

He was like a father and mentor to me, and I’ve been blessed and inspired by the good words and magnificent examples of this ordinary human being who went about quietly helping youngsters in our community, simply because of his great goodness and the fact that there were youngsters out there who needed his help. My friend, State Rep. Dorothy Bendross-Mindingall described Mr. Hays as someone who “... will be missed by so many. He was steadfast and relentless in his mission to make this community a better place, and he did.”

Buddy Hays was a delicately drawn character of quiet demeanor and dignified commitment to the well-being and growth of the neediest and most vulnerable in our community. He projected a vision of service and faith. His passing is a terrible loss, but the legacy of his caring and love lives on, and I am part of that legacy.

The world is a better place because of Orange “Buddy” Hays. It would be a high goal for anyone to set to follow the path that he blazed.

RECOGNIZING REPRESENTATIVE JAMES T. SEIGFREID

HON. IRE SKELTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. SKELTON. Mr. Speaker, Missouri State Representative James T. Seigfreid, a dedicated public servant, will be leaving the Missouri House of Representatives. He is retiring after eight years of serving the people of the 26th district.

After graduating from Warrensburg High School in 1963, he attended Central Missouri State University where he received Bachelor of Science in Business Administration in 1972. He served in the United States Navy from 1968 to 1974.

During his tenure, Mr. Seigfreid had many legislative accomplishments, one of which was the passage of an election reform bill. He also worked tirelessly for the improvement of Missouri’s state roads.

In addition to his dedication to public service, Jim is a member of the First Christian Church of Marshall, the State Corn Husking Committee, Marshall Chamber of Commerce, Optimist Club, and Saline County Unit, American Cancer Society.

Mr. Speaker, Jim Seigfreid has served the people of the 26th District for eight years. As he prepares for the next stage in his life, I am certain that my colleagues will join me in wishing him all the best.

HONORING DR. ARIE HALACHMI, PROFESSOR AT TENNESSEE STATE UNIVERSITY’S INSTITUTE OF GOVERNMENT

HON. JIM COOPER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. COOPER. Mr. Speaker, I rise today to recognize the remarkable achievements of Dr.
Our state delegation has joined with the New York State Education Department to convene a series of Civics Summits to identify our most pressing needs in civic education. They have brought together a consortium of over 25 governmental and nongovernmental organizations to identify, meet, and fund these needs, designed an action plan focusing on the importance of teacher training, and sought out funding from the private sector to begin their important work.

Mr. Speaker, I am proud of the New York State civics education delegation and wish them continued success when they participate in the Second Annual Congressional Conference on Civic Education in December.

PROCLAMATION THANKING LIEUTENANT CHARLES L. WILKINS III FOR HIS SERVICE TO OUR COUNTRY

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker: We hereby offer our heartfelt condolences to the family, friends, and neighbors of our brave young man, Lieutenant Charles L. Wilkins III upon the death of this outstanding soldier; and

Whereas, Lieutenant Charles L. Wilkins III was a member of the 216th Engineering Battalion of the Ohio National Guard serving his great nation in the country of Iraq. He was a leader in his unit and is to be commended for the honor and bravery that he displayed while serving our nation in this time of war; and

Whereas, Lieutenant Charles L. Wilkins III will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

Therefore, we join with the family, friends and the citizens of our great nation in thanking Lieutenant Charles L. Wilkins III of the United States Army for his service to our country. Your service has made us proud.
HONORING JOHN R. OLIVAS, JR.

HON. MARYLIN N. MUSGRAVE
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mrs. MUSGRAVE. Mr. Speaker, I rise to pay tribute to John R. Olivas, Jr., an outstanding young man from Johnstown, Colorado, who tragically lost his life at a young age.

John was born Aug. 23, 1985, in Loveland to his loving parents, John R. Olivas, Sr., and Christine T. “Tina” (Quintana) Olivas. John graduated from Roosevelt High School, where he was on the student council and the wrestling team, and won the State Championship in 2003. He was currently attending the University of Northern Colorado in Greeley, and he was also a member of the UNC wrestling team. He was age of five.

John loved being with his family and they loved being with him. John lived a full life and he enjoyed fishing, spending time with his friends, playing video games, reading, watching movies, snowboarding, and wrestling. He had one sister, Danielle, 16, who is currently attending Roosevelt High School. She is very active in volleyball.

He was known as a “good kid” who did a lot of favors for people and he asked for no recognition. He loved to play with kids, including his cousins and young wrestlers. The younger kids that wrestled looked up to John, and saw him as a hero. It was nothing for him to stop by their house to make them feel special. John was a very selfless person and would do anything for anybody.

Wrestling was one of his passions, and he had dreams of becoming a wrestling coach some day. Many shared that dream with him and knew he would be able to inspire many wrestlers and help them excel. John began wrestling when he was 9 years old. His dad used to wrestle and was a volunteer coach. His dad got him involved, taking him to wrestling matches, and he began to really like it. From that time on, wrestling was a big part of his life. John’s parents were supportive of this, and attended match after match and bashed in their son’s extraordinary talent and discipline.

Survivors are his parents, John R. and Tina Olivas of Johnstown; a sister, Danielle Olivas of Johnstown; his grandparents, Felix and Viola Quintana of Johnstown and Mary Martinez of Loveland, step-grandfather Joe Martinez of Loveland; and numerous aunts, uncles and cousins. The loss his friends and family feel.

It is my honor to pay tribute to John Olivas, Jr.’s life on the floor of the United States House of Representatives. May God bless all those who mourn his passing. May God comfort them in the days and years to come.

PROCLAMATION RECOGNIZING DANIEL W. SWONGER

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker:

Whereas, Daniel W. Swonger has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Daniel W. Swonger has shared his time and talent with the community in which he resides; and

Whereas, Daniel W. Swonger has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Daniel W. Swonger must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 86 and Daniel’s family and friends in congratulating Daniel W. Swonger as he receives the Eagle Scout Award.

Whereas, Daniel W. Swonger recently selected as Oregon’s State Teacher of the Year by the Phi Delta Kappa International.

Meg Greiner is a physical education teacher at Independence Elementary School in Independence, Oregon. Ms. Greiner has been a pioneer in innovative physical education programs that get students interested in physical activity by making them fun. Every morning, all students and staff members at Independence Elementary go to the gym to participate in Toothpick and Others Achieve More Time, or TEAM. Greiner leads a variety of movement and character traits such as teamwork, responsibility, respect, and problem-solving.

Greiner’s innovative approach during TEAM Time as well as during regular PE classes creates an inviting environment in which students feel safe enough to participate and take risks, which fosters interest in a lifetime of physical activity. But these classes do much more than teach children about being physically active. In addition to learning new physical skills and activities, students learn positive behavior and character traits such as teamwork, respect, responsibility, and problem-solving.

Ms. Greiner’s excellent work and the support she has received from school officials and the community has shown that physical education can be a vital part of the educational curriculum that helps students in their physical as well as their social, mental, and academic development. Schools across the country could benefit by modeling the approach Independence Elementary has implemented with Ms. Greiner’s leadership.

As a former teacher, I am excited to see Ms. Greiner receive the recognition she deserves.
In his 24 years as head coach for the Findlay football coach at the University of Findlay were formally recognized in August when he was inducted into the National Football Foundation College Hall of Fame in South Bend, Indiana.

Simply put, Dick Strahm is Findlay football. In his 24 years as head coach for the Findlay Oilers, he compiled a record of 183-64-5 that included four National Association of Intercollegiate Athletics (NAIA) championships. His fourth and final national title came in 1997 when the Oilers were a perfect 14-0. During one remarkable 24 year run, his teams won nine Hoosier-Buckeye Conference championships. The team’s record in the 1990s was the best in the country for NAIA schools.

Dick is a 12-time NAIA District 22 Coach of the Year and four-time National Coach of the Year. With his inductio into the National Football Foundation Hall of Fame, he joins such coaching legends as Woody Hayes, Knute Rockne, and Amos Alonzo Stagg.

While my hometown of Findlay is proud of Dick Strahm’s record on the football field, it has even greater respect for the influence that he has had on the lives of the young men in his program and in his community.

Because they do not receive athletic scholarships, those who attend NAIA schools truly are students first and athletes second. Dick Strahm always recognized that. He insisted that his players be as diligent in the classroom as they were on the field. By teaching the importance of commitment, discipline, and perseverance, Dick Strahm has prepared countless young men to become successful businessmen, public servants, and husbands and fathers.

Dick Strahm will be honored at a dinner at the University of Findlay on Saturday, September 25. Findlay continues to look to Coach Strahm for advice and guidance. We are glad that the nation now knows what we’ve known all along: our community is blessed to have such a great teacher and leader in our midst.

HONORING HAWTHORNE POLICE CHIEF JOHN L. SHANNON, JR.

HON. STEVEN R. ROTHMAN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. ROTHMAN. Mr. Speaker, I rise today to honor Police Chief John L. Shannon, Jr. of Hawthorne, New Jersey. Chief Shannon retires at the end of September, concluding a nearly 36 year career in law enforcement. In fact, Chief Shannon has spent much of his life bravely serving our country—first as a decorated soldier in the United States Air Force stationed in Vietnam and later as a committed member and leader of Hawthorne’s Police Force. I commend Chief Shannon for his dedication to our nation and its ideals of justice and freedom, both at home and abroad; Chief Shannon’s lifetime of service is befitting a true patriot.

Since first joining the Hawthorne Police Department in 1968, and with each position he has held between Patrolman and Police Chief, Chief Shannon has continually worked to improve the safety and quality of life for Hawthorne residents by involving them in Police Department decisions and programs. Chief Shannon was a leader in the development of the Cops in Schools program in Hawthorne to ensure that, while in school, students can concentrate on achievement and not be distracted by concerns for their safety. He established a School Emergency Response Plan, implemented a Junior Police Academy, created a traffic unit to focus on motorcycles and drunk and aggressive drivers and worked with seniors and business owners to create targeted crime prevention programs. Chief Shannon introduced the community policing concept to Hawthorne and thus encouraged residents and police to work together to improve their shared community.

Judging by the unanimous vote that allowed Chief Shannon to serve for 3 terms as the President of the Passaic County Chiefs Association, his Vice Presidency and State Delegate of the Hawthorne PBA Local 200, and his membership in the New Jersey, National and International Police Chiefs Associations, Chief Shannon is clearly admired and respected by his peers. The impact of his leadership will be seen for years to come in Hawthorne and Passaic.

Mr. Speaker, I thank Chief Shannon for his estimable service and wish him well in his much deserved retirement.

IN RECOGNITION OF CAROLE WOOD, A 2004 RECIPIENT OF THE MARY PHILBROOK PUBLIC INTEREST AWARD

HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to recognize and congratulate Carole Wood as a 2004 recipient of the Mary Philbrook Public Interest Award. This award is given annually by the Women’s Law Caucus and the Association for Public Interest Law, in cooperation with the Rutgers University Law School and its Alumni Association, to acknowledge and honor dedicated individuals who contribute outstanding work on behalf of social justice and equality.

Ms. Wood currently serves as the Immigration Coordinator at the Camden Center for Law and Social Justice. She has spent much of her career as a devoted advocate for indigent immigrants, beginning first with her work as a VISTA volunteer following her graduation from Chicago-Kent College of Law. From there, she went on to serve as supervising immigration attorney at Community Legal Services in Philadelphia, where she not only represented clients, but also trained attorneys and assisted community groups in their efforts. In addition to her current role at the Camden Center, which includes working with clients, training attorneys, and supervising students at the Rutgers Immigration Pro Bono Project, Ms. Wood is the Southern Regional Coordinator for the New Jersey Immigration Policy Network and the regional representative on statewide committees, a Lead Trainer for the Immigrant Legal Resource Center, an extremely active member in the National Catholic Legal Immigration Network, Inc. (CLINIC), and a member of the Diocese of Camden’s Racial Justice Committee.

I have also had the honor and privilege of working with Ms. Wood personally. She has proved extremely responsive in the context of immigration constituency cases with which my district office has dealt and has more been than willing to share her vast knowledge of immigration law with my staff in their efforts to aid my constituents. Additionally, over the past several years, she has proved invaluable in her efforts to assist my district office with the immigration restructuring and development of an efficient case work system. She has devoted considerable time to reviewing our existing system and meeting with the relevant staff in my office to
congressional record — extensions of remarks  september 22, 2004

modify the casework procedures to meet the new standards of the United States Bureau of Citizenship and Immigration Services. Her suggestions and expertise were also instrumental in assisting my efforts to dramatically expand the BCIS presence in South Jersey; now, individuals needing the agency’s services do not have to travel long distances to other parts of the state to have access to them. It is this dedication and assistance on the part of Ms. Wood that demonstrated to me why she was worthy of my personal nomination for this award.

Mary Philbrook, for whom the award is named, was the first woman admitted to the New Jersey Bar and a founder of the state’s first statewide legal aid society, as well as an eminent leader in the efforts for women’s suffrage and the passage of the Equal Rights Amendment. It is in this tradition that the award is given each year, and it is clear that Ms. Woods’ work has made her more than worthy of this recognition. She truly has demonstrated the difference that one person can make in the lives of others, and I offer her my congratulations and best wishes in her future endeavors.

proclamation recognizing william david tharp

hon. robert w. ney
of ohio
in the house of representatives
wednesday, september 22, 2004

mr. ney. mr. speaker: whereas, william david tharp has devoted himself to serving others through his membership in the Boy Scouts of America; and whereas, william david tharp has shared his time and talent with the community in which he resides; and whereas, william david tharp has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and whereas, william david tharp must be commended for the hard work and dedication he put forth in earning the eagle scout award; therefore, i join with william’s boy scout troop and his family and friends in congratulating william david tharp as he receives the eagle scout award.

honoring sister m. samuel conlan

hon. lynn c. woolsey
of california
in the house of representatives
wednesday, september 22, 2004

ms. woolsey. mr. speaker, i rise today to honor sister m. samuel conlan, who died july 11, 2004, at the age of 77. sister samuel served dominican university of california in san rafael in many capacities, including president, for many years. her association with the school dates back to 1944 when she enrolled as a freshman.

sister samuel was born patricia conlan in 1927 and took the name of her father, samuel leo conlan jr., when she entered the religious life with the dominican sisters of san rafael in 1949. she taught for five years while earning a master’s degree in english literature from catholic university of america, then joined the faculty as an english professor. in 1963, she earned her doctorate from stanford university.

from 1968 to 1980 she served dominican university as dean of student academic dean, and eventually president. she is remembered for admitting male undergraduates to the all-girls college during her tenure, but to all who knew her, her contributions were so much greater. she inspired by bringing out the best in people, teaching by her example of faith and service. her community work, which earned her an induction into the marin county women’s hall of fame in 1995, included championing the needs of children in special education.

retired from teaching in 1997, sister samuel continued to serve dominican university in various capacities until her death, including fundraising for a new chapel to be built on the campus.

mr. speaker, sister samuel was a mentor and role model to generations of students and friends. her guidance and light will be missed in our community even as we know her spirit lives on in so many around the world.

recognizing marilyn hurt

hon. ron kind
of wisconsin
in the house of representatives
wednesday, september 22, 2004

mr. kind. mr. speaker, i rise today to recognize the good works of marilyn hurt, who has served as supervisor of the school nutrition program for the school district of la crosse, wisconsin for 27 years. mrs. hurt has been dedicated to improving the lives of children and child nutrition, and i would like to thank her for all her hard work upon her retirement.

over the years, marilyn has been an active member on numerous community boards, including the american school food service association and the wisconsin school food service association. marilyn has found good public policy to be her passion, which she has illustrated by serving as a legislative chair on wisconsin’s executive board, six times, and, in 1994, she was appointed as regional representative on asfssa’s public policy and legislative committee. further, in july of 2000, marilyn was installed as president of asfssa. to better serve her community, she was mayor of dakota, minnesota for two terms, participates in rotary international, and is part of the la crosse area hunger task force. her relentless commitment to improving the lives of those around her has earned marilyn several honors. in 1994, she was the first recipient of the wsfsa director of the year award. the massachusetts school food service association selected marilyn to receive the thomas o’hear award, and most recently, she was the recipient of the prestigious silver plate award, bestowed by the international food service manufacturers association in 2000.

marilyn has nourished the lives of countless children, and i am proud to have had the opportunity to have worked with such a committed and devoted person. marilyn’s dedication has satisfied more than the grumbling stomachs of young children. her efforts have improved the food service program in numerous schools across wisconsin.

marilyn has played an instrumental role in the lives of children and their families and her selfless desire to improve the nutrition of children will be remembered not only by the children who walked through the lunch line every day, but by the entire la crosse community. she will be missed, and we are grateful for the work she has done over the past 27 years.

pilot point selected as a preserve america community

hon. michael c. burgess
of texas
in the house of representatives
wednesday, september 22, 2004

mr. burgess. mr. speaker, it is my great honor to rise today to recognize the town of pilot point, texas as a preserve america community. pilot point, located in my north texas district, was one of 26 texas cities to receive this prestigious designation.

the preserve america community program recognizes communities for their dedication to protecting and celebrating america’s cultural heritage; for using their historic assets for increased economic growth and community revitalization; and for promoting history education and historical tourism.

the preserve america community program is part of the white house’s preserve america initiative. this initiative is dedicated to preserving our country’s heritage, increasing awareness of what as well as who we are as a nation, and keeping our legacy enhanced, and intact, for future generations. since the formation of the program, first lady laura bush has recognized more than 100 communities with the preserve america honor.

other components of the program include a history teacher of the year award, educational outreach, and grants to assist communities in preserving their cultural and natural resources.

i would like to commend mayor jerry alford and the city council, as well as all those who participated in the main street project, for this distinction.

personal explanation

hon. michael m. honda
of california
in the house of representatives
wednesday, september 22, 2004

mr. honda. mr. speaker, on tuesday september 21, i was unavoidably detained for roll-call votes that day. had i been present i would have voted the following:

rollcall 457, on the van hollen amendment prohibiting any funds in h.r. 5025—transportation, treasury, and independent agencies appropriations act for fy 2005, from being used to implement the administration’s “omb circular a–76” contracting out/privatization initiative, i would have voted “yea”.

rollcall 458, on the sanders-miller amendment prohibiting funds in h.r. 5025 from being used to overturn a 2003 judicial ruling, which held that cash-balance pension conversions violate anti-
age discrimination statutes, I would have voted “yea”, and on rollcall 459, on the Norton Amendment prohibiting Federal Employee Health Plans from offering high deductible plans that do not require at least a 3-year minimum enrollment, I would have voted “yea”.

PROCLAMATION IN MEMORY OF STAFF SERGEANT DONALD N. DAVIS

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family, friends, and community of SSG Donald N. Davis upon the death of this outstanding soldier.

SSG Davis was a member of the 660th Transportation Company, U.S. Army Reserve, Zanesville, Ohio serving our great Nation in the country of Iraq. He was a determined man and a loving husband. SSG Davis did his best to make his country a better place to live.

SSG Davis will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

While words cannot express our grief during the loss of such a courageous soldier, I offer this token of profound sympathy to the family, friends, and colleagues of SSG Donald N. Davis.

HONORING STEVE McNAMARA OF MILL VALLEY, CALIFORNIA

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Steve McNamara of Mill Valley, California, for his 39 years as editor and publisher of the award-winning and innovative weekly newspaper, the Pacific Sun. Steve purchased the paper in 1966, and developed it into a newsweekly known for its quality writing, environmental advocacy, commitment to journalistic integrity, and strong relationships with the communities it serves.

The Pacific Sun, under Steve’s leadership, set a national standard for how local newspapers can influence the fabric of a community. The paper told stories about local people and took positions on important social issues, fulfilling its mission “to cover events of on-going significance with clarity, intelligence, style, and wit.”

The Sun was an influential player in opposing unfortunate environmental projects such as building a nuclear power plant at Bodega Bay on the San Andreas Fault and filling in Richardson Bay for Los Angeles style marinas. Steve also promoted the creation of Point Reyes National Seashore, preserving the beautiful Marin county coast as a jewel of the national park system rather than home to thousands of feed lot animals and the paper at some point on small, tangible issues and activities to which people can relate. During his career at the Sun, he was passionate about reporting local events, local politics and social issues, and local people. Steve was able to bring these elements together, and by doing so, he helped make up the fabric of the community.

Prior to purchasing the Sun in 1966, Steve was the Sunday editor of the San Francisco Examiner and Chronicle. He had also been the executive sports editor of The Examiner, a writer covering Grand Prix auto racing in Europe for Car and Driver Magazine, and a reporter and editor at The Miami Herald and Winston-Salem Journal. Steve became the first president of the National Association of Alternative Newsweeklys (now AAN), which has nearly 130 member papers and was a founding president of the California Association of Alternative Newsweeklys (Cal–AAN), president of the California Society of Newspaper Editors and a member of the board of the California Newspapers Association. After 50 years in journalism, 39 of them at the Pacific Sun, Steve made his decision to sell the Pacific Sun and move on to other projects at the age of 70.

Steve is proud to have been a resident of Mill Valley for so many years. His five children, and especially his wife Kay, all had an active role in the community and his lives. With his family’s help, Steve made the Pacific Sun a success, its reputation as the conscience of Marin County often contrasting with the area’s daily newspaper.

Mr. Speaker, Steve McNamara’s record social activism, ethical reporting, and community leadership embodies the idea of living and working on the human scale, and as a result, Steve has become an important part of so many lives in the North Bay. I have enjoyed working with Steve and wish him luck in his new endeavors.”

RECOGNIZING SAN DIEGO LOCAL HEROES

HON. SUSAN A. DAVIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mrs. DAVIS of California, Mr. Speaker, I rise today in honor of Hispanic Heritage Month, which commemorates the extraordinary contributions that Latinos have made to our country throughout history. During this one-month period of celebration and tribute, we honor the culture and achievements of the Hispanic community, all of which have played a historic role in our Nation.

I am proud, honored and privileged to represent California’s 53rd district in Congress. My district is extraordinarily diverse and home to many citizens who are of Latino background.

To commemorate Hispanic Heritage Month 2004, I would like to highlight the remarkable accomplishments of six San Diego residents who have been named local heroes as part of the Union Bank of California and KPBS Hispanic Heritage Month Local Hero Awards, a program honoring outstanding members of the Hispanic community.

These individuals were selected for their exceptional commitment to San Diego through community activism, the arts, business, education and social services.

The 2004 honorees are Sylvia Galvez, Jovita Juarez, Beatrice Fernandez, Mario Aguilar and Beatrice Zamora Aguilar, and Lupe Ortega.

Sylvia Galvez: Sylvia Galvez opened a group home in 1995 to help troubled female teens who had no place to stay, and is now operating two six-bed, 24-hour licensed treatment facilities in San Diego. Sylvia was inspired to help these girls because she felt she could relate to them. She herself dropped out of high school when she was 16 and pregnant with her first child. By the age of 21, she had given birth to three children and was working as a painter for both the Navy Public Works department and the portrait of Mr. Willie Davis. It was Mr. Davis who helped her return to school at the age of 28. She graduated from City College in 1991 with an A.A. in Liberal Arts and transferred to National University where she earned B.A. and M.A. degrees in Human Behavior. Recently, she and her husband purchased an eight-unit apartment complex to help foster teens after they turn 18 years old.

Jovita Juarez: Jovita Juarez is a Prevention Specialist and Community Organizer for the North City Prevention Coalition and an activist working with SAY San Diego. She uses her leadership skills to provide guidance for new prevention professionals, helping them become more productive and successful. Jovita is also the chairperson of two countywide prevention efforts: the statewide organization Latinos and Latinas for Health and Justice, where she is the Southern Chair, and the San Diego Cinco de Mayo Con Orgullo Coalition, where she has been chair for the past four years. Jovita has volunteered with many organizations throughout the years, including the National Council on Alcoholism & Drug, Hispanic Advisory Council-MADD Pass La Llaves and Youth Access to Alcohol Policy Panel, to name a few. She is now writing a book, God’s Transforming Power, which will provide a framework for early leadership development.

Bea Fernandez: Bea Fernandez has worked for San Diego City Schools for 20 years. She is currently the program coordinator for the San Diego District’s San Diego Parent University, a four year program designed to help parents become involved in their children’s education as academic coaches. Fernandez was also the Chair of the Board of MANA, a National Latina Organization. She began her service in 1995 in the San Diego chapter of MANA, the largest chapter in the nation, and was named MANA Member of the Year in 1995 for her activism, service and commitment to the organization. Fernandez was born in Calexico, CA and the first in her family to graduate from college, earning a B.A. and M.A. in Education, and an administrative credential from San Diego State University.

Mario Aguilar and Beatrice Zamora-Aguilar: Mario Aguilar is Assistant Director of the Early Academic Outreach Program at University of California, San Diego. Beatrice Zamora-
Aguilar is Interim Dean of the School of Counseling and Personal Development at Southwestern College. In 1975, Mario became involved with the ancient indigenous dance tradition called Danza Azteca. In 1980 he and Beatrice were married and together they formed the other dance circle, Danza Mexicayotl. The dance circle was recognized on December 12, 1980 in Mexico City at the Basilica of Our Lady of Guadalupe at a traditional dance ceremony. Since that time, Mario and Beatrice have consistently offered free dance classes to the communities of San Ysidro and Sherman Heights. Danza Mexicayotl has gained status as a non-profit, 501(c)(3) organization and has as its mission, “To preserve and teach the indigenous traditions of Mexico and the Southwestern U.S.” Danza Mexicayotl has become an active and well established dance tradition known throughout San Diego, California, the United States and in Mexico. Under the leadership of Mario and Beatrice, many other dance groups have formed throughout California and the Southwestern United States. Together, these groups help proliferate the songs, dance and spiritual movement of this ancient tradition from Mexico.

Lupe Ortega: Lupe Ortega is the Business Manager for O’Day Consultants, a civil engineering firm in North County, where she uses her bicultural background and bilingual skills as assets in her job. She is also a licensed real estate agent operating under Lupe Ortega Enterprises/PMT Companies, a public notary and member of the San Diego Association of Realtors. Ortega strongly agrees with giving back to the community and she donates her time, talents and skills by serving as a director on a number of boards and committees. She is also a skilled photographer and had some of her work published in Photographers Forum Best Photography Annual 1999.

Today, with an estimated Hispanic population of over 39 million in our country, we must also recognize that our efforts to commemorate Hispanic culture should not be limited merely to a one-month period. This is an outlook that each of the six San Diego Local Heroes embodies. These community leaders have used their skills and experiences to empower others. Their time and efforts are truly changing the lives of those around them.

I hope you, Mr. Speaker, and all of my colleagues will join me in honoring these unsung heroes and their accomplishments for the Latino community.

HONORING DIANE REHM FOR 25 YEARS OF RADIO BROADCASTING

HON. FORTNEY PETE STARK
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. STARK. Mr. Speaker, I rise to congratulate Diane Rehm, who today enters her 25th year of hosting her WAMU radio show, The Diane Rehm Show. Her show is a true public service and she deserves our thanks and recognition for her efforts.

In this era of soundbites, style over substance, and reporters interviewing other reporters, The Diane Rehm Show offers two hours per day of thoughtful, balanced examination of the issues. In fact, 1.4 million listeners on NPR and Sirius satellite radio enjoy Ms. Rehm’s refuge from the typical talking head radio hosts who don’t listen.

While she has hosted the biggest names in public life, some of Ms. Rehm’s most fascinating conversations are with callers or guests who are being interviewed for the first time. As she says, “It’s crucial we hear not only the voices of policymakers and experts, but that everyone has a chance to offer their opinions and ask questions.” Topics on the show range from the war in Iraq to the art of landscape design.

Ms. Rehm is also part of a tradition of public figures who turn adversity into a public service. In 1998, her career nearly came to a halt because of a mysterious speech problem. She took a leave of absence from the show until she was diagnosed and treated for spasmodic dysphonia, a neurological disorder. Not one to be defeated, she returned to the show and made a point of bringing attention to the condition by writing a book and speaking out about her disease. Shortly after her return to radio in 2000, she interviewed President Clinton and became the first radio talk show host to interview a sitting President in the Oval Office.

I’m sure I join many of my colleagues and the American public in thanking Ms. Rehm for 25 thought-provoking years. Again, we congratulate her and we look forward to many more years of The Diane Rehm Show to come.

2004 TEXAS HONOR SCHOOL BOARD FOR LEWISVILLE

HON. MICHAEL C. BURGESS
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. BURGESS. Mr. Speaker, today I would like to congratulate one of my hometown school districts for its outstanding achievements and recently being named the 2004 Texas Honor School Board by the Texas Association of School Administrators.

Among the factors that resulted in the recognition of the Lewisville School Board were its vision, commitment, and leadership as policy makers; commitment to the improvement of student performance and evidence of academic achievement; evidence of strong community support for the district; cooperation among board members and the superintendent; and evidence of successful school-business partnerships.

Congratulations to the following members of the Lewisville district school board: Mark Shaw, Fred Placke, Carol Kyer, Anita Nelson, Tom Kim, Mike McDaniel, and Tom Ferguson for the honor.

I am delighted that your award-winning performance has garnered you this recognition. Your work is greatly appreciated.

The Lewisville school district has a history of outstanding distinction throughout the state of Texas and continues to pursue educational excellence. Every member is vital to the overall goal and performance of the board.

PROCLAMATION RECOGNIZING JARED BLOOM

HON. ROBERT W. NEY
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker: Whereas, Jared Bloom has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Jared Bloom has shared his time and talent with the community in which he resides; and

Whereas, Jared Bloom has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jared Bloom must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award. Therefore, I join with the residents of Rayland, the entire 18th Congressional District, Jared’s family and friends in congratulating Jared Bloom as he receives the Eagle Scout Award.

HONORING TYLER HAMILTON’S GOLD MEDAL IN THE MEN’S CYCLING TIME TRIALS

HON. MARK UDALL
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate a constituent of my district, Tyler Hamilton, who won the gold medal in the Men’s Cycling Time Trials in Athens last month. Tyler finished the time trials with a time of 57 minutes and 37.74 seconds.

Many of you in this chamber may remember Tyler in last year’s Tour de France, when he finished fourth after he broke his collarbone in the first stage of the race. However, Tyler’s athletic career did not begin with cycling. He began skiing competitively with the University of Colorado ski team in the early 1990s. However, after a mountain biking injury ended his ability to continue to ski competitively he turned to cycling. Within a year Tyler became the NCAA cycling champion. He has continued to compete in a series of stage and one-day races, including becoming the first American to win the Liege-Bastogne-Liege, an annual 165 mile race held in Belgium.

Tyler is also actively involved with the Tyler Hamilton Foundation which works with the National Multiple Sclerosis Society and Junior Cycling. His foundation helps to provide care management for people affected by MS as well as promotes ways for people with MS to relieve social isolation and provides tools to live a fulfilling life while living with the disease.

Tyler is also working to promote the sport of cycling in the United States so that young aspiring cyclists can make it over the many hurdles to reach success in the sport. His foundation is working to broaden exposure to the sport of cyclists and expand organized cycling for the youth of America.

Tyler has made more than just a name for himself in the cycling world; he has made a name for the sport of cycling in the United States. I am sure I join many people in our
Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor the achievements of a good friend, Mr. Gregory Moore of Emmett Township, Michigan, who was recently elected the Chairman of the Calhoun County, Michigan Board of Commissioners.

A Western Michigan University alumnus and graduate fellow of the prestigious Michigan Political Leadership Program, Greg has accomplished many good deeds with his extensive local, civic and political involvement. For 14 years, he worked in the Radiology Department in the Battle Creek Health System. He also co-owned and operated a small recycling business in Calhoun County. Greg is currently serving his third term on the Calhoun County Board of Commissioners and his 10th year as a member of the Emmett Township Planning Commission. He is a former neighborhood council president and George Award honoree for outstanding service to the community.

Greg currently serves on a number of local boards and committees including: Character Unlimited, International Festival of Lights, Battle Creek Area International Relations Committee and the Substance Abuse Council of Greater Battle Creek, just to name a few. He has also been a Congressional District Director for five years.

He has been married for 15 years to his wonderful wife, Becky. Mr. Speaker, I am proud to call Greg Moore a great American.

MY ANGELS IN ADOPTION: ANTONIO AND MARTHA GOMEZ

HON. BOB FILNER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. FILNER. Mr. Speaker, I rise today to recognize two residents of my Congressional District, Antonio and Martha Gomez, who I have selected as my nominees for the sixth annual Angels in Adoption Award.

The Awards are an opportunity to honor dedicated constituents for their efforts in helping children, as well as an opportunity to raise awareness about adoption. Members of Congress are asked by the Congressional Coalition on Adoption Institute to select an individual, couple or organization from their district who has made a difference in the lives of children, either through adoption, foster care or child welfare advocacy.

I selected Antonio and Martha as my Angels in Adoption because for the past eight years, they have provided a safe and loving home to a dozen foster children, ranging in age from 2 weeks to eighteen years. Their entry into the world of foster parenting was inspired by their daughter who had a foster child. Because of her interest, Antonio and Martha decided to become foster parents, and they have never looked back.

Two years ago, they adopted one of their foster children who is now a happy five-year-old who loves and is loved by his family, including the biological children of his parents—his 16 year old brother and 23 year old sister.

Besides being a foster parent and adoptive parent, Antonio has served as President of the Imperial Valley Foster Parents Association, and he is currently serving as Facilitator, arranging weekly training meetings for the foster parents in Imperial County, California. Martha is now President of the Association which works in cooperation with Imperial Valley College and the State Department of Social Services.

A celebratory banquet is being held tomorrow evening, Thursday, September 23rd, to honor all the nominated Angels in Adoption. Attending the celebration will be actress Jane Seymour, PGA golfer Kirk Triplett, and General Manager and Senior Vice President of the Orlando Magic, Pat Williams. My Angels, Antonio and Martha, will be joining me in attending the banquet, with travel arrangements courtesy of Southwest Airlines and Parade Construction Company.

I am sincerely proud of Antonio and Martha, because they have given of themselves for the benefit of the lives of so many children. Through their example, they are an inspiration to other foster and adoptive parents in the community in which they live.

It is an honor to recognize their significant contributions and to designate them as my Angels in Adoption.

OAK GROVE UNION SCHOOL DISTRICT CELEBRATES 150TH ANNIVERSARY

HON. LYNN C. WOOLSEY
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the Oak Grove Union School District on the occasion of its 150th anniversary. Established in 1854, the school district is the second oldest continuing school district in the state of California.

Wm. M. Rider, the first teacher FOR whom records are available, in 1857 had a daily attendance of 18 students. By 1858, attendance grew to 32 children. Currently, the district has over 650 students in grades K-8 supported by the two schools in the district: Oak Grove Elementary and Willowside School.

For one hundred and fifty years, the Oak Grove School District has educated numerous generations in Gratton. This excellence would not have been possible without the support and efforts of the teachers, parents and community.

The community supports and benefits from the environmental friendly program at the Oak Grove School. The school has reduced its landfill waste by nearly 90 percent. Students enjoy fresh vegetables and fruit grown from their own classroom gardens prepared by a volunteer teacher.

The Oak Grove School District is integral to the community. The community shares in the learning experiences of the students as they test new ideas and understand that we must all work together to prepare our students to be our nation’s future leaders.

Mr. Speaker, I am honored to recognize the Oak Grove School District for its commitment to extend education beyond the classroom and into the community for one hundred and fifty years.

PROCLAMATION RECOGNIZING MS. NICOLE HARDESTY

HON. ROBERT W. NEY
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker:

Whereas, Ms. Nicole Hardesty is a student at Utica High School in Utica, Ohio; and

Whereas, Ms. Nicole Hardesty is the recipient of the Best Buy Scholarship, a nationwide program that awards scholarships based on the basis of exceptional community service and solid academic performance; and

Whereas, Ms. Nicole Hardesty must be commended for her dedication and devotion to her community and academia; and

Whereas, Ms. Nicole Hardesty has demonstrated a willingness to be a leader and a role model for the students of Utica High School.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Ms. Nicole Hardesty and the Best Buy Children’s Foundation for her outstanding accomplishment.

PERSONAL EXPLANATION

HON. THOMAS G. TANCREDO
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. TANCREDO. Mr. Speaker, I was out of town on official business yesterday, and missed Rollcall Vote numbers 457, 458, 459, and 460. Had I been present, I would have voted “no” on rollcall 457, “no” on rollcall 458, “no” on rollcall 459, and “no” on rollcall 460.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. GALLEGLY. Mr. Speaker, on Wednesday, September 15, I was unable to vote on the Hefley amendment (rollcall 455) and on the Moran amendment (rollcall 456) to H.R. 5025, the Transportation, Treasury and Independent Agencies Appropriations Act for FY 2005. Had I been present, I would have voted “no” on both amendments.
Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor one of my constituents, Dede Barry of Boulder, Colorado. Dede represented our country in the Summer Olympic Games in Greece last month. While there she won the silver medal in the Women’s Cycling Time Trials, a 14.9 mile road race, with a finishing time of 31 minutes and 35.62 seconds.

Dede at a young age showed talent as an athlete not only in cycling but speed skating, which was her first sport. At the age of 13 she qualified for the Junior National Team in speed skating. As part of her cross training she began cycling in the summer and eventually competing during the summer when she was not skating. In 1989, she won the Junior World Cycling Championships.

Eventually she chose to focus strictly on cycling. Since that time she has won two gold medals at the Pan American Games, two world championship medals and six national championship titles. By winning the silver medal in Women’s Cycling Time Trials she became only the fourth road cycling medal won by an American woman cyclist.

The sport of cycling has recently received increased exposure to the American public. However, most of that exposure has been in Men’s cycling. Dede’s silver medal win has opened her to an increase exposure to women’s cycling and encouraging young girls to take up the sport.

Again, I would like to congratulate Dede on her silver medal and thank her for so proudly representing our Nation and the State of Colorado in the Olympic Games.

HONORING MR. DONALD R. MANUEL

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. WILSON of South Carolina. Mr. Speaker, Mr. Donald R. Manuel has distinguished himself by exceptionally meritorious achievements in public service to this Nation by serving the United States Army for over 39 years. After being drafted in 1964, Mr. Manuel received his commission as a Second Lieutenant, Field Artillery. Demonstrating keen expertise and artillery skills, he moved through various positions in the units at Fort Sill, Oklahoma and the US Army Engineer Supply Center, St. Louis, Missouri.

In 1968, Mr. Manuel began his superior career as a United States Army Civilian employee as Program Manager for Value Engineering, Methods and Standards, and Commercial Activities. Because of his demonstrated abilities, in 1980 he was moved to his current position as the Assistant for General Engineering, Office of the Deputy Assistant Secretary of the Army (Installations and Housing), Assistant Secretary of the Army (Installations and Environment). Currently Mr. Manuel is the Army’s primary policy person dealing with base closure and realignment actions.

Throughout his career, Mr. Manuel has provided outstanding leadership, advice, and sound professional judgment on significant issues that affected both the Army and the Congress. His actions and counsel were invaluable to Army leaders and Members of Congress as they considered the impact of important issues. Mr. Manuel’s dedication to accomplishing the Army’s mission has been extraordinary. He has been a truly outstanding career civil servant and will be missed by the United States Army.

HONORING RICHARD M. LEVY, Ph.D.

HON. ANNA G. ESCHOOF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Ms. ESCHOO. Mr. Speaker, it is a privilege to recognize Richard M. Levy, Ph.D., my constituent from the 14th Congressional District of California and Chairman, President and CEO of Varian Medical Systems, who will be awarded the AedA 2004 Medal of Achievement on October 7, 2004. Dr. Levy will join a very select group of high-tech leaders who have received this honor, including William Hewlett and David Packard of Hewlett Packard, Ross Perot of Electronic Data Systems, Thomas J. Watson, Jr. of IBM, and Gordon Moore and Andrew Grove of Intel.

The AedA Medal of Achievement is presented annually to recognize an individual who makes significant contributions to the advancement of and service to their community, the high-tech industry, and humankind. It is the highest award presented by AedA, the Nation’s largest high tech association.

Varian Medical Systems was created in 1999 when Varian Associates, Inc., a company Dr. Levy joined in 1968, was divided into three separate companies. It provides high-energy radiation machines and associated hardware and software for treating cancer, and x-ray tubes for imaging in medical, scientific and industrial applications. With over 2,500 radiotherapy systems in place delivering treatments to more than one million cancer patients per year, including over 50 percent of all cancer patients in the U.S., the company holds a clear leadership position in this technology. Varian Medical Systems also ranks as the world’s largest merchant supplier of x-ray tubes, including products for use in CT scanners, mammography units, and other diagnostic systems.

Dr. Levy earned his bachelor’s degree from Dartmouth College and his doctorate in Nuclear Chemistry from the University of California at Berkeley. He began his business career at the Monsanto Company where he applied his scientific background as a research specialist and project manager in both basic and applied research. Within Varian, prior to assuming management and CEO duties, he gained experience in sales, marketing, service, R&D, and various corporate functions as well as managing the corporate Quality Program. Dr. Levy served as senior vice president from 1989 to 1992, and executive vice president until 1999, when Varian Medical Systems was formed and he was named CEO.

Dr. Levy is a member of the Board of Trustees of the Palo Alto Medical Foundation and the Boards of Directors of Pharmacies, Inc. and the California Healthcare Institute. He is a past Chairman of the Board of Directors of AedA, and served on the Board of Directors of the Diagnostic Imaging and Therapy Systems Division of the National Electrical Manufacturers Association.

I ask my colleagues to join me in recognizing the extraordinary leadership and contributions of Dr. Richard M. Levy as he receives the AedA Medal of Achievement Award.

PROCLAMATION RECOGNIZING MS. LESLIE FEHRMAN

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker: Whereas, Ms. Leslie Fehrman is a student at Utica High School in Utica, Ohio; and Whereas, Ms. Leslie Fehrman is the recipient of the Best Buy Scholarship, a nationwide program that awards students on the basis of exceptional community service and solid academic performance; and Whereas, Ms. Leslie Fehrman must be commended for her dedication and devotion to her community and academia; and Whereas, Ms. Leslie Fehrman has demonstrated a willingness to be a leader and a role model for the students of Utica High School; therefore, I, join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Ms. Leslie Fehrman and the Best Buy Children’s Foundation for her outstanding accomplishment.

TRIBUTE TO CHILDREN’S HOSPITAL AND RESEARCH CENTER IN OAKLAND, CALIFORNIA

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2004

Ms. LEE. Mr. Speaker, I am grateful for the opportunity today to pay tribute to the Children’s Hospital & Research Center at Oakland for its outstanding research in the area of childhood obesity—a growing epidemic among children—as well as for the superior care it provides its young hospital patients. A biomedical center of international renown, the Children’s Hospital & Research Center at Oakland is Northern California’s premier resource for children’s health and has been a center of excellence in pediatric healthcare, research, child advocacy, and medical training since 1912.

The Children’s Hospital houses the Bay area’s only pediatric Emergency Unit—treating over 54,000 young patients a year, Northern California’s only Pediatric Trauma Center—treating more than 6,000 critically injured children a year, as well as California’s busiest Pediatric Intensive Care Unit. In its dedication to address the epidemic of childhood obesity, the Children’s Hospital offers weight and nutritional programs for children and their families.
to help promote healthy habits. The Hospital’s new “Healthy Eating, Active Living” Clinic provides nutritional and physical training as well as counseling services for overweight children.

Researchers at the Hospital and Research Center have pioneered advances in the diagnosis, prevention, and treatment of childhood obesity. In the Research Center, over 300 basic and clinical investigators come together in an environment that fosters collaboration and an exchange of ideas for saving and improving lives.

I ask my colleagues in the House of Representatives/Senate to join me in paying tribute to the Children’s Hospital & Research Center at Oakland for the excellent care it provides its young patients as well as for the outstanding strides it has made in the research of childhood obesity.

THE ASSAULT ON THE INDEPENDENCE OF THE FEDERAL JUDICIARY

Mr. CONYERS. Mr. Speaker, I must inform you that Congress in general, and the House of Representatives in particular, is engaged in an unprecedented assault on the Judiciary, the crown jewel of our constitutional system.

In the last 2 years, Congress has undertaken a dispute, but interrelated actions that undermine our constitutional framework. By hamstringing, harassing, and weakening the Judicial Branch, these actions threaten to rob the Judiciary of its independence. The House has pushed unconstitutional legislation to prevent the courts from reviewing legislation, to take away the ability of judges to issue fair sentences in criminal cases, and to intimidate judges into following politically conservative beliefs when making rulings.

If enacted, these bills would, for the first time, prevent federal courts from reviewing the constitutionality of federal laws:

First, H.R. 3313 (Marriage Protection Act) prevents federal courts and the Supreme Court from reviewing challenges to the Defense of Marriage Act. It passed the House this past July by a vote of 233–194.

Second, H.R. 2028 (Pledge Protection Act of 2003), which prevents courts created by Congress and the Supreme Court from reviewing First Amendment challenges to the Pledge of Allegiance. This will be on the House floor on Thursday, September 23, 2004.

Finally, H.R. 3799 (Constitution Restoration Act of 2004) is a response to anger at two federal court decisions that cited foreign law and found certain governmental invocations of God to violate the First Amendment. H.R. 3799 would strip federal courts of jurisdiction to hear such cases. And here’s the kicker: H.R. 3799 declares it an impeachable offense for a judge to decide that H.R. 3799 violates the Constitution. In one fell swoop, Congress would overturn the centuries-old principle that judges have the ultimate power to decide if our laws violate the Constitution.

Aside from their political attack of the judiciary, these bills are unconstitutional in that they violate separation of powers, equal protection, due process, and the supremacy clause. Congress is challenging Justice John Marshall’s famous pronouncement from Marbury v. Madison that it is the province of the courts to “say what the law is.”

On top of that, permitting state courts to be the final arbiter of federal constitutional law will bring disarray to the Nation, also in violation of the Constitution. The Supremacy Clause of article VI states that the Constitution shall be the supreme law of the land, but dividing our Nation into fifty different legal regimes is the antithesis of this sacred principle. Enacting these proposals would constitute an undesirable precedent and lead to further assaults on the Judiciary.

Considering that the highest court in our land has not issued a single opinion undermining the Pledge or the Defense of Marriage Act, it is inexcusable to attack the judiciary to score political points.

The irony is that the House is celebrating Justice John Marshall by authorizing a commemorative coin in his honor, at the same time that it is passing the Pledge Protection Act and the Marriage Protection Act. These bills are entirely inconsistent with Marbury v. Madison, Justice Marshall’s seminal opinion. At a time when it is more important than ever that our Nation be a beacon of freedom, we should not countenance bills that undermine the very protector of those freedoms—our independent judiciary.

These unprecedented court stripping bills are nothing more than modern day versions of “court packing.” Just as President Franklin Roosevelt’s efforts to control the outcome of the Supreme Court by packing it with loyalists was rejected by Congress in the 1930s, there by preserving the independence of the federal judiciary, so too must this modern day effort to show the courts “who’s boss” fail as well. Last year, Congress undertook another line of attack against the Judiciary through the controversial “Fenney amendment.” This misguided legislation eliminated most of the discretion judges had when making sentencing determinations.

If we have learned anything over the years, it is that mandatory minimum sentences are counterproductive. They do not reduce crime. They punish the smaller players and their families. They distort dealing with the real problems. And they waste precious resources. Moreover, the amendment’s imposition of burdensome reporting requirements, combined with Congress’s demonstrated willingness to investigate the sentencing practices of specific judges, represents a shameless attempt to intimidate judges.

Last, but not least, I am concerned that by failing to provide judges with annual cost of living adjustments over the last decade, federal judges have faced the equivalent of a $77,000 reduction in salary. In the last 30 years, while average pay has increased 12 percent for most workers, it has decreased 25 percent for judges. This has made it increasingly difficult for the judiciary to attract and retain talented lawyers to its service.

That is why I joined my colleagues in introducing a bill, H.R. 2118, to increase the salaries of all federal judges by 16.5 percent. In the short history of our Republic, the political branches of government have all too frequently ridden the prevailing political breeze to constitutional excess.

An independent judiciary is all that protects our constitutionally guaranteed rights against the depredations of the political branches. If the judiciary is too cowed or disabled to protect us, each citizen will be at the mercy of the evershifting political winds.

PASTOR CARL KRUEGER CELEBRATES THREE ANNIVERSARIES ON OCTOBER 1, 2004

HON. GERALD D. KLECZKA
OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. KLECZKA. Mr. Speaker, on Friday, October 1, 2004 a celebration at St. John’s Lutheran Church in Cudahy, Wisconsin will be held to honor Pastor Carl Krueger. This special occasion will acknowledge three anniversaries for Pastor Krueger. The celebration will mark his 30th year of ordination in the ministry, 25 years that he has faithfully served the parishioners of St. John’s Church in Cudahy and 20 years of exemplifying the excellence Chaplain of the Wisconsin Air National Guard’s 128th Refueling Wing from which he is retiring.

Reverend Krueger was born and raised in River Rouge, Michigan, in a “down river” area of Detroit. He received a B.A. degree from the University of Michigan, Ann Arbor, and a Master of Divinity Degree from Concordia Seminary, Springfield, IL. Reverend Krueger then served as a vicar at Redeemer Lutheran Church in Marquette, Michigan.

It is apparent that Reverend Krueger is a man who is revered by his church members, respected by his military associates and highly regarded by those in the community who are familiar with the volunteer work that he has done over the years in supporting issues regarding the elderly and public health.

Pastor Krueger is a family man, having been married to his wife Dianne since 1971. He and his wife have five children, including two sets of twins.

Combining parish work and chaplain work has provided diverse challenges and opportunities for Reverend Krueger. He is well loved by the many members of the church that he has served over the past 25 years and has distinguished himself in the military by receiving a number of awards including the Air Force Commendation Medal, the Air Force Achievement Medal and the Air Force Outstanding Unit Award.

Reverend Krueger, it is with great pleasure that I extend my best wishes to you on the three anniversaries that you celebrate today and send my congratulations on your lifelong achievements and contributions to your church, community and to your country.

PROCLAMATION HONORING BOBBY D. YOUNG ON HIS 80TH BIRTHDAY

HON. ROBERT W. NEY
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker:

Whereas, Bobby D. Young was born in Perry County, Ohio on October 29, 1924; and

Whereas, Bobby D. Young is celebrating his 80th Birthday; and
Congressional Record — Extensions of Remarks
September 22, 2004

Whereas, Bobby D. Young has exemplified a love for his family, and must be commended for his dedicated service to the community as a family practitioner in Zanesville, and for his service with the Tenth Army Air Corp in Burma during World War II.

The House, in agreement with the residents of the entire 18th Congressional District of Ohio in congratulating Bobby D. Young as he celebrates his 80th Birthday.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF
HON. EARL POMEROY
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 19, 2004

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. POMEROY. Mr. Chairman, I rise today to say that I will be voting for H.R. 5006, the fiscal year 2005 Labor, Health and Human Services Education Appropriations bill, but doing so with some reluctance. While I support many of the funding provisions in this legislation, I also believe that this bill shortchanges many important needs in education and health care.

Almost 30 years after the historic No Child Left Behind legislation was passed into law, I remain concerned about Congress’ ongoing failure to commit the resources promised to our Nation’s teachers, parents and students. While I support the intentions of the education reform promise to leave no child behind, I am also convinced that the success of this new law will be determined in part by the investment made in this historic reform effort. I am deeply disappointed that this funding plan falls more than $7.2 billion short of the resources promised for low-income and disadvantaged districts, thereby making up the vast majority of the total $9.5 billion NCLB shortfall contained in the bill.

Not only does this bill fall short on critical funding for education, but it also makes cuts to the Rural Hospital Flexibility and Outreach grant programs, important resources to North Dakota health care providers. It is my understanding that Chairman REGULA has committed to work to restore this funding in conference, and I intend to actively support those efforts.

Certainly, this bill includes many provisions that I applaud. While I was pleased that the Rural Education Achievement Program once again received funding to help rural districts manage the No Child Left Behind Act’s new accountability requirements, I strongly believe this program needs increased funding. I was also pleased that this bill restores the federal overtime protections to six million workers who saw their overtime pay threatened by the Department of Labor’s new rules.

Ultimately, I cannot vote in favor of this legislation in order to ensure that the appropriations process could move forward. I remain hopeful that the Senate will include higher funding levels for these programs and that we can work on a bipartisan basis to develop a fiscally responsible funding plan that provides adequate resources to strengthen our schools, address our public health needs, and support our Nation’s workers.

COMMEMORATING THE OPENINGS OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

SPEECH OF
HON. PATRICK J. KENNEDY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 21, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, the National Mall is home to memorials that honor the sacrifices of our military service members, heroes and leaders who have shaped the course of the United States. The Mall is also home to wonderful museums that explore subjects from our natural history here on Earth, to travels to the moon and beyond. However, even with the diverse exhibits, there was always a piece of our history missing from the Mall, and on September 21, 2004, that hole was finally filled.

It is my honor to celebrate the long awaited opening of the National Museum of the American Indian on the National Mall. This museum stands as a monument not only to the past generations of Native Americans, but to the present and the future. I am hopeful that the prominent placement of this museum will help to educate our nation on the true history of Native Americans, told by their perspective and through their eyes. The museum will be home to artifacts and exhibits, but will also serve as a classroom with live performances and demonstrations. It truly is a magnificent addition to the Mall, and I look forward to visiting the museum often.

As we celebrate this joyous occasion, and visit with the thousands of Native Americans who have traveled from across the country to join in this event, Members of Congress must not forget that our relationship with Native Americans is paramount. By preserving the past and ensuring the future of Native Americans is celebrated in the museum, but it is only through the adequate funding of education, healthcare, and other initiatives critical to our Native American communities that illustrates our true commitment. I will continue to work with several of my colleagues to fight for essential programs to give Native Americans the resources they need.

I am proud to have the opportunity to welcome so many Native Americans to Washington, D.C. this week, and to welcome the National Museum of the American Indian.

COMMEMORATING THE OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

SPEECH OF
HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 21, 2004

Mr. HOYER. Mr. Speaker, “with the opening of the National Museum of the American Indian today, the sun shines a bit brighter on the National Mall. This long overdue addition to the Smithsonian is both an architectural and cultural feat achieved through hard work, imagination and perseverance of Native communities across the country. With its combination of traditional materials and state-of-the-art exhibits the museum is a true testament to native communities’ commitment to moving forward while honoring the traditions of the past.

“Potomac is Algokin for ‘where something is brought.’ Therefore, it is fitting that on the banks of the Potomac River the Native community brings our great nation the gift that is the National Museum of the American Indian. By meeting adversity with strength and a renewed commitment to the health, welfare and prosperity of their people and traditions, the Native American community is an inspiration to all Americans.”

“While we celebrate the opening of the museum we must also take the time to recommit ourselves, our nation and our resources to helping Native communities across the country. The challenges of providing adequate housing, health care and education in Indian Country must be met with our full dedication and vigor. We must recommit ourselves to providing full ballot access to all of Indian country in this fall’s election and support the efforts of the legal teams of the Native Vote 2004: Election Protection.

“In addition to dedicating ourselves to addressing the needs of the Native community, my Democratic colleagues and I are steadfastly committed to protecting tribal sovereignty and protecting the trust rights of all in Indian Country. The government-to-government relationship between the Federal government and Indian tribes must be protected as we legislate and direct funds in Congress. We must honor our nation’s responsibility to protect the land and resources of Native Americans fully and to the benefit of all in Indian Country.”

“It is a brighter day in our nation and in all of Indian Country on this opening day of the National Museum of the American Indian.”
By its passage, Congress—
(1) recognizes the important and unique contribution of Native Americans to the cultural legacy of the United States, both in the past and currently;
(2) honors the cultural achievements of all Native Americans;
(3) celebrates the official opening of the National Museum of the American Indian; and
(4) requests the President to issue a proclamation encouraging all Americans to take advantage of the resources of the National Museum of the American Indian to learn about the history and culture of Native Americans.

Mr. Speaker, this day has been a long time coming—and passage of this resolution will make clear that it is all the more welcomed by all Americans. The resolution comes to us from the Senate, where it was introduced by Colorado’s senior Senator, Ben Nighthorse Campbell.

Senator Campbell deserves our thanks, not only for this resolution but even more for his leadership in making this day a reality. He has earned the praise extended in two editorials that I am attaching for the information of our colleagues;

[From the Rocky Mountain News Sept. 21, 2004]

CAMPBELL’S LEGACY

Kudos to Sen. Ben Nighthorse Campbell for helping create the Smithsonian’s spectacular new National Museum of the American Indian, which celebrates its grand opening on the National Mall, in the shadow of the U.S. Capitol, as the centerpiece of the Smithsonian National Mall, in the shadow of the U.S. Capitol, as the capstone of Sen. Ben Nighthorse Campbell’s long before the first Europeans arrived.

In the years since, Sen. Campbell chaired the museum’s fund-raising committee, leading the effort to raise more than $300 million in private financing to turn an idea into brick and mortar. He hopes the museum will erase the myths characterizing Indians as “savages that were raping and pillaging.” The life, languages, literature, history and arts of the native people of the Western Hemisphere will be the focus of every exhibit.

Sen. Campbell, who once made his living as a designer of Indian jewelry, will showcase some of his own artwork in an opening show that will continue for six months.

When he first ran for Congress in 1986, Sen. Campbell emphasized that his political career would be about non-Indian issues as much as it would be about Indian issues. Today, the 71-year-old Cheyenne tribal chief cites numerous accomplishments that have nothing to do with that background and everything to do with making a difference, including doing his best to protect Arkansas River water from the devastating water diversions by Colorado Springs, the funding of bullet-proof vests for the nation’s police officers, pushing for a national law enforcement museum and upgrading two Colorado attractions—the Great Sand Dunes and the Black Canyon of the Gunnison—to national park status.

Today, he will stand just north of the site where the Indian Removal Act of 1830 was signed—“where the museum now sits”—and address a crowd expected to include thousands of fellow American Indians. The irony of putting the museum on the site where Congress acted to forcibly relocate Indians will make the day even more special. Sen. Campbell is retiring from Congress the end of this year. The museum he shepherded to reality will in some small measure be a tribute to this adopted Coloradan.

EXPRESSING GRAVE CONCERN OF CONGRESS REGARDING CONTINUING GROSS VIOLATIONS OF HUMAN RIGHTS AND CIVIL LIBERTIES OF SYRIAN PEOPLE BY GOVERNMENT OF SYRIAN ARAB REPUBLIC

SPEECH OF HON. ALICE L. HASTINGS OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. HASTINGS of Florida. Mr. Speaker, last fall, the Syrian Accountability Act was overwhelmingly approved. That bill required the President to impose a number of economic and diplomatic sanctions against Syria if the Syrian government failed to end its support for various terrorist organizations, refuses to elimi- nate its weapons of mass destruction, and fails to withdraw its troops from Lebanon. Correctly, the President invoked such sanctions earlier this summer.

Since the passage of that act, Syria continues to host terrorist headquarters in Damascus, it maintains 17,000 Syrian troops in Lebanon, it supports the terrorist organization Hezbollah, and it continues its vicious anti-American propaganda on government-controlled media.

The Syrian regime is one that not only supports and facilitates terrorist attacks against innocent civilians throughout the world, but also engages in a widespread campaign of terror against its own people.

In 2003, the United Nations Commission on Human Rights classified Syria as one of the world’s most oppressive regimes.

According to Human Rights International, in 2003 the Syrian Government used its vast powers to prevent any organized political opposition, continued grave abuses including the use of torture in detention and arbitrary arrests, and allowed violence and societal discrimination against women.

Unfortunately, the gross violations of human rights are not limited to Syria’s immediate borders. The repressive regime also extends into neighboring Lebanon, which Syria continues to occupy. This fact was recently acknowledged by the international community through the adoption of United Nations Security Council Resolution 1559, calling on all foreign troops to withdraw without delay from Lebanon and to stop meddling in the country’s November elections.

For all these reasons, I support whole-heartedly House Concurrent Resolution 363, which condemns the continuing gross violations of human rights and civil liberties by the Syrian dictatorship.

Mr. Speaker, H. Con. Res. 363 details and condemns the persistent repression of the people of Syria and Lebanon by the dictatorial Syrian government. It articulates our support for Syria’s human rights and pro-democracy activists and calls on free and democratic nations to take a unified stance and condemn the deplorable and heinous human rights record of the Syrian government. Also, it calls for the United States to assist Syrian dissidents in their efforts to help bring freedom to Syria.

I take this opportunity to speak directly to the President and urge him to take these instructions seriously. With respect to Syria, the United States must encourage greater openness, democratization, and economic reform, and to do so it must engage with civil society.

As president of the Organization for Security and Cooperation in Europe (OSCE PA) I am intimately aware of the success of the Organization in motivating the Soviet Union and Eastern European countries to sigh on to progressive standards of human rights and inter- nal governance. The United States should use a similar strategy of encouraging civil society activists in Syria.

The people of Syria struggle daily from freedom, respect for human rights and civil liberties, democratic self-governance, and the establishment of the rule of law against an authoritarian and tyrannical regime. I support them in their great effort, and denounce the oppressive government of Syria.

Therefore, I ask my colleagues to support this important resolution.
SENNATE COMMITTEE MEETINGS
Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 23, 2004 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

SEPTEMBER 24

9 a.m.
Environment and Public Works
Fisheries, Wildlife, and Water Subcommittee
To hold oversight hearings to examine state and private programs for sage grouse conservation. SD-406

9:30 a.m.
Foreign Relations
To hold hearings to examine the Protocol Amending the Convention Between the United States of America and the Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (including exchange of notes with attached Understanding), signed at Washington on March 8, 2004 (the “Protocol”) (Treaty Doc. 108–25), and the Second Protocol Amending the Convention Between the United States of America and Barbados for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income Signed on December 31, 1984, signed at Washington on July 14, 2004; including an exchange of notes with attached Understandings (Treaty Doc. 108–26). SD-419

SEPTEMBER 28

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine media ownership issues. SR-253

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine policies to enforce the Bank Secrecy Act and to prevent money laundering in money services businesses and the gaming industry. SD-538

Aging
To hold hearings to examine combating influenza in order to keep senior citizens alive. SD-628

2:30 p.m.
Foreign Relations
To hold hearings to examine how to combat corruption in the multilateral development banks. SD-419

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the effectiveness of media ratings systems. SR-253

SEPTEMBER 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by an oversight hearing on lobbying practices involving Indian tribes. SH-216

2 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the controversy over embryonic stem cell research. SR-253

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 2410, to promote wildland firefighter safety, H.R. 1651, to provide for the exchange of land within the Sierra National Forest, California, S. 2378, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport, H.R. 2400, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam, H.R. 3874, to convey for public purposes certain Federal lands in Riverside County, California, that have been identified for disposal, H.R. 4170, to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior, and S. Res. 387, commemorating the 40th Anniversary of the Wilderness Act. SD-366

SEPTEMBER 30

2:30 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings to examine the security of Internet Root Servers and the Domain Name System (DNS). SR-253

OCTOBER 5

9:30 a.m.
Foreign Relations
To hold hearings to examine the progress of the Millennium Challenge Corporation. SD-419
HIGHLIGHTS

Senate passed H.R. 4850, District of Columbia Appropriations.
House Committees ordered reported 16 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S9471–S9538

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 2827–2831, and S. Res. 432. Pages S9524–25

Measures Passed:

**District of Columbia Appropriations:** Committee on Appropriations was discharged from further consideration of H.R. 4850, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2826, Senate companion measure. Pages S9535–37

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees: Senators DeWine, Hutchison, Brownback, Stevens, Landrieu, Durbin, and Inouye. Page S9535

Subsequently, S. 2826 was returned to the Senate Calendar. Page S9535

**Burma Human Rights:** Committee on Foreign Relations was discharged from further consideration of S. Res. 431, expressing the sense of the Senate that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threats posed by conditions in Burma under the illegitimate rule of the State Peace and Development Council, and the resolution was then agreed to. Pages S9537–38

**Escort Committee—Agreement:** A unanimous-consent agreement was reached providing that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency, Ayad Allawi, Prime Minister of the Interim Government of the Republic of Iraq, into the House Chamber for the joint meeting on Thursday, September 23, 2004. Page S9538

Nominations Confirmed: Senate confirmed the following nomination:

By 77 yeas to 17 nays (Vote No. Ex. 187), Porter J. Goss, of Florida, to be Director of Central Intelligence. Page S9518

Messages From the House:

Measures Referred:

Measures Placed on Calendar:

Measures Read First Time:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Notices of Hearings/Meetings:

Authority for Committees to Meet:

Record Votes: One record vote was taken today. (Total—187) Page S9518

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:33 p.m., until 11 a.m., on Thursday, September 23, 2004. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on Page S9538.)
Committee Meetings

(Committees not listed did not meet)

9/11 COMMISSION RECOMMENDATIONS
Committee on Appropriations: Committee concluded a hearing to examine the 9/11 Commission intelligence recommendations, focusing on the quality of analysis, effective information-sharing among agencies, protecting civil liberties, assuring clarity of authority for clandestine operations, and reforming Congressional oversight, after receiving testimony from Richard A. Posner, Judge of the Court of Appeals, 7th Circuit; John J. Hamre, Center For Strategic and International Studies, Washington, D.C., former Under Secretary of Defense; and Dale Watson, former Executive Director of Terrorism and Counter-Intelligence, Federal Bureau of Investigation, Department of Justice.

INSURANCE INDUSTRY
Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the condition and regulation of the insurance industry, after receiving testimony from Gregory Serio, New York Department of Insurance, Albany, on behalf of the National Association of Insurance Commissioners; Arthur F. Ryan, Prudential Financial, Newark, New Jersey, on behalf of the American Council of Life Insurers; William H. McCartney, United Services Automobile Association Group, San Antonio, Texas; J. Robert Hunter, Consumer Federation of America, and Brian K. Atchinson, Insurance Marketplace Standards Association, both of Washington, D.C.; Alan F. Liebowitz, OMNIA (Bermuda), Ltd., Purchase, New York, on behalf of the American Bankers Insurance Association; Albert R. Counselman, Riggs, Counselman, Michaels, Downes, Inc., Baltimore, Maryland, on behalf of the Council of Insurance Agents and Brokers; Thomas B. Ahart, Ahart, Frinzi, and Smith Insurance, Phillipsburg, New Jersey, on behalf of the Independent Insurance Agents and Brokers of America, Inc.

BUSINESS MEETING
Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:
- S. 2541, to reauthorize and restructure the National Aeronautics and Space Administration, with amendments;
- S. 2393, to improve aviation security, with an amendment;
- S. 1798, to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedding, clothing, and candles, with an amendment in the nature of a substitute;
- S. 2820, to ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, with amendments;
- S. 1963, to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services, with an amendment in the nature of a substitute;
- S. 1380, to distribute universal service support equitably throughout rural America;
- S. 2145, to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, with an amendment in the nature of a substitute;
- S. 2647, to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, with an amendment in the nature of a substitute;
- S. 2489, to establish a program within the National Oceanic and Atmospheric Administration to integrate Federal coastal and ocean mapping activities, with an amendment in the nature of a substitute;
- S. 480, to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996; and

The nominations of Deborah P. Majoras, of Virginia, and Jon D. Leibowitz, of Maryland, both to be Federal Trade Commissioners, sundry nominations for promotion in the U.S. Coast Guard and the National Oceanic and Atmospheric Administration.

NOMINATION
Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Lloyd O. Pierson, an Assistant Administrator for Africa, United States Agency for International Development, and to be a Member of the Board of Directors of the African Development Foundation, after the nominee, who was introduced by Representative Royce, testified and answered questions in his own behalf.

BUSINESS MEETING
Committee on the Governmental Affairs: Committee ordered favorably reported an original bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government.
BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 2686, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, with an amendment in the nature of a substitute;

S. 518, to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy, with an amendment in the nature of a substitute;

S. 2283, to extend Federal funding for operation of State high risk health insurance pools, with an amendment in the nature of a substitute;

S. 1217, to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls, with an amendment in the nature of a substitute;

S. 2815, to give a preference regarding States that require schools to allow students to self-administer medication to treat that student’s asthma or anaphylaxis;

S. 2526, to reauthorize the Children’s Hospitals Graduate Medical Education Program, with an amendment in the nature of a substitute;

S. Res. 389, expressing the sense of the Senate with respect to prostate cancer information; and

An original bill entitled ‘‘Elder Justice Act’’; and

The nominations of Jonathan Baron, of Maryland, Elizabeth Bryan, of Texas, James R. Davis, of Mississippi, Frank H. Handy, of Florida, Eric Hanushek, of California, Caroline Hoxby, of Massachusetts, Roberto Lopez, of Texas, Richard Milgram, of New Mexico, Sally Shaywitz, of Connecticut, Joseph Torgersen, of Florida, Herbert Walberg, of Illinois, each to be a Member of the Board of Directors of the National Board for Education Sciences, Herman Belz, of Maryland, Craig Haffner, of California, James Hunter, of Virginia, Tamar Jacoby, of New Jersey, Harvey Klehr, of Georgia, Thomas Lindsay, of Texas, Iris Love, of Vermont, Thomas Mallon, of Connecticut, and Ricardo Quinones, of California, each to be a Member of the National Council on the Humanities, Beverly Allen, of Georgia, Gail Daly, of Texas, Donald Leslie, of Wisconsin, Amy Owen, of Utah, Sandra Pickett, of Texas, Renee Swartz of New Jersey, and Kim Wang, of California, each to be a Member of the National Museum and Library Services Board, James Ballinger, of Arizona, Gerald Schwarz, of Washington, and Terence Teachout, of New York, each to be a Member of the National Council on Disability, Juan Olivarez, William Miller, and Richard Wagner, of Florida, each to be a Member of the National Institute for Literacy Advisory Board, Arden Bement, Jr., of Indiana, to be Director of the National Science Foundation, and sundry nominations for promotion in the Public Health Service.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act, with an amendment in the nature of a substitute;

S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, with an amendment in the nature of a substitute; and

S. 2605, to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, with an amendment in the nature of a substitute.

Also, Committee approved the issuance of various subpoenas pursuant to the In re Tribal Lobbying Matters, et al. investigation.

NATIVE AMERICAN CODE TALKERS

Committee on Indian Affairs: Committee concluded an oversight hearing on the contributions of Native American code talkers in American military history, after receiving testimony from Gordon H. Mansfield, Deputy Secretary of Veterans Affairs; Brigadier General John S. Brown, USA (Ret.), U.S. Army Center of Military History; Clarence Wolf Guts, and John Yellow Bird Steele, both of the Oglala Sioux Tribe, Pine Ridge, South Dakota; Don Loudner, American Indian Veterans of the United States, Mitchell, South Dakota; Robin Roberts, USMC (Ret.), Sac Fox Tribe, and Samson Keahna, Sac and Fox Tribe of the Mississippi in Iowa, both of Tama, Iowa; Gregory E. Pyle, Choctaw Nation of Oklahoma, Durant; Melvin Kerchee, Jr., Comanche Nation, Lawton, Oklahoma; and William C. Meadows, Southwest Missouri State University Department of Sociology and Anthropology, Springfield.
COUNTER-TERROISM

Committee on the Judiciary: Committee concluded a hearing to examine counterterrorism legislation and proposals, including the USA PATRIOT ACT (P.L. 107–56), and S. 1709, to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, (the SAFE Act), after receiving testimony from Senators Craig and Durbin; former Representative Bob Barr; James B. Comey, Deputy Attorney General, Department of Justice; and Daniel P. Collins, Munger, Tolles, and Olson, LLP, Los Angeles, California, former Associate Deputy Attorney General, Department of Justice.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Christopher A. Boyko, to be United States District Judge for the Northern District of Ohio, who was introduced by Senator DeWine and Representative LaTourette, and Beryl A. Howell, of the District of Columbia, who was introduced by Senator Leahy, to be a Member of the United States Sentencing Commission, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Measures Introduced: 10 public bills, H.R. 5119–5128; and; 11 resolutions, Con. Res. 495–496, and H. Res. 784, 786–793 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

H. R. 4555, to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards, amended (H. Rept. 108–694); and

H. Res. 785, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–695).

Chaplain: The prayer was offered today by Rev. Austin DeLoach, Jr., Pastor, Southside Baptist Church in Lakeland, Georgia.

Transportation, Treasury, and Independent Agencies Appropriations Act for FY05: The House passed H.R. 5025, making appropriations for the Departments of Transportation and Treasury, and Independent agencies for the fiscal year ending September 30, 2005, by a yea and nay vote of 397 yeas to 12 nays, Roll No. 465. The bill was also considered on Tuesday, September 14, Wednesday, September 15, and Tuesday, September 21.

Agreed Tuesday, September 14, to limit further amendments offered and the time for debate on such amendments.

The unanimous consent agreement was debated on Wednesday, September 15 to strike any provision for the amendment by Representative Flake regarding Cuba.

A separate vote was demanded on the Stenholm amendment that prohibits the use of funds to implement any suspension of issuance of obligations of the U.S. for purchase by the Civil Service Retirement and Disability Fund, to implement any suspension of issuance of obligations of the U.S. for purchase by the Thrift Savings Fund for the Government Securities Investment Fund, or to implement any sale or redemption of securities, obligations, or other invested assets of the Civil Service Retirement and Disability Fund before maturity, which was agreed to yesterday, September 21, by a voice vote (agreed to by a recorded vote of 404 ayes to 8 noes, Roll No. 463);

Rejected the Obey motion to recommit the bill to the Committee on Appropriations with instructions to report it back to the House promptly with an amendment, by a yea and nay vote of 201 yeas to 210 nays, Roll No. 464.

Agreed to:

Lee amendment that prohibits the use of funds to implement, administer, or enforce the amendments made to the Code of Federal Regulations relating to specific licenses for U.S. academic institutions;

Waters amendment (no. 12 printed in the Congressional Record of September 15) that prohibits the use of funds to implement any sanction imposed by the U.S. on private commercial sales of agricultural commodities, medicine, or medical supplies to Cuba (agreed to by voice vote, after agreeing to vitiate the request for a recorded vote); and

Agreed Tuesday, September 14, to limit further amendments offered and the time for debate on such amendments.

The unanimous consent agreement was debated on Wednesday, September 15 to strike any provision for the amendment by Representative Flake regarding Cuba.

A separate vote was demanded on the Stenholm amendment that prohibits the use of funds to implement any suspension of issuance of obligations of the U.S. for purchase by the Civil Service Retirement and Disability Fund, to implement any suspension of issuance of obligations of the U.S. for purchase by the Thrift Savings Fund for the Government Securities Investment Fund, or to implement any sale or redemption of securities, obligations, or other invested assets of the Civil Service Retirement and Disability Fund before maturity, which was agreed to yesterday, September 21, by a voice vote (agreed to by a recorded vote of 404 ayes to 8 noes, Roll No. 463);

Rejected the Obey motion to recommit the bill to the Committee on Appropriations with instructions to report it back to the House promptly with an amendment, by a yea and nay vote of 201 yeas to 210 nays, Roll No. 464.

Agreed to:

Lee amendment that prohibits the use of funds to implement, administer, or enforce the amendments made to the Code of Federal Regulations relating to specific licenses for U.S. academic institutions;

Waters amendment (no. 12 printed in the Congressional Record of September 15) that prohibits the use of funds to implement any sanction imposed by the U.S. on private commercial sales of agricultural commodities, medicine, or medical supplies to Cuba (agreed to by voice vote, after agreeing to vitiate the request for a recorded vote); and
Olver amendment prohibits the use of funds to issue or implement the proposed regulation entitled Parts and Accessories Necessary for Safe Operation; Certification of Compliance With Federal Motor Vehicle Safety Standards, published in the Federal Register on March 19, 2002 (by a recorded vote of 359 ayes to 70 noes, Roll No. 462).

Pages H7340–46, H7347–48

Rejected:

Rangel amendment that sought to prohibit the use of funds to implement, administer, or enforce the economic embargo of Cuba (by a recorded vote of 188 ayes to 225 noes, Roll No. 461).

Pages H7339–40, H7346–47

H. Res. 770, the rule providing for consideration of the bill was agreed to on Tuesday, September 14.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Civil War Sesquicentennial Commission Act: H.R. 2449, amended, to establish a commission to commemorate the sesquicentennial of the American Civil War;  

Pages H7351–54


Pages H7354–57

Supporting the goals and ideals of National Preparedness Month: H. Con. Res. 489, supporting the goals and ideals of National Preparedness Month;  

Pages H7357–59

Supporting the goals and ideals of National Long-Term Care Residents’ Rights Week: H. Res. 772, supporting the goals and ideals of National Long-Term Care Residents’ Rights Week and recognizing the importance to the Nation of residents of long-term care facilities, including senior citizens and individuals living with disabilities;  

Pages H7359–60

Expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion: H. Con. Res. 473, amended, expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion;  

Pages H7360–61

Agreed to amend the title so as to read: expressing the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion.  

Page H7761

Eva Holtzman Post Office Building Designation Act: H.R. 5039, 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”;  

Pages H7362–63


Pages H7363–64

Congratulating Lance Armstrong on his record-setting victory in the 2004 Tour de France: H. Res. 761, congratulating Lance Armstrong on his record-setting victory in the 2004 Tour de France;  

Pages H7364–66

Recognizing the outstanding efforts of those who assisted the North Platte Canteen in Nebraska during WWII from December 25, 1941 to April 1, 1946: H. Con. Res. 161, amended, recognizing the outstanding efforts of the individuals and communities who volunteered or donated items to the North Platte Canteen in North Platte, Nebraska, during World War II from December 25, 1941, to April 1, 1946;  

Pages H7366–68

Recognizing military unit family support volunteers for their service: H. Con. Res. 486, recognizing and honoring military unit family support volunteers for their dedicated service to the United States, the Armed Forces, and members of the Armed Forces and their families;  

Pages H7368–70

Commending the National Oceanic and Atmospheric Administration: H. Con. Res. 488, amended, commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley and Frances;  

Pages H7370–73

Agreed to amend the title so as to read: commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley, Frances, and Ivan.  

Page H7373

Justin W. Williams United States Attorney’s Building Designation Act: H.R. 3428, to designate a portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the “Justin W. Williams United States Attorney’s Building”;  

Pages H7373–74

Joe Skeen Federal Building Designation Act: H.R. 3734, to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the “Joe Skeen Federal Building”;  

Pages H7374–76


Pages H7381–86
Condemning the terrorist attack in Jakarta, Indonesia, that occurred on 9/9/04: H. Res 767, amended, condemning the terrorist attack in Jakarta, Indonesia, that occurred on September 9, 2004; Pages H7386–88

Encouraging the International Olympic Committee to select New York City as the site of the 2012 Olympic Games: H. Con. Res. 475, encouraging the International Olympic Committee to select New York City as the site of the 2012 Olympic Games;

Supporting the goals of National Farm Safety and Health Week: H. Con. Res. 494, supporting the goals and purposes of National Farm Safety and Health Week and applauding the men and women who provide a stable supply of food and fiber for the United States and the world;

Pine Springs Land Exchange Act: H.R. 4806, amended, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico;

Authorizing a feasibility study with respect to the Mokelumne River: H.R. 4045, amended, to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River; and


Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further consideration will continue tomorrow, September 25.

Adoption Tax Relief Guarantee Act: H.R. 1057, to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

Pledge Protection Act of 2004—Rule for Consideration: The House agreed to H. Res. 781, the rule providing for consideration of H.R. 2028, to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance, by voice vote.

Tax Relief, Simplification, and Equity Act of 2003—Motion to Instruct Conferrees: The House debated the Moore motion to instruct conferrees on H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit. Further proceedings on the motion were postponed.

Pages H7399–H7404

Senate Message: Message received from the Senate today appears on page 7331.

Senate Referral: S. 2279 was referred to the Committee on Transportation and Infrastructure.

Quorum Calls—Votes: Two yea and nay votes and three recorded votes developed during the proceedings of today and appear on pages H7346–47, H7347, H7349, H7350, H7351. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12 p.m.

Committee Meetings

REPAIRING THE 21ST CENTURY CAR
Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled “Repairing the 21st Century Car: Is Technology Locking the Consumer Out?” Testimony was heard from public witnesses.

E–RATE PROGRAM INVESTIGATION
Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “Problems with the E-rate Program: Waste, Fraud, and Abuse Concerns in the Wiring of Our Nation’s Schools to the Internet.” Testimony was heard from the following officials of the FCC: H. Walker Feaster, III, Inspector General; and Jeffrey Carlisle, Chief, Wireline Competition Bureau; and public witnesses.

In refusing to give testimony at the hearing, the following individuals: Judy Green, former E-rate Consultant and Salesperson, Video Network Communications, Inc., and Quentin R. Lawson, National Alliance of Black School Educators, invoked Fifth Amendments privileges.

9/11 COMMISSION RECOMMENDATIONS
Committee on Financial Services: Held a hearing entitled “Legislative Proposals to Implement the Recommendations of the 9/11 Commission.” Testimony was heard from the following officials of the Department of the Treasury: Stuart A. Levey, Under Secretary, Office of Terrorism and Financial Intelligence; and Brian C. Roseboro, Under Secretary, Domestic Finance.

DRUG TREATMENT ACCESS
Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled “Access to Recovery: Improving Participation and Access in Drug Treatment.”
Testimony was heard from Charles G. Curie, Administrator, Substance Abuse and Mental Health Services Administration; Michael Passi, Associate Director, Department of Family and Community Services, City of Albuquerque, NM; and a public witness.

DIETARY SUPPLEMENTS

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing entitled “Dietary Supplements: Nature’s Answer to Cost Effective Preventative Medicine.” Testimony was heard from Paul Coates, Director, Office of Dietary Supplements, NIH, Department of Health and Human Services; and public witnesses.

COMBATING TERRORISM: 9/11 RECOMMENDATIONS AND NATIONAL STRATEGIES

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled “Combating Terrorism: The 9/11 Commission Recommendations and the National Strategies.” Testimony was heard from the following members of the 9/11 Commission: Slade Gorton; and Richard Ben-Veniste; Norman Rabkin, Managing Director, Homeland Security and Justice Team, GAO; Raphael Perl, Senior Policy Analyst, CRS, Library of Congress; and a public witness.

IDENTITY THEFT

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held an oversight hearing entitled “Identity Theft: The Causes, Costs, Consequences, and Potential Solutions?” Testimony was heard from Orson Swindle, Commissioner, FTC; Steven Martinez, Deputy Assistant Director, Cyber Division, FBI, Department of Justice; Larry Johnson, Special Agent in Charge, Criminal Investigative Division, U.S. Secret Service, Department of Homeland Security; Patrick O’Carroll, Acting Inspector General, SSA; and public witnesses.

ASIA’S ENVIRONMENTAL CHALLENGES

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Asia’s Environmental Challenges. Testimony was heard from public witnesses.

LIBYA’S WMD DISARMAMENT

Committee on International Relations: Subcommittee on International Terrorism, Nonproliferation and Human Rights held a hearing on Disarmament of Libya’s Weapons of Mass Destruction. Testimony was heard from Representative Weldon (PA); and the following officials of the Department of State: Paula A. DeSutter, Assistant Secretary, Bureau of Verification and Compliance; Philo Dibble, Deputy Assistant Secretary, Bureau of Near Eastern Affairs; and Kurt Kessler, Acting Deputy Director, Bureau of Nonproliferation.

JUSTICE FOR ALL ACT; BALANCED BUDGET AMENDMENT

Committee on the Judiciary: Ordered reported H.R. 5107, Justice For All Act of 2004.

The Committee began consideration of H. J. Res. 22, Proposing a balanced budget amendment to the Constitution of the United States.

CIVIL RIGHTS COMMISSION SUBPOENA

Committee on the Judiciary: Subcommittee on the Constitution approved a motion to authorize the issuance of a subpoena to Custodian of Records, United States Commission on Civil Rights.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following measures: H.J. Res. 102, 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; H. Res. 737, Recognizing the 60th anniversary of the Liberation of Guam during World War II; H. Res. 752, Expressing continued support for the construction of the Victims of Communism Memorial; H.R. 2440, amended, Indian Health Care Improvement Act; H.R. 3176, amended, Ojito Wilderness Act; H.R. 3283, amended, Federal Lands Recreation Enhancement Act; H.R. 3391, amended, Provo River Project Transfer Act; H.R. 4593, amended, Lincoln County Conservation, Recreation, and Development Act; H.R. 4650, Wichita Project Equus Beds Division Authorization Act of 2004; H.R. 4683, amended, Gullah/Geechee Cultural Heritage Act; H.R. 4887, amended, Cumberland Island Wilderness Boundary Adjustment Act of 2003; H.R. 4908, amended, Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2004; H.R. 5016, To extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; H.R. 5104, To amend the Marine Mammal Protection Act of 1972 to authorize appropriations for the John H. Prescott Marine Mammal Rescue Assistance Grant Program; and S. 347, amended, Rim of the Valley Corridor Study Act.
WATER LEGISLATION
Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 2603, To impose limitations on the authority of the Secretary of the Interior to claim title or other rights to water absent specific direction of law or to abrogate, injure, or otherwise impair any right to the use of any quantity of water; H.R. 4580, To remove certain restrictions on the Mammoth Community Water District’s ability to use certain property acquired by that District from the United States; and H.R. 4623, Eastern New Mexico Rural Water System Act of 2004. Testimony was heard from Mark Limbaugh, Deputy Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE
Committee on Rules: Committee granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of September 23, 2004, providing for consideration or disposition of a conference report to accompany the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

NATURAL GAS PRICES IMPACT
Committee on Small Business: Subcommittee on Rural Enterprise, Agriculture and Technology held a hearing entitled “The Impact of High Natural Gas Prices on Small Farmers and Manufacturers.” Testimony was heard from Representatives King (IA), and Peterson (PA); and public witnesses.

HAITI TRADE PREFERENCES
Committee on Ways and Means: Subcommittee on Trade held a hearing on Trade Preferences for Haiti. Testimony was heard from Senators Dewine and Graham (FL); and public witnesses.

CYBER ISSUES BRIEFING
Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Cyber Issues. The Committee was briefed by departmental witnesses.

EMERGENCY WARNING SYSTEMS

Joint Meetings
HEALTH INSURANCE
Joint Economic Committee: Committee concluded a hearing to examine consumer choice and addressing “adverse selection” concerns with regard to health care and health insurance, focusing on ways insurance markets might use pooling and pricing of risks to resolve coverage issues, after receiving testimony from Mark V. Pauly, University of Pennsylvania Wharton School, Philadelphia; James H. Cardon, Brigham Young University Department of Economics, Provo, Utah; Jeffrey M. Closs, BENU, Inc., San Mateo, California; and Linda J. Blumberg, Urban Institute, Washington, D.C.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 23, 2004
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine National Labor Relations Board issues, 9:30 a.m., SD–192.
Committee on Armed Services: to hold hearings to examine the Global Posture Review of United States military forces stationed overseas, 2:30 p.m., SH–216.
Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the role of prescription drug monitoring programs, 2 p.m., SD–430.
Select Committee on Intelligence: closed business meeting to consider pending intelligence matters, 4 p.m., SH–219.
Special Committee on Aging: to meet to discuss the new Medicare-approved prescription drug cards and transitional assistance programs for seniors, 2:30 p.m., SD–628.

House
Committee on Agriculture, to consider the following measures: H. Res. 261, Expressing the support of the House of Representatives for the efforts of organizations such as Second Harvest to provide emergency food assistance to hungry people in the United States, and encouraging all Americans to provide volunteer services and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; H. Res. 481, Recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those programs to
efforts to decrease hunger and help feed those in need; H.R. 2119, To provide for the use by the State of North Carolina of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina; H.R. 2984, To amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears, H.R. 3372, To designate the facility of the Agriculture Research Service of the Department of Agriculture located at State Highway 26 West in Poplarville, Mississippi, as the "Thad Cochran Southern Horticultural Laboratory;" H.R. 3514, Pennsylvania National Forest Improvement Act of 2003; S. 33, To authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; H.R. 4569, To provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen Phytophthora ramorum; H.R. 4620, To confirm the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans; H.R. 4918, To provide for the conveyance of certain Federal land administered by the Department of Agriculture in the City of Bastrop, Louisiana, to the City to permit the City to establish and operate a regional emergency services training center for firefighters, police, and EMS personnel serving rural communities in northeast Louisiana, southern Arkansas, and western Mississippi; H.R. 5042, 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; and S. 1814, To transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior, 1 p.m., 1300 Longworth.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing entitled "Current Safeguards Protecting Taxpayers Against Diploma Mills," 11 a.m., 2175 Rayburn.


Subcommittee on Oversight and Investigations, hearing entitled "FDA’s Role in Protecting the Public Health: Examining FDA’s Review of Safety and Efficacy Concerns in Anti-Depressant Use by Children," 11 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled "Encouraging Small Business Growth and Access to Capital," 11 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled “Intellectual Property Piracy: Are We Doing Enough to Protect U.S. Innovation Abroad?” 11 a.m., 2154 Rayburn.

Committee on International Relations, hearing on United States Security Policy in Afghanistan on the Eve of National Elections, 1 p.m., 2172 Rayburn.


Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing hearing on the Upcoming Thirteenth Regular Meeting of the Conference of the Parties (COP13) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 2 p.m., 1324 Longworth.

Committee on Ways and Means, September 23, Subcommittee on Select Revenue Measures, hearing on Select Tax Issues, 11:30 a.m., 1100 Longworth.
Congressional Record

The Congressional Record (USPS 087-390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed on one time. Public access to the Congressional Record is available online through GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202-512-1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1-888-293-6498 (toll-free), 202-512-1530 (D.C. area); Fax: 202-512-1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. The Congressional Record paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $232.00 for six months, $453.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue in payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to 866-512-1800 (toll free), 202-512-1800 (D.C. area), or fax to 202-512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.