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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LEACH).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 24, 2004.

I hereby appoint the Honorable JAMES A. LEACH to act as Speaker pro tempore on this day.

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

PRAYER

Bishop Alfred A. Owens, Jr., Greater Mount Calvary Holy Church, Washington, DC, offered the following prayer:

Most gracious and everlasting God, we thank You for this, another glorious day that You have allowed us to see, and we honor You for Your undying faithfulness towards us.

Lord, help us to continually hold up the light of Your love, and may we be always mindful of our collective duty to serve each other as we serve You.

Teach us Your ways and lead us in a plain path. Shine Your light upon the road that our Members of Congress must travel. Give them grace and truth to guide their every decision. Unite them under the banner of Your love and allow them to speak with one clarion voice that which You would have them say.

Teach us all to lean on Your everlasting arms, and give us the grace to lead according to Your everlasting Word. Amen.

THE JOURNAL

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

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

Mr. PEARCE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. PEARCE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. FILNER 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. 3108. An act to amend the employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3108) ''An Act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. GREGG, Mr. MCCONNELL, Mr. BAUCUS, and Mr. KENNEDY, to be the conferees on the part of the Senate.

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

S. 1786. An act to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act.

The message also announced that pursuant to Public Law 100–175, as amended by Public Laws 102–375, 103–171, and 106–501, the Chair, on behalf of the Democratic Leader, after consultation with the members of the Committee on Health, Education, Labor, and Pensions, and the Committee on Aging, appoints the following individuals as members of the Policy Committee to the White House Conference on Aging—

The Senator from Iowa (Mr. HARKIN); and

The Senator from Nevada (Mr. REID).

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

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OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 13, 2004 at 10:10 a.m.

That the Senate passed without amendment H. Con. Res. 361.

Appointments:

Board of Visitors United States Naval Academy.

Board of Visitors United States Air Force Academy.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bills on Thursday, February 19, 2004:

H.R. 743, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes;

S. 523, to make technical corrections to laws relating to Native Americans, and for other purposes.

REMEMBERING VICTIMS OF BROTHERS TO THE RESCUE SHOOTDOWN ON EIGHTH ANNIVERSARY

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor the memory of Carlos Costa, Armando Alejandre, Mario de la Pena, and Pablo Morales, who, 8 years ago today, were murdered by the terrorist regime in Havana.

These four brave men, committed to the cause of freedom and democracy in Cuba, ventured out over international waters in search of those who risked it all to reach here, the United States, the land of liberty. But what they came face to face with was the evil, ruthless, and brutal nature of the Castro dictatorship in the form of MiG–29 fighter jets. Like vultures circling their prey, these MiGs closed in, and at 3:21 and 3:27 p.m. aimed their missiles and destroyed these two Brothers to the Rescue planes.

There would be no international outcry. Yet their deaths at the hands of the tyrant and his agents of terror would serve as a catalyst, a call to action, a new Grito de Baire, for Cuba's internal opposition.

I ask my colleagues to remember these fallen heroes, Carlos, Armando, Mario, and Pablo, and to pray for the enslaved people of Cuba.

ETHICAL CLOUD HANGING OVER WASHINGTON GROWS DARKER

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

Mr. ALLEN. Mr. Speaker, the ethical cloud hanging over Republicans in Washington grows darker.

Every good lawyer and judge knows the importance of avoiding conflicts of interest and the appearance of conflicts of interest. Last month, Supreme Court Justice Antonin Scalia went hunting in Louisiana with Vice President CHENEY, on land owned by an oil executive. They flew on Air Force Two, at taxpayer expense.

Three weeks earlier, the Supreme Court agreed to decide In Re Cheney, a case brought to force Vice President CHENEY to disclose information about his secret energy task force meetings with oil executives. Justice Scalia said afterwards, ''I do not think my impartiality could reasonably be questioned.''

He is wrong. He has no business deciding a case of enormous significance to his friend and hunting companion.

To preserve the integrity of the Supreme Court and to maintain the trust of the public, Justice Scalia should recuse himself from any role in the Cheney case. And Vice President CHENEY should have been the first to ask him to do so.

IN SUPPORT OF PROPOSED CONSTITUTIONAL AMENDMENT REGARDING MARRIAGE

(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, after weeks of legal and moral confusion, from Massachusetts to California, today President George W. Bush called on this Congress to adopt a constitutional amendment defining marriage historically and culturally as it has ever been, as the union between a man and a woman. In so doing, President George W. Bush brought moral clarity to the debate by calling for this amendment banning gay marriage, in his words, preventing courts from changing that ''most enduring of human institutions.''

And so marriage is. Ordained by God, confirmed by law, marriage is the glue of the family and the safest harbor for children. Congress should heed President Bush's courageous moral leadership, pass the marriage amendment, and affirm the confidence of the American people in our ability to defend their most cherished of institutions.

A WEAPON OF MASS DISTRACTION

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

Mr. FILNER. Well, there they go again. The Commander in Chief has signalled the start of the culture wars, so they are here with their wedge politics, trying to divide us, trying to divide us as a Nation.

Three million jobs lost since this President took office, a war in Iraq that we cannot seem to win, 545 of our bravest young men and women killed, more waiting as sitting ducks; but what we are going to talk about in this House is a constitutional amendment to preserve marriage. Talk about wedge politics at its finest. Talk about something to divide the Nation.

Mr. Speaker, the gentleman from Indiana, and I assume all those who are going to come after him, should look at the history of the United States and the Constitution, the Constitution which represents for us expanding the rights of all Americans, expanding.

We went from giving the right to citizenship to African Americans to giving the right to vote to women, always expanding what the American Dream was about, always expanding what America ought to be. But now we are going to pass an amendment that restricts rights. Now we are going to pass an amendment that says do not look at jobs, do not look at the war in Iraq, do not look at any of the things that bother the American people at their dinner table, their lack of health insurance, their lack of quality education. No, let us focus on this constitutional amendment.

Mr. Speaker, the Commander in Chief has unleashed his Weapon of Mass Distraction.

UNBORN VICTIMS AND MORAL LEADERSHIP

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

Mr. DELAY. Mr. Speaker, this week the House will hear a lot, on the floor and off the floor, about the Unborn Victims of Violence Act, also known as Laci and Conner's Law, which acknowledges the victimhood of unborn children injured during attacks against their pregnant mothers.

Though the bill says nothing about Roe v. Wade, Casey v. Planned Parenthood, or any abortion law at any level of government in this Nation, we will hear false arguments to the contrary. We will hear the usual arguments, from the usual suspects, that any legislation that in any way recognizes the humanity of unborn children is an assault on the Constitution.

Those of us who support this legislation, who, I should add, represent a point of view shared by more than 80 percent of the American people, will be scolded and have fingers wagged at us by people telling us in ominous tones that they ''know what we are doing.''

Well, I should hope so. I hope the whole world knows what we are doing,

sees the stands that we are taking on behalf of pregnant mothers and their families, providing justice and codifying common sense.

There is nothing in Laci and Conner's Law we should hide from. Indeed, so intuitive is the notion that an attack against a pregnant mother involves two victims, so essential to both natural law and basic human experience, that I would venture to guess that even most children in this country just assume that legislation like the Unborn Victims of Violence Act is already on the books.

This is a no-brainer, Mr. Speaker. Of course Laci and Conner's Law should be passed. Of course this House and this Nation can stand up for pregnant women and their families and acknowledge the injuries their children suffer at the hand of violent predators and set penalties accordingly.

Defending the family is part of our core agenda in this Congress, and passing Laci and Conner's Law is one of the ways we can fulfill it. After all, what kind of moral leaders would we be if, given the choice, we rejected the natural instinct of all people that they all have to recoil at news of violence against pregnant mothers?

Fortunately, Mr. Speaker, come Thursday's vote, we will not have to find out.

SECRETARY OF EDUCATION SHOULD RESIGN

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

Ms. MCCOLLUM. Mr. Speaker, yesterday the Secretary of Education branded the 2.7 million teacher-strong National Education Association a ''terrorist organization.''

Mr. Paige's words were a hateful comment, beneath the dignity of any Cabinet Secretary. Rather than trying to achieve the highest standards of civility, setting the best example for American children, Mr. Paige's ''teachable moment'' was to stand in the White House and vilify the NEA and America's teachers by labeling them terrorists, in effect, enemies of America.

This vile language was no joke. It was not insensitive. In fact, it was a deliberate attack, an example of neo-McCarthyism at its worst.

The Secretary's words harmed public education, and they were clear in their intent to threaten the millions of American citizens that the NEA honorably represents.

It is time for Mr. Paige to resign.

Resign now, sir.

THANKING ERIC THOMPSON FOR 35 YEARS OF PUBLIC SERVICE

(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 of South Carolina. Mr. Speaker, I rise today to commend a South Carolinian who has been a model of public service for the last 35 years. Eric Thompson of North Augusta, South Carolina, retired this January from his post as executive director of the Lower Savannah Council of Governments, where he had worked since 1981.

□ 1415

The Council is a regional planning and development organization serving 6 counties and 45 incorporated municipalities.

Mr. Thompson has helped the Lower Savannah Council secure nearly $172 million in State and Federal grants for cities and counties in the region, which includes Aiken, Allendale, Bamberg, Barnwell, Calhoun, and Orangeburg Counties. He has worked previously as part of planning commissions for Aiken and Brunswick-Glynn County, and currently serves as a member of the Board of Directors of the National Association of Development Organizations, where he has served as president.

South Carolina is so thankful for Eric Thompson's dedication to our State, and I ask all of my colleagues to join me in commending him for his commitment to public service.

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

BLUE DOG DEFICIT UPDATE

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

Mr. STENHOLM. Mr. Speaker, today we owe the country $7,078 billion, being swept under the rug every day. Foreign holdings of our debt now total $1.5 trillion. Foreign investors financed 70 percent of our record $373 billion debt last year. In January of 2002, foreign investors held $1 trillion of our U.S. debt; today it is $1.5 trillion. Japan holds $545 billion, and China holds $149 billion of our debt. By far, the United States' largest foreign aid program is our interest payments to foreign investors, yet we continue to not want to change our economic game plan to do something about it. The largest single debt tax increase in the history of our country is being perpetrated on us today.

Mr. Speaker, $7,078 billion, that is what we owe today.

MAKE TAX RELIEF PERMANENT

(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, the economic numbers we are seeing right now do not lie. Our economy is growing and jobs are being created, but to stay on that track, we need to keep our economy growing. Growth encourages business expansion and entrepreneurship, both of which lead to new jobs, and tax relief encourages growth. That is what we have seen this year.

When small businesses and working families keep more of their own money, they spend it far better than we do here in Washington. But many, even many here in this Chamber today, do not believe that. So we will hear lots of talk about repealing tax cuts and spending more. But, Mr. Speaker, that is the wrong way to go. Raising taxes will hurt this economy. Lower tax rates on American families will unleash the full potential of this economy.

We need to let American workers keep the reward for their hard work. We need to act this year to make the tax relief permanent. This will encourage long-term growth and allow families and small business owners to plan with confidence for the future.

CONGRATULATING SENATOR JANE NELSON

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

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Texas State Senator Jane Nelson on her recent receipt of the Nathan Davis Award for Outstanding Government Service from the American Medical Association.

Senator Nelson is a Republican who represents senate district 12 in Texas. She is my senator. She was elected to the Texas Senate in 1992 after serving two terms on the Texas State Board of Education. At the board of education, future Senator Nelson led her colleagues on a fight to correct over 5,000 errors in textbooks across the State of Texas.

During all of this activity, Senator Nelson has also managed to own and operate an aircraft component manufacturing firm with her husband Mike, while raising a son and four daughters, three of whom I delivered.

Senator Nelson has made health care policy and advocacy for Texas patients a top priority. She wrote Texas' first comprehensive privacy law, she fought for HMO reform, and wrote the law returning physical education classes to help fight childhood obesity.

In the most recent session of the State legislature, Senator Nelson worked for liability reform in the health care industry and for relief of rising health care costs. She also sponsored prompt pay legislation, which simply requires HMOs to pay their bills on time.

This is definitely a high honor for Senator Nelson, as it would be for any elected official. In the years to come, hopefully, the Nation will be honoring more great leaders such as Senator Nelson for their hard work and dedication to worthy causes as health care reform.

Senator Nelson, congratulations. I regard you as a friend and mentor, and,

certainly, Texas physicians have no better friend in the State legislature, and you have been a true friend to the family of medicine across the country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

SALT CEDAR AND RUSSIAN OLIVE CONTROL ASSESSMENT AND DEMONSTRATION ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2707) to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service, as amended.

The Clerk read as follows:

H.R. 2707

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 ''Salt Cedar and Russian Olive Control Assessment and Demonstration Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARIES.—The term ''Secretaries'' means the Secretary of Agriculture, in cooperation with the Secretary of the Interior.

(2) WESTERN UNITED STATES.—The term ''Western United States'' refers to the States defined by the Act of June 17, 1902 (commonly known as the 1902 Reclamation Act; 43 U.S.C. 371 et seq.), which includes Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Kansas, Oklahoma, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

SEC. 3. ASSESSMENT OF SALT CEDAR AND RUSSIAN OLIVE INFESTATION IN WESTERN UNITED STATES.

(a) ASSESSMENT.—Not later than one year after the date on which funds are first made available to carry out this section, the Secretaries shall complete an assessment of the extent of Salt Cedar and Russian Olive invasion in the Western United States.

(b) CONTENT.—The assessment shall include the following:

(1) To the extent practicable, documentation of the quantity of water lost due to the infestation.

(2) Documentation of the quantity of water saved due to various control methods, including the portion of saved water that returns to surface water or groundwater supplies and at what rates.

(3) Determination of the optimum control method for the various land types and land uses.

(4) Determination of what conditions indicate the need to remove such growth and the optimal methods for disposal or use of such growth.

(5) Determination of methods to prevent the regrowth and reintroduction of Salt Cedar and Russian Olive and to reestablish native species.

(c) REPORT ON ASSESSMENT.—

(1) PREPARATION AND CONTENT.—The Secretaries shall prepare a report containing the results of the assessment. The report shall identify long-term management and funding strategies that could be implemented by Federal, State, Tribal, and private land managers and owners on all land management types to address the invasion of Salt Cedar and Russian Olive. The report shall also identify deficiencies or areas for further study and where actual field demonstrations would be useful in the control effort.

(2) SUBMISSION.—The Secretaries shall submit the report to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate.

(d) SUPPORT FOR IDENTIFICATION OF LONG-TERM MANAGEMENT AND FUNDING STRATEGIES.—The Secretaries may make grants to institutions of higher education or nonprofit organizations (or both) with an established background and expertise in the public policy issues associated with the control of Salt Cedar and Russian Olive to obtain technical experience, support, and recommendations related to the identification of the long-term management and funding strategies required to be included in the report under subsection (c)(1). Each grant awarded under this subsection may not be less than $250,000.

SEC. 4. DEMONSTRATION PROGRAM FOR CONTROL OF SALT CEDAR AND RUSSIAN OLIVE IN WESTERN STATES.

(a) DEMONSTRATION PROJECTS.—

(1) PROJECTS REQUIRED.—Based on the results of the assessment and report in section 3, the Secretaries shall initiate a program of not fewer than three demonstration projects in the Western United States designed to address the deficiencies and areas for further study to address the invasion of Salt Cedar and Russian Olive, including the test of additional control methods, identified by the report.

(2) IMPLEMENTATION.—The Secretaries may enter into an agreement with a State in the Western United States to carry out a demonstration project. If the Secretaries select a demonstration project for implementation on National Forest System lands, the Secretary of Agriculture shall be responsible for implementation of the project.

(b) ELEMENTS OF PROJECTS.—

(1) DESIGN AND SCALE.—Each demonstration project shall be designed with integrated methods and adaptive management strategies and carried out over time frames and spatial scales large enough to accomplish the goals laid out in the report.

(2) SCIENTIFIC REVIEW.—Before being carried out, the methods and strategies proposed for each demonstration project shall be subject to review by scientific experts, including non-Federal experts, selected by the Secretaries. The Secretaries may use existing scientific review processes to the extent they comply with this requirement.

(c) PROJECT COSTS AND COST SHARING.—The total cost of each demonstration project may not exceed $7,000,000, including the costs of planning, design, implementation, revegetation, maintenance, and monitoring. In the case of a demonstration project conducted on lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, the Secretaries may accept, but not require, funds or in-kind contributions, including State agency provided services. The Federal share of the costs of any activity on private lands funded under the project shall be no more than 75 percent of the total cost of the activity.

(d) REPORTING REQUIREMENT.—During the period in which the demonstration projects are carried out, the Secretaries shall submit to the congressional committees specified in section 3(c)(2) an annual report describing—

(1) the demonstration projects;

(2) the progress made in carrying out the projects during the period covered by the report; and

(3) the costs of the projects under subsection (c).

(e) MONITORING.—Demonstration projects shall include the following:

(1) Documentation of the quantity of water saved due to various control methods, including the portion of water saved that returns to surface water or groundwater supplies and at what rates.

(2) Optimal revegetative states to prevent the regrowth and reintroduction of Salt Cedar and Russian Olive and to reestablish native species.

(f) COOPERATION.—The Secretaries shall use the expertise of their various agencies, as well as other Federal agencies, institutions of higher education, State and local governments and political subdivisions thereof, including soil and water conservation districts, and Indian tribes, which are actively conducting assessments on or implementing Salt Cedar and Russian Olive control activities.

SEC. 5. RELATION TO OTHER AUTHORITY.

Nothing in this Act shall be construed to affect, or otherwise bias, the use by the Secretaries of other statutory or administrative authorities to plan or conduct Salt Cedar or Russian Olive control and eradication that is not planned or conducted under this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSESSMENT.—There are authorized to be appropriated to the Secretaries $5,000,000 for fiscal year 2005 to conduct the assessment required by section 3.

(b) GRANTS.—There are authorized to be appropriated to the Secretaries $1,000,000 for fiscal year 2005 to award as grants under section 3(d).

(c) DEMONSTRATION PROJECTS.—There are authorized to be appropriated to the Secretaries $18,000,000 for each of the fiscal years 2005 through 2009 to carry out the program of demonstration projects under section 4.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. 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 New Mexico?

There was no objection.

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

Mr. Speaker, H.R. 2707, the Salt Cedar and Russian Olive Control Demonstration Act, provides for the Secretaries of the Interior and Agriculture to carry out a demonstration program

assessing potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service.

Salt Cedar and Russian Olive are both invasive species that adversely impact the water supply, increases soil salinity, lowers the potential water that the soil can hold, and increases fire frequency. Last summer in Albuquerque, New Mexico, several hundred acres along the Rio Grande River burned, forcing about 600 people to be evacuated from their homes. This fire burned many native cottonwood and willow trees. However, one of the culprits being blamed for the escalation of the fire is the large amount of underbrush that had collected, which was mostly Salt Cedar. Without this buildup of Salt Cedar, the fire probably would not have burned as extensively or with the intensity that it did.

Regardless of what side of the aisle one is on, most can agree that controlling Salt Cedar and Russian Olive is important for water salvage, riparian restoration, salinity control, habitat restoration, and wildlife management.

Salt Cedar is widely distributed and is extensive along riparian areas in the Western United States, particularly along the Colorado, Rio Grande, the Pecos and Gila Rivers. Controlling and hopefully one day completely eradicating Salt Cedar and Russian Olive is important. As we eradicate Salt Cedar, we increase the flow of water in the streams, springs, and rivers, and restore native plants that are less water-consuming and improve habitat.

Because of the widespread nature of Salt Cedar and Russian Olive, there have been many projects to clear these trees and then to estimate how much water was saved. These increased stream flows and water restoration estimates vary widely. The high ranges from 6 to 9 acrefeet saved per year, down to a low of between zero to 1.5 acrefeet per year, per acre cleared, the last estimate based on a study done by USGS on the Pecos River in New Mexico.

Mr. Speaker, H.R. 2707 will begin to address these problems by providing sound science and, in turn, developing and expanding on innovative approaches to control these harmful weeds.

I urge adoption of the bill.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this legislation, H.R. 2707. Salt Cedar and Russian Olive trees have caused severe ecological damage in the Southwest. These invasive species crowd out native species while crossing public and private lands, spreading indiscriminately. This bill will take the first step to enhance our capability to control these species. Under this proposed legislation, land managers will quantify the scope of the Salt Cedar and Russian Olive invasion and then develop demonstration projects to eradicate the invasives.

Invasive species control should become a national priority. I believe this bill is only a tip of the iceberg. We must find a solution not only to Salt Cedar and Russian Olive invasions, but also to the spread of other invasive plants and animals.

I want to commend my good friend, the gentleman from New Mexico (Mr. PEARCE), for his management of this legislation, and commend him also for sponsoring this legislation. I also thank the majority for incorporating amendments to the text at our request. I would also like to recognize the members of the Committee on Resources and members on this side of the aisle who also have been cosponsors of this bill: the gentleman from Arizona (Mr. GRIJALVA), the gentleman from California (Mr. CARDOZA), the gentleman from Colorado (Mr. MARK UDALL), and the gentleman from New Mexico (Mr. TOM UDALL) as sponsors of this legislation.

Mr. Speaker, I urge my colleagues to support this bill.

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

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of H.R. 2707, the Salt Cedar and Russian Olive Control Demonstration Act.

In Texas, New Mexico, and other Western States prone to drought, Salt Cedar trees are absorbing millions of gallons of water that our communities and farms can put to better use. Landowners and local State agencies have been working to slow the spread of Salt Cedars and eradicating them from the banks of rivers and streams, but this effort has been an uphill battle. Their vast root systems and abundant seeds carried by wind and water make getting rid of them very challenging. Unless we eliminate them, Salt Cedars will continue soaking up valuable and scarce water that west Texas communities need.

The demonstration projects and research authorized by this legislation will help find more effective means to speed the eradication of Salt Cedars. Better strategies for fighting the spread of Salt Cedars will benefit communities across State lines. Much water used in west Texas originates in other States, and Salt Cedars along those rivers are reducing the supply available to all of us.

Salt Cedar eradication projects are showing results. A project in the Pecos River in Texas has saved 12 billion gallons of water, nearly enough water to serve my hometown of Lubbock for 1 year, and additional eradication efforts are under way. In order to effectively eliminate Salt Cedar, these projects must cover many miles of rivers and stream banks. Taking out large areas of Salt Cedar at a time reduces the spread of new plants.

A mature Salt Cedar can use up to 200 gallons of water per day, much more water than native vegetation that could be replanted to stabilize those stream banks. Salt Cedars add to the salinity of water, which kills other plants and displaces wildlife.

While we still need rain in west Texas to alleviate the drought and replenish water supplies, we also need to take proactive steps to save the water resources we already have. Large-scale eradication of Salt Cedars is one of the means to conserve water. Enacting this legislation to further demonstration projects and additional research will help other States, our State and other communities implement the best strategies to deal with this Salt Cedar infestation sucking down our water supplies.

I urge my colleagues to support this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I rise in support of H.R. 2707. I thank the gentleman from New Mexico for his sponsorship and leadership. We have heard about how important it is to the areas of Texas and New Mexico. It is also important to my district, one of the most important agricultural areas in the United States, the Imperial Valley of California.

We use water from the Colorado River, and we have heard how invasive this Salt Cedar can be. In fact, the Imperial County Agriculture Commissioners Office and the Brawley, California Research Station have been studying for a long time now how to control Salt Cedar. John Kershaw, the president of the Imperial Valley Conservation Research Center Committee, and Stephen Birdsall, Imperial County Agricultural Commissioner, have briefed me on the great strides that have been made to controlling Salt Cedar in our area. This bill will greatly help with those efforts.

We have heard how much water these species use. Salt Cedar is like a giant straw: One tree can suck up to 200 gallons of water a day.

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It can cause an increase in fire and flooding, a decrease in water quantity and quality and an increase in soil salinity. It can replace native species, degrade wildlife habitat, and limit the human use of riverbanks.

Salt Cedar was originally introduced in order to stabilize stream banks, but it has turned into a nightmare for our farming communities. We have spent millions of dollars trying to eradicate this pest. Million of gallons of water

have been wasted. We have become increasingly concerned about water conservation and the best use of our natural resources in this Nation. Those of us who rely on the Colorado River see that Salt Cedar squanders this precious, precious water.

Removing it would allow native plants which have been squeezed out by the noxious tree to come back to our community. Removing the tree would also encourage wildlife populations to increase, including several species, such as the Willow Flycatcher, that are declining or are threatened or endangered. The Flycatcher is an endangered bird that eats insects that thrive on native plants in my district, which the Salt Cedar has displaced.

I commend the Departments of Interior and Agriculture for their dedication to controlling or eradicating invasive species such as Salt Cedar. We must continue this important work. We can protect our most precious natural resources, water, wildlife, and soil, by eradicating this invasive species.

Mr. Speaker, clearly these species are serious problems across all the United States, but particularly in the Southwest. The challenges they present to our communities are enormous, but we cannot let them ruin our natural native resources. We can and we must take back the land and water for our communities.

I thank the gentleman from New Mexico (Mr. PEARCE) for his leadership in this struggle.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. STENHOLM), our most senior ranking member on the Committee on Agriculture, and certainly commend him for his expertise on agriculture-related issues.

Mr. STENHOLM. Mr. Speaker, I thank my friend from American Samoa for yielding me this time.

Mr. Speaker, I rise today in strong support of H.R. 2707. I am an original cosponsor of this legislation, and I worked hard to push it through the House Committee on Agriculture; and I also want to commend highly my colleague from New Mexico (Mr. PEARCE) for his diligent work on the Committee on Resources to make this issue a top priority and to shepherd this bill to the floor of the House of Representatives today. Again, I thank my friend from American Samoa (Mr. FALEOMAVAEGA) for his work on bringing it to the floor today.

My friend from New Mexico and I share similar constituencies, and we maintain the same concerns that we must act now to ensure the availability of fresh water in the future. This legislation is not about simply eliminating Salt Cedar and Russian Olive from watersheds. It is about controlling these plants to increase our supplies of fresh water in the Western United States. America's citizens should not have to compete with invasive pests for an already limited supply of drinking water.

I have represented west Texas now for 25 years, and there is virtually nothing of greater daily concern out there than the availability of fresh water. Like much of the West, the 17th Congressional District of Texas has certainly experienced the consequences of drought. Stream banks and lakebeds continued to recede during the dry periods, while Salt Cedar proliferates in those areas.

The devastating results can be seen all over west Texas as dense thickets of Salt Cedar have overtaken native plant species in the Colorado River basin. In fact, the Colorado River Municipal Water District estimated that Salt Cedar consumed more water in 2002 than the district's largest municipal customer, a city with more than 100,000 people. The combined capacity of the district's three reservoirs fell below 25 percent during 2002, and it became readily apparent that Salt Cedar was robbing municipalities of this precious resource.

The water district has worked closely with many Federal, State, and local entities to begin brush control projects within the Colorado River watershed. They have implemented Salt Cedar control projects with reasonable success on both public and private lands. Further, private landowners have successfully partnered with the National Resources Conservation Service to employ brush control on their properties. In several cases, dormant streams and creeks have again begun to flow where those control programs were implemented.

I am convinced that this bill moves towards real solutions to the Salt Cedar and Russian Olive invasion. It lays out the framework for private and public land managers to cooperate with the U.S. Department of the Interior, U.S. Department of Agriculture, local soil and water conservation districts and State agencies to work together on the demonstration programs authorized in this bill. After all, it will take integrated control and management practices to significantly deter the further spread of these non-native species.

I have worked tirelessly during my time in Congress to address the scarce water situation in west Texas, and I can attest that brush control efforts have produced the most lasting results in the 17th district. Most of our Nation faces an urgency to develop long-term plans to ensure that communities will have an adequate supply of drinking water. I truly believe this legislation will help public and private land managers across the Western United States take a giant step toward implementing more efficient and effective brush control projects that will result in better water conservation.

I close by saying, unlike a barrel of oil, it is tough to put a price on clean, fresh water.

Mr. FALEOMAVAEGA. Mr. Speaker, I gladly yield 5 minutes to the distinguished gentleman from New Mexico (Mr. UDALL), one of the cosponsors of this legislation.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, as a cosponsor of H.R. 2707, I am extremely pleased that this bill is on the floor of the House today.

I would like to thank my colleague from New Mexico (Mr. PEARCE) for introducing this important legislation and for his leadership on this issue. I would also like to thank the gentleman from American Samoa for his hard work and his leadership in bringing this to the floor today.

Mr. Speaker, those of us from the West are all too familiar with the water troubles that our communities are facing. Many of us are trying to find commonsense approaches to sustainable water management. This legislation is an important step in that direction.

H.R. 2707 authorizes funds for demonstration projects on the Pecos and Rio Grande rivers to find the most efficient way to eliminate the invasive Salt Cedar species. The legislation authorizes up to $7 million per trial for the Army Corps of Engineers to begin examining the most effective methods to remove the Salt Cedar. The invasive Salt Cedar species is very damaging to water efficiency, has no natural enemies such as insects and diseases, and has a ravenous thirst. A large tree can soak up as much as 200 gallons of water per day.

Removing the Salt Cedar alone will not be a panacea for our water troubles, but will certainly go a long way towards improving our water efficiency.

Because of the importance of this task, support of efforts to eradicate non-native plants in New Mexico are widely supported by a diverse number of groups. The Alliance for the Rio Grande Heritage and the Northern New Mexico Sierra Club have supported efforts by the New Mexico legislature to eliminate Salt Cedar and other phreatophytes along the State's riverbanks.

Farmers and conservationists agree that everything possible must be done to remove Salt Cedars and other invasive species. Addressing a problem of this magnitude will require significant resources; and it is, therefore, imperative that we develop the most effective approaches. Passing this legislation will allow the Federal Government to make a significant contribution to helping communities throughout the Nation eradicate the Salt Cedar.

Mr. Speaker, the water problems facing the West are complex and politically charged. However, we all stand here today committed to taking an important step in the fight against water shortages by passing this legislation. I urge my colleagues to support this bill.

I thank, once again, the gentleman from New Mexico (Mr. PEARCE).

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

As the assembled body can hear, this bipartisan bill has great importance, and especially throughout the West. I thank the gentleman from Texas (Mr. STENHOLM), the gentleman from American Samoa (Mr. FALEOMAVAEGA), and the gentleman from New Mexico (Mr. UDALL) for their hard work on behalf of this bill.

I have areas, Mr. Speaker, in my district which typically get around 16 inches of rainfall a year. In the last several years, we have gotten less than 6 inches in many of those areas; in some areas, as little as 2 inches in the last 12 months.

Mr. Speaker, our entire agricultural production system is at risk. We need to support our farming and ranching. We need to understand that one of the most critical things we can provide for ourselves and our Nation is a secure supply of food.

Mr. Speaker, this bill should begin to deliver more water to the agriculture community of America.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, my district has 200 inches of rainwater a year, and I would be more than glad to share some of my water with my colleagues. Unfortunately, they would have to go many miles to get these 200 inches of water that we would be more than glad to share with our friends here in the continental United States.

Mr. Speaker, I think the spirit of bipartisanship has been demonstrated this afternoon as we debate and discuss this issue; and, again, I urge my colleagues to support this legislation.

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

Mr. PEARCE. Mr. Speaker, I accept the gentleman's offer of the rain that he has and shares so willingly, and we will address that in the next bill.

Mr. MATHESON. Mr. Speaker, as Utah copes with its most severe drought in recent times, protecting our native species from invasive plants is vital to both agriculture and the environment. It is important to those of us in the West to take those steps necessary to stop non-native species from consuming our precious water resources.

Throughout the development of the West, we have maintained a healthy and vibrant balance between our economic and residential needs and the needs of our native plants and animals. The tamarisk threatens that balance.

For this reason, I support H.R. 2707—The Salt Cedar and Russian Olive Control Demonstration Act. This bill has particular meaning to me and to my constituents, because of the efforts it promotes to eradicate tamarisk.

Overall, experts estimate the economic impact of invasive species in the U.S. to be over $100 billion annually. Scientists have calculated that tamarisk plants soak up an estimated 2–4 million acre-feet of water per year in the West. A single plant can absorb up to 300 gallons of water a day through a taproot that can reach down 50 feet into the water table. Tamarisk, originally introduced by settlers trying to control stream bank erosion, is inedible to most animals and is notoriously difficult to kill. Even when it's burned, it generates new shoots.

This plant's effects are particularly devastating in our state and in our neighboring states, and so I have worked on the Science Committee to create new opportunities to combat tamarisk. This bill is an important step towards eradicating the threat that tamarisk poses in Utah and other Western states, and I will continue to support it and other legislation which furthers our battle to remove this threat.

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to support H.R. 2707, the Salt Cedar and Russian Olive Control Demonstration Act, introduced by my colleague from New Mexico STEVE PEARCE.

The Russian Olive and Salt Cedar are invasive species that are soaking up our water. Water is the lifeblood of the American West and foundation of our economy. The Salt Cedar can consume up to 200 gallons of water per day during growing season. This is more than the average Albuquerque household consumes in a day.

Additionally, these invasive species are highly flammable and put our communities at risk. In 2003 two major fires, fueled by these invasive species, broke out in the heart of Albuquerque. These fires left 16,000 people temporarily without electrical power, threatened 600 homes and led to the evacuation of about 1,000 people.

This legislation begins an important Federal initiative to reduce the negative effect of these invasive species.

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

The SPEAKER pro tempore (Mr. LEACH). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2707, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SOUTHWEST FOREST HEALTH AND WILDFIRE PREVENTION ACT OF 2004

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2696) 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, as amended.

The Clerk read as follows:

H.R. 2696

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 ''Southwest Forest Health and Wildfire Prevention Act of 2004''.

SEC. 2. FINDINGS.

Congress finds that—

(1) there is an increasing threat of wildfire to millions of acres of forest land and rangeland throughout the United States;

(2) forest land and rangeland are degraded as a direct consequence of land management practices, including practices to control and prevent wildfires and the failure to harvest subdominant trees from overstocked stands that disrupt the occurrence of frequent low-intensity fires that have periodically removed flammable undergrowth;

(3) at least 39,000,000 acres of land of the National Forest System in the interior West are at high risk of wildfire;

(4) an average of 95 percent of the expenditures by the Forest Service for wildfire suppression during fiscal years 1990 through 1994 were made to suppress wildfires in the interior West;

(5) the number, size, and severity of wildfires in the interior West are increasing;

(6) of the timberland in National Forests in the States of Arizona and New Mexico, 59 percent of such land in Arizona, and 56 percent of such land in New Mexico, has an average diameter of 9 to 12 inches diameter at breast height;

(7) the population of the interior West grew twice as fast as the national average during the 1990s;

(8) catastrophic wildfires—

(A) endanger homes and communities;

(B) damage and destroy watersheds and soils; and

(C) pose a serious threat to the habitat of threatened and endangered species;

(9) a 1994 assessment of forest health in the interior West estimated that only a 15- to 30-year window of opportunity exists for effective management intervention before damage from uncontrollable wildfire becomes widespread, with 8 years having already elapsed since the assessment;

(10) healthy forest and woodland ecosystems—

(A) reduce the risk of wildfire to forests and communities;

(B) improve wildlife habitat and biodiversity;

(C) increase tree, grass, forb, and shrub productivity;

(D) enhance watershed values;

(E) improve the environment; and

(F) provide a basis in some areas for economically and environmentally sustainable uses;

(11) sustaining the long-term ecological and economic health of interior West forests and woodland, and their associated human communities requires preventing severe wildfires before the wildfires occur and permitting natural, low-intensity ground fires;

(12) more natural fire regimes cannot be accomplished without the reduction of excess fuels and thinning of subdominant trees (which fuels and trees may be of commercial value);

(13) ecologically based forest and woodland ecosystem restoration on a landscape scale will—

(A) improve long-term community protection;

(B) minimize the need for wildfire suppression;

(C) improve resource values;

(D) improve the ecological integrity and resilience of these systems;

(E) reduce rehabilitation costs;

(F) reduce loss of critical habitat; and

(G) protect forests for future generations;

(14) although landscape scale restoration is needed to effectively reverse degradation,

scientific understanding of landscape scale treatments is limited;

(15) rigorous, objective, understandable, and applied scientific information is needed for—

(A) the design, implementation, monitoring, and adaptation of landscape scale restoration treatments and improvement of wildfire management;

(B) the environmental review process; and

(C) affected entities that collaborate in the development and implementation of wildfire treatment.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to enhance the capacity to develop, transfer, apply, monitor, and regularly update practical science-based forest restoration treatments that will reduce the risk of severe wildfires, and improve the health of dry forest and woodland ecosystems in the interior West;

(2) to synthesize and adapt scientific findings from conventional research programs to the implementation of forest and woodland restoration on a landscape scale;

(3) to facilitate the transfer of interdisciplinary knowledge required to understand the socioeconomic and environmental impacts of wildfire on ecosystems and landscapes;

(4) to require the Institutes established under this Act to collaborate with Federal agencies—

(A) to use ecological restoration treatments to reverse declining forest health and reduce the risk of severe wildfires across the forest landscape; and

(B) to design, implement, monitor, and regularly revise representative wildfire treatments based on the use of adaptive ecosystem management;

(5) to assist land managers in—

(A) treating acres with restoration-based applications; and

(B) using new management technologies (including the transfer of understandable information, assistance with environmental review, and field and classroom training and collaboration) to accomplish the goals identified in—

(i) the National Fire Plan;

(ii) the report entitled ''Protecting People and Sustaining Resources in Fire-Adapted Ecosystems-A Cohesive Strategy'' (65 Fed. Reg. 67480); and

(iii) the report entitled ''10-Year Comprehensive Strategy: A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment'' of the Western Governors' Association;

(6) to provide technical assistance to collaborative efforts by affected entities to develop, implement, and monitor adaptive ecosystem management restoration treatments that are ecologically sound, economically viable, and socially responsible; and

(7) to assist Federal and non-Federal land managers in providing information to the public on the role of fire and fire management in dry forest and woodland ecosystems in the interior West.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADAPTIVE ECOSYSTEM MANAGEMENT.—

(A) DEFINITION.—The term ''adaptive ecosystem management'' means a natural resource management process under which planning, implementation, monitoring, research, evaluation, and incorporation of new knowledge are combined into a management approach that—

(i) is based on scientific findings and the needs of society;

(ii) treats management actions as experiments;

(iii) acknowledges the complexity of these systems and scientific uncertainty; and

(iv) uses the resulting new knowledge to modify future management methods and policy.

(B) CLARIFICATION.—This paragraph shall not define the term ''adaptive ecosystem management'' for the purposes of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

(2) AFFECTED ENTITIES.—The term ''affected entities'' includes—

(A) land managers;

(B) stakeholders;

(C) concerned citizens; and

(D) the States of the interior West, including political subdivisions of the States.

(3) DRY FOREST AND WOODLAND ECOSYSTEM.—The term ''dry forest and woodland ecosystem'' means an ecosystem that is dominated by ponderosa pines and associated dry forest and woodland types.

(4) INSTITUTE.—The term ''Institute'' means an Institute established under section 5(a).

(5) INTERIOR WEST.—The term ''interior West'' means the States of Arizona, Colorado, Idaho, Nevada, New Mexico, and Utah.

(6) LAND MANAGER.—

(A) IN GENERAL.—The term ''land manager'' means a person or entity that practices or guides natural resource management.

(B) INCLUSIONS.—The term ''land manager'' includes a Federal, State, local, or tribal land management agency.

(7) RESTORATION.—The term ''restoration'' means a process undertaken to move an ecosystem or habitat toward—

(A) a sustainable structure of the ecosystem or habitat; or

(B) a condition that supports a natural complement of species, natural function, or ecological process (such as a low-intensity fire).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(9) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) the Secretary of the Interior.

(10) STAKEHOLDER.—The term ''stakeholder'' means any person interested in or affected by management of forest or woodland ecosystems.

(11) SUBDOMINANT TREES.—Are trees that occur underneath the canopy or extend into the canopy but are smaller and less vigorous than dominant trees.

(12) OVERSTOCKED STANDS.—Where the number of trees per acre exceeds the natural carrying capacity of the site.

(13) RESILIENCE.—The ability of a system to absorb disturbance without being pushed into a different, possibly less desirable stable state.

SEC. 5. ESTABLISHMENT OF INSTITUTES.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall—

(1) not later than 180 days after the date of enactment of this Act, establish Institutes to promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of forest and woodland ecosystems, in the interior West; and

(2) provide assistance to the Institutes to promote the use of collaborative processes and adaptive ecosystem management in accordance with paragraph (1).

(b) LOCATION.—

(1) EXISTING INSTITUTES.—The Secretary may designate an institute in existence on the date of enactment of this Act to serve as an Institute established under this Act.

(2) STATES.—Of the Institutes established under this Act, the Secretary shall establish 1 Institute in each of—

(A) the State of Arizona, to be located at Northern Arizona University;

(B) the State of New Mexico, to be located at New Mexico Highlands University, while engaging the full resources of the consortium of universities represented in the Institute of Natural Resource Analysis and Management (INRAM); and

(C) the State of Colorado.

(c) DUTIES.—Each Institute shall—

(1) develop, conduct research on, transfer, promote, and monitor restoration-based hazardous fuel reduction treatments to reduce the risk of severe wildfires and improve the health of dry forest and woodland ecosystems in the interior West;

(2) synthesize and adapt scientific findings from conventional research to implement restoration-based hazardous fuel reduction treatments on a landscape scale using an adaptive ecosystem management framework;

(3) translate for and transfer to affected entities any scientific and interdisciplinary knowledge about restoration-based hazardous fuel reduction treatments;

(4) assist affected entities with the design of adaptive management approaches (including monitoring) for the implementation of restoration-based hazardous fuel reduction treatments; and

(5) provide peer-reviewed annual reports.

(d) QUALIFICATIONS.—Each Institute shall—

(1) develop and demonstrate capabilities in the natural, physical, social, and policy sciences; and

(2) explicitly integrate those disciplines in the performance of the duties listed in subsection (c).

(e) COOPERATION.—Each Institute may cooperate with—

(1) researchers and cooperative extension programs at colleges, community colleges, and universities in the States of Arizona, New Mexico, and Colorado that have a demonstrated capability to conduct research described in subsection (c); and

(2) other organizations and entities in the interior West (such as the Western Governors' Association).

(f) ANNUAL WORK PLANS.—As a condition of the receipt of funds made available under this Act, for each fiscal year, each Institute shall develop in consultation with the Secretary, for review by the Secretary, in consultation with the Secretary of the Interior, an annual work plan that includes assurances, satisfactory to the Secretaries, that the proposed work of the Institute will serve the informational needs of affected entities.

(g) ESTABLISHMENT OF ADDITIONAL INSTITUTES.—If after 2 years after the date of the enactment of this Act, the Secretary finds that the Institute model established at the locations named in subsection (b)(2) would be constructive for other interior West States, the Secretary may establish 1 institute in each of those States.

SEC. 6. COOPERATION BETWEEN INSTITUTES AND FEDERAL AGENCIES.

In carrying out this Act, the Secretary, in consultation with the Secretary of the Interior—

(1) to the extent that funds are appropriated for the purpose, shall provide financial and technical assistance to the Institutes to carry out the duties of the Institutes under section 5;

(2) shall encourage Federal agencies to use, on a cooperative basis, information and expertise provided by the Institutes;

(3) shall encourage cooperation and coordination between Federal programs relating to—

(A) ecological restoration;

(B) wildfire risk reduction; and

(C) wildfire management technologies;

(4) notwithstanding chapter 63 of title 31, United States Code, may—

(A) enter into contracts, cooperative agreements, and interagency personal agreements to carry out this Act; and

(B) carry out other transactions under this Act;

(5) may accept funds from other Federal agencies to supplement or fully fund grants made, and contracts entered into, by the Secretaries;

(6) may support a program of internships for qualified individuals at the undergraduate and graduate levels to carry out the educational and training objectives of this Act;

(7) shall encourage professional education and public information activities relating to the purposes of this Act; and

(8) may promulgate such regulations as the Secretaries determine are necessary to carry out this Act.

SEC. 7. MONITORING AND EVALUATION.

(a) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall complete and submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a detailed evaluation of the programs and activities of each Institute—

(1) to ensure, to the maximum extent practicable, that the research, communication tools, and information transfer activities of each Institute are sufficient to achieve the purposes of this Act, including—

(A) implementing active adaptive ecosystem management practices at the landscape level;

(B) reducing unnecessary planning costs;

(C) avoiding duplicative and conflicting efforts;

(D) increasing public acceptance of active adaptive ecosystem management practices; and

(E) achieving general satisfaction on the part of affected entities;

(2) to determine the extent to which each Institute has implemented its duties under section 5(c); and

(3) to determine whether continued provision of Federal assistance to each Institute is warranted.

(b) TERMINATION OF ASSISTANCE.—If, as a result of an evaluation under subsection (a), the Secretary, in consultation with the Secretary of the Interior, determines that an Institute does not qualify for further Federal assistance under this Act, the Institute shall receive no further Federal assistance under this Act until such time as the qualifications of the Institute are reestablished to the satisfaction of the Secretaries.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $15,000,000 for each fiscal year.

(b) LIMITATION.—No funds made available under subsection (a) shall be used to pay the costs of constructing any facilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

GENERAL LEAVE

Mr. RENZI. 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. 2696, the bill under consideration.

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

There was no objection.

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

H.R. 2696 establishes institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires and restore the health of fire-adaptive forest and woodland ecosystems of the interior West.

This legislation directs the Secretary of Agriculture, in consultation with the Secretary of Interior, to establish the Ecological Restoration Institute at Northern Arizona University, under the leadership of Dr. Wally Covington, and similar institutes in New Mexico and Colorado, with the purpose of supporting groups to assist in the design and implementation of large-scale forest restoration treatments.

Research has shown that large forest fires will continue unless large scale action is taken. The treatment of our forests must begin with solid, sound science to restore the balance of our unhealthy forests. H.R. 2696 will facilitate this important research.

I urge adoption of the bill.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to extend my commendation to the gentleman from Arizona for his sponsorship of this proposed bill; and, Mr. Speaker, H.R. 2696 directs the Secretary of Agriculture to establish three university-based institutes to conduct and promote research to assist Federal land managers in the complicated process of reducing risks of wildfires and improving forest health in the interior West.

The bill specifically designates two universities to house institutes, Northern Arizona University in Arizona and Highlands University in New Mexico. The Secretary shall also designate a third institute to be located in the State of Colorado. The bill authorizes $15 million annually for these institutes, subject to appropriations.

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Mr. Speaker, I congratulate the bill's sponsor, again the gentleman from Arizona. I also want to recognize the contributions of the Members on this side of the aisle, the gentleman from Colorado (Mr. UDALL) and the gentleman from New Mexico (Mr. UDALL). I thank them for their help, their sponsorship and their support of this bill.

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 2696, the Southwest Forest Health and Wildfire Prevention Act of 2003. This is extremely important legislation, and I applaud the gentleman from Arizona (Mr. RENZI) for his work on this issue. I also thank the gentleman from American Samoa for his leadership on this important issue.

Mr. Speaker, in my home State of New Mexico, we are experiencing a very serious and prolonged drought. Not only does this further exacerbate our water shortage as well as the difficulties faced by agriculture and livestock communities, but it also makes for very dangerous fire conditions as we approach spring and summer.

Unfortunately, the issue of fire prevention and suppression is extremely controversial. That is why I believe it is important that our country establish a science-based common-sense fire policy. This bipartisan legislation before us today lays the groundwork for a science-based strategy to combat wildfire in the West.

H.R. 2696 directs the Forest Service, in consultation with the Department of the Interior, to establish institutes to promote the use of adaptive ecosystem management to reduce the risk of wildfires and restore the health of fire-adapted woodland in the West. The Agency would be required to provide the institutes with financial and technical assistance. Creating these institutions will create a solid foundation for scientific knowledge and the ability to rapidly convert new insights into technology and tools.

These institutes will also create common ground for environmental, recreational, commercial, and governmental interests to work together and end the gridlock that has often paralyzed forest management initiatives.

Mr. Speaker, I am also extremely pleased the Forest Management Institute in New Mexico will be centered at New Mexico Highlands University, located in my congressional district. While being centered at Highlands, however, the institute will engage the full resources of the consortium of universities represented in the Institute of Natural Resource Analysis and Management, INRAM. This includes the other New Mexico education institutions of higher learning, such as New Mexico State University, University of New Mexico, New Mexico Tech, New Mexico Highlands, Eastern New Mexico University, and Western New Mexico University.

I would also like to thank the gentleman from Arizona (Mr. RENZI) as well as the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from New Mexico (Mrs. WILSON) for their work on this provision in the bill. It truly was a bipartisan effort.

Mr. Speaker, by passing this legislation and creating these institutions we will provide much-needed assistance to land managers in their ongoing efforts to decrease the severity of fires in our

forests and restore woodland ecosystems. I urge my colleagues to support passage of this important legislation.

Mr. RENZI. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume to again urge my colleagues to support this proposed bill.

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

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from American Samoa for his leadership, and to add that the gentleman from New Mexico (Mr. UDALL) truly played a major role in the input and construction of this language, and I am grateful to him for his leadership.

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

The SPEAKER pro tempore (Mr. LEACH). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 2696, 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.

DOUGLAS COUNTY, OREGON LAND CONVEYANCE

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 714) to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes.

The Clerk read as follows:

S. 714

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

SECTION 1. CONVEYANCE OF BUREAU OF LAND MANAGEMENT LAND IN DOUGLAS COUNTY, OREGON.

(a) IN GENERAL.—

(1) CONVEYANCE.—The Secretary of the Interior shall convey, without consideration and subject to valid existing rights, to Douglas County, Oregon (referred to in this section as the ''County''), all right, title, and interest of the United States in and to the parcel described in paragraph (2) for use by the County for recreational purposes.

(2) PARCEL.—The parcel referred to in paragraph (1) is the parcel of land consisting of approximately 68.8 acres under the administrative jurisdiction of the Bureau of Land Management, as generally depicted on the map entitled ''S. 714, Douglas County, Oregon Land Conveyance'', dated May 21, 2003.

(b) PURPOSES OF CONVEYANCE.—The purposes of the conveyance under subsection (a) are to improve management of and recreational access to the Oregon Dunes National Recreation Area by—

(1) improving public safety and reducing traffic congestion along Salmon Harbor Drive (County Road No. 251) in the County;

(2) providing a staging area for off-highway vehicles; and

(3) facilitating policing of unlawful camping and parking along Salmon Harbor Drive and adjacent areas.

(c) SURVEY.—The exact acreage and legal description of the parcel to be conveyed under subsection (a) shall be determined by a survey—

(1) that is satisfactory to the Secretary; and

(2) the cost of which shall be paid by the County.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

GENERAL LEAVE

Mr. RENZI. 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 S. 714, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, S. 714, introduced by Senator RON WYDEN of Oregon, and amended by the Senate, would provide for the conveyance of 69 acres of BLM land in Douglas County, Oregon, to improve management of and recreational access to the Oregon Dunes National Recreational Area.

Mr. Speaker, the intended effect of transferring this tract of BLM land would be to move recreational traffic off of Salmon Harbor Drive and out of the nearby communities. Currently, OHV users illegally park on Salmon River Drive, creating a public nuisance and safety hazard. The legislation would allow for a staging area for off-highway vehicles and provide improved access to the Oregon Dunes for other visitors, such as hikers and backpackers.

Mr. Speaker, S. 714, as amended, is supported by the administration, has broad bipartisan support from the Oregon delegation, and I urge adoption of the bill.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to extend my strongest support for this proposed bill, Senate bill 714, as it was originally introduced by the good Senator from the State of Oregon, Mr. WYDEN.

Mr. Speaker, the transferring of a small parcel of land to Douglas County will resolve a difficult safety issue that has arisen regarding the Oregon Dunes National Recreational Area. The land in question has been identified by the BLM for disposal. The Committee on Resources approved similar legislation during the previous Congress, and now Senate bill 714 passed the Senate by unanimous consent.

I also want to commend the gentleman from Oregon (Mr. DEFAZIO) for his sponsorship of this bill, which is a companion bill that was introduced as well, and I certainly commend him for his tireless efforts on behalf of this legislation and his commitment to resolving this problem not only for his constituents, but others who want to visit his beautiful area.

I urge my colleagues to support this Senate bill.

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank my colleagues for considering this legislation today and certainly hope that it is successfully passed by the House later this evening.

Mr. Speaker, this is an issue upon which I and other members of the Oregon delegation have been working for a number of years. The issue of Winchester Bay, Salmon Harbor, and the Dunes access, which is an extremely popular OHV area, has been a growing problem because of the growing popularity. This is sort of a bright light on the coast of Oregon where the economy has been lagging and so many other industries are in a depressed state. The tourism and the support this provides for local community and small businesses is very welcome.

What has been happening is that, because of a county campground nearer to the harbor and other camping, a number of people have been driving their OHVs actually on the road to access the nearest point into the Oregon Dunes National Recreation Area. That causes obviously congestion, conflicts with other vehicles on the road, and in some cases has been very problematic in the community and been a law enforcement problem on some of the big holiday weekends. This could be easily rectified, and hopefully will be today, by transferring this parcel of land.

I visited the parcel in question. It is extraordinarily underutilized at the moment. It is virtually unpoliced because of the cutbacks in BLM law enforcement and Forest Service law enforcement because of the Federal budget. There have been problems there with illegal camping, with the use of

fires in areas that are not contained, and with the dumping of trash. If we are successful in implementing this legislation today, we will see control pass to the county who will properly police it, who will develop it into a regular campsite, and who will provide excellent access for OHV users without having to drive on the public roads. They will be directly adjacent to the Dunes National Recreation Area.

This legislation, as passed by the Senate, is identical to legislation introduced into the House, H.R. 514, by myself and the gentleman from Oregon (Mr. WALDEN). So since this is identical, and I believe it enjoys extraordinary widespread and bipartisan support, as the gentleman from Arizona already pointed out. I would recommend this legislation to my colleagues and urge that everyone vote in its favor so that we can enhance these recreational opportunities and protect the public health and safety and do just a little bit to help the economy of the south coast of Oregon.

Mr. Speaker, I thank the gentleman for his generous grant of time.

Mr. RENZI. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume to again commend the gentleman from Arizona for his management of this proposed bill, and also thank my good friend, the gentleman from Oregon, for his insights and understanding of the bill and what it will do to benefit the people of Oregon.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 714, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMUNICATION FROM STATE ASSISTANT TO THE HONORABLE C.L. ''BUTCH'' OTTER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Vicki Fulton, State Assistant to the Honorable C.L. ''BUTCH'' OTTER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the District Court of the First Judicial District of the State of Idaho.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

VICKI FULTON,
State Assistant,
Congressman C.L. ''Butch'' Otter.

COMMUNICATION FROM FIELD REPRESENTATIVE OF THE HONORABLE C.L. ''BUTCH'' OTTER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Mark Compton, Field Representative of the Honorable C.L. ''BUTCH'' OTTER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the District Court of the First Judicial District of the State of Idaho.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MARK COMPTON,
Field Representative,
Congressman C.L. ''Butch'' Otter.

COMMUNICATION FROM CHIEF OF STAFF OF THE HONORABLE SHELLEY MOORE CAPITO, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Mark Johnson, Chief of Staff of the Honorable SHELLEY MOORE CAPITO, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 17, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena, issued by the U.S. District Court for the Southern District of West Virginia, for the production of documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MARK JOHNSON,
Chief of Staff.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 6 o'clock and 33 minutes p.m.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2751, GAO HUMAN CAPITAL REFORM ACT OF 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House H.R. 2751; the bill shall be considered as read for amendment; the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill shall be considered as adopted; all points of order against the bill, as amended, are waived; and the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; and (2) one motion to recommit with or without instructions.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the Speaker's approval of the Journal and motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Approval of the Journal, de novo;

H.R. 2707, by the yeas and nays; and

S. 714, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote, without objection.

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

Mr. ISAKSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 381, nays 32, not voting 19, as follows:

[Roll No. 25]

YEAS—381

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

NAYS—32

Aderholt
Baldwin
Brady (PA)
Capuano
Costello
Crane
DeFazio
English
Filner
Fossella
Gutknecht
Hefley
Jones (OH)
Kennedy (MN)
Larsen (WA)
LoBiondo
McDermott
Oberstar
Olver
Peterson (MN)
Ramstad
Rush
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Wu

NOT VOTING—19

Brady (TX)
Collins
Doggett
Engel
Forbes
Gephardt
Gonzalez
Honda
Hulshof
Kilpatrick
Kucinich
Lantos
Lowey
Murtha
Ortiz
Ose
Stark
Wexler
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1902

So the Journal was approved.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 24, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original Certificate of Election received from the Honorable Trey Grayson, Secretary of State, Commonwealth of Kentucky, indicating that, on examination of the Official Abstracts of Votes on file in that office for the special election held February 17, 2004, the Honorable A.B. ''Ben'' Chandler was duly elected Representative in Congress for the Sixth Congressional District, Commonwealth of Kentucky.

With best wishes, I am,

Sincerely,

JEFF TRANDAHL,
Clerk.

SWEARING IN OF THE HONORABLE BEN CHANDLER, OF KENTUCKY, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Representative-elect and the members of the Kentucky delegation present themselves in the well.

Mr. CHANDLER appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the 108th Congress.

WELCOMING THE HONORABLE BEN CHANDLER TO THE HOUSE OF REPRESENTATIVES

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

Mr. ROGERS of Kentucky. Mr. Speaker, in the same bipartisan spirit of cooperation that has characterized Kentucky delegations to this great body, it is my privilege tonight, as dean of our delegation, to present to you our newest Member and America's newest Congressman, BEN CHANDLER.

BEN won the special election a week ago tonight to fill the unexpired term of our colleague and now Governor, Ernie Fletcher.

The Chandler name in Kentucky is legendary. BEN's grandfather, the late Albert ''Happy'' Chandler, was a twice-elected Governor; U.S. Senator; and baseball commissioner, who, by the way, presided over the integration of Major League Baseball.

But young BEN has earned his own stripes. He has just completed two terms as Kentucky attorney general, and before that the elected State auditor, and was nominated by his party for Governor last year.

BEN CHANDLER follows in the seat held by a long list of national leaders, including our own Governor Ernie Fletcher. One of the greatest Speakers of this body held this seat, Henry Clay, twice Speaker, three-time candidate for President, Secretary of State, U.S. Senator, the Great Compromiser of pre-Civil War years; Kentucky's greatest national legislator, that is until recently, of course. In fact, Henry Clay made history very early in his congressional career. He was elected Speaker immediately upon being sworn in as a freshman from this very Kentucky district.

Mr. Speaker, I like BEN CHANDLER, but maybe you and I had better keep an eye on him.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. LUCAS), our colleague from Kentucky's Fourth District.

Mr. LUCAS of Kentucky. Mr. Speaker, I thank the gentleman from Kentucky (Mr. ROGERS). It is indeed a pleasure for me to welcome my colleague BEN CHANDLER here this evening.

BEN, it has been kind of lonely up here from Kentucky for us Democrats, and now we have doubled the amount of Democrats from Kentucky, and that is really great.

In Kentucky we are known for thoroughbred racing, and of course BEN comes from the heart of the thoroughbred country. And the success of thoroughbreds are based on bloodlines. If one has great bloodlines, they are successful in racing. And BEN comes here with great bloodlines.

And I am sure you are really going to be successful, and I am happy to share this moment with you and all your friends and your family, Jennifer and your three kids. It is great for you to be here, BEN. Thank you.

Mr. ROGERS of Kentucky. Mr. Speaker, I am deeply honored to welcome Kentucky's new Member of Congress from the Sixth District, Ben Chandler, and I am proud to present him at this time to the body.

MAIDEN SPEECH OF THE HONORABLE BEN CHANDLER AS NEWEST MEMBER OF 108TH CONGRESS

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

Mr. CHANDLER. Mr. Speaker, Members of this body, I thank you very, very much for this wonderful reception. It is obviously an unusual event because I won a special election. I think that lends itself to a more singular reception. But I do appreciate the attention very much.

This has been a whirlwind for me, and I can assure you that it is a tremendous honor to have the opportunity to serve with everyone here.

I am pleased to be a member of the Democratic Caucus. I am pleased to be a member of the Kentucky delegation. I am honored to represent my State that I think everyone here from Kentucky knows I am very proud of. I am also very pleased to have my wife Jennifer with me in the crowd and our three children, Lucie, Albert, and Branham, all of whom got to come down here since they are all under the age of 12. It is nice to have them here, too.

Nearly 65 years ago, my grandfather, whom Mr. ROGERS mentioned, entered this grand building much as I have today, thrust into office in the middle of a term. In October of 1939, when he came to this august place, our country stood at the brink of world war. Nazism, fascism, and tyranny threatened to destroy American security and the values that we all hold dear.

Today many of our families face not those same kinds of challenges, but challenges in many ways just as difficult and just as important, a new set of challenges, and I am very honored to have the opportunity to work with every one of you to face those challenges and hopefully to surmount them. I am very much looking forward to that.

I consider it a great privilege to represent not only the Commonwealth of Kentucky but the Sixth Congressional District in our Commonwealth, which includes the central part of our State, central Kentucky, which is the horse-racing capital of the world, the bluegrass region of the Commonwealth of Kentucky. And as was mentioned, it was represented by one of the most illustrious Members of this august body, Henry Clay, among many others, and it is truly an honor to have the opportunity to follow in his footsteps.

I want you to know that I am excited about this. I am really looking forward to being a contributing Member who brings good things to all of the people of this wonderful Nation of which we are a part. Thank you for the honor. Thank you for the privilege. Thank you for having me here today, and I am very much excited about getting to work.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces to the House that, in light of the administration of the oath to Representative CHANDLER, the whole number of the House is adjusted to 434.

SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION ACT

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 2707, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2707, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 367, nays 40, not voting 26, as follows:

[Roll No. 26]

YEAS—367

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich

Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—40

Akin
Barrett (SC)
Bartlett (MD)
Blackburn
Coble
Culberson
Davis, Jo Ann
Deal (GA)
Doolittle
Duncan
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Hayes
Hefley
Herger
Hostettler
Johnson, Sam
Jones (NC)
Miller (FL)
Myrick
Norwood
Nussle
Paul
Petri
Platts
Rohrabacher
Royce
Sensenbrenner
Sessions
Shimkus
Smith (MI)
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Toomey

NOT VOTING—26

Brady (TX)
Collins
Conyers
Doggett
Doyle
Engel
Forbes
Gephardt
Gonzalez
Greenwood
Holden
Honda
Hulshof
Kilpatrick
Kucinich
Lantos
Lowey
Murtha
Musgrave
Ortiz
Ose
Sabo
Scott (VA)
Stark
Wexler
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1923

Messrs. TANCREDO, NORWOOD and ROHRABACHER, Mrs. MYRICK and Mrs. BLACKBURN changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to provide for an assessment of the extent of the invasion of Salt Cedar and Russian Olive on lands in the Western United States and efforts to date to control such invasion on public and private lands, including tribal lands, to establish a demonstration program to address the invasion of Salt Cedar and Russian Olive, and for other purposes.''.

A motion to reconsider was laid on the table.

DOUGLAS COUNTY, OREGON, LAND CONVEYANCE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 714.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 714, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 36, as follows:

[Roll No. 27]

YEAS—397

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

NOT VOTING—36

Brady (TX)
Capps
Collins
Cox
Doggett
Doyle
Dreier
Forbes
Gephardt
Gingrey
Gonzalez
Greenwood
Holden
Honda
Hulshof
Kilpatrick
Kucinich
Lantos
Lowey
Miller (MI)
Moran (VA)
Murtha
Musgrave
Ortiz
Ose
Otter
Peterson (PA)
Pombo
Reynolds
Rogers (MI)
Sabo
Scott (VA)
Stark
Weller
Wexler
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1941

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal responsibilities required my presence in the 13th

Congressional District of Michigan. Should I have been present for today's legislative business, I would have voted ''yea'' on approving the Journal (rollcall No. 25); ''yea'' on approving H.R. 2707, The Salt Cedar and Russian Olive Control Demonstration Act (rollcall No. 26); and ''yea'' on S. 714, the land transfer of Bureau of Land Management property to Douglas County, Oregon (rollcall No. 27).

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3473

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3473.

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

There was no objection.

U.S. POLICY UNDERMINES HAITIAN GOVERNMENT

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

Ms. CORRINE BROWN of Florida. Mr. Speaker, as a Member elected from Florida, I have always supported the citizens of Haiti, and I was one of the ones that went and witnessed the fair election of Mr. Aristide.

Let me just say that it was just as fair as the election that took place in Florida. But sadly, even though Haiti is right off the shores of Florida, this administration has treated Haitians and the Haitian people like unwanted stepchildren.

Right now in Haiti, people are starving to death and being slaughtered in the streets, and the U.S. is nowhere to be found. U.S. policy has undermined the Government of Haiti. Let me say again, the U.S. policy has undermined the duly-elected Government of Haiti and continues today to threaten the very lives of the Haitian people.

I ask this President, how can he justify our attack of Iraq by claiming we are building a democracy while he sits idly by and watches a democracy in Haiti being destroyed by thugs whose only goal is to steal power from a duly-elected President?

Shame on you, Mr. President.

HONORING ERIC ULYSSES RAMIREZ, AN AMERICAN HERO

(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 of Florida. Mr. Speaker, it is with a heavy heart that I rise today to express the condolences of a grateful Nation. I rise so that this Nation will never forget the service and sacrifice of those fallen while working to keep us free.

I rise today specifically to honor the life of Eric Ulysses Ramirez. Specialist Ramirez was killed when his unit was attacked by Iraqi insurgents.

Eric was a sheriff's deputy and a National Guardsman who answered the call to duty when his unit was activated last February. He only had 42 days remaining before his planned return to family and friends when his unit was attacked by RPG, cutting short the life of a young father.

This past weekend I attended services for Specialist Ramirez and can share with my colleagues that his family is very supportive of our actions in Iraq and that we need to honor the fact that he has a very loving wife, children, and parents, and his parents actually live in my district.

We know very well that our freedom could not have been won nor our liberty maintained without those willing to make this ultimate sacrifice, but I know that these are very weak words to the grieving family left behind. I pray that the Lord and that everyone who knew Eric will maintain their memory of Eric and that this will help to assuage their pain.

Eric was a loving father, son, and husband, and this country owes its freedom to Eric and those who came before him. So do the citizens of Iraq.

Mr. Speaker, please join me in honoring this American hero.

URGING U.S. TO MOVE FORWARD IN PROVIDING SECURITY IN HAITI

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

Mr. MEEK of Florida. Mr. Speaker, I rise today to urge the Bush administration to move forward in providing the kind of security that we need in Haiti right now. On average, every day in Haiti, 15 to 16 Haitian nationals are losing their lives due to rebel forces and anti-Aristide forces.

I will tell my colleagues right now that the violence will continue to escalate. The rebels are getting more and more arms. They are getting body armor, they are getting helmets, they are getting all of the things that they need to continue to carry on the nightmare in Haiti.

I want to say to the U.S. citizens here tonight, standing by will not make things better in Haiti. Being from Florida and being from Miami, Florida, there is going to be a number of individuals coming to our shores if we do not stand in and intervene now. It is important that the U.S. moves forth with France and Canada, who are willing to bring about peace in Haiti, so that we can have diplomatic talks with the opposition forces.

The reason why there was not an agreement today at 5 o'clock is because there is no agreement to be made. The rebels cannot be controlled by opposition parties right now, and it is important that this administration acts now before military action will be paramount.

RECOGNIZING ELIZABETH CITY STATE UNIVERSITY

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

Mr. BALLANCE. Mr. Speaker, as we continue to celebrate Black History Month and the achievements and the accomplishments of African Americans in America, today I would like to recognize Elizabeth City State University, one of our historically black universities located in my congressional district, and Chancellor Mickey Burnham, trustees, faculty, alumni, and students.

Elizabeth City State University was founded in 1891 ''for the purpose of teaching and training teachers of the colored race to teach in the common schools of North Carolina.'' Just three decades after the Civil War ended, African Americans worked hard to live up to the ideals of liberty and freedom. Although there were many challenges faced by African Americans, many persevered and took advantage of established institutions such as Elizabeth City State University in the hopes of educating African Americans.

□ 1945

Despite the obstacles, there was a positive belief that the key to a successful future lies in education. This belief remains today.

As I think about the bright educators and students trying to be triumphant over adversity, I feel very proud of Elizabeth City State University. I wish Elizabeth City State University continued good fortune and success as they work to educate all of our people.

MOURNING THE DEATH OF LOS ANGELES POLICE DEPARTMENT OFFICER RICARDO LIZARRAGA

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

Ms. WATSON. Mr. Speaker, it is with deep sadness and regret that I rise to inform my colleagues of the death of Los Angeles Police Department Officer Ricardo Lizarraga, who was killed in the line of duty on Friday, February 20, 2004, while answering a domestic violence dispute in the area of Western and Vernon Avenue in my district. Officer Lizarraga became the first LAPD officer since 1998 to be shot and killed in the line of duty.

Mr. Speaker, as many of us know, domestic violence calls can be the most volatile and unpredictable situations to which police officers respond. After a woman flagged down Officer Lizarraga's police car and asked for help, the officer and his partner went to remove an abusive boyfriend from her apartment. According to official accounts, the suspect emerged with a gun and shot the 30-year-old officer just below his bulletproof vest.

Officer Lizarraga had only recently joined the police force 2 years ago. Fellow officers described him as cheerful,

soft-spoken, hardworking, who loved his job and in April had landed an assignment on a fledgling special problems unit in the Newton division, where my father served and died of injuries related to his service. A fellow officer called Officer Lizarraga a gentle giant, who could look intimidating; but all one had to do was talk to him, and he would respond softly. He was very nice, very quiet, and it belied his stature.

Officer Lizarraga was born and raised in Los Angeles and attended Hamilton High School and Santa Monica College. He worked for the Ralphs Supermarket chain before fulfilling a long-time goal of joining the LAPD in September 2001. He leaves a wife, Joyce, and a mother who resides in Mexico.

Mr. Speaker, my deepest sympathies are extended to Officer Lizarraga's colleagues at the LAPD and his wife, family, and friends. It is my sincerest hope that Officer Lizarraga's death will not be in vain, but once again remind us that our business is unfinished in dealing with domestic violence, gang violence, and the proliferation of handguns which remain the weapons of mass destruction in many of our Nation's urban areas.

A TRAGEDY IS OCCURRING

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

Mr. PAYNE. Mr. Speaker, a tragedy is occurring off our shores. A duly-elected government in Haiti, President Jean Bertrand Aristide's government, is in jeopardy. He is being challenged by the former FRAPH, a paramilitary group of outlaws and bandits, the former military leaders who are across the border in the Dominican Republic and drug dealers who have taken over parts of that country, using their influence to corrupt the citizenry.

On the other hand, we have a person who is duly elected, President Aristide. I cannot understand why our Nation that stands for democracy all over the world stands idly by while we let thugs who are burning and raping and looting take a free hand.

The French have said we are willing to go in. We have 4,000 troops, as a matter of fact; and they even said, as a matter of fact, U.S.A., we do not need you, just support us.

I urge our government to help the people of Haiti by coming up with a diplomatic solution to the problem in that country.

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

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–427) on the resolution (H. Res. 529) providing for consideration of the bill (H.R. 1997) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SUPPORT DEMOCRACY IN HAITI

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

Mr. OWENS. Mr. Speaker, the bloody spectacle of this week is not the release of Mel Gibson's gory movie exploiting the suffering of Jesus Christ. In this hemisphere, 600 miles from our shores, blood is flowing in the streets of Haiti with the complicity of the Bush administration. This White House and its agents are like Pontius Pilate, pretending to wash their hands while the democratic nation of Haiti is assassinated.

At least one former CIA asset has been identified as a leader of the band of savage guerrillas. The people of the United States must turn their backs on this conspiracy and demand that the democratic nation of Haiti, the democratic government, the duly-elected President of Haiti be supported by the United States Government and that Aristide be allowed to serve out his next 2 years without any compromise with bands of thugs in the street.

There is only one opposition. The so-called civil opposition is not civil at all. They operate hand in hand with the violence. Stop the violence and support democracy in Haiti.

ANARCHY IS HAPPENING TO OUR NEIGHBOR

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Mr. Speaker, if not now, when? Blood is in the streets. Anarchy is happening to our neighbor right next door, our third border is at stake. It is time for the United States of America to take serious the activities that are taking place on that island called Haiti, for indeed we should have been there long ago, talking and trying to negotiate and bringing things so that democracy can prevail.

We are the largest democracy on the planet Earth; and if democracy means anything, we should look just 90 miles off our shores and say that we are going to support and stand for democracy and not stand for anything that will be less than that, where mere villains and thugs can then take over a country.

We should stand strong and say that we are not going to allow that to happen, that we want democracy to flourish everywhere, not just overseas, not just away from home, but right on our third border. That protection that we need, we should be mounting the troops together, the United Nations as well as other foreign countries, to bring to the people on the ground peace.

NOW IS THE TIME FOR US TO ACT

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, the headline reads, ''Haitians Man Barricades Against Armed Rebels.''

Mr. Speaker, this is the 200th year of the anniversary of independence of our friends who live in Haiti. If my colleagues recall, in the founding of our constitutional country, it was the Haitians who helped us claim our independence. How can we stand idly by and not demand for them justice, equality, and democracy? How can we watch blood run in the streets and not provide peacekeeping troops and the dignity to provide all of them an equal opportunity? As the President, who was duly elected, stands against the rage of the insurgents, we stand idly by.

Mr. President, Mr. Secretary of Defense and Secretary of State, it is time now for us to deal with democracy here at our very shore and then, Mr. Speaker, might I say, do not, do not denounce or do not disregard the fact that there will be thousands of Haitian refugees which we have to deal with. We are not addressing the question of those refugees or possible immigrants coming into this country. We need to be prepared and provide the asylum and provide the coverage and the opportunity for them to be here.

I simply say that now is the time for us to act. It is important for peacekeeping troops to go to Haiti now.

HAITI'S HISTORY

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

Mr. BROWN of Ohio. Mr. Speaker, as President Bush makes his decision about sending troops to Haiti, I wish that he would look at Haiti's history and would look at the history of our relationship with Haiti.

210 years ago, Haiti was a nation as wealthy as the 13 Colonies. After a slave revolt, Haiti in the early part of the next century, in 1804, proclaimed its independence. Our government, a country with slave owners, would not recognize the government of Haiti, a country where slaves were now running the government, running the country, former slaves. We did not recognize them for more than 50 years; and then, Mr. Speaker, the United States Marines, in the early part of this century, occupied Haiti.

Some years later, when Papa Doc and Baby Doc Duvalier were in power in Haiti, U.S. interests funded and propped his government up, a bloody dictatorship. So now that President Aristide is in power, Mr. Speaker, we need to recognize this democracy. We have to deal with that as a democracy of equals.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OUR ECONOMY

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

Mr. DEFAZIO. Mr. Speaker, this book has not hit the best seller list yet, but it should. This lays out the agenda of the President for the future of our economy, jobs, Social Security, and other programs. Actually, we have got to give the principal author, Mr. Mankiw, the President's chief economic adviser, some points for extraordinary honesty.

A quote from page 229, in reference to trade, of course, the United States of America is running a huge and growing trade deficit. We will borrow more than one-half of $1 trillion, $500 billion, from overseas to finance this. We are hemorrhaging jobs. U.S. corporations flee overseas to exploit cheap labor and Mr. Mankiw says that is all to the good. ''When a good or service is produced more cheaply abroad, it makes more sense to import it than to make or provide it domestically.''

He went on to say that exporting trade jobs realizes the dream of free trade that economies have talked about for 2 centuries.

□ 2000

But then he says not to worry, because, of course, we have a comparative advantage. Well, the question would be, a comparative advantage in what?

Well, since they told us first we are going to lose those obsolete manufacturing jobs, which I disagreed with, because I do not think you can be a great Nation if you do not make things anymore, but then they said, do not worry, we are going to go to the intellectual jobs. We will do those sorts of things, and we will protect those through these trade agreements. Well, we now find we are exporting those intellectual jobs, and, in fact, we are also losing them to unfair trade.

But, remember, this President supported Most Favored Nation status for the bloody dictators of Beijing, the Communist Government of China, because of the insistence of U.S. corporations. It says here, do not worry, we will defend our intellectual property against countries like China, which regularly steal it. It said that if you bring intellectual property into China, within 24 hours it will be on the streets in counterfeit form; but yet this administration, which says if a country is found to be in violation of their obligations under a trade agreement, the United States could retaliate against those countries, against the entire range of transactions covered by the agreement.

That is right. Could. But guess what? Will not. How many trade complaints has the United States filed against the Communist Government of China for wholesale theft of American intellectual property, which is leading to our $124 billion trade deficit with China and the flood of U.S. jobs into that country? None. Zero. None.

A company in my district, Videx, an American dream. The guy started with Hewlett-Packard and came up with a new scanner technology. It is all made in America. All of it. He employs 160 people directly, and even in Texas he has contractors making this good. He has also developed an electronic lock. One day he found out, and he is operating in 44 countries, that he had been cloned. His company had been entirely cloned in China, including the Website, including the software language that says U.S. copyright or patents, translated into Chinese. The Chinese had even gone one better. They took the Videx Website and put a little waving American flag up in the corner on this phony Website for a Chinese company, and condoned by the Chinese Government.

I thought, well, certainly the Bush administration, who say they want rules-based trade, they will help this company. They are for small business; they will help this company. We went to the Commerce Department and the answer was, nope, sorry, you are out of luck. In fact, in a conference call just 2 weeks ago, this company, Videx, Corvallis, Oregon, was told by the Bush Commerce Department, those great defenders of free trade, intellectual property and rules-based trade, that, in fact, they would do nothing to enforce their intellectual property rights or prevent the theft of their entire company and product in China, as is happening to dozens of other American firms, because the big corporations do not want such complaints filed against China because it might make them mad, and they might lose access to the cheap labor to produce the goods that they export back here.

That is what this administration is all about. They talk about small business, but they are just there for a few multinational corporations. They have a real chance here to help an American company to save hundreds of American jobs, to stop the Chinese from stealing that product and the product of many other American firms and stop stealing those jobs. All they have to do is file a complaint.

The company cannot file the complaint at the World Trade Organization. The Bush people stacked the deck. The only way it can be filed is by the United States Government and the Commerce Department, and they are refusing to do that. If they care about jobs, if they care about the future of this country, they will eschew these radical free trade policies. And they are not only free trade, they are theft policies being pursued by other countries against the U.S.

This is not a level and fair trade field, and it is time that things changed. But I doubt very much under this administration that they will, because small companies cannot afford to contribute the millions of dollars to the reelection campaign that the big ones can.

CONGRESS SHOULD HOLD BROADCAST MEDIA TO A HIGHER STANDARD OF DECENCY

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

Mr. OSBORNE. Mr. Speaker, 100 million people viewed this year's Super Bowl. It was a great football game. Unfortunately, most of the publicity did not focus on the football game, it rather focused on the half-time show and a few ads. Matter of fact, there were 200,000 complaints concerning some of the indecency that were filed. I think this illustrates the culture war we are currently experiencing, because most in the entertainment industry really could not understand the outcry. This is pretty much business as usual. Yet those in middle America were not quite so enthralled. They were hit right between the eyes by the media content that our children are immersed in almost daily.

Many Members of Congress, myself included, were concerned and somewhat outraged, and I just am concerned that this outrage may be short-lived if we look at the history of such things. In 2003, 240,000 complaints were filed with the FCC concerning indecent and obscene programming, yet there were practically no responses by the FCC or by Congress. Few of these complaints were even answered by the FCC. Complaints are often bundled, they are not counted separately, so there may have been well over 240,000 complaints filed. Only a handful of citations were issued, which resulted in minimal fines, roughly four or five citations. No TV station has ever been fined in the history of the FCC for broadcasting indecent material. Since the FCC began in 1934, no broadcast license has ever been suspended.

The FCC receives $278 million from Congress annually, yet it is largely derelict in the enforcement of its duties. On June 2, 2003, the FCC increased the market share media conglomerates can control from 35 percent to 45 percent. What does that mean? It means in a major media market, one conglomerate can own three TV stations, one newspaper, and eight radio stations. So there has been a huge amount of concentration in the media industry.

As media control is more centralized, and there is less local control, there is more emphasis on indecent programming. There is a focus on the bottom line; simply what will sell. Locally-

owned outlets are more sensitive to community standards and are less likely to broadcast indecent material. Congress, I think, needs to reverse this trend towards concentration and move back to that 35 percent of the market that was originally the standard.

Our children are paying a price. The average young person by the age of 18 witnesses 200,000 violent acts and 40,000 murders on television. They average roughly 6 hours of media exposure per day. Research by the Congressional Public Health Summit in 2000 indicated that children exposed to media violence are more violent later in life; more apt to commit crimes of violence. Studies show that children watching sexually explicit programming adopt more permissive attitudes towards premarital sex and become more promiscuous.

Our out-of-wedlock birth was 5 percent in 1960, and today it is roughly 33 percent. One out of every three children coming into our culture are born with a huge disadvantage. They have two strikes against them. These children, and really all of us in our culture, pay a great price. So what I would urge, Mr. Speaker, is that Congress needs to stay the course, play its part, and hold the FCC to its charge.

The gentleman from California (Mr. BACA) and I have started a caucus, the Sex and Violence in Media Caucus, which we hope people will join. Several weeks ago, Bono uttered an obscenity four times during prime time, and the FCC refused to penalize the broadcast network because they said he used the obscenity as an adjective. As a result, the gentleman from California (Mr. OSE) has introduced the bill Clean Airways Act, H.R. 3687, which defines eight obscene words, and it says if these words are used, no matter whether used as adjectives, verbs, adverbs, pronouns, whatever, they are still subject to penalty. Also, the gentleman from Michigan (Mr. UPTON) has introduced H.R. 3717, the Broadcast Decency Enforcement Act, which increases penalties for obscenity from $27,500 to $275,000, a tenfold increase, which may get some people's attention.

I urge my colleagues, Mr. Speaker, to hold the broadcast media to a higher standard and to require the FCC to enforce commonly held standards of decency.

THE PRESIDENT'S BALLOONING CREDIBILITY DEFICIT

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

Mr. EMANUEL. Mr. Speaker, in addressing the Republican Governors Association fund-raiser last night, the President, in a much-touted speech, decided to unveil his reelection strategy. He pointedly accused the current frontrunner for the Democratic nomination of having a record of flip-flopping, waffling and temporizing.

Since the State of the Union and since Meet the Press, I have been waiting for this President to offer a vision and an agenda for this country. His strategy has got America stuck in an endless occupation and a jobless economy. I thought last night we were going to hear a strategy of how to move forward, yet the President of the United States, after 3 years of governing, has decided his strategy is to tear down his opponent rather than to offer America a vision of tomorrow and what we can do to build something tomorrow.

I thought it was very ironic for a President of the United States, who has a growing credibility gap, where people question the validity and the very truthfulness of his words, to begin to question the consistency of the front-runner for the nomination of the Democratic Party. I thought it was very interesting because, if I am not mistaken, this was the President of the United States who has flip-flopped on steel tariffs. That has been this President's record. He flip-flopped within 18 months of having imposed the tariff.

This is a President who, although promoting tax cuts for the very wealthy, called them a middle-class tax cut. We now find out, in Paul O'Neill's book and Ron Suskind's book, the President of the United States knew that his tax cut went to the top end. He went into a meeting, said, ''Haven't we done enough for the top end?'' And yet he went out and sold his tax cuts as something else and then accused Democrats of class warfare for asking the very same question he had asked. And he wants to accuse the Democratic nominee, or near nominee, of being a flip-flopper?

He has a very interesting economic strategy. He is trying to wage three wars with three tax cuts and tell us the deficit is a result of something else; spending on veterans, police, education, and health care. Ever since his tax cuts for $3 trillion, America has added $521 billion to the deficit, 3 million Americans have lost their jobs, 5 million additional Americans are without health care, and over $1 trillion worth of corporate assets have been foreclosed on.

His economic report has now told us that the middle class of India, where they are outsourcing jobs, is the primary concern of the President's economic report rather than the shrinking middle class in Indiana. This is a President who then walked away from that. In Ohio, he said manufacturing was his top priority, yet year after year his budget cuts the manufacturing extension program which helps small businesses.

This is a President of the United States who on foreign policy took the Nation, regardless of whether you are for or against it, to war based on weapons of mass destruction, yet we have now found out in two State of the Union Addresses that he raises threats that are not true; in the State of the Union to the United States, where the world was listening.

The President's credibility gap is stretched even wider by his budget that is filled with flip-flops and inconsistencies. He has pledged $3.5 million in new money for police and firefighters, yet his budget cuts $1 billion out of existing grants to local police and firefighters. He told us the budget deficit would be manageable, but his plan to halve it by the year 2009 is an accounting fiction. Even Goldman Sachs and the IMF have blamed the Government of the United States for being a danger to the world economy, let alone employment growth here in the United States.

The President told conservatives of his own party that Medicare would cost only $400 billion. Within 2 months, the bill was for $537 billion. He promised to clean up the Great Lakes on one hand, so he increased the funding for $35 million, but with the other hand he cut the State Revolving Fund for water cleanup by $400 million. And this is an administration that wants to challenge people on the word of credibility, on their flip-flops and waffling?

The only thing this White House never waffles on is when you are a special interest and you need a special favor. They have been quite consistent if you are a pharmaceutical company, you are a polluter, or you are an insurance company or an HMO. So when this President says he wants to campaign on somebody's credibility and on their consistency, I as one Democrat welcome that, because we have 3 years of a record. This President has done a phenomenal job of getting America stuck in a jobless recovery and an endless occupation in Iraq.

This is an election about America's future, not offering the status quo that has put America in the position it is. So if credibility is a question we are going to have in this campaign, let us bring it on.

□ 2015

RISING COST OF PRESCRIPTION DRUGS

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. Mr. Speaker, there has been a lot of talk over the past few months and debate here in the Congress about the high cost of prescription drugs. I just got a letter from one of my constituents in Indiana, Joseph Neff. Joseph is 67. He and his wife buy a lot of prescription pharmaceuticals from Canada. In this letter he sent me, it shows a 3-month supply of the products he has been buying from Canada, and it shows he is going to save $3,007 a year by buying pharmaceuticals from Canada, the very same thing he would buy here in the United States, the same identical prescription

drugs; and yet they cost less in Canada than if he bought them here in the United States. He is saving 50 percent on the prescription drugs he is buying from Canada. If he bought them through AARP on a discount card, it would be 10 percent. So he still saves more by going directly to Canada.

The pharmaceutical industry has been fighting day and night to stop reimportation of pharmaceuticals. They have gone to the FDA and HHS, and they have told them it is not safe to have reimportation; and our health agencies have been going along with it. And yet we held four hearings, and we asked them to give one example where people have been harmed by pharmaceuticals brought in from Canada. They could not name one example. So the pharmaceutical industry has unusual support at our health agencies. They have undue influence at our health agencies; and as a result, American people are paying exorbitant prices for prescription drugs compared to what they are paying in Canada, Germany, and other parts of the world.

Just recently there was a poll that was released by the Associated Press and stated that a third of American families struggle to afford their prescriptions, and 73 percent of those families have to cut their dosages by as much as half so they can take care of their health needs. Two-thirds of those polled felt that the Federal Government should open up this market and make it easier for people to buy prescription drugs from Canada and other countries at lower cost.

So why does our government not listen to the people we represent? There is no safety issue. That is a bogus argument. Yet the health agencies continue to walk in lock-step with the pharmaceutical companies saying it is a health risk, and it is simply about money. The big profits they make in the United States are huge compared to what they are making in other countries. We continue to let them do that when the price they charge should be fair and equitable throughout the world. All of their profits should not be loaded on the backs of the American people who are struggling to make ends meet.

In July of this year, we had a vote on this floor. The vote overwhelmingly passed saying that we wanted the reimportation of pharmaceuticals to be allowed so Americans can get the breaks that they are getting in other countries. Even though that passed, when the Medicare prescription drug bill came out of conference committee, they left that out.

The other thing that bothers me is the American people realize that our government should be negotiating to make sure that Medicare prescription drug prices are as low as possible, and yet there is a prohibition in law passed by the Congress of the United States that does not allow our government under the Medicare prescription drug bill to negotiate with the pharmaceutical companies to get the best price for the American taxpayers. So we pay the highest prices for pharmaceuticals that the pharmaceutical companies want to charge, while in other countries there are negotiations taking place between their governments and the pharmaceutical industry. This just is not right. This is something my colleagues on both sides of the aisle feel very, very strongly about.

Mr. Speaker, we have to take our health agencies and anybody else to task who is trying to load all of the profits of pharmaceuticals on the backs of the American people. The American people need fairness; they need to know that they are going to be treated fairly. They should not have to cut their pharmaceutical products in half in order to stretch them out to take care of their health needs. They do not want to pay up to 300 percent more than they are paying in Canada for the pharmaceuticals products, and they should not be called criminals because they go across the Canadian border and buy the very same product up there for less than they can get it here in the United States.

In addition, governors of 25 States and a multitude of cities across the country are now trying to negotiate with Canadian pharmaceutical distributors to buy their pharmaceutical products through Canada because they will save so much money, and it will help their budgets at the State and local level. This is a problem that is not going to go away. The pharmaceutical industry and our health agencies need to address this problem; and, Mr. Speaker, we are not going to be quiet on this floor until this problem is solved.

JOBS RECESSION

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

Mr. PALLONE. Mr. Speaker, after 3 years in the White House, President Bush still has not figured out how to create jobs for Americans here in the United States. The economy has yet to grow to the point where companies feel confident in hiring new employees. Accordingly, millions of Americans remain unemployed, some for so long they have actually given up their job search. If the jobs recession does not end soon and the economy does not create 2.1 million jobs this year, then President Bush will be the first President since President Hoover to preside over an economy in which he did not create one net job.

One of the major reasons for the current jobs recession is the increased exporting of high-paying white- and blue-collar jobs overseas. Fortunately, this phenomenon has not hit New Jersey as hard as States like Ohio, Michigan, North Carolina, and Georgia. However, New Jersey has still suffered.

I want Members to consider several examples from the township of Edison in my congressional district. This week a Ford plant is scheduled to close, leaving more than 900 New Jersey employees without jobs. Last year, the Frigidaire air conditioning plant closed in Edison and shifted production to Brazil, leaving 1,600 people unemployed.

One would think that the Bush administration would be concerned about these job losses. Two weeks ago, however, we learned President Bush and his economic advisers view the movement of American factory jobs and white-collar work to other families as a positive transformation that will in the end enrich our economy.

The President's chief economist, Gregory Mankiw, made national headlines earlier this month when he said, ''Outsourcing is just a new way of doing international trade. More things are tradeable than were tradeable in the past, and that is a good thing.'' President Bush supported this view in his annual economic report in which he wrote, ''When a good or service is produced more cheaply abroad, it makes more sense to import it than make it or provide it domestically here in the United States.''

It is no wonder the President thinks our economic forecast is so rosy. He is not concerned about creating jobs here in the United States; sending jobs overseas is fine with him. How can we have an economic success if we send jobs overseas, but do not create enough new jobs with comparable wages here in the United States? It is clear the President and his economic team are not concerned about that at all.

These statements from President Bush and his economic advisers are particularly worrisome after Congress narrowly approved legislation last year that would give the President free rein to negotiate trade agreements with foreign governments without the ability of Congress to amend the agreements.

I opposed the so-called fast track trading negotiation authority because I was concerned the Bush administration would use it to sacrifice American jobs for cheaper imports. In an attempt to further expand international free trade, the administration is now in the process of negotiating an agreement between the United States and Central America that could potentially begin another exodus of American jobs to the south.

Mr. Speaker, I would say that such agreements will do nothing to create jobs here in the United States, and perhaps that is why President Bush and some of his leading economic advisers are backing away from another statement in that same annual economic report of the President in which the administration predicted 2.6 million jobs would be created this year. Just 1 week after the release of the report, both Treasury Secretary John Snow and Commerce Secretary Donald Evans refused to embrace President Bush's own economic projections because they know that is not going to happen.

Mr. Speaker, it is time the Bush administration realizes shipping jobs overseas and cutting taxes for the wealthy elite in our country will not create jobs. President Bush and congressional Republicans have had 3 years to turn this jobs recession around. They have totally failed. It is time for Congress to pass measures that will encourage companies to keep jobs here in the United States. It is time we level the playing field and protect American jobs here, rather than continuing to export them overseas.

SECURITY FENCES

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

Mr. SOUDER. Mr. Speaker, I am so sick and tired of listening to the whining about this fence and walls in Israel. First, when I heard the complaining about the wall in Israel, I wondered whether they were complaining about the wall around Jerusalem itself. Walls and fences in the Middle East are as historic as the land itself.

I was just in Germany, and in pretty much every city they have a castle or a walled fort. That is true all over Europe, Austria, and other places. Walls and fences have been there historically, and they were not to keep people from leaving. They were to keep people from getting in. They were built in areas where there were disputed territories, or they would not have needed a wall if people were not going to attack them.

In Rome, we see all sorts of walls in different parts of the Roman Empire. It is a historic tradition in Europe. And, of course, there is the Great Wall of China that goes for thousands of miles and is fairly famous. When we look at our own country, let us say the border with Mexico where we have a fence that goes along the border with Mexico, or let us say gated neighborhoods in the United States, are we suddenly going to ban gated neighborhoods? Is the rule when we want to put a fence around our yard or security system at our house in order to keep people from intruding, are we going to say suddenly we need to unlock our doors and we can put no fences up in our own yards? It is the same basic principle of security and the right to protect your property and the people that live in it that is leading to all this whining about the fence in Israel.

Furthermore, some would add that it is disputed territory. The fact that somebody else has designs on the territory does not mean that you cannot put up a fence. Let us take our border with Mexico. There are some in the country of Mexico that believe that us getting California through a war where we had a clear overt pressure was kind of controversial, not to mention the Gasden Purchase where we more or less forced Mexico to sell us Arizona and New Mexico, or where we pushed settlers into Texas and Texas declared their independence and we did a fast recognition to bring Texas in. There are many Mexicans who do not believe that border is legitimate, but does that mean we do not have a right as a Nation, since we recognize those States, we freely associate and recognize them that way, that we do not have a right to put a fence there to protect ourselves from terrorists, illegal immigrants or drugs? Of course we have that right; and so does Israel have that right.

Since September 2000, Palestinian terrorists have launched more than 18,000 attacks, killing more than 800 Israelis and wounding 5,600. Such a high number of attacks seem inconsistent with the Palestinian Authority's commitment under the Oslo Accords and Road Map to curb terrorist activities. Without a true partner in peace, Israel alone has been left to defend itself.

One of the best methods of protecting the citizens of Israel is a security fence. In the last 3 years, not one of the 122 homicide bombers that killed 454 people in Israel infiltrated from Gaza. Gaza is separated from Israel by a security fence.

Despite this, there has been outrage and wide criticism when they have tried to put a fence at the West Bank. This case, which has now been taken to the court in front of the United Nations, is clearly within Israel's domestic jurisdiction, which demands that a government protects its citizens.

Highlighting this necessity was a bombing of a Jerusalem bus that just killed eight and injured 60. This homicide bombing occurred just before the international court began hearing the case against the fence. The need for additional security and the need for the fence in Israel has never been more clear. I am sick and tired of the whining and hypocrisy of many around the world who have built their own fences, built their own walls for thousands of years, and now want to stop Israel from defending itself.

Shortly after achieving independence in 1948, the newly formed State of Israel was set upon by its Arab neighbors. Despite an overwhelming opposing force, the fledgling country defeated its attackers. Since that time, Israel has been buffeted by harassment and violence in varying degrees of intensity. In each attack, whether by neighboring states or terrorist groups, Israel has admirably safeguarded its people and defended its borders.

While Israel has long worked to protect its people, Palestinian Arabs have only recently shown a willingness to dismantle terrorist networks and confiscate illegal weapons. Unfortunately, whether through complete duplicity or half-hearted enforcement of their commitments, terrorist attacks against Israelis continue. Regrettably, there is no sign of any serious effort on the part of the Palestinian Authority to take any action against terrorists.

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Despite the proven effectiveness of the Gaza security fence, Israel's recent decision to build a similar security fence around the West Bank has been roundly criticized. In an effort to half the construction of the fence, a suit has been filed in the International Court of Justice. This case is unprecedented in the history of the court. The court was set up to adjudicate international disputes between two members of the United Nations. In this case, the dispute is not between two U.N. members—the Palestinian Authority is not a member of the United States. The actual U.N. member involved, Israel, has not agreed to the hearing.

This case falls squarely within Israel's domestic jurisdiction which demands that the government protect its citizens. Highlighting this necessity was the bombing of a Jerusalem bus that killed 8 and injured 60. This homicide bombing occurred just before the International Court began hearing the case against the fence. The need for additional security and the need for the fence has never been more clear.

Opponents argue that the fence poses undue hardship to Palestinian Arabs by limiting their employment opportunities or separating them from other Arabs and each other. Certainly, the fence poses a hardship to Palestinian Arabs. The extra security will undoubtedly cause difficulties when moving from the West Bank into Israel but the Israeli government has done its best to be as accommodating as possible. In most places, the fence follows the pre-1967 border. Israel has provided passageways for Palestinian Arab farmers to tend their fields, replanted trees uprooted by fence construction, and protected a water reservoir used by West Bank farmers. In recent days, Israel has shortened the fence citing among its considerations the impact on Palestinian Arabs living near the fence.

As obliging as Israel has been in constructing the security fence, Israel should never be forced to sacrifice its security for convenience. Palestinian Arabs tired of Israel's security measures need only demand that their leaders live up to their commitments to rein in terrorist groups based in the West Bank and Gaza.

It is unfortunate that opponents denounce Israel for protecting itself while ignoring the terrorist attacks that precipitated the need for the fence. At $1.6 million per mile, I am sure that Israel would prefer to spend its money elsewhere. Unfortunately, the current level of terrorist activity precludes Israel from doing that.

Israel does not wish harm upon its neighbors. Since its establishment, it has only wished to live in peace. Regrettably, Israel's neighbors have never shared this vision. Relentless attacks have forced the Israelis to take steps that seem punitive but only serve to defend the State of Israel and its citizens.

I applaud Israel's security measures. Israel simply has done what the United States of America does everyday, which is protect its

citizens from forces that would harm or destroy them.

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HAITI

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

Mr. CONYERS. Mr. Speaker, I come to the floor tonight to bring to my colleagues' attention the extreme emergency that the country of Haiti finds itself in with gangs, rebels, renegades, protesters, thugs, drug lords, in combination and in different groups in different parts of the nation of trying to drive out the first duly elected President in the history of Haiti, President Jean-Bertrand Aristide.

There are a number of activities going on here in the Capitol that are intended to move our government and national organizations and international organizations into an effective combination that would allow peace to quickly come to this beleaguered nation where poverty, suffering and misery is so endemic.

I begin my comments with an appeal to the President of the United States, and I quote from a resolution that has been drafted by our colleague from California (Ms. WATERS) which urges the United States to support the principles of democracy and constitutional rule in the Republic of Haiti under which President Jean-Bertrand Aristide was elected and oppose any and all attempts to remove President Aristide from office prior to the completion of his term under the Constitution of Haiti. And that we additionally condemn the violent activities of groups of thugs, former members of Haiti's disbanded army, and paramilitary organizations in Haiti.

This is an appeal to urge the President of the United States to make a statement, to break his silence and to let the world and the people of Haiti know that this country promotes democracy, respects the right to protest, but appreciates that free speech cannot be equated with violence and intimidation.

In addition, we are seeking to invoke the awesome prestige of the United Nations through its Security Council which will be meeting tomorrow. We intend to communicate, Members of Congress, with the Organization of American States to urge that they continue their important work, that CARICOM be invited to offer assurances; in other words, that we pull these international organizations together and make certain that our country does not by its silence give a wink and a nod to the violence that is going on there.

Last of all, we appeal to our distinguished Secretary of State, Colin Powell himself, whose ancestors came from the Caribbean. We thank him for his negotiations by which he attempted to reach agreement, and he extended the time. It was finally at 5 p.m. this evening that the rebel opposition rejected and refused to continue any negotiations. And so now we ask the Secretary of State in his wisdom and judgment to move to a new and higher plane in trying to bring this matter, the differences of other groups and citizens with their President, to a peaceful resolution.

It is very important that we recognize that the United States' role in this is so important since we were prominently involved in bringing a democratic election and a President to Haiti.

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

(Mr. KIRK 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. OWENS) is recognized for 5 minutes.

(Mr. OWENS addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2004 AND THE 5-YEAR PERIOD FY 2004 THROUGH FY 2005

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels on on-budget spending and revenues for fiscal year 2004 and for the five-year period of fiscal years 2004 through 2008. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 501 of the conference report on the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 95). This status report is current through February 6, 2004.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for fiscal years 2004 through 2008, because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the ''section 302(a)'' allocations made under H. Con. Res. 95 for fiscal year 2004 and fiscal years 2004 through 2008. ''Discretionary action'' refers to legislation enacted after the adoption of the budget resolution. A separate allocation for the Medicare program, as established under section 401(a)(3) of the budget resolution, is shown for fiscal year 2004 and fiscal years 2004 through 2013. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2004 with the ''section 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This table also compares the current level of total discretionary appropriations with the section 302(a) allocation for the Appropriations Committee. These comparisons are needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would branch either the section 302(a) allocation or the applicable section 302(b) suballocation.

The last table gives the current level for 2005 of accounts identified for advance appropriations under section 501 of H. Con. Res. 95. This list is needed to enforce section 501 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2004 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95

[Reflecting action completed as of February 6, 2004—on-budget amounts, in millions of dollars]

	Fiscal year 2004	Fiscal years 2004–2008
Approriate Level:		
Budget Authority	1,880,555	(1)
Outlays	1,903,502	(1)
Revenues	1,325,452	8,168,933
Current Level:		
Budget Authority	1,875,397	(1)
Outlays	1,894,792	(1)
Revenues	1,330,756	8,375,403
Current Level over (+)/under (−) Appropriate Level:		
Budget Authority	−5,158	(1)
Outlays	−8,710	(1)
Revenues	5,304	206,470

[1] Not applicable because annual appropriations Acts for fiscal years 2005 through 2008 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2004 in excess of $5,158,000,000 (if not already included in the current level estimate) would cause FY 2004 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2004 in excess of $8,710,000,000 (if not already included in the current level estimate) would cause FY 2004 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2004 in excess of $5,304,000,000 (if not already included in the current level estimate) would cause revenues to fall below level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period FY 2004 through 2008 in excess of $206,470,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF FEBRUARY 6, 2004

[fiscal years, in millions of dollars]

House Committee	2004		2004–2008 total		2004–2013 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture:						
Allocation	0	0	0	0	n.a.	n.a.
Current level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Armed Services:						
Allocation	70	34	70	70	n.a.	n.a.
Current level	3,805	347	15,155	12,742	n.a.	n.a.
Difference	3,735	313	15,085	12,672	n.a.	n.a.
Education and the Workforce:						
Allocation	39	47	201	245	n.a.	n.a.
Current level	9	8	9	9	n.a.	n.a.
Difference	−30	−39	−192	−236	n.a.	n.a.
Energy and Commerce:						
Allocation	−170	−170	439	439	n.a.	n.a.
Current level	2,202	963	3,451	3,567	n.a.	n.a.
Difference	2,372	1,133	3,012	3,128	n.a.	n.a.
Financial Services:						
Allocation	0	375	0	1,250	n.a.	n.a.
Current level	−1	−1	−2	−2	n.a.	n.a.
Difference	−1	−376	−2	−1,252	n.a.	n.a.
Government Reform:						
Allocation	−1	0	−3	−1	n.a.	n.a.
Current level	2	2	24	24	n.a.	n.a.
Difference	3	2	27	25	n.a.	n.a.
House Administration:						
Allocation	0	0	0	0	n.a.	n.a.
Current level	1	1	3	3	n.a.	n.a.
Difference	1	1	3	3	n.a.	n.a.
International Relations:						
Allocation	0	0	0	0	n.a.	n.a.
Current level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Judiciary:						
Allocation	19	19	95	95	n.a.	n.a.
Current level	13	13	83	83	n.a.	n.a.
Difference	−6	−6	−12	−12	n.a.	n.a.
Resources:						
Allocation	24	24	522	342	n.a.	n.a.
Current level	28	28	165	165	n.a.	n.a.
Difference	4	4	−357	−177	n.a.	n.a.
Science:						
Allocation	0	0	0	0	n.a.	n.a.
Current level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Small Business:						
Allocation	0	0	0	0	n.a.	n.a.
Current level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Transportation and Infrastructure:						
Allocation	9,256	0	41,134	0	n.a.	n.a.
Current level	6,425	−2	7,460	−126	n.a.	n.a.
Difference	−2,831	−2	−33,674	−126	n.a.	n.a.
Veterans' Affairs:						
Allocation	0	0	0	0	n.a.	n.a.
Current level	−77	−77	−1	−1	n.a.	n.a.
Difference	−77	−77	−1	−1	n.a.	n.a.
Ways and Means:						
Allocation	20,626	20,054	24,079	23,876	n.a.	n.a.
Current level	17,979	17,960	22,810	22,850	n.a.	n.a.
Difference	−2,647	−2,094	−1,269	−1,026	n.a.	n.a.
Medicare:						
Allocation	0	0	n.a.	n.a.	0	0
Current level	4,100	3,100	n.a.	n.a.	392,000	392,000
Difference	4,100	3,100	n.a.	n.a.	392,000	392,000

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2004—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of July 22, 2003 (H. Rpt. 108–228)		Current level reflecting action completed as of February 6, 2004		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	17,005	17,686	16,839	17,633	−166	−53
Commerce, Justice, State	37,914	41,009	37,582	40,677	−332	−332
National Defense	368,662	389,221	368,183	388,648	−479	−573
District of Columbia	466	464	542	536	76	72
Energy & Water Development	27,080	27,211	27,255	27,263	175	52
Foreign Operations	17,120	20,185	17,611	20,171	491	−14
Homeland Security	29,411	30,506	29,238	30,007	−173	−499
Interior	19,627	19,400	19,540	19,346	−87	−54
Labor, HHS & Education	138,036	134,766	138,987	135,069	951	303
Legislative Branch	3,512	3,662	3,527	3,603	15	−59
Military Construction	9,196	10,282	9,316	10,247	120	−35
Transportation-Treasury	27,502	71,360	28,116	71,873	614	513
VA-HUD-Independent Agencies	90,034	95,590	90,774	96,404	740	814
Total (Section 302(a) Allocation)	785,565	861,342	787,510	861,477	1,945	135

Statement of FY2005 advance appropriations under section 501 of H. Con. Res. 95 reflecting action completed as of February 6, 2004

[In millions of dollars]

	Budget authority
Appropriate Level	23,158
Current Level:	
Homeland Security Subcommittee:	
Bioshield[1]	2,528
Interior Subcommittee: Elk Hills	36
Labor, Health and Human Services, Education Subcommittee	
Employment and Training Administration	2,463
Education for the Disadvantaged	7,383
School Improvement	1,435
Children and Family Services (head start)	1,400
Special Education	5,413
Vocational and Adult Education	791
Transportation and Treasury Subcommittee	
Payment to Postal Service	37
Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals	4,200
Total	25,686
Current Level over (+)/under(−) Appropriate Level	2,528

[1] This advance appropriation was not on the list of accounts identified for advance appropriations included in the joint explanatory statement of the committee of conference in the conference report to accompany H. Con. Res. 95. Still, since the provision has been enacted, it is included as part of the current level for advance appropriations.

EXTEND BAN ON ASSAULT WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, on January 17, 1989, a gunman used a weapon like this one behind me to fire 102 bullets into a crowded elementary school in California. The weapon is the AK–47, and it is very good at what it does. It kills as many people as possible as quickly as possible. Before the shooting stopped, 34 children and teachers had been shot. In less than 2 minutes, the gunman was able to spray the school yard with more than 100 bullets. America was rightly outraged.

On December 7, 1993, another gunman came on a train on the Long Island Railroad. This gunman had large-capacity clips and was able to shoot and kill six people, one of them my husband, and wound 21 people, one of them my son. It was at that time that I decided that I would do whatever I could to reduce gun violence in this country.

We were also having a debate here in Washington on having an assault weapons ban, and I became part of that debate. We were very lucky that when it came up for a vote, it won by one vote.

But there is good news for criminals, gangs and terrorists. Soon they will be able to buy an AK–47 once again. Soon criminals, gangs, terrorists can go into any gun store and buy any kind of assault weapon that they want. The assault weapons ban expires this September 14. Some in Congress wish this issue would just go away, but Americans overwhelmingly support the ban. Even 66 percent of gun owners support the ban. They support it because it worked and because it protected the rights of law-abiding citizens to own handguns, hunting rifles and shotguns. Once again, every major law enforcement agency in the country has endorsed the ban. The Supreme Court has even upheld a stronger version of the ban.

But nothing will get done if President Bush refuses to add his voice to the effort. He has promised to sign a new assault weapons ban if it reaches his desk, but if his leadership is not here, and if he does not tell TOM DELAY to bring the bill up for a vote, it is never going to reach his desk.

I have introduced H.R. 2038, which would renew the ban while closing its most gaping loopholes. I came to Congress to fight for gun safety. I have fought for common-sense, effective gun measures, but too many of my colleagues seem beholden to gun pressure groups. Yet we know the American people want to have assault weapons kept off their streets. We cannot let special interests trump the safety of American families and our police officers.

We have 202 days to renew the ban. Failing to do so would be an outrage, and the American people will demand an explanation in November. But there is something that they can do today. I urge all Americans to contact their Members of Congress and their Senators and tell them we want to keep assault weapons off the street. We have got to band together for the safety of our families, our children and our communities. This is something we can do.

People talk about they never have a voice in government. I happen to know that having a voice in government is very important. Here in this House, how many times have we seen bills pass by one vote? Or fail by one vote? It is up to the American people to get involved in this.

This evening we have heard so many of my colleagues talk about all the things that are going on in this world, budget deficits, medications that cannot get to our patients. These are all serious problems. But allowing assault weapons back onto our streets again to kill our officers, to go into our schools, this is something we can do. This is something where the American people can have their voices heard. We outnumber the NRA. We outnumber those that are trying to stop this.

Since I have been in Congress, I have always tried to uphold the second amendment, but this kind of a gun is only meant for one thing. It is to kill as many people as possible. It is guns like this that we are seeing in Iraq, Israel, Haiti. These are the kind of guns that are used to wipe out people as fast as they can. You are telling me a sportsperson wants these back on the streets again?

Mr. Speaker, I will be back here every single week until the American voices are heard, and I will be here to voice those voices.

HAITI

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

Ms. LEE. Mr. Speaker, I rise tonight to ask the Bush administration why in the world our country appears to be allowing a violent coup d'etat to occur in Haiti. Through a wink and a nod, our administration is allowing this violence to occur, and we must not stand for it.

The democratically elected President of Haiti could be overthrown any minute. At risk, of course, is the safety of over 8 million lives in Haiti. We cannot play politics with rebels and with thugs. They are trying to change their government through the use of force, not by democratic elections. We do not allow coups to take place in the United States, and we should uphold that standard for neighboring countries, neighboring democracies, especially one in our own hemisphere.

Throughout Haiti's 200 years of independence, it has experienced 32 coups, but it seemed that the tragic cycle ended in 1991 with President Aristide's first Presidential victory. After a coup, the United States helped restore then-exiled President Aristide in 1996, and later he ran and was reelected in the fall of 2001. Tonight as we speak, President Aristide is warding off yet another coup attempt and a potential civil war, and democracy is under fire again in Haiti.

Two weeks ago now I wrote to Secretary Powell and asked the following questions:

One: Does the State Department support the democratically elected Government of Haiti? What practical steps is our government taking to support the democratic process?

Two: Is our country supporting and sanctioning an overthrow of the Aristide government by giving a wink and a nod to the opposition? There are also reports that we are covertly funding the opposition.

Third: Is it true that the Haitian opposition parties and leaders have received USAID funding?

Fourth: We understand the Haitian Government made several requests over the last 2 years for equipment and training of Haiti's police force. Why were these requests never responded to?

Secretary Powell said, and I quote, ''We cannot allow thugs and murderers to overthrow the democratically elected government of President Jean-Bertrand Aristide,'' but now there appears to be a major disconnect between

the Bush administration's words and actions. Their rhetoric says one thing, and their actions say something else.

This Friday, prior to the international diplomatic team traveling to Haiti, members of the Congressional Black Caucus asked the administration to act immediately and prevent the rebels from taking over more cities in Haiti. We are awaiting a response to both of these letters.

We are working to protect democracy in Haiti day and night, but unfortunately people in Haiti are still dying as a result of rebel attacks, hunger and the like. The ongoing negotiations to broker a peace plan are failing, and it is not at all a result of President Aristide. President Aristide has shown good faith by accepting the Catholic bishops' plan, the CARICOM plan and now this peace plan.

Haiti is embroiled in violence. Armed rebels are burning down jails and pillaging villages, toting M–16s and M–50s. Haiti only has 3,500 police for over 8 million people. It is only common sense that disarming thugs and murderers and forging a cease-fire go hand in hand.

□ 2045

The United States cannot sit back and watch a country especially in our own hemisphere spiral further down into a state of turmoil. Bush must show some leadership and speak out against the violence and the disregard for the rule of law in Haiti. President Bush should speak out in support of the democratically elected President of Haiti and provide President Aristide the assistance that he needs to promote peace on the ground, allow free and fair elections to take place, and to uphold the Haitian constitution.

How can we sit back and witness a violent attempt to overthrow a government? Is this part of the Bush administration's regime change policy?

Democracy in Haiti is in grave danger. Turmoil rages on the ground, in the streets, at the university, through the halls of government, and in the homes of Haitians. Haitians are dying, and it is apparent that the hope for peace is diminishing.

If we believe, if we truly believe in the power of democracy and the potential for global peace, we must not turn a blind eye to our neighbor and longtime ally. This is an urgent cry to our administration, specifically President Bush, to formally request a meeting of the United States Security Council with the hope of bringing the world community's resources to bear in support of the government of Haiti.

The United States must stop dragging its feet and answer the call President Aristide made again yesterday. He said, ''Should those killers come to Port-au-Prince, you may have thousands of people who may be killed.'' We need the presence of the international community as soon as possible.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 20, 2004.

President GEORGE BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Thank you for your Administration's new initiative to resolve the current political crisis in Haiti. The Congressional Black Caucus agrees that we cannot allow ''thugs'' and ''murderers'' to overthrow the democratically-elected government of President Jean Betrand Aristide, as Secretary Powell stated on February 17, 2004. Additionally, we are pleased that the United States, France, Canada, CARICOM, and the OAS will meet with the Government of Haiti to discuss how we can work together to secure the country, stop the escalating violence, restore the rule of law, and take steps forward to implement the CARICOM proposal.

There must be an immediate cease-fire, and as these talks move forward, we hope that the United States insists that all parties lay down their arms and stop the violence. Haitians are dying every day, and the United States must do its part to guarantee a cease-fire, uphold democracy, and promote stability in a sovereign nation in our own hemisphere. Members of the Congressional Black Caucus agree that these emergency talks will be critical to ending the current violence.

We respectfully encourage you to invite experienced, independent observers to travel to Haiti to monitor and observe the meeting. Thank you for your attention to this urgent matter. We look forward to working with you to help resolve this crisis.

Sincerely,

Barbara Lee; John Conyers, Jr.; Donald M. Payne; Bobby L. Rush; Sheila Jackson-Lee; Elijah E. Cummings; Maxine Waters; ———; Diane E. Watson; Gregory W. Meeks.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2004.

Hon. COLIN POWELL,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: Thank you for coming to the House International Resources Committee today. While we ran out of time before I could raise my questions in committee, I enjoyed speaking to you afterwards.

As you know, conditions in Haiti are rapidly deteriorating. People are dying, and our own commitment to democracy is under siege. We have a moral and regional obligation to help one of our closest neighbors. Furthermore, Article 17 of the OAS Inter-American Democratic Chapter requires that all OAS nations come to the aid of a democratic government under siege.

I must say, Mr. Secretary, that our failure to support the democratic process and help restore order looks like a covert effort to overthrow a government. There is a violent coup d'etat in the making, and it appears that the United States is aiding and abetting the attempt to violently topple the Aristide Government. With all due respect, this looks like ''regime change.''

This situation demands sustained U.S. engagement to promote democracy, yet disturbing reports indicate our actions—or inaction—may be making things worse. The opposition is well-funded and well-armed, even though President Aristide's pleas for resources to better train police forces have fallen on deaf ears. Yet, State Department officials have implied that President Aristide's departure could be an option in solving the current crisis. How can we call for democracy in Iraq and not say very clearly that we support democratic elections as the only option in Haiti?

Since I did not have the opportunity to raise the following questions in committee, I would appreciate it if you could provide a written reply so that I might have a better understanding of Administration policy toward Haiti:

1. Does the State Department support the democratically-elected government of Haiti? What practical steps is our government taking to support the democratic process?

2. Is our country supporting and sanctioning an overthrow of the Aristide Government by giving a wink and a nod to the opposition? There are also reports that we are covertly funding the opposition.

3. Does the United States support the CARICOM proposal, and will we work through the OAS to broker a peaceful solution, not an overthrow of the Aristide Government?

4. Is it true that Haitian opposition parties and leaders have received USAID funding?

5. We understand the Haitian government made several requests over the last two years for equipment and training of Haiti's police force. Why were these requests never responded to?

Thank you for your attention,

BARBARA LEE,
Member of Congress.

THE BUSH ECONOMIC PICTURE

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

Mr. BLUMENAUER. Mr. Speaker, we have much serious business to attend to on Capitol Hill these days. Many of us on our side of the aisle are deeply concerned about the Bush economic picture, how sad it is for most of America, including my State, which has struggled with very high unemployment for most of the Bush administration. The administration has fallen 1.8 million jobs short of the promises that were made to the Americans and to this Congress to justify the first two massive tax cuts from the Bush administration. There are significant issues to deal with the national government's fiscal health, the guarantees of an extra trillion dollars that was going to be available when the tax cuts were brought forward that the President repeated here in Washington, D.C., and out in the hustings.

Now the administration wants to spend another trillion dollars in the face of hemorrhaging red ink to make these tax cuts that benefit a tiny number of Americans, those who need help the least, make their tax cuts permanent. This is something we could debate here in Washington, D.C.

There appears to be no concern for the millions of Americans who are being caught in the payment of the millionaires tax, the alternative minimum tax, that was inspired because there were a handful of people who were earning $1 million or more in today's dollars that escaped taxation altogether. Congress in its wisdom passed the alternative minimum tax.

Now it has turned into a voracious revenue machine for the Federal Government that is taxing 2.4 million American families, and that number is due to quadruple to over 12 million families in just a year; and if nothing is done, it is going to put the tax bite, extra taxes, on 41 million American families who will be subjected to the millionaires tax. But the Bush administration is more concerned about making permanent tax cuts for those who need it the least, as opposed to dealing with the alternative minimum tax. We do not hear any outrage. That is something we should debate on this floor.

Or remember the lockbox where the two candidates for President, was it just 2000, Al Gore and then Governor Bush, were going to lock up the Social Security trust fund to make sure it was available for future generations? Now under the fiscal policies of this administration and his allies in Congress, we are borrowing every cent of the Medicare prescription drug benefit from the Medicare trust fund. That is something that is worth debating.

The tax cut that is being pressed would fund the Social Security deficit three times over and avoid a disaster as the baby boom generation approaches retirement.

This administration has refused to join us in the battle against the Republican leadership to extend unemployment benefits for workers who have had them expire. That is worth debating.

Or the loss of manufacturing jobs across this country. It is fascinating to hear the administration's one concrete proposal to increase the number of manufacturing jobs that I have heard in the last 3 years, and that is to reclassify the people who work at McDonald's, providing the service at those restaurants, that they are somehow going to be manufacturing jobs. They are going to change the definition. That is worth debating too.

But what is it that the administration wants to talk about? Not the false choices in Iraq that have put us in a disastrous situation on the ground and putting young men and women in harm's way, not the deeply flawed policy where we are not following through in Afghanistan. They want to talk about gay marriage.

I would strongly recommend that instead of pursuing something that was brought to us by Republican judges in Massachusetts, we let the States alone debate the real issues and not deal with a Federal constitutional amendment banning same-sex marriage.

HONORING JOHN REDDEN, PASCACK VALLEY'S CITIZEN OF THE YEAR

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

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to honor a distinguished citizen from the Fifth Congressional District from New Jersey, which I represent. Mr. John Redden has been named Pascack Valley's Citizen of the Year.

John is deserving of such acclamation for his many contributions to his community. He serves on the board of the Pascack Community Services. He has owned a Westwood-based business for over 20 years. And John, who has a wife and three children, has generously given of his time and money to donate to many community organizations. He has used his passion of sports to encourage athletic involvement in the community for having coached both basketball and baseball.

I might add that John is a worthwhile recipient of this award not only for the many contributions but in the way that he undertakes them. He supports his community silently, asking no credit whatsoever for his charity to his community. He supports his hometown organizations simply because he loves his neighbors and the community means so much to him.

I commend John for his dedication to his community, and I ask my colleagues to join me in congratulating him on receiving this prestigious award.

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

(Mr. DAVIS of Illinois 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.)

HAITI

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

Ms. WATERS. Mr. Speaker, I just returned from Haiti this past weekend. It was the third time I have been there since January 1. And I am on this floor tonight because I want to share in the most straightforward way that I possibly can that it is clear to me that a bloodbath in that country is imminent in spite of the fact that President Jean-Bertrand Aristide has agreed to the peace plan worked out by the international community.

I went down to Haiti this past Saturday to be an observer as the international community, made up of United States, Canada, France, the OAS, CARICOM, and the United Nations, presented a peace plan; and it was a tough peace plan. The plan called for three persons from the international community, these organizations, to select a council of wise persons, of seven wise persons, who would then choose what would end up being a prime minister. First in the plan they offered the President, they said they would give him a name and he would either accept it or reject it. He asked them to give him more than one name. They ended up agreeing to give him two names that he could choose from, and the President accepted the plan. I was there. He accepted the plan.

But the opposition has rejected the peace plan. They have refused to negotiate. They also have sent a signal to groups of thugs and a newly formed army of exiled criminals that they will support the violent overthrow of the democratically elected government of Haiti. These thugs and the newly formed army, made up of exiled former military officers and criminals known as The Front for the Advancement and Progress of Haiti, commonly referred to as FRAPH, have murdered many people in Cap Haitian, and they now control several cities.

For the last couple of days, these crooks, criminals, former military officers have been on television warning that they are on their way to Port-au-Prince. They are now on their way to Port-au-Prince; and if in fact these thugs who are armed with very sophisticated weapons, M–16s, go to that capital and they try to take the palace, there will be a bloodbath. Lavalos, the millions of people who support the President will be there to protect the capital, and this confrontation will end in the loss of many lives.

It is time for the international community to come to the aid of Haiti. It is time for us to understand that we can avoid this bloodbath in Haiti; and it makes good sense to say to the opposition who refuses to come to the table that the game is up; that, in fact, if they want to be obstructionists, we are going to insist that they get out of the way so that we can move with stabilizing Haiti.

We simply cannot stand by and watch this situation unfold and not recognize that a coup d'etat is in progress in Haiti. Immediate international assistance is essential to stop the escalation of violence. The United States should work with the Organization of American States, the nations of the Caribbean community referred to as CARICOM, and other countries to provide assistance to Haiti to stop the violence, disarm the thugs and death squads and protect the Haitian people.

I have been in conversation with the State Department trying to urge them to take some action. I have talked with representation, the ambassadors from Canada, and have on call the ambassador from France. I have talked with the OAS representative, saying to them somebody must take the lead in putting together the assistance to stop this carnage. It is quite unfortunate; and if there is a bloodbath, this country is going to have to take some responsibility in it.

□ 2100

The man that is leading the coup d'etat in Haiti was born in New York and holds an American passport. For the life of me, I do not understand what an American, born in New York, with a passport, is doing starting a coup d'etat in another country. Mr. Andy Arpaid, Jr., not only holds an American passport; he owns 15 factories in Haiti, sweatshops.

Unfortunately, we cannot continue. We will continue this at another time.

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

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

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

(Mr. PAYNE 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 Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

AMERICA MUST STAND UP FOR DEMOCRACY IN HAITI

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

Ms. WATSON. Mr. Speaker, over the last several weeks, my constituents have watched the escalating violence in Haiti with increasing alarm. Their alarm is caused not just by the brutality and the chaos of the revolt, but by this seeming lack of resolve of our own United States Government in confronting this threat to democracy in our own backyard.

While the President has responded admirably in dispatching envoys to seek a negotiated solution, I remain concerned that this push for dialogue is not matched by equal resolve to prevent the violent overthrow of a democratically elected government. If the Bush administration turns its back on the democratically elected government of Haiti in this crisis, the President will lose any and all credibility he has on preserving the rule of law.

By now, there should be few illusions about Jean Bertrand Aristide. He is not a paragon of virtue. He deserves an equal share of the blame, along with the legitimate opposition in Haiti, for the political gridlock which has paralyzed Haiti for years and prevented both political maturity and economic growth. But he remains a democratically elected leader, one of the few in Haiti's two violent centuries of independence. To turn our back on him would be to turn our back on the values America was founded upon, the values which have guided our foreign policy from Jefferson through Wilson, through Truman, through Ronald Reagan and Bill Clinton.

Haiti's political deadlock is no excuse for violent hooliganism. The forces creating violence in Haiti today are opponents of democracy. If President Bush fails to support the elected government against violent hooligans, the United States will forfeit its role as the leader in this hemisphere. How can our government lead in advocating for democracy in Cuba when we will not raise our voices for democracy just a few miles away in Haiti?

The President's initial efforts have so far been positive; but I fear that without firm resolve, backed by a credible threat of repercussions, America risks losing her credibility as an advocate for democracy. The President needs to be more forceful in stating that he will not accept the violent overthrow of the Aristide government and that we remain adamant that we will only accept a peaceful, negotiated solution to this crisis.

The President has outlined a bold vision for expanding democracy, freedom, and the rule of law throughout the world. But if the President will not even defend democracy in our own hemisphere, he will expose his vision as little more than empty posturing.

I urge the President to take action to prevent the violent overthrow of the Aristide government and to preserve America's leadership role in fighting for democracy and the rule of law.

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

(Ms. CARSON of Indiana addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

HAITI

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise with the Members of the Congressional Black Caucus' Haiti Task Force to urge immediate action to assuage the political crisis that we see in Haiti.

I wrote a letter to Secretary of State Powell dated February 17 urging a more forceful effort to quell insurgents and to maintain democracy and respect for the rule of law in the region. Haiti has long been suffering with dire economic conditions and the devastation of HIV/AIDS. But now, Haiti has reached a state of crisis. To date, more than 60 people have been killed in the rebellion that is quickly escalating to a civil war.

Humanitarian aid and military assistance are needed now given the threat that demonstrators may thwart the delivery of food and other relief items.

I and the other Members of the Congressional Black Caucus have consistently supported an active role for the United States in providing humanitarian and military assistance to Haiti. Many other Members of the House and Senate have expressed a willingness to support more engaged and aggressive peacekeeping activities to prevent a full-scale civil war so close to our border and to head off the large exodus of refugees to our shores that it might precipitate.

Secretary Powell made a statement earlier about Haiti, committing the United States to working toward a political resolution to the situation in Haiti. However, he expressed his concern that the ''enthusiasm'' does not exist for the United States to take a stronger approach.

It may be necessary to use more forceful means in the short-run to prevent a humanitarian disaster. The United States must act on its commitment to upholding the constitutional process and the rule of law as the optimal way to maintain civil stability and respect for human rights in that region. We should support the proposal adopted by the Caribbean Community (CARICOM) in Nassau as a viable option to restore peace.

As we work with the government of Haiti to explore the role of the international community in averting civil war, we must also start to look beyond the current crisis. For example, Haiti continues to be in dire need of food aid and medical assistance. The current unrest has already set off an exodus of refugees; and uncertainty regarding the timing and fairness of the next elections is further promoting suspicions and instability. The United Nations has great experience in handling such issues. Even as we concentrate on quelling the violence, we must also think in terms of promoting peace and stability in the aftermath.

Operation Iraqi Freedom provides a strong model of what we should not do. Without reliable or corroborated information, we initiated aggressive war efforts and amassed large war-related expenses and lost lives of our brave young men and women. Former United Nations weapons inspector David Kay has testified to the fact that there have not been, nor

will there be found any stockpiles of weapons of mass destruction as possessed by Iraq. Nevertheless, our troops have been deployed and stationed in that region since the beginning of the war, and the cost has been tremendous. With the government projected to run one of the largest deficits in history, it is not enough to simply consider the cost of the war today; we must also consider how much money we will be spending on it for years to come. Although the stated cost of the war on April 17 was $34 billion, the actual cost was closer to $47.6 billion, due to the $13.6 billion we will be spending in interest. In addition, the cost of occupation is more accurately stated as $5.46 billion monthly, of which $1.56 billion is interest.

With respect to the situation in Haiti, there has been a cry for assistance by President Aristide. The poorest country in the Western Hemisphere that is celebrating its 200th anniversary of independence from French rule with over 8 million citizens aided by a 4,000-officer police force has requested humanitarian aid and security forces. The U.S. contingency plan to deal with the massive refugee exodus that will soon occur is to send them to Guantanamo, Cuba, which received thousands of Haitian refugees during the last crisis 10 years ago, when a military junta seized power from Aristide.

The exodus will indeed be massive; but we can avoid or at least ameliorate it by taking more forceful action to quell the situation immediately.

FEBRUARY 17, 2004.

Hon. COLIN L. POWELL,
Secretary, Department of State,
C Street NW, Washington, DC.

DEAR SECRETARY POWELL: I am deeply concerned about the escalating violence in Haiti. Haiti has long been suffering with dire economic conditions and the devastation of HIV/AIDS. But now, Haiti has reached a state of crisis. The recent uprising could rapidly degrade into a catastrophic civil war. I respectfully urge you to move immediately to get humanitarian aid and military assistance to the people of Haiti, in order to help bring about some safety and stability.

I understand that you may feel there is no ''enthusiasm'' at present for sending U.S. troops or police to Haiti to help quell the violence. However, I believe that the political will to address the problem is rising. We Members of the Congressional Black Caucus have long-been supporters of an active role for the United States in providing needed assistance to Haiti. Many other Members of the House and Senate have expressed a willingness to support possible peace-making and peace-keeping activities, to prevent a full-scale civil war so close to our border, and to head off the large exodus of refugees to our shores that it might precipitate.

Furthermore, there seems to be a feeling in the international community and in Haiti itself, that some foreign intervention may now be necessary in Haiti. I hope that you will work with our allies and the United Nations to craft a resolution to this crisis. I am confident that you will exercise your excellent diplomatic skills to craft a political approach to promoting long-term democracy in Haiti. However, please also consider that it may be necessary to use more forceful means in the shortrun to prevent a humanitarian disaster.

Please let me know if you would like to discuss this matter or if I can be of further service.

Sincerely yours,

SHEILA JACKSON-LEE,
Member of Congress.

MORE HEMORRHAGING OF AMERICAN JOBS

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

GENERAL LEAVE

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I begin this evening by offering the comments of my colleague, the gentlewoman from Cleveland, Ohio (Mrs. JONES), who could not stay with us this evening, but to announce her support of our efforts, or opposition, if you will, to the Central American Free Trade Agreement and her good work on opposing this agreement that will expand NAFTA to Central America and ultimately lead to the quadrupling of low-income workers, the doubling of the size of NAFTA and more hemorrhaging of American jobs.

Mr. Speaker, President Bush last Friday officially notified Congress that he supports the Central American Free Trade Agreement, that he plans to send it to Congress, probably sometime in May, and this body sometime after that will make a decision on whether it wants to pass the Central American Free Trade Agreement.

It just amazes me, Mr. Speaker, that President Bush continues the same very much failed economic policies that he has promoted in this country for the last 3 years.

The Bush economic policies basically are twofold: continued tax cuts for people who need it least, for the most wealthy people in our society. Roughly half the tax cuts have gone to the wealthiest 1 percent of people in this country as we continue to run up huge budget deficits. That is one part of the President's economic recovery program which has led us to a jobless recovery, or, more precisely, Mr. Speaker, a job-loss recovery. One aspect is tax cuts for the wealthiest of Americans as part of his policy for economic recovery.

The other part is to continue to pass trade agreements which have, frankly, shipped jobs overseas. That is why he is asking Congress, because he believes these trade agreements for some reason seem to be helping; but it is pretty clear we have lost lots and lots of manufacturing jobs, to China, Mexico, south of the border, across the ocean, to countries all over the world.

Mr. Speaker, in my State of Ohio, one out of six manufacturing jobs has simply disappeared since President Bush took office. That means that tens of thousands of Ohioans are out of work; literally hundreds of thousands of Americans in manufacturing have been thrown out of work. And it means something else: 30 or 40 years ago when we were in the midst of a recession, you figured most of those jobs, seven out of 10, statistics say, would return, people would get their jobs back. They would have temporary layoffs at a Ford plant, temporary layoffs at a steel mill. Seven out of 10 of those jobs would come back. Three of them would be lost forever. Other jobs might be created during a recovery.

During the Bush recession and recovery, they are predicting now only three of the 10 manufacturing jobs lost will return, and they have not even returned yet. So we have this jobless job-loss recovery, when the President says his tax cuts are working. They may be working for upper-income people who both get the tax cuts and now are seeing the stock market doing a little better, only a little better; but they are not working for Ohioans who have lost jobs. They simply are not working. The promises the President made simply have not been fulfilled.

The front page of The Washington Post today, a newspaper that has been pretty pro-Bush on Medicare, very pro-Bush on Iraq, pretty pro-Bush on a whole host of issues, this newspaper wrote on the front page, talked about the Bush job forecast.

With President Bush, every time he issues a statement, an economic report, every time he introduces legislation on the economy to Congress, he makes predictions. He predicted there would be 3.4 million more jobs in 2003 than there were in 2000.

Now, this prediction was not made before September 11, upon which he blames much of the economic stumbling, economic recession in some places, depression in others in this country. This was a prediction made 2 years ago.

The President said by 2003 there would be 3.4 million more jobs in this country than there were when he took office. You know what? We have actually seen a loss of 1.7 million jobs; 1.7 million fewer jobs today than when President Bush took office.

That is some kind of a record. There has not been a President of the United States for 7 decades that has actually seen a net loss of jobs during his presidency. Herbert Hoover was the last one, and Herbert Hoover obviously paid a political price at the next election; and, more importantly, Herbert Hoover paid a historical price in that he became the President that perhaps managed the economy worse than any President in the last century, until this President, who is kind of competing for the same kinds of records.

The President also predicted a couple of years ago the budget deficit would be down to $14 billion. Well, it turns out that the budget deficit is $521 billion. So he predicted, way after September 11, a couple of years ago, he predicted a 3.4 million jobs increase

and a budget deficit of $14 billion. He got a 1.7 million job loss and a budget deficit of $521 billion.

Again, The Washington Post, not exactly a liberal newspaper, a paper that supported President Bush on most of his initiatives, the headline in The Post, ''Bush assertion on tax cuts is at odds with IRS data.'' President Bush runs the IRS; and still his statistics, even according to them, are inaccurate.

Now, we talked earlier about the tax cuts being the mantra. Whenever there are economic problems or whenever there are jobs lost, the President decides to cut taxes. Well, he also talks about trade agreements. Let me talk for a moment, and then my friend, the gentleman from Oregon (Mr. DEFAZIO), is also here and will join us and talk about some of these issues also.

The President has said that he is going to bring the Central American Free Trade Agreement to this Congress. If there is anything obvious to the American people, steelworkers in Ohio, lumber workers in Oregon where the gentleman from Oregon (Mr. DEFAZIO) is, paper mill workers, auto workers in my State, rubber workers in my State, tool and die makers in my State, if there is something obvious to all of them, it is they believe an awful lot of their jobs have been lost overseas, because we have seen this kind of hemorrhaging of jobs, shipping of jobs overseas.

This week I was at a plant, Ohio Screw Products, in Elyria, Ohio, in my district, with Dan Imbrogno, who runs this company. They have about 70 full-time and a handful of temporary workers who punch out bolts and make products to be components in other products of all kinds, including some defense work.

But mostly he has seen a threat of jobs going to China, a threat of jobs going to Mexico, a threat of jobs going further south across the southern border in this country; and he just shakes his head, as do the workers who I met with at this company over lunch on one other visit a few months ago, just shake their heads over American trade policy. Why do we keep passing it? Why do we want to extend NAFTA, clearly a broken trade agreement, to the rest of Latin America? It is not working in Mexico. Why should we double it in size and population and quadruple it in terms of the number of low-income workers?

When we passed NAFTA in this body, the gentleman from Oregon (Mr. DEFAZIO) and I both opposed it in 1993. When we passed that legislation, that agreement, we had a trade surplus with Mexico. Today our trade deficit with Mexico is $25 billion.

Now, President Bush's father, who presided over a similar kind of economic decline, although this one is significantly worse than his father's, but President Bush, Sr., said for every $1 billion in trade, because trade entails usually manufacturing of goods, for every $1 billion in trade, we lose or gain 18,000 jobs. So, in other words, if you have a $1 billion trade surplus, it means you are making a lot of things, selling them overseas, for every $1 billion in sales hiring about 18,000 American workers. If you have a trade deficit, as we have, you see it go the other way.

So we now have a trade deficit with China of over $100 billion, a trade deficit overall around the world of some $400 billion. All you have to do is do the math to see the kind of job loss that brings to our country.

So the answer from President Bush is more tax cuts for the richest people in our country and more trade agreements that hemorrhage jobs, that ship more jobs overseas? It simply does not add up.

In a moment I will yield to the gentleman from Oregon (Mr. DEFAZIO). In a moment I will give some more details about what the Central American Free Trade Agreement actually does to our Nation, to our economy, and especially to manufacturing in my part of the country, where we are seeing these jobs shipped overseas every day, plant closings, layoffs, threats of more plant closings, threats by management to move overseas, so that workers see their wages stagnate or even go down with give-backs, all that happens with these trade policies; yet President Bush says we have got to do more of them because, frankly, I think that helps his investor friends, his major campaign contributors, the people who seem to have the most influence in this administration on economic policy.

□ 2115

Not working families, union or nonunion; not small businesses that are struggling, but the people that have the influence in this administration; not Ohio Screw Products in O'Leary, Ohio, but are the large companies that gain from the trade agreements, they gain profits as they shed workers in this country. Those are the only people that benefit. It is President Bush and his campaign kitty and those companies, those executives and those investors that shift jobs overseas and pad their pockets and make bigger profits and get bigger bonuses.

I yield to my friend, the gentleman from Oregon, who is holding one of his favorite books there that can tell more than I know.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding. This is a must read for every American who is concerned about the future of our country, whether we will continue to be the leading industrial power in the world, whether there will be a future for Social Security, what will the rules of trade be and what are the objectives. This is the economic report of the President.

Now, we have to give the President's Chair of his Board of Economic Advisors, Council of Economic Advisors appointed by the President, full confidence of the President, we have to give him some credit, because he is distressingly honest. In this book on page 229, he talks about the fact that one of the great benefits of trade is that when a good or service is produced more cheaply abroad, it makes more sense to import it than to make or provide it domestically. Of course he does not deal with the fact that Chinese labor is oppressed and abused, that they have no protections in their workplace. Basically if someone gets their arm torn off operating a machine in China, they drag him away from the machine and put a new worker there, and then, after that, they might tend to some basic first aid before they send that person home or to the graveyard, but there are no benefits or significant health care provided. So they are recommending that the U.S. workers should somehow have to compete with this.

Now, it would be one thing if this was sort of a self-generated thing on the part of China or Mexico or any one of these other countries that are stealing our jobs. But guess what? It is being done with U.S. capital which are being subsidized with our tax cuts. Not only are we borrowing money from the Social Security Trust Fund to give to the wealthiest of Americans in tax cuts, we are also borrowing money, given our deficit situation, to subsidize the largest corporations in the world through OPIC, the Overseas Private Investment Council, and others, to export American jobs.

Now, I mean, I think that is one place where conservatives, who are against government subsidies, and progressives, who are against undermining the U.S. economy and the wage and labor standards of Americans and our standard of living as a whole and our industrial infrastructure, have some grounds for agreement. Let us at least repeal the taxpayer subsidies, the borrowed money that is subsidizing these corporations to export jobs overseas.

But again, Mr. Mankiw, the President's chief economic adviser, in his official report to the American people this year, the economic report of the President, he says, shipping jobs to low-cost countries is the latest manifestation of the gains from trade that economists have talked about for centuries.

Now, we have to wonder what that gain is, how illusory it is, when the American middle class is being devastated by these exports. A few years ago when the gentleman from Ohio (Mr. BROWN) and I opposed NAFTA, they said, oh, you Congressmen, you are like dinosaurs. You want to protect those old, inefficient manufacturing jobs. Do not worry, it will just be the low-skilled jobs that go to Mexico. Well, of course, that was a lie, and what we found out was that most of the major U.S. auto manufacturers were willing to invest in state-of-the-art plants in Mexico to access that cheap labor, and then reimport those vehicles into the U.S. And guess what? The

price did not go down for U.S. consumers, but many U.S. families, those who used to be able to buy the product because they worked in the factories, could not afford to buy that product anymore.

But then as things evolved, and the trade deficit began to accelerate over this last decade; when I introduced legislation to establish the U.S. Trade Deficit Review Commission in 1997, the trade deficit was $111 billion. It is almost quaint today. We are talking about $500 billion. We are going to borrow a half a trillion dollars to finance the purchase of goods overseas by Americans. We are going to borrow another $700 billion to run the Government of the United States and to give tax cuts to the wealthiest of Americans. And a substantial amount of this money, almost all of the $500 billion and 40 percent of the $700 billion, is going to come from overseas. We are giving unbelievable leverage to those bastions of democracy like China, who is now the largest holder of U.S. debt, and others who may not have the best interests of the American workers or our economy in mind. But in any case, Mr. Mankiw thinks this is just fine.

Now, the President has tried to back away from this a little bit. He did that famous press event in front of a bunch of boxes which they had to repaint. Actually they said, oh, it was just an overzealous intern from the White House at one of his unbelievable staged press events that cost an average of $400,000 each paid for by the American taxpayers, of course; the boxes, when he went to this one particular plant, all said ''Made in China'' on them, but he wanted to talk about American jobs; a little embarrassing. So this, of course, intern, with no direction from the political staff at the White House or anybody else, somehow came up with all new labels to run through and label them all ''Made in the U.S.,'' of course another lie.

So what they are doing, Mr. Mankiw is an unbelievably honest man, because he admits that they are exporting jobs, and they think that is good because it makes a few people rich and just impoverishes a majority of the people in this country, and deprives them of their livelihoods, and undermines the industrial and economic might of our country; but the President is trying to pretend that he does not really believe in this stuff, but I guess why is his signature on page 4 if he does not really believe in it? There it is, the President's signature on this report, basically endorsing these policies.

We cannot continue this way. Do we know what that means? Let us break it down a little bit, and then I will yield back to the gentleman. Our current trade deficit, that is the amount of money we are borrowing from overseas to finance the purchase of goods, many of those goods manufactured by formerly U.S.-based corporations that have now seen fit to chase cheap labor and lack of environmental standards and other things overseas, is $1.5 billion a day. Mr. Speaker, $1.5 thousand million a day.

Now, how is that sustainable? That is $1 million per minute of U.S. wealth that is flooding overseas, giving unbelievable leverage to foreign governments over the U.S. dollar.

Just one last point on this, and then I am certain we will get on to other things. What do the economists say? Oh, do not worry, it has always been this way. What will happen is the U.S. dollar will decline, our goods will become cheaper, and then we will begin exporting again. But as I said to a number of these economists, none of whom can answer this question, I said, I understand how that used to work when we made things, but when we do not make things anymore, how does that work? If the dollar gets cheaper, then all of those imported goods we are buying become more expensive. We will see inflation in the United States. We will see the dollar continue to drop. We will see higher interest rates in the United States. We will see the dollar continue to drop.

We are headed toward an incredible economic train wreck here. And the chief engineer, George Bush, who signed this report, thinks it is just fine. Because guess what? A few tens of thousands of people, CEOs, his buddies, his principal campaign contributors, they are all going to make out like bandits. The profits are up. Wall Street's profits are up. We are just having this little problem called a jobless recovery; jobless because those jobs have been exported. The means of the production has been exported. The industrial might of this country has been exported. And I would say to the hawks on that side of the aisle, in fact, you are exporting the capability of defending the United States in the future against adversaries around the world.

With that, I am happy to yield back to the gentleman for a little further discourse on this.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman. We think about this. He mentioned when he introduced his idea to better monitor and study and pay attention to, if you will, focus, on the trade deficit, how it has gone up since 1997. The trade deficit for the entire year of 1992 was smaller than the trade deficit, or was about equivalent in 1992 to the trade deficit for 1 month last month. We had a trade deficit of about $40 billion a dozen years ago. We have a trade deficit in excess of $40 billion a month now. I mean, that is what that means.

But more importantly, as the gentleman from Oregon pointed out, what that really means is that we are continuing to get further and further in debt as a Nation to foreign investors, to investors in other countries. That means that the Chinese, with their $100 billion a year in U.S. currency, the trade surplus they have with our country, the fact that they sell us so much more than we buy from them, the Chinese take that $100 billion and are beginning to buy up a lot of scrap steel in the United States, driving up prices of steel, of scrap for U.S. manufacturers, making it harder for them to compete.

They are also buying energy companies in the United States, again driving up the cost of natural gas for American manufacturers and putting them more and more behind the eightball.

And, as the gentleman from Oregon said, when the worm turns, as economists like to say in their ivory and their traditional economic theory, when the worm turns, and our trade deficit gets so overwhelming that eventually the value of the dollar drops, we begin to produce more to sell to them, our factories are hollowed out. Our factories are not manufacturing things, because so many of them are closed. They are not going to be able to retool just because all of a sudden prices are a bit higher.

But what is disturbing about the economic report that the gentleman mentioned, and then I want to yield to the gentleman from Ohio (Mr. STRICKLAND), who absolutely gets it on these job issues, partly because we live in a State where we have seen our economy devastated by these Bush economic policies, but what is disturbing about the economic report that Mr. Mankiw put out, the President's chief economic adviser, and that President Bush signed, is that they really see nothing wrong with the direction we are going. So what, we have a huge trade deficit. So what, we have a huge budget deficit. Let us keep doing tax cuts that overwhelmingly go to the most privileged; let us keep doing trade agreements that ship jobs overseas, in large part because profits right now are up for major corporations. So if the companies are making money, as the Secretary of Labor Elaine Chao said, if the stock market is going up, then there is really nothing wrong.

What is wrong, as Mr. Mankiw said, outsourcing is a good thing when blue-collar jobs; white-collar jobs, phone operators, computer engineers, computer programmers, when those jobs go overseas, I think there is something wrong with that, and it is mostly because George Bush and Mr. Mankiw have never looked an Akron rubber worker in the eyes, or never looked a paper worker in Oregon in the eye, or never looked a Silicon Valley in California, a computer programmer in the eye and say, yes, outsourcing is a good thing. Sorry about your job. Maybe you can get a job at Wal-Mart, or maybe you can get a job at McDonald's.

Speaking of McDonald's, and then I will yield to my friend, the gentleman from Ohio (Mr. STRICKLAND), in this economic report, something the media have not paid much attention to, and that is these economists, and these are not exactly people who know a lot of people who work in America's factories, but these economists are having a debate inside the Bush administration on how to classify manufacturing.

Now, we have lost one out of six jobs in manufacturing in Ohio. We have lost literally well over 2 million jobs nationally in manufacturing, and they are trying to figure out how to define manufacturing.

Well, they are debating whether or not to define the fast food restaurant industry as a service job or a manufacturing job, because, you know, if you work in McDonald's, it is not just like somebody comes up and orders, and you take it off the shelf and give it to them. I am not making this up, it sounds like it, but it is in the Bush administration's book, you have to manufacture these hamburgers. You have to take the bun, you got to unwrap it, so you take the wrapping off, you take it out of the box, unwrap it, put the bun down; then you have to take the hamburger, and you have to chemically change the hamburger, it is a chemical process called cooking, put the hamburger on the grill, and put it on the bun after it is cooked. Then you have to get the cheese, and you might have to chemically alter the cheese because you have to melt the cheese. You put the cheese on the hamburger, and then you add a couple of things. You add a slice of tomato, so that is an extra element in the manufacturing. You put the tomato on, unwrap the lettuce, peel the lettuce off the head, so that may be another manufacturing part. This is pretty complex; almost like making a Ford in Ohio or manufacturing steel or making tires in Akron, Ohio, used to be.

Mr. DEFAZIO. Mr. Speaker, if the gentleman will yield, people are going to think we are making this up. I am not making this up. But let us go to the source. Economic Report of the President, signed on page 4 by President George Bush and endorsed by all of his economic advisers, and it says right here: ''When a fast food restaurant,'' this is page 73, chapter 2, halfway down the page, ''When a fast food restaurant sells a hamburger, for example, is it providing a service, or is it combining inputs to manufacture a product?'' Well, we can erase that very embarrassing manufacturing job loss that George Bush has provided, the largest manufacturing job loss in the history of the United States, worse than the Great Depression, we can erase that in one fell swoop. All we have to do is turn to page 73 and say, well, of course, as the President's chief economic adviser says, that is manufacturing a product. That is not a service.

□ 2130

Mr. BROWN of Ohio. Mr. Speaker, reclaiming my time, that means if you live in O'Leary, Ohio, and you have worked in what we used to call in this country traditional manufacturing, not ''Mc manufacturing'' is, I guess, the fast-food restaurant category. I guess there will be two categories of manufacturing, traditional manufacturing and ''Mc'' manufacturing. It will be Mc, with the arches, manufacturing.

This is not really funny. It is kind of depressing that they would think that this is what we are going to, in the new era, the new Bush era, the new 21st century, that this is what we are going to call manufacturing; that these workers in O'Leary, Ohio, who have been in traditional manufacturing making $12, $14, $16 an hour, with decent health benefits, with a decent retirement, that they will lose their jobs in manufacturing, they will get another job in manufacturing, working at McDonald's for $7 an hour with no benefits, with no health care and no retirement.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would yield, do not forget the farmers and ranchers. I had some cattlemen come to my town hall last week who say, hey, we are next. Not only was Canada a huge threat to our industry and not only are they bringing in stuff that might kill the American people with mad cow disease, but the so-called free trade agreement with Australia, Argentina, other target countries in CAFTA, that is going to kill off the U.S. agriculture people. So we will import the beef that will be probably ground up overseas because that is value added, but then when the frozen patties get here, we will still manufacture them into a finished device which is, i.e., a Big Mac or a Whopper, we do not want to short-change Burger King here and/or whatever you want to call it, and somehow we will prosper as a Nation by doing this.

I thank the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, the point is that the Bush administration, the Bush's chief economic adviser, Gregory Mankiw, with the President's signature on this economic policy, does not see anything wrong with the direction they want to take this country's manufacturing: huge numbers of loss of jobs, reclassifying, underpaid service jobs with no benefits as manufacturing for political purposes, making excuses, justifying this all in the name of this global economy that helps wealthy investors, i.e., helps Bush contributors but hurts workers in the U.S., hurts farmers in the U.S., hurts ranchers in the U.S., hurts workers in the developing world but helps the wealthy of both countries. It simply does not make sense.

I yield to my friend, the gentleman from Ohio (Mr. STRICKLAND), who has been a real leader in trying to do the right things to restore Ohio's and America's industrial base.

Mr. STRICKLAND. Mr. Speaker, I just want to say to my friends that what they are describing here is almost humorous, talking about the putting together of a hamburger as being a manufacturing activity, but it is serious because it represents deception. It represents an effort, quite frankly, to mislead the American people; and I hope they are listening tonight because this information is coming from the ''Economic Report of the President''; and as my colleague said, it has got his name on it. So he is responsible for this charade.

I would like to read just one sentence from page 25, and I hope unemployed steelworkers along the Ohio River, I hope those who work in the pottery and ceramic plants along the Ohio River, on the Ohio and West Virginia side of that great river, I hope they understand what this means: ''When a good or a service is produced at lower cost in another country, it makes sense to import it rather than to produce it domestically.''

Let me say that nearly everything we make in this country can be produced in another country at a lower cost. I was in Mexico about 2 months ago. I talked to a woman who works for an American company. She works 9½ hours a day, 5 days a week. She showed me her weekly check, $38. Nearly every job in this country can be produced for less cost somewhere else; and the President's report says, ''If a good or service is produced at lower cost in another country, it makes sense to import it rather than to produce it domestically.'' Apparently, they are willing to give up the entire employment base of this country, anything to get it a little cheaper. It is a race to the bottom. It absolutely is a race to the bottom.

I would hope the President would publicly renounce this report, disassociate himself from it, take his name off it. This is a report that is based on the theory of comparative advantage. If you can do it for less cost somewhere else, that is where we ought to do it. Where does it stop?

Mr. DEFAZIO. Mr. Speaker, the gentleman is making an excellent point; but of course, they are following exactly the same rules, are they not? Do we not have a level playing field? Are they not required to provide health and safety, environmental protections, child labor protections? Are we not competing on a level playing field here?

Mr. BROWN of Ohio. The answer to that is pretty obvious; but what is interesting, I remember standing on this floor 10 years ago with David Bonior, who was the real leader on these trade issues in Congress years ago, and they promised in those days with NAFTA that only the good-paying jobs would stay and these low-end, low-wage jobs would go overseas; and over time in Mexico they would begin to have stronger environmental laws, over time they would make higher wages, over time they would have good labor law, worker safety, all of that.

But as the gentleman from Oregon's (Mr. DEFAZIO) questions intimate, obviously these countries are not moving in that direction. In fact, we are seeing our country move in their direction. Our country move in their direction in terms of there are significantly fewer pension systems in this country, good pensions for workers than there were 10 years ago, and particularly fewer than

there were in 1973 when this trade debacle really started in this country. That was really a key year in terms of turning the way we did trade.

We have seen our pension system atrophy. We have seen wages stagnate in most of these 30 years. We have seen environmental laws and States played off against States, and the Federal Government played off against the Mexican Government to weaken all these standards. Food safety laws are not as enforced, and clearly our food supply is not as safe as it would be if these trade agreements would actually raise their standards.

Instead of passing a trade agreement with Latin America to raise up their living standard, to raise their wages, to raise their workplace safety conditions, to raise their food safety standards, to raise environmental standards, we are seeing pressure on our government to bring those standards down so that we can compete with these countries. We should compete with them. They should compete with us, but let us raise living standards so ultimately they can buy our products, have a safer environment, have better food safety, have better worker safety and all that.

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

Mr. STRICKLAND. Mr. Speaker, tomorrow morning Ohio's Governor Taft is going to be here in the capital city meeting with those of us who are Representatives from the State of Ohio.

The State of Ohio has been devastated, absolutely devastated and especially my district that stretches all along the Ohio River, some 330 miles. I have perhaps the poorest, the oldest, and the sickest district in Ohio. I have got lots of veterans. I have got lots of unemployed steelworkers. And what does the President say to them? How can the President come to Ohio and own this statement, ''When a good or service is produced at lower cost in another country it makes sense to import it''? What does that mean?

We all have constituents and we are all concerned about our constituents. I am a little parochial in my concern I guess because I have got a lot of constituents who do not have jobs, who have lost jobs. As a result, they have lost health care. They have lost nearly everything they have worked their entire lives for, and we have an administration that is encouraging the outsourcing of jobs to other countries. It buffaloes me. I do not understand what kind of thinking goes into a document like this that is called the ''Economic Report of the President.''

Mr. BROWN of Ohio. Mr. Speaker, reclaiming my time, think about this: we have a President who is always at the beck and call of his corporate contributors. When it comes time to pass a Medicare bill, it is written by the insurance and the drug companies. When it comes time to pass Social Security privatization, it is written by Wall Street. When it comes to pass an environmental law, the President gives us a bill written by the chemical companies or the energy companies. Issue after issue after issue.

What we have really seen happen from the gentleman from Ohio's (Mr. STRICKLAND) suggestion, what we have seen is as we pass trade agreements like this, making it harder for us to compete with Chinese workers, with Mexico, with Costa Rica, with El Salvador, one of the things that happens is we have seen a stagnation of U.S. wages and a weakening of food safety, environmental standards, and worker safety standards.

We also see in this body many of my Republican friends, particularly Republican leadership, are trying to pass legislation with the President to cut overtime in the U.S., to cut comp time opportunity in the U.S., to weaken environmental standards in the U.S., to weaken food safety standards in the U.S. So what they are doing internationally is in a lot of ways what they are doing domestically. It really does not cause George Bush or Gregory Mankiw, as chief economic adviser, to lose a lot of sleep that U.S. wages are stagnant, does not cause them to lose a lot of sleep if there is a downward pressure, a pulling down of environmental and worker safety standards, because that is what they are doing domestically.

So when Mr. Mankiw says they can do it cheaper in other countries, that means they have got comparative advantage, so send them overseas. The only way that we are going to compete in this Bush new world is to weaken our environmental standards, which is what they are trying to do anyway; to cut overtime, which is what they are trying to do anyway; to end comp time, which is what they are trying to do anyway; to roll back food safety, environment worker safety, wages, all of that. That is exactly what they are doing domestically.

It is what these trade agreements will do internationally. And who benefits? It is not the workers in Mexico. We have no axe to grind with them. It is not the slave laborers in China or the workers in awful conditions that are not slave labor in China, but the exploited generally, I was going to say young women, but really girls because they are not old enough to be women yet. We have no quarrel with them. They are hurt by these trade agreements just like American workers are hurt; but the investors who fund the Bush campaign and the chemical companies, the drug companies, the insurance companies, they get their legislation through. They love these trade agreements because it means more profits and it means more bonuses for these executives.

I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I come from a State that back when we were fighting NAFTA, I was pretty lonely up there in the Pacific Northwest, and we were told, what is wrong with you, you are going to be a major beneficiary. The State of Oregon on the Pacific Rim, strategically perched just north of Mexico and south of Canada, your State, your people are going to be a big winner, but it turns out that we are one of the top 10 losers under NAFTA.

As the gentleman alluded earlier, lumber and wood products are suffering because of subsidized Canadian lumber and wood products. The paper industry is seeing paper flee overseas to countries that do not observe any environmental practices or controls, and then a number of other more high-tech industries have gone elsewhere.

I sat next to a fellow who worked for Hewlett-Packard on the plane flying home a week ago, Hewlett-Packard in Corvallis. I said, what do you do? He said, I work in the ink jet division. I do engineering, design, and development. I said, God, that is really great. I am glad to see you are still working there. I was worried about those jobs. He said, well, no, actually, he said, my entire division was exported to Bangalore, India, last year. I am just working on a special project here in the United States, but my division is gone. The next design development, the next ink jet technology is going to come from Bangalore, India. He said they can get an engineer there for 8 to $10,000 bucks a year.

Are we telling Americans they should go to college for 4 years, incur $50,000 of debt to get a degree in engineering technology or whatever it is going to cost them to do it, and then they are going to work for $8,000 a year, raise a family, buy a home and all the other things that are a part of the American Dream? These people are killing the American Dream. That is what they are doing.

There are a few people who are going to profit from it, and those are the people that support them; and they are so insulated from it some of them do not even realize what they are doing to destroy our country.

One other point. Sometimes that is not even enough to say to an American, 4-year, 6-year degree, you are going to compete with some guy or woman from Indian who worked for $8,000. Sometimes it is not enought. You know what we also do? We are subsidizing, the American taxpayers, through our taxes, are subsidizing the export of these jobs. Here is a short list:

Motorola laid off 42,900 workers while investing $3.4 billion in China with a $190 million taxpayers subsidy.

□ 2145

In General Electric, 260,000 U.S. workers, while investing $1.5 billion in China, $2.5 billion in corporate subsidies paid for by U.S. taxpayers. Insult to injury. Steal their jobs, destroy the economic future of our country, our kids and our grandkids, and charge us to do it. That is what they are doing to

average wage-earning Americans, because most of this is coming out of Social Security wages, out of payroll taxes.

Mr. BROWN of Ohio. Mr. Speaker, I would now yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman from Ohio for yielding once again to me.

I said a little earlier that I feel kind of parochial in these concerns because each of us represents, I do not know, 630,000 or so men, women and children. I represent people who are desperate for jobs. Now, in a little town that my colleague represents that I think he is familiar with, Salem, Ohio, there is a company, the Elger Company. They make bathroom sinks and wash basins and so on. They decided a few months ago that they would go to China. That means that there are going to be lots of families without a job.

A short time ago, although the company has not really closed the operation in Salem yet, that is going to happen this spring, I got a call from one of the employees there, and they had just gotten a shipment of goods back from China, and they opened up the crates, and guess what they had stamped on the sides of those sinks and so on? ''Made in the USA.'' The mold had not been changed, so they were forced to grind off the ''Made in the USA'' label. That is just an example.

I guess in China they can make a bathtub or a wash basin or a toilet for less cost than we can do it in Salem, Ohio, where these workers got living-wage jobs, paid taxes, supported their schools, gave to their churches, and cared for their children. They were good, solid, living-wage American jobs. But they can do it for less cost in China, so this administration says, oh, that is where it should be done then. So every worker at the Elger plant in Salem, Ohio, should know, and the community that depends upon those jobs should know, that this administration believes that is the right thing to do. As the President's report says, if it can be done more cheaply somewhere else, that is where it should be done.

If a cheap product is a cheap product or a reduced cost to the consumer is the ultimate good, then maybe what we are doing is the right thing. But if we believe that in this country people and the communities in which they live should have living-wage jobs which enable the workers to pay taxes, to support their schools, to contribute their taxes to the State and to local government, to be a fully functioning taxpayer.

Mr. DEFAZIO. To buy the products.

Mr. STRICKLAND. And to buy the product, absolutely. If what we want is a cheaper pair of blue jeans from Wal-Mart, then maybe we are headed down the right road. But if we want a secure country, with stable families and secure communities, we had better change our way, because we are going to lose the American way of life. We are going to lose the middle class, and we are going to lose the ability to continue to support the infrastructure that makes us uniquely American.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend for those comments.

What is disturbing to me is that in this economic report, as the gentleman from Oregon (Mr. DEFAZIO) said, on page 4, signed by President Bush, this economic report put out by the President just this month says that there is nothing wrong with the way the global economy is operating. He said outsourcing is a good thing.

Mr. Mankiw actually said, as we are seeing some of the most highly-skilled American workers, radiologists, for example, seeing their jobs threatened, Mr. Mankiw says an MRI or an X-ray will be taken that will be e-mailed to perhaps Bangalore, perhaps somewhere else, and read by a physician there who makes some minute percent of whatever the physician makes here, and then it comes back, because those radiologists are not in as much demand today as they once were. He said, well, it is a question of comparative advantage. Perhaps we just need to quit training so many radiologists. They cannot compete. We need to maybe train more general surgeons or more family practice doctors.

Let me do a little tour around the world to show what the gentleman from Oregon said about how there simply are not going to be enough people to buy these goods. If a Nike worker in Oregon loses his job to a Nike worker in China, there is one less consumer to buy cars; one less consumer to buy clothes, because the Nike worker in China is not making much to buy anything.

Let me tell a quick story. About 5 years ago, when Congress was considering the fast track legislation to in those days lay the groundwork to extend NAFTA to Latin America, which President Bush is trying to foist on us, I, at my own expense, flew to McAllen, Texas, rented a car with a couple of friends, drove across the border and went to Reynoso, Mexico. I went to a worker's home who worked at General Electric Mexico, one of the largest employers in Mexico. The home of these workers were about 20 feet by 30 feet. They lived in a one-room shack: dirt floor, no running water, no electricity. When it rained hard, the dirt floor turned to mud. When you walked behind the shack, you saw a ditch of human and industrial waste. Who knows what it was. Children were playing nearby, as children will. The American Medical Association said that area along the border is perhaps the most toxic area in the Western Hemisphere.

Now, as you walked through this neighborhood of these shacks, you could tell where the workers worked because their homes were constructed out of packing material, boxes, wood platforms, crates, whatever, of the company for which they worked or the supplier for the company for which they worked.

We then visited nearby an auto plant. These workers at this GE plant in this home were making about $45 a week and working about 60 hours a week. But we went to this auto plant, and this auto plant in Reynoso, Mexico, 3 miles from the United States of America, looked just like an auto plant in the United States, just like a GM plant in Lordstown, near my colleague's district, or a Ford plant in Avon Lake or Lorain. It was modern. In fact, it was newer than the auto plants in our State mostly. It was modern, it was clean, it was the latest technology, and the workers were productive and hard-working.

There was one difference between the Mexican auto plant and an American auto plant. That difference was there was no parking lot in the Mexican auto plant because the workers do not make enough to buy the cars that they make.

You can go halfway around the world to Malaysia to a Motorola plant, and you will see the workers do not make enough to buy the cell phones they make. You can come back to this hemisphere and go to Haiti and see that the workers do not make it, to a Disney plant, and the workers do not make enough to buy the toys for their children they make. You can go back around the world to China and go to a Nike plant and see the workers do not make enough to buy the shoes which they make.

Now, the lesson is this continued downhill slide with globalization. If we pass a Central America Free Trade Agreement, if Congress passes the Free Trade Area of the Americas, if Congress continues the tax cuts for the wealthy and continues to allow the drug companies and the insurance companies to sit in the Oval Office, with a Vice President who is still on the Halliburton payroll, I might add, at $3,000 a week, allows them to continue to write this legislation, we are going to have a country like Brazil, with a very wealthy group at the top and a bunch of people at the bottom that are not making enough money to buy the shoes and to buy the toys for their kids, and to buy the cars, and to buy the cell phones.

If that is the society we want, then I guess maybe this report says let us keep doing it. But if it is not the society we want, then we need to say no to the Central American Free Trade Agreement, and we need to say no to this economic policy that has caused some of the highest unemployment rates in the country, in Oregon, and has devastated eastern Ohio and northeast Ohio where I live and damn near the rest of the State. We need to say no to that.

Mr. DEFAZIO. Mr. Speaker, if the gentleman will yield, when I lay this out to my constituents, they say, well, certainly the CEOs and others could not support that; they would not want to live in those communities or under those conditions or see those things happen. Well, the fact is today's CEOs,

where there is still a manufacturing job, earns 500 times what a worker earns. It is only a couple of decades since the ratio was only 20. They do not live in the same communities. They do not live in the same world. They live on a different planet.

They live behind gates in their mansions with their servants. Now there will be a lot more servants out there for them, and probably the cost of servants will go down, so this will be a great benefit to them. Of course, under Bush we can import those, too, or maybe Americans can work for those low wages. Their kids go to private schools, so they are not worried about what the gentleman from Ohio was talking about, the support for our societal infrastructure, schools and those sorts of things.

They do not really need the police. I guess we have not gone back to private for-profit fire departments yet, that is probably not far away, but they have private security so that we do not find a lot of support from them for police infrastructure or first responders, particularly not with the administration cutting their budgets under the homeland security proposal.

And then when they want to go somewhere, they go to the private country club in their chauffeur-driven limousines. Or if they go further away, they go in private executive jets so they do not even have to deal with the deregulation of the airline industry, the overcrowding and all those sorts of things. But these are true international folks. They are talking about globalization and international trade and all the benefits. There are benefits for them, just not for the masses of America.

Whatever happened to Henry Ford? ''My workers are going to be able to afford the product they make.'' We all did better under that system. We created the envy of the world here in the United States. We created the largest middle class. Everybody did better together. But a few people got greedy, and now they have got their hands on the levers of power, and they simply do not care about the majority. But they might find ways to distract them with wedge issues, social issues, or something else to distract them from the loss of their jobs, the opportunity for their kids, the lack of educational opportunities, or the future of this country.

I do not think the American people are going to be fooled for very long. They are going to demand changes, and we have to bring about changes. This trade policy is one of the most devastating levers of power that they have to wield against the American system, against American workers, and against the wealth of this country, and they are using it ruthlessly.

Mr. BROWN of Ohio. Mr. Speaker, my colleague put his finger right on it when we talk about these workers and the way that they are paid.

The key to our Nation's success, and the gentleman mentioned Henry Ford before, the key to our Nation's success is that workers share in the wealth they create. They are able to do that because we have a democracy. They are able to do that because we have a relatively strong labor union movement. They are able to do that because of mobility of labor, and a whole bunch of reasons in a free society here.

When workers are more productive, as they are in the United States, as they increasingly get more productive, that means their wages should go up. They have not in large part because of the downward pull of these trade agreements. In Mexico, for instance, and I remember David Bonior, the former Democratic whip, talking about this a dozen years ago, as productivity went up in Mexico, wages did not go up with them because they had a government that was authoritarian by and large, because they did not have free trade unions. They had government-controlled, business-controlled trade unions.

So do we want a country like that? Do we want a country where the workers share in the wealth they produce, or do we want a country like a bunch of Wal-Marts, where the workers barely get minimum wage in many cases, rarely have health benefits, and often have to work off the clock while the Wal-Mart family, several members of the Wal-Mart family, rank as some of the richest people in the country? Billions of dollars have accrued to many members of the family, billions and billions, tens of billions to many members of the family, but the workers do not really share in the wealth they produce.

That is a society that I do not think we want. We have seen that this country worked best, as the gentleman from Oregon mentioned, when workers at Ford got paid a wage where they could buy the cars, and workers all across the board were paid a decent livable wage that made an absolute difference in their lives.

I go back, Mr. Speaker, to some of the promises we have seen in this administration's economic policy. Understand again that the foundation of their economic policy is more tax cuts for the wealthiest people in our society and more trade agreements that end up shipping jobs overseas. That is the foundation of their society. It makes the wealthy, the Bush contributors, wealthier; it weakens and dilutes the middle class; and it is particularly hard on families barely making it.

We are going to see more promises in the next 8 months, as we have seen all along. This administration promised 3.4 million jobs. After September 11 they made a promise there would be 3.4 million more jobs in 2003 than there were when he took office. In fact, what we have seen is 1.7 million jobs lost. Again, more tax cuts for the rich and more trade agreements that ship jobs overseas. That is what the economic job loss is all about.

□ 2200

President Bush at the same time said we will have a budget deficit of only $14 billion. In fact, the budget deficit is $521 billion. We see these kinds of promises, and we will see them again. We see it in the new economic report. They promise 2.6 million jobs this year alone. Now they are backing off that. That is 200,000 jobs a month, and we are creating no jobs per month and we are still losing manufacturing jobs. They simply have not lived up to any of their promises. The only promise they live up to is a promise to their corporate contributors that they will continue to do them favors, they will continue to enrich them with their tax policy, and with the new laws they make on the Medicare bill and the Social Security bill and the environmental bills and the energy bills.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN). The gentleman made reference to our former colleague, David Bonior. I remember when NAFTA was passed some 10 years ago; and David Bonior stood on this floor, as did others, and told us the truth. The other side told us what we now know are falsehoods. They told us if we pass NAFTA we are going to create more jobs in America and raise the standard of living of the folks who live in Mexico. They said it is a win/win. We know that manufacturing wage rates have actually declined in Mexico since NAFTA, and we have lost jobs here in this country.

This trade deal is only a part of the overall picture. The gentleman from Ohio (Mr. BROWN) pointed out we have an exploding budget deficit. A Medicare bill was passed at 6 a.m. after arm twisting and deals were made, and perhaps even illegal activities, we do not know for sure, but that is certainly worthy of investigation; and it is being investigated. The fact is we now find out that it is not a $400 billion bill; it is a $534 billion bill, in part because there are no cost savings. There is no way to control the costs of prescription drugs in that bill because of our sellout to the pharmaceutical industry, basically.

But I believe this trade issue is the overarching issue because we cannot deal with our health care problems; we cannot deal with all of the other problems that face us, funding education, prescription drugs for our seniors, caring for our veterans; we just cannot do that unless we solve this trade deal that is bleeding jobs out of this country.

I get discouraged sometimes, and I would like to ask the gentleman from Ohio (Mr. BROWN), what does the gentleman think can be done to reverse this? What is it going to take to reverse this?

Mr. BROWN of Ohio. Mr. Speaker, it is clear that either the President needs to change his mind, or we need to change the President. President Bush

came to Richfield, Ohio, on Labor Day, and to his credit, he created a job that day. He said he was going to start a new office called the job of the manufacturing czar. He promised the job, but he has not filled the manufacturing czar's job yet. It is pretty clear when the President's answer to everything is the same tired, trickle-down economics, tax breaks for the wealthiest people and more trade agreements that hemorrhage jobs. If he is not going to change his mind, then this country is pretty clearly going on a different course.

Mr. DEFAZIO. Mr. Speaker, there is one exception to free trade. People have to realize who runs this administration. There is one exception to free trade, and it is for the first time in a trade agreement with Australia. It is a prohibition on the importation or the reimportation of FDA-approved, U.S.-manufactured pharmaceuticals from Australia, not because they are unsafe like the phony baloney they are giving us about Canada, but because they are cheaper there. That is in the trade agreement. What is that doing in the trade agreement if this is not all about big business and multinational corporations? It is not about making things cheaper for American consumers. If it was, why did President Bush insist on prohibiting the reimportation of FDA-approved, U.S.-manufactured drugs from Australia at half the price? It is not about making things less expensive and benefiting our consumers and our society. It is all about benefiting a very privileged few.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Ohio (Mr. STRICKLAND) and the gentleman from Oregon (Mr. DEFAZIO) for their 10 to 15 years of working on these issues.

Mrs. JONES of Ohio. Mr. Speaker, I rise today as a member of the Ways and Means Committee to express my concerns about the Central American Free Trade Agreement. My concerns regarding this agreement cover many issues such as access to U.S. markets for agricultural goods, textiles and apparel, rules giving foreign investors the right to circumvent domestic courts and sue countries in binding arbitration, and the failure of the CAFTA to include enforceable, internationally-recognized, core labor standards.

CAFTA will lead to the expansion of export-oriented factories that are notorious for poor working conditions and exploitive working environments. Central America's textile industry is one of the most developed in the region. Companies that hire mostly women aged 15–25 at low wages and under poor working conditions produce most of the clothing.

One of the poorest groups in the region are women that reside in rural areas. In fact, women are the heads of greater than 8 million rural households. Support for the rural sector in Central America is reflected by the lack of investment in rural infrastructure, financial services and human capital in the region. CAFTA only exacerbates the problems of the financially vulnerable small and medium sized farms forcing increased impoverishment of rural women.

Additionally, I want to discuss the effect these agreements will have on our trade deficit and how they will harm American workers.

The City of Cleveland in my congressional district currently has an unemployment rate of 13.1 percent. Much of that is due to lost jobs in the manufacturing sector. In fact, Cleveland has lost nearly 72,000 manufacturing jobs in the last four years. Additionally, in the State of Ohio, 18.8 percent of manufacturing job loss can be directly attributed to international trade. I anticipate that the most likely traded item this agreement facilitates will only be more U.S. jobs.

Like NAFTA, the Central American Free Trade Agreement will cause shifts in production from the US that will further engorge the already bloated trade deficit and lead to the loss of more US jobs. Both of these agreements facilitate the shift of U.S. investments while doing little to increase U.S. exports. Even U.S. investors do not escape unscathed, because the agreements contain large loopholes that allow foreign investors to claim rights above and beyond those our domestic investors enjoy. The agreement before us today is taking us down the path of further job losses and I urge my colleagues to oppose this measure.

Thank you Mr. Speaker, I yield the balance of my time.

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

IMMIGRATION POLICY

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

Mr. TANCREDO. Mr. Speaker, it has been an interesting time. I sat listening to our friends on the other side of the aisle decry the effects of outsourcing of jobs, which of course I agree, there is a significant problem. It is interesting to note also that during this entire hour when we have talked about jobs and when we have talked about the fact that American workers, even those that are employed, are making less than they were before, that wage rates have been depressed throughout the country, which is undeniably true for people who are low skilled, and it is also the case for hundreds of thousands of Americans who have been displaced from high-tech jobs because of the number of people who have come into this country under H–1B visas. And it is also true that we are facing a crisis, I think, in our system and in our economy. The economy grows, but jobs do not. Job growth is not there, and the jobs that we are seeing being developed are jobs that by and large are not going to Americans.

Recently California published a study which showed that although there had been a very marginal improvement in job growth in the State, when it was looked at carefully, it was found that those jobs did not go to American citizens. They went to people coming here from foreign countries, aliens, some legal, most not. Those are the people getting the jobs. Interestingly, we did not hear a word in 1 hour of discussion about jobs, and the problems with outsourcing and the rest, not one word was mentioned by the other side during their hour here about the fact that immigration, massive immigration into this country, costs Americans jobs.

It also costs American workers wages because of course this is a supply-demand system; and the more supply there is, the more downward pressure there is on wages, and we see it all of the time throughout the country, but no one talked about that. No one dared mention the word ''immigration'' in this discussion of 1 hour about jobs. They want to blame it all on President Bush's policy or the administration's policies regarding outsourcing. I am certainly critical of the administration's policy on a number of issues, particularly their immigration policy; but I ask people to be evenhanded in their criticism of what the problem is.

I have had a bill now for over a year, and certainly we will reintroduce, and I will be interested to see how many on the other side of the aisle will sign on. It is a bill that abolishes the H–1B visa program. This is a program where supposedly companies would be able to bring in people for a short period of time with very specific skills, skills that were not available here in the United States, no worker possessed them, they had to go overseas to get them.

Now, we have to think about that. Really and truly, how many people do you think there are in the United States presently employed in the high-tech industry or have been employed in the high-tech industry who would not be able to meet the criteria that we have established for these jobs, these certain high-tech jobs? I suggest very few. I suggest that American citizens are quite capable. I believe that we are producing enough people in our colleges and university system to take the jobs that may be available; but, of course, the difference is American workers were demanding higher pay, and so corporations began to look at H–1B visas to bring in cheap labor. So they forgot about the provision that said you can only bring people into this country under this particular visa status that had special skills and that would go back in a short period of time.

Mr. Speaker, guess what? Nobody has gone back. We have maybe a million people in the country with H–1B visas. Nobody has the slightest idea how many, if any, have gone back home after the 5 years were up that they were supposed to be able to work in the United States. I assure Members most, if not all, of them are still here.

I have a bill to abolish that category. I do not think, no, I am positive there is not a single Member who spoke here for the last hour that is on that bill.

How about the bill to attack the L–1 visas status which is now being used by major corporations to bring people in

for the same reason because they will work cheaper? They are higher-skilled people. We are not talking about people working in low-paying jobs. These are highly skilled people, and companies are bringing them into the United States under the L–1 visas status.

Where are these people when we are talking about what is happening to American people because our borders are porous and our immigration policy is dictated by the politics of it and not by the economics of it, at least not the economics of workers in the United States, but certainly the economics of major corporations? In fact, no one disagrees that massive immigration of both legal and illegal workers into this country is a benefit to employers. Cheap labor is a benefit to employers. Cheap labor is cheap to employers. It is not cheap to the rest of us, to the people who pay the taxes for the schools, for the highways, for the housing, for the health care, for the incarceration rates. Those all get passed on to the taxpayer so that there can be a higher profit rate.

I understand that every corporation wants to achieve that; that is their primary goal, and it is under our system appropriate that they should be seeking the best returns possible for their investors. Then is it not, however, the responsibility of this government to try to do what we can to protect to the extent possible, without becoming incredibly protectionist and starting trade wars, but are there not things that we can do in this country to try to protect American workers? It is our responsibility to do so.

Should we not be able to control the flow of immigration into this country, recognizing that that massive flow of immigration has an effect on working Americans, if not taking the jobs, certainly in terms of depressing wage rates? But nowhere in the diatribe that we heard for an hour was there one reference to this phenomenon, to the immigration phenomenon. Why? Why, because, of course, as they accuse the Republicans of being tools of big corporations, big business, they forget that for the most part they are tools of political subgroups that they look to for votes.

□ 2215

It is a political problem we face. It is true that our side of the aisle caters to the business interests who want cheap labor. It is also true that the other side of the aisle caters to the immigration community and looks at them as a source of voters and as a political support base, and they are fearful of ever saying anything that might discourage that political support base.

If you are going to talk about this issue, then you better talk about all of that issue, all of the problems that we confront in this country because of the fact that we have immigration policies and economic policies that are detrimental to American workers.

This issue, the immigration issue, is certainly one that is contentious, certainly one that causes a lot of very, very intense feelings to emanate out of the Members of the body here, and for a long time an issue no one wanted to talk about. I would come to this floor night after night to bring my concerns to the body and to those people who were listening, but it was a lonely struggle.

I am happy to say that things do appear to be changing, that American voices are being heard. Not too long ago, the President of the United States proposed a new immigration plan, one that although he said was not amnesty was, from my point of view and, I think, from the point of view of most people, certainly an amnesty plan for people who would be coming here under some sort of guest worker arrangement, and all those people who are here illegally would be given the ability to stay even though they broke the law of the land coming in here.

There has been a significant response to that proposal. Our office, my office in Denver and the office here in Washington combined over the course of about a day and a half or 2 days received almost 1,000 phone calls after the President made that speech. Nothing that has ever happened in this country, not the war, nothing, no proposal for any initiative ever generated that kind of response. 99.999 percent of the people calling were upset by the proposal, were furious, as a matter of fact, at the President for putting it forward. Some of my colleagues, in fact many of my colleagues, heard the message because their phones rang off the hook also. Their e-mails came in by the hundreds and thousands, something that they did not expect.

I do not think it was something that even the White House expected. I think that they felt the President could make this speech, move on, satisfying a certain constituency, hoping that we would pass the bill eventually in this Congress, and that it would be something of relatively little note. But boy, oh boy, oh boy, were they wrong. People noticed, and they called, and they are still calling.

It is important, I think, for people who listen to this to recognize that their voices can be heard. I know it is simply a frustrating experience to pick up the phone or write a letter to our Congressman. Does anybody really care? Does anybody really read it? Believe me, you were heard. You were heard. So much so that I do not believe the President's plan will even evolve into a piece of legislation that we will see on the floor of the House. If it does, I predict that it will fail. And it should.

There are signs, as I say, that things are changing. Perhaps one of the most incredible things I have read in the recent past that indicates that there has been a change in the attitude of the American people when it comes to the issue of immigration and immigration control, not just a change on the part of the American people, because, frankly, that has been there for quite a while, poll after poll after poll tells us that 70 percent, maybe sometimes 75 percent, of the people in this country say no more illegal immigration. A majority say they want a reduction in legal immigration, until we can get a handle on the problem. And it is a problem.

For the longest time major media outlets would simply ignore that, as well as the Members of Congress, as well as the President of the United States, be he George Bush or Bill Clinton, would ignore the fact that those people were out there and that they were telling pollsters how they felt, because we always assumed we could finesse this; that although people were upset about it, it was not their number one issue, and, by the way, we have this constituency we are trying to grab onto, this huge constituency, this growing number of people coming into this country as immigrants, and they will become voters, and we want to get their votes, and so we certainly cannot attack the whole process that allowed them to come here, legally or illegally. So we figure we can finesse this, and all the people who say in those polls that they are against it, they are going to say it, but that is not their number one issue, so they will let it slide.

How did the major media approach this? Anyone that suggested we need to look at our immigration policy was xenophobic; at best xenophobic, at worst racist. That is the only way the media ever looked at it, because that is the only way they could explain how someone would stand up on the floor of the House or in a State legislature anywhere in the country, a city council or anyplace else and talk about the possibility that massive immigration into this country could be problematic, and that we had to be able to control it, and that we have to know who is coming into this country. We have to know how many, for what purpose and for how long. In order to call ourselves a Nation, that is a requirement, to be able to actually control your borders. That is a requirement.

But the major media would follow the lead of papers like the Wall Street Journal that every single year for years on the Fourth of July would write an editorial saying that borders should be eliminated, they don't matter anymore, they are insignificant, and they just impede the flow of goods and services. And, after all, the only thing that should determine that flow of goods and services and people, the only thing that should determine that is the market. And so borders are irrelevant, they said. They wrote that every year, year after year, on the Fourth of July. All of the major media in this country followed along.

9/11 comes along, a lot of things changed, and one thing that changed was the Wall Street Journal stopped printing that editorial on the Fourth of July. It does not mean they stopped believing it, they just stopped printing it for obvious reasons. But something is happening.

This is a reprint of a cover story in the Los Angeles Times Magazine, January 25, 2004, by a gentleman by the name of Lee Green. This is really an incredible article, incredible because, of course, I think it is very profound, it is certainly well written, it is well documented, but it appeared in the Los Angeles Times.

The Los Angeles Times, I think if it had a logo, if it had a masthead, it would be of the three monkeys with their eyes covered, their ears covered, their mouth covered because they did not want to see, hear or talk about this problem. It did not exist in the Los Angeles Times. Immigration was not a problem for the Los Angeles Times. They could go to their offices, their ivory tower offices, and look out over a sprawling city and think, gee, you know, I'm sure those people down there are having a great time and life is good for them, so as long as I don't have to participate in any of this stuff, as long as I can get home easily, have my limo pick me up, and I don't have to worry about a lot of these kinds of things that the poor trash out there worry about, then we can continue to think about markets as being the only thing that should determine the flow of people.

But, as I say, something happened. And so they agreed to publish this article. I am certainly not going to read it all, but I am going to take excerpts. It starts out:

By birth, by foot, by automobile, from every other State and other country, legally and illegally, people have arrived in California for decades in unrelenting swells, human surf breaking steadily on a vast shore. Occasionally a big set rolls in and harasses State and local officials trying to determine how many new classrooms to build or where to bury the trash, but Californians take it in stride.

You can complain, but what good would it do you? You can complain about winter, too, but it comes anyway. We tolerate endless strip malls, foul air, contaminated runoff, window-rattling boom boxes and the weekend crush at Costco and Home Depot. We remain composed in the face of runaway housing prices, electricity shortages and crowded schools.

But what we suffer even less well than crowded schools, the thing that makes even the most tolerant Californians realize that their cities have become overstuffed, is the endless, miserable, stinking, standing traffic. In Los Angeles, in San Diego, in Sacramento, in the Bay area, freeway traffic sits like an automotive still life, then inches along as we fume in the fumes. On a roadside in San Jose after a fender bender, a driver grabs another driver's small dog, Leo, and throws the helpless animal into oncoming traffic.

This is what it has come to in California. We live in the age of Leo. If projections through 2040 by demographers in the State Department of Finance prove accurate, conditions will only get worse, much worse.

New residents continue to wash over California's borders, but the State is neither attempting to restrain growth nor building adequate infrastructure to accommodate it. And the boat continues to fill. During the last half of the last century, an epoch encompassing most of the baby boom and, a generation later, all of the boom's echoes, the State population grew by more than 24 million. The next 24 million, more than the population of Illinois, Indiana, Iowa and Nebraska combined, will arrive more quickly, inflating the total to nearly 60 million within 36 years. Barring the long overdue mother of all earthquakes, a tightening of Federal immigration policy, which is more unpredictable, by the way, than the earthquake, or the Rapture, California's population, currently at 36 million, likely will double within the lifetime of today's schoolchildren.

A close look at the numbers suggests that the 1990s began a pattern in which California receives more new residents each decade than it did the previous decade. The 2020s will witness the greatest 10-year increase in State history, and the number in the 2030s will be even greater.

Come to California, Governor Arnold Schwarzenegger urged the world more than once in his State of the State Address this month, but most residents are not happy about this trend. Even Senator DIANNE FEINSTEIN isn't happy about the numbers, either. I find them, she says, very distressing, and I'll tell you why. If the growth comes before the ability to handle the growth, what you inevitably will have is a backlash. That's what drove Proposition 187.

The Eagles were right: This could be heaven, or this could be hell, but the more closely you examine California's plight, the more the heaven part looks iffy. No other State has so many residents. Texas ranks second, but with almost 40 percent fewer people. No other State comes close to matching California's annual net population increase. During the next 25 years, the region is projected to grow by 6 million people. This is not exactly a formula for a Golden State.

Immigrants, specifically Latinos who constitute the majority of the State's more than 9 million immigrants, inflate the population not just by coming to California, but by having children once they are here. While the combined birthrate for California's U.S. citizens and immigrants who are not Latino has dropped to replacement level, the birthrate for Latino immigrants from Mexico and Central America averages more than three children per mother.

Changes in Federal policy since 1965 have elevated the number of immigrants legally admitted to the United States annually from a few hundred thousand to more than 1 million in recent years. California has long received far more immigrants, legal and illegal, than has any other State. It worked out well in some respects, cheap labor, ethnic diversity; not so well in others, social welfare costs, increasing poverty. While the costs are significant, the benefits are so vast and varied from critical high-tech expertise to breathtaking multicultural richness that anyone but an unrepentant xenophobe would agree that they are all incalculable, none of which alters the fact that immigration more than any other factor will probably determine how crowded and environmentally unsustainable California becomes in the years ahead. Immigration directly and indirectly accounts for more than two-thirds of the population growth nationwide.

□ 2230

''But DIANE FEINSTEIN says that trying to stem the ever-rising count is not a topic of discussion in the U.S. Senate. Though the Earth's population doubled to 5 billion in a mere 37 years and will more than double again this century, many countries, particularly in Europe, now have low fertility rates, relatively low immigration levels, and are losing population. In sharp contrast, the U.S., at more than 292 million people, the world's third-most populous country behind behemoths China and India, will soon glide past 300 million en route to 400 million before mid-century . . . '' ''United Nations projections show just eight countries accounting for half of the planet's population increase between now and 2050,'' and of course the United States is one of them.

I will skip to the end of this here. ''Researchers at the Rand Corporation think tank,'' and the Rand Corporation, by the way, is not known as a conservative think tank by any means, ''spotted these troubling trends in 1997 after studying 30 years of economic and immigration data. Rand's review concluded that 'the large scale of immigration flows, bigger families, and the concentration of low-income, low-tax-paying immigrants making heavy use of public services are straining State and local budgets.'' California, a $38 billion deficit. Yes, it is definitely straining local budgets.

''The lifeboat keeps sitting lower, water spilling over the gunwales, provisions stretching thin. Yet we keep taking on more passengers, and nobody's doing much bailing. Is this any way to run paradise?

''Shall we just paint ourselves into an overcrowded corner and then see if we can figure a way out?

''There is more at stake here than mere comfort and convenience. Apply enough stress to any biological system and eventually it falters. 'The economy is inside an environment. The environment is not inside the economy. Which is to say, the laws of nature will ultimately prevail over the laws of economics.''

He ends by saying, ''But if the people entrusted to lead the State are not having this discussion, if they're not grappling with these issues, then who is? That's a fine thing to think about

the next time you're stuck in traffic. Which will be soon.''

It is a great article, much lengthier, of course, than I was able to state here tonight. But people can all go on line, of course, and pull it up. It is called ''Infinite Ingress'' by Lee Green for the Los Angeles Times, January 25, 2004. It is a great article.

There are astronomical types of issues to deal with here, enormous problems. Certainly they are issues dealing with the environment. I mean, this piece concentrates on that. What is the impact of massive growth rates in this country? Is it always good? Is growth always good? Some will benefit, it is true. Many will not.

The President mentioned in his speech on immigration that we need to match every willing worker with every willing employer. That is a sentiment I know many of my colleagues even in this House believe in. It is sort of an admirable goal. We can say things like that, and at first glance we would say, sure, that is true, absolutely. What is wrong with that, matching a willing worker with every willing employer?

The one thing that I can tell the Members that strikes me right off the bat that may be wrong with it is this: There are billions of willing workers out there, billions, willing to come, be matched up with millions of employers here in the United States who are quite desirous of obtaining cheaper labor. Do we really mean that? Do we really mean that we will match every willing worker in the world with every willing employer? Do we think that that will not have an impact on our society, on our system? Of course it will. And I do not think we really and truly mean that. At least I hope we do not, because, of course, there is a role for us to play in this body, and that is to control that flow.

We hear all the time that there are all these jobs going begging, all these jobs that Americans will not take. I will tell the Members right now that I believe with all my heart when we have got 5.6 or 5.7 percent unemployment rate in a free economy, there is no such thing as a job an American will not take. It is just a matter of how much one is willing to pay to get the worker. And as long as we continue to import cheap labor, we will be absolved of the desire to actually provide a good job for Americans and will say that the better thing is to just simply have cheaper products coming into our stores. But it does require somebody here to buy those products, and we cannot have an economy that is a two-tiered economy of most folks living at lowest level and some folks at the highest, and that is, I think, a future that comes into view when we think about this kind of world, a world of infinite ingress into the United States.

Something will change. And I will not ask a question. I will tell my colleagues that I do believe that it is true that there are a lot of folks here even in this body, maybe even in the administration, who believe that borders are irrelevant, they are of no consequence, and they impede the flow of goods and services and, yes, people, and that soon we will be able to achieve a new world order in which there are no real borders, or if there are borders between countries, they will be like one that was described by someone I was debating from the Cato Institute, a libertarian think tank here in Washington, who said, yes, we will still have borders, but they will simply be like the borders between Kansas and Colorado and Nebraska, of no real consequence.

That is a world view. It is a world view held by a lot of people. It is not a world view I hold, nor one that I will accept without a lot of fighting, but it is something that a lot of people want to see, and that is why we can see this constant movement toward a world and a country in which the whole concept of citizenship is completely and totally obliterated, where it just does not matter anymore if one is a citizen of the United States, of Mexico, of Canada or anyplace else. They are just a resident of where they happen to be.

We see cities in the United States passing laws, calling themselves sanctuary cities, laws telling people that they really do not need to show us anything except perhaps a utility bill to show that they are a resident and we will let them vote. One of those cities is not too far from here, College Park, Maryland, but they are all over the country. The State of Maine is proposing that the State be the first sanctuary State.

Among other things, we would see these States and cities not cooperate with the INS, with now the Bureau of Immigration Control and Enforcement; not have their police forces, the State patrol and the local police, help the Federal Government enforce immigration laws, not that we do a very good job at it anyway, but they are saying the cities will not be allowed to do that. Four cities in my State have done this, have passed these laws.

What is the end result of this process? It is to achieve a place in which we are simply residents, we are not citizens, that citizenship does not matter; that if one comes here across our borders even without our permission, we will give them free schooling for their children. We do that. If they come here, cross our borders, even without our permission, we will give them access to our health care system. We do that. If they come here, we will give them access to our Social Security system. We are proposing that. Even if they are here illegally, the President is proposing a totalization agreement with Mexico, saying that any Mexican worker who is here, even here illegally, after only six quarters of work would be able to be vested in the United States Social Security system. So we do that. We are proposing that. We are even telling them, as I say, that if they come here even without our permission, they can vote.

So I ask the Members if one can come into this country as an illegal immigrant, an illegal alien, and obtain all of these benefits, then what is the difference between that person and the person who has lived here all of his or her life and is, in fact, an American citizen? What is the difference? None. It does not matter. And that is a goal that a lot of people in this body want. It is not what I believe is an appropriate goal certainly, and one that I certainly will fight in every way I can.

Not too long ago there was a bill on the floor. We were fighting over the budget for the newly created homeland security agency. I think we just had its first year anniversary here a day or so ago. But on the floor of the House when we were creating the budget for this newly created agency, I proposed that no city that passes these plans, these amnesty plans, these sanctuary city policies, would be able to get any funds under that particular grant system, the grants from Homeland Security. I got 122 votes out of 435. Everybody kept saying this is not the time or the place to talk about that, and it got very contentious. It was about midnight on the floor here, and people got very upset, did not want to fight this issue, did not want me to even bring it up, kept saying it was just a divisive issue.

Why is it divisive? What in the world is divisive about it when we simply say, okay, there is already a law, it is already on the books in the Federal Government, we passed it in 1994. It says no State or city can impede the flow of information to the INS or restrict the flow of information from the INS. It is on the books. We have it.

There is one little tiny problem. There is absolutely no penalty for its violation; so States and cities routinely violate it. And when I tried to say let us really take a tiny little penalty, all I was saying at that point in time was they should not be able to get a grant under the homeland security agency if they are passing laws saying that they will not even tell the INS if they have arrested an illegal alien within their city boundaries. We could not pass it. We could not pass that amendment. Of course I will try again, and we will continue to tell as many people as we can about the Members who chose to vote against it, and they will have to explain why.

I would love to actually hear an explanation for opposition to that particular proposal. It is really fascinating, other than to say we simply do not want to alienate our constituency. I have had Members to say to me on the floor, after maybe a little 1-hour thing like this, people say, You are right, Tom. You are right about that, but I am not going to support you on this stuff. I have a huge minority constituency in my district.

And I am saying, so what?

□ 2245

If you think I am right about what I say is happening to this country and

the potential for what is going to happen to the country, how can you just so cavalierly say, yes, but I cannot vote for you?

For the last part of this hour, I want to talk a little bit about another aspect of this problem that I think is quite disturbing. It gets to the problem of assimilation, the ability of the United States of America to assimilate huge numbers of people into our society when we are laboring with something else inside the United States. This is not the fault of any immigrant; it is not the fault of massive immigration. It is a result of it, but it is not the fault of it. It is something we are doing to ourselves.

We are becoming wrapped up in, and, really, this has been going on for a number of years, we are becoming wrapped up in this philosophy I sometimes call the cult of multiculturalism. Now, this is not just the multi-culturist philosophy you say simply references the value of diversity and the fact we have many different cultures that we can explore and we can enjoy in this country. That is all true, and I, certainly, as an Italian and the grandson of Italian immigrants, I am well aware of the value added by immigrants coming to this country from all over the world. I am not arguing that.

I am talking about a different kind of multi-culturalism, a different brand of multi-culturalism. This multiculturalism is radical multiculturalism. It says that not only should we enjoy the diversity, but we should make it our universal characteristic. The one thing we should all strive for, and the only thing that is of value as a national goal, is diversity, and that any idea that there is a common set of values, attitudes and ideas that we call America, or, worse yet, Western Civilization, any of these things should be erased from the textbooks, taken out of the discussion in classrooms; that we should encourage children to think of themselves not as Americans, not as Americans, but as part of some sub-group, usually some victimized class seeking a redress for that victimization from those who perpetrated it, mostly those, ''those'' being the code word for Western Civilization itself.

Textbooks all over the country, we pulled out just a few, and I have on our Web site we have a lot more, but a few things as an example of what I am talking about here. In the textbook ''Across the Centuries'' used for seventh grade history, the book defines the word ''jihad'' as ''to do one's best to resist temptation and overcome evil.''

Does anybody really believe that is the definition of jihad, that a textbook would be given to children in the United States, considering the fact that 9/11 was another example of jihad? ''To do one's best to resist temptation and overcome evil.''

In 2002, the ''New Guidelines for Teaching History'' in the New Jersey public schools failed even to mention America's Founding Fathers, the Pilgrims, the Mayflower. These were the guidelines for teaching history. What history? Whose history? Not ours. Because, of course, maybe somebody who read this could not relate to the Pilgrims or the Founding Fathers.

I will tell you that in my life, as I mentioned to you, I am the grandson of immigrants who had a deep love and respect for their home country of Italy, but had absolutely no desire to have themselves or their families attached to that country in any other way than some sort of fond nostalgia and periodically going down to something called the Feast of St. Rocco, believe it or not, and another one called the Feast of St. Anthony. I used to joke about the fact could there really be a St. Rocco. There was, evidently. But that was about it.

But in terms of who we were as individuals, what was our heritage, what was the country we connected to. There was never any doubt in my mind, never any doubt, that my heritage was the Pilgrims, the Founding Fathers. That is what I thought of, because that is what my textbooks taught me, that is what my grandparents taught me, that is what the schools taught me. But we refuse to even mention them in our history textbooks.

In a Prentice Hall history textbook used by students in Palm Beach County High School titled ''A World Conflict,'' the first five pages of the World War II chapter focused almost entirely on topics such as gender roles in the Armed Forces, racial segregation and the war, internment camps and the women in the war effort. That was World War II, okay? That was it.

Gender roles in the Armed Forces. That was the discussion of World War II. Now, it maybe deserves a line, maybe a paragraph, but this is the analysis of World War II in a history textbook?

In Washington State, a teacher substituted the word ''winter'' for the word ''Christmas'' in a carol to be sung at a school program so as not to appear to be favoring one faith over another. The lyrics in Dale Wood's ''Carol from an Irish Cabin'' was changed to read ''harsh winds blow down from the mountains and blow a white winter to me.''

I was in a school in my district in Colorado not too long ago around Christmastime. I was leaving, and I said ''Merry Christmas'' to the children I had been talking to in an elementary school. I noticed there was sort of a strange reaction. Some said, ''Merry Christmas? Yes, what did he say?'' I thought that was weird.

As we were walking out, the teacher said to me, ''The principal doesn't really like us using that word.'' I said, ''What word?'' ''Christmas.''

This is a public school in my district. I went back to the school and I yelled, I said, ''Hey, Merry Christmas. Merry Christmas.'' They were all excited that somebody would actually say it; they could be actually allowed to say it in the school, Merry Christmas.

In a school district in New Mexico, the introduction to a textbook called ''500 Years of Chicano History in Pictures'' states this is why the book was written, ''In response to the bicentennial celebration of the 1776 American Revolution and its lies.'' Its stated purpose is ''to celebrate our resistance to being colonized and absorbed by racist empire builders.'' The book describes defenders of the Alamo as slave owners, land speculators and Indian killers; Davy Crockett as a cannibal; and the 1857 war on Mexico as an unprovoked U.S. invasion.

The chapter headings included ''Death to the Invader,'' ''U.S. Conquest and Betrayal,'' ''We Are Now a U.S. Colony in Occupied America,'' and ''They Stole the Lands.''

''McDougal's,'' another textbook, I remember using a McDougal's textbook when I was teaching ninth graders in Jefferson County, Colorado, well, the new McDougal's textbook, ''The Americas,'' that is the name of the textbook, states that the Reagan-Bush conservative agenda limits advances in civil rights for minorities.

This is not an observation, this is not an opinion, this is what the textbook says was the Reagan-Bush administration; and that conservatives' bid to dismantle the Great Society social programs could be compared to ''abandoning the Nation.'' It goes on to include text stating that communism had potentially totalitarian underpinnings. Potentially. This goes on and on and on and on. We have hundreds of examples like this.

Now, why do I bring this up in conjunction with this immigration discussion? Because, I will tell you, it matters. It matters. It matters that we are telling our own children, I went into a school in my own district just a couple of weeks ago, had, again, probably 200, these were high school students, however. They brought them into the auditorium, 200, 250, something like that.

At the end some kid wrote a note to me and said, ''What is the most serious problem you think we face in the Nation?'' I said, ''Let me ask you a question and I can tell you that.'' I said, ''How many people in here believe you live in the best Nation in the world?'' And there were maybe two dozen hands, at most, two dozen hands went up, a tenth of the group. A lot of people again very uncomfortable, looking at the teachers on the side of the wall thinking, Gee, I don't know.

I had the distinct impression that a lot of kids wanted to answer yes, but they were afraid to, because what would they say if somebody challenged them? How would they actually defend that statement? So they just did not say a word.

So I said, ''Let me ask you, should we be proud of the fact that we are a product of Western Civilization and there are some incredible things Western

Civilization has brought to the world, including, among others, the idea that society should be based upon laws and not upon men; that individuals matter more than the collective? These are uniquely Western thoughts, and we can be proud of them, and we should be proud of them. We have all kinds of warts, I know it is true. There are plenty of things we have done wrong. But to only emphasize the worst in America, the worst things that have happened, and even rewrite history to make events even more problematic for us is despicable; and it makes us wonder, it makes children wonder, it makes Americans wonder who they really are and whether this is all really worth it, it seems to me; who are we, where are we going, and how are we going to get there.

Now, if we have a hard time trying to transfer this knowledge to the children that are coming out of our public schools, think how hard it is to transfer that knowledge also to the people who are coming here as immigrants, many of whom are not coming for the purpose of being an American. Many of them are coming simply for the purpose of getting a better job. The whole concept of integration and assimilation goes out the window when it clashes with or comes in contact with, because it is really not a clash, but comes in contact with this cult of multiculturalism, and that is why it matters. That is why immigration policy fits into this discussion.

We need to rethink the way we teach our children and we need to rethink what we tell immigrants. Instead of telling immigrants that there is no reason for them to integrate into our society, that we want them to stay separate, we want them to keep a separate language in the schools, we want them even to keep their own political associations of the countries from which they came, which now we have almost 10 million people in the country living here with dual citizenship.

I had an interesting conversation with a bishop in Denver, Bishop Gomez, who was arguing with me about this issue, and he said to me at one point, ''I don't know why you are worried about the Mexicans who are coming into this country.'' By the way, I am not worried about ''the Mexicans''; I am worried about massive immigration. He says, ''But I don't know why you are worried about the Mexicans coming into this country.'' He said, ''They don't want to be Americans.'' Those were his exact words: ''They don't want to be Americans.''

They are coming here for a job. They love Mexico. They want to keep their Mexican heritage, their Mexican citizenship. Of course, today it is a lot easier to do so than it was when my parents came from Italy, a land very far away, very difficult to get back and forth. Now, of course, all over the world it is a short hop to wherever it was we may have come from. The world has gotten much smaller, and it is a heck of a lot easier to retain those ties than it was before. He says, ''They don't want to be Americans.''

I said, ''Well, Bishop, of course, that is the problem. To the extent that you are right, to the extent that what you said is true,'' it is certainly not true for everyone coming, ''but to the extent you are right, that is the problem.''

That is what is fearful, and that is why we need to think about what we teach children and what we say to immigrants, and that is why we need to get a handle on immigration, reduce even the amount of legal immigrants, and certainly stop the flow of illegal immigrants into the country, until we can in fact get a handle on this problem.

I have a Web site. On our Web site, WWW.House.Gov/Tancredo, you can go there and see a little pop up thing that says ''Our Heritage, Our Hope.'' If you go on that you will see these things that I pulled out of the textbooks, and you will see a resolution that I am going to introduce on the 3rd of March.

□ 2300

I hope that maybe 8 or 10, maybe more, of my colleagues will join me, however many have the guts to do so, and it will be a very simple resolution. It will say that the Congress of the United States wants to encourage all schools in this Nation to produce children who will be able to articulate an appreciation for Western civilization.

Now, one may not think that that should start anything, but I guarantee my colleagues that it will. I guarantee my colleagues it will. I really and truly look with enthusiasm and exhilaration, a certain amount of exhilaration, to that debate; to hearing somebody explain to me why we should not teach children to appreciate Western civilization. Appreciate. I did not say that they had to disparage any other civilization; I just say that they should be able to articulate an appreciation of Western civilization. Do we think that they can do it today? How many do we think could do that today? Do we think that they should be able to? Do we think any child should be able to do that graduating from a public school in the United States, or any school, actually? What would be wrong with having that as a goal? I would love to have this debate. Well, we are going to.

And then I am going to ask State legislatures all over the country; we have now I do not know how many signed up already, but quite a few State legislatures, and simultaneously they are going to introduce a State resolution in their legislatures saying the same thing. Then we are going to ask parents to go to school districts and bring that resolution to their school district and ask the school district to do exactly the same thing. You can go on line, go to Our Heritage, Our Hope page on our Website, and you can get all the information you want, and you can sign up to help us in this endeavor, and I hope you will. I hope everybody will, because I need your help. But this will be a great, great battle for us to enjoin. It is about time we did so.

Mr. Speaker, there is a reason. There is something of value in Western civilization and the Judeo-Christian heritage, and this place we call the United States, which is the greatest example of that heritage. And as I say, I know that there are warts, and I do not mean to ignore them. I am not asking children to be told that there are only wonderful things about Western civilization or about America, I am just asking that they be told the truth, both the bad side and the good side, because today, they will always, I guarantee my colleagues, children will be able to articulate a problem with Western civilization, but I wonder how many can actually stand up today, a high school senior, and be able to effectively say what is good about Western civilization and the country in which they live and be able to defend it. I certainly want that to happen before we get more people here as immigrants, legal or illegal, who are not coming because they do not want to be Americans.

IRAQ WATCH

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for half the remaining time, approximately 27 minutes, as the designee of the minority leader.

Mr. HOEFFEL. Mr. Speaker, I am glad to be back on the House floor with my colleagues, the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Hawaii (Mr. ABERCROMBIE), and I think others will join us, for another installment of Iraq Watch. We have been coming to the floor one evening a week since, I believe, last May to talk about our policies in Iraq, to raise questions about the policies when we do not understand those policies, to suggest alternatives, to try to get information before the Members of the Congress and the members of the general public about what is happening in Iraq.

Before turning to my colleagues for this week's installment of Iraq Watch, let me review a little bit what has been happening, and the last few weeks have been tough weeks for President Bush regarding his policies in Iraq. We know that the chief CIA weapons inspector, Dr. David Kay, returned from Iraq and said that stockpiles of weapons of mass destruction do not exist. He could not find weapons of mass destruction themselves. He doubts that such stockpiles existed before we went to war. He doubts they existed in 2002 or 2003. This, of course, is completely contrary to the White House assertions in the fall of 2002 and in the spring of 2003 that these weapons of mass destruction existed.

The President continued to advocate his case and, in my judgment, hype the

situation regarding weapons of mass destruction in the State of the Union Address where he talked about weapons of mass destruction-related program activities. I am still trying to figure out exactly what is a weapons of mass destruction-related program activity, but I can tell my colleagues what it is not. It is not a weapon of mass destruction, because we have not found those in Iraq, according to our chief CIA weapons inspector David Kay.

Then, in his Face The Nation interview recently, the President talked about Dr. Kay's report and said that Dr. Kay came home and, number 1, made an interim report and, number 2, suggested that things were worse in Iraq than we thought.

Well, in fact, may I say to my colleagues, Dr. Kay came back from Iraq not to make an interim report, but to quit. He said he has had enough. He is frustrated. He says he is not getting the support that he thinks the Iraq Study Group should get in order to focus on the search for weapons of mass destruction. He believes those weapons do not exist. And far from saying things were worse over there than he thought, he said we could not find the things that we were told we would find.

Then, the President finally appointed a commission to study the intelligence regarding Iraq and the weapons of mass destruction. And I am glad that he appointed such a commission, but he made two big mistakes, in my judgment. One, he limited the time, or maybe I should say he expanded the time so that the Commission will not complete its work until well after this fall's election. Secondly, he limited the scope of the Commission. He asked them to look into the accuracy of the intelligence gathering. And I agree that accuracy must be reviewed, but he did not ask the Commission to review the use of that intelligence by the White House itself.

Mr. ABERCROMBIE. Will the gentleman yield on that point?

Mr. HOEFFEL. I am delighted to yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman for yielding. On that exact point, if we were just reciting a litany of errors made in the sense of an honest misreading after a genuine inquiry, that would be one thing, but the really shocking evidence to the contrary is now coming out. In fact, we even see reports about where was the press? Why was this taking place? And it turns out the source for much of this information, not just for those in the intelligence agencies, but from those reporting on it, was coming from the same sources.

The general public listening to us might say, well, that is all well and good for you folks in the Congress to be mentioning these things now, to be commenting on it now, but we had no access to that. We were not privy to that kind of inquiry on the basis of a position in the Congress where we could actually ask in depth in closed briefings and hearings as to what the source of this information was. Yet we find now in the Washington Post just 2 days ago a report taken from the London Telegraph on commentary from Ahmad Chalabi. That name has been on this floor previously. The gentleman from Massachusetts (Mr. DELAHUNT) has examined Mr. Chalabi's career in detail. The gentleman from Pennsylvania (Mr. HOEFFEL), I believe, has done the same.

Mr. HOEFFEL. Mr. Speaker, if I may interrupt the gentleman for a moment, I am proud of the fact that last April in one of our very first Iraq Watches, I identified Mr. Chalabi in the words that my grandfather would have used as a four flusher. I have to explain what a four flusher is. A four flusher is a man whose word you cannot accept, and if it was good enough for my grandfather, it is good enough for me.

□ 2310

Mr. ABERCROMBIE. Mr. Speaker, let me explain what Mr. Chalabi admitted to. He is now on the Governing Council. This is the body upon which the United States is presently relying. This is the body upon which the United States is presently conducting policy in terms of their being able to take over on June 30, this arbitrary date that has been set by the Bush administration.

He now lays claim to the following. He was accused of peddling phony tips about Iraq's weapons, the very thing that the gentleman from Pennsylvania (Mr. HOEFFEL) has been speaking of. Again quoting from the Washington Post, he shrugged off charges that he had deliberately misled U.S. intelligence, We are heroes in error.

He told the Telegraph in an interview Wednesday in Baghdad, As far as we are concerned, we have been entirely successful. Our objective has been achieved. That tyrant Saddam is gone and the Americans are in Baghdad. What was said before is not important.

Quoting it now from the Washington Post, not even to the families of all the killed and wounded?

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield, not even for the American taxpayers that are putting out some $167 billion to date. That is absolutely outrageous.

What I learned this evening, and I find it particularly disturbing, is that Mr. Chalabi was present in this chamber during the State of the Union that was delivered by President Bush back in January and sat with other members of the Iraqi Governing Council in the box where the First Lady was sitting. This is absolutely unacceptable.

Mr. ABERCROMBIE. Mr. Speaker, let me repeat then for those who may be tuning in and trying to get the context here. Let me repeat exactly what Mr. Chalabi said, our champion in Baghdad, the person upon whom is the principal resource apparently for the intelligence that was delivered to the President, delivered to the Congress, and apparently delivered to reporters who were all supposed to be checking sources.

Part of the thing that we need to remind ourselves and remind the public of is that we are dependent upon the professional integrity of journalists as well. We are dependent upon it. We are certainly the object of it often enough. We are dependent on them checking their sources to make sure that they are reliable. Let me repeat what he said.

The reason I want to do that is that this is as cynical and sinister a pronouncement as I have heard in my political lifetime. I am quoting Mr. Chalabi, as reported in the Washington Post, We are heroes in error. As far as we are concerned, we have been entirely successful. Our objective has been achieved. That tyrant Saddam is gone, and the Americans are in Baghdad. What was said before is not important.

Mr. DELAHUNT. I would just like to, if I may, pick up on that point with Mr. Chalabi.

The gentleman from Pennsylvania (Mr. HOEFFEL) described Mr. Chalabi in very unflattering terms, but I think a more apt description of Mr. Chalabi is that he is a convicted felon. When he fled Iraq he ended up in London for a period of time and then went ahead and conducted business, banking business, financial services, in the kingdom of Jordan. There he was charged with embezzlement and a series of other crimes that would constitute in our jurisprudence a felony. He was tried and convicted and was sentenced to 22 years by a Jordanian court. I am sure he would contest that. I am sure that he would proclaim his innocence, but that is a fact, a reality. That is not just simply an unflattering description of an individual.

When the king of Jordan came and visited with Members of the House Committee on International Relations, and I forget if the gentleman from Pennsylvania (Mr. HOEFFEL) was there, but I posed to the king, who has been an erstwhile ally of the United States and his father before him in the region for decades and has cooperated with the United States in terms of the war against terrorism, I asked the king if he had been consulted by the United States Government because I was aware that Mr. Chalabi had been convicted of a serious crime, an embezzlement of some hundreds of millions of dollars. He said, with certain equanimity, No, I was not.

I did not pursue it because I did not want to cause the king any embarrassment, but it was clear to me and others at that meeting that he clearly was displeased, and to think that we turned our back on an ally, who according to newspaper reports, and the truth always outs, was encouraging defectors to provide intelligence that he should have known was false, was false.

If I can pursue for just one more moment, this is dated February 19 and is

from the Daily Telegraph in London, a British newspaper obviously. U.S. officials said last week that one of the most celebrated pieces of false intelligence, the claim that Saddam Hussein had a mobile biological weapons laboratory, had come from a major in the Iraqi intelligence service, made available by the INC.

Those watching us tonight should understand that the INC is an anachronism for the Iraqi National Congress which is the creation of Ahmed Chalabi.

U.S. officials at first found the information credible, and the defector even passed a lie detector test, but in later interviews it became apparent he was stretching the truth and had been coached by the INC.

This is a report from a respected British newspaper that segues exactly the reporting that was done in the Washington Post. This is outrageous and to think that this gentleman was in this institution while sitting in the First Lady's box during the State of the Union, meanwhile we had voted, and many in this chamber on both sides of the aisle had voted a difficult vote, cast an extremely hard vote in terms of war and peace based upon false intelligence? Then we are carrying the burden, not just of the war but of the reconstruction.

We are the only Nation, that I am aware of, that when we appropriated the moneys for Iraq did not insist that it be paid back at any point in time. All of the other donors insisted on some sort of a loan arrangement and we did not, and if we really want to pour salt on the wound, this is from the Houston Chronicle, and it is dated February 21. The headline is the United States still paying the source of the tainted intelligence. That is a Knight Ridder outlet. Indulge me for a moment while I read this to my colleagues.

□ 2320

''The Department of Defense is continuing to pay millions of dollars for information from the former Iraqi opposition group that produced some of the exaggerated and fabricated intelligence President Bush used to argue his case for war.''

We are paying now. Today.

''The Pentagon has set aside between $3 million and $4 million this year for the information collection program of the Iraqi National Congress led by Ahmed Chalabi, said two senior U.S. officials and a U.S. defense official. They spoke on condition of anonymity because intelligence programs are classified.''

Mr. HOEFFEL. If the gentleman will yield, as bad as the situation is that the gentleman from Massachusetts has just described, it could be even worse, the impact of this faulty intelligence on this country. Think back on the military strategy that our Armed Forces used. We all understand that our Armed Forces fought bravely, with great courage. But remember that they rushed to Baghdad because they believed that weapons of mass destruction were there, in large measure because of the representations made by Chalabi and others, and the very false and misleading information that the gentleman from Massachusetts has identified tonight.

Our troops did not protect their flanks. They figured the most important thing they had to do was get to Baghdad and stop any potential use of these weapons of mass destruction against the American troops or the British troops or against the Iraqi citizens; that the key was to get there as quickly as possible. And in that rush, which they successfully did, very bravely and courageously, they left their flanks exposed. The insurgency started, and we began to lose soldiers right away because they were not taking their time, they were not protecting themselves. They thought they had to rush in.

I think you can put onto the heads of these folks that gave us bad information the loss of life, the loss of American life by our brave soldiers whose leaders thought they had to adopt one strategy based upon incorrect information, when it would have been a little safer for our troops to protect the flanks, move more carefully and cautiously, which I am sure they would have done if they were not worried about these weapons of mass destruction that did not exist.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will continue to yield, the question now then becomes, unless I missed something, this Chalabi is a hired gun. This Chalabi is a creature of the administration. He has no executive authority here. He has no voting power. He does not make recommendations to the President of the United States as an adviser, other than as a hired hand. Where was the verification? This man has a vested interest in getting this country into war in Iraq.

What bothers me, what distresses me is that what he was saying fits very conveniently into the ideology and the philosophy and the foreign policy desires of some of the people who have been most adamant in advocating war with Iraq before the weapons of mass destruction principle was laid down as the foundation for war with Iraq.

It is not as if it is a conspiracy. It is not as if it is a hidden plot. It is not as if it is some diabolical machination taking place in secret. Matter of fact, we have had dialogue. I have had dialogue and discussion personally with those who advocated this, like Mr. Perle, Mr. Kristol, Mr. Boot, Mr. Woolsey, who himself was head of the CIA. They published their articles. They have their books written. They have had this position for some time.

So it is not as if this is something that I have suddenly discovered or others have suddenly discovered and now are shocked. I am not. What shocks me is that people would take ostensible information or intelligence and assume it to be true without checking it out thoroughly, precisely because it fit what they would like it to be.

I know when somebody is telling me something I want to hear, something I would like to be true, something I hope is going to take place, I know that a little bell goes off, a little tremor takes place in me saying, wait a minute, let us make sure that I am not being told something because I want to hear it, because I would like to believe it, because I want it to be so, particularly when the consequences are going to be those of life and death.

When you are making a recommendation and have the authority, particularly as President of the United States, as the Commander in Chief, have the capacity and the authority to act on that recommendation and to make it in turn to the people of this country, then it is incumbent upon you, more than perhaps any other person in this Nation, to be absolutely sure you know what you are talking about, what your sources are and how reliable they are, not just because someone has told you what you want to hear, but because you know it to be factual and the implications to be clear in terms of war and peace.

Mr. DELAHUNT. Mr. Speaker, I know the gentleman has heard the term before, but when we speak of a blind man in a room with deaf mutes, this is an apt description of absolutely what has occurred in this particular case involving this particular individual by the name of Chalabi, Ahmed Chalabi, a convicted felon.

But let me give another possible motive. And again, this is simply a news story that I am reading to my colleagues and to those that are watching here this evening, because I think it is very important that the American people start to understand the dimensions and the magnitude of what occurred here and the absolute need for a thorough transparent presentation of all the facts over an extended period of time to the American people.

This is not about politics. No, it is not. This is about the national security of the United States and how we are viewed by the rest of the world. Our credibility is at risk here. If we perceive another situation that is fraught with peril for our people, and we present intelligence to the rest of the world, who is going to believe us?

Let me suggest another motive. This is from Newsday, a New York paper, and it is dated February 15. ''U.S. authorities in Iraq have awarded more than $400 million in contracts to a start-up company that has extensive family and, according to court documents, business ties with Ahmed Chalabi, the Pentagon favorite on the Iraqi Governing Council. The chief architect of the umbrella organization of the resistance, the Iraqi National Congress, Chalabi is viewed by many Iraqis as the hand-picked choice to rule Iraq.''

What a disaster that would be. And while we know there are very sensitive negotiations and discussions going on currently between elements in Iraq and between the United Nations, clearly Secretary General Kofi Annan has sent a special representative. He is in the process of reviewing it to make recommendations as to how power is transitioned to the Iraqi people. Yet here we are discussing on the floor of the House tonight the potential of having this particular individual as the hand-picked representative of American interests assuming a role in a future Iraqi Government that clearly, clearly most in the region, my earlier reference to my conversation with King Hussein from Jordan, will find particularly offensive. Clearly there is no support from the Iraqi people.

□ 2330

Mr. ABERCROMBIE. Mr. Speaker, if I may ask the gentleman from Massachusetts, who did the hand picking? Who did the hand picking? He did not pick himself. Is there someone in the administration, are there a group of people in the administration?

Mr. DELAHUNT. Of course there are people in the administration.

Mr. ABERCROMBIE. Perhaps the gentleman can enlighten me by answering that question.

Mr. DELAHUNT. Let me read from the original story that I discussed; we are still paying for the tainted intelligence. The American taxpayers are going to foot the bill for Ahmed Chalabi to come to the United States and sit in the First Lady's box. Let me read this: ''The decision not to shut off funding for the information-gathering effort could become another liability for Bush as the Presidential campaign heats up, and suggests that some within the administration are intent on securing a key role for Chalabi in Iraq's political future.'' Chalabi, who built close ties to officials in Vice President CHENEY's office, and among top Pentagon officials, is on the Iraqi Governing Council, a body of 25 Iraqis installed by the United States, to help administer the country following the ouster of Saddam Hussein in April.

So here we are. We received false information, as the gentleman indicated in response to the gentleman from Pennsylvania (Mr. HOEFFEL) yielding. He said the Americans are in Baghdad, we got what we want, and he is continuing to get paid. And according to reports from British newspapers, business associates of his just secured more than $400 million of American taxpayer resources for contracts awarded by the CPA, by Paul Bremer.

Mr. ABERCROMBIE. Mr. Speaker, I have never seen a picture or any film of Mr. Chalabi when he was not smiling and when he did not have the smuggest look on his face and when he did not have the demeanor of someone who had pulled off a coup, when he did not have a patronizing attitude towards those doing the interview. I can understand why. He has played us for saps and suckers, and the result is we have dead and wounded, grievously wounded. The result is the sacking of the Treasury of the United States, and the result is that we have had people whose ideological bent in the administration was such that they wanted to go to war using each other, Chalabi using them, them using Chalabi, in the most cynical fashion, the result of which we now see before us.

He said, and I remind Members and those listening to us, what was said before is not important. That which became the justification for what we did is not important. He got what he wanted. Those who wanted to have war with Iraq got what they wanted. They are not paying the price. They are not the ones who have to suffer for the rest of their lives either by having grievous wounds or by having the irretrievable loss of someone that they love as a result of this.

The question for us and the question that we have to ask not just ourselves but the American people are going to have to ask, is, is this going to be allowed? Is this going to be something that we are going to pass off? The fact that the Newsweek cover that the gentleman from Massachusetts (Mr. DELAHUNT) referred to in his remarks just previously could have a headline, ''How Dick Cheney Sold the War,'' the crass indifference of a headline like that in terms of its implications, as if you sell a war, not that you are driven into it, not that necessity forced you to come to that sorry and reluctant conclusion, but rather how you sold the war.

Nothing, I think, could be a commentary more persuasive to me of how this has been manipulated, how this has been maneuvered in a way that discredits this administration, discredits Mr. CHENEY in that role. He has yet to come to grips with it, and the White House and the administration as a whole has yet to come to grips with it, because if my information is correct and the information given to The Washington Post is correct, and this is something that one would have the opportunity to see whether it is correct unless it has changed since its publication on February 22 was that the Web site for the White House, the White House official Web site cites the same false information today. It has not changed since March. I quote from the Web site of the White House as of February 22: ''The United Nations and U.S. intelligence sources have known for some time that Saddam Hussein has materials to produce chemical and biological weapons, but has not accounted for them: 26,000 liters of anthrax, enough to kill several million people; 38,000 liters of botulism toxin; 500 tons of sarin mustard and VX nerve agents; and 30,000 munitions capable of delivering chemical agents.'' And finally: ''He recently sought significant quantities of uranium in Africa, according to the British Government.''

These are the same lies and the same fabrications, the same prevarications, the same falsehoods, the same misleading directions that took us into this war and continue to be repeated in the face of the knowledge that we know them not to be true.

How could it be that these continue to be repeated? Is it any wonder that Mr. Chalabi laughs at us? Is it any wonder that he adopts a smug disposition when we continue to support him, we continue to pay him, we continue to support the policies that he espoused, and he is able to say what was said before is not important because obviously there are no penalties attached to it?

Mr. HOEFFEL. Mr. Speaker, we have talked quite a bit tonight about Ahmed Chalabi, and rightly so; but he is not apparently the only favorite of the American government involved in positioning themselves for leadership in Iraq.

In today's Roll Call, one of the Hill newspapers, a fascinating front-page story titled ''Iraqi Money Flows'' detailing how four different Iraqis seeking power in Iraq are paying over $100,000 a month for lobbying costs and public relations costs here in the U.S. capital. It is a million-dollar-plus annual industry.

Mr. ABERCROMBIE. Mr. Speaker, where does the money come from?

Mr. HOEFFEL. Mr. Speaker, I do not have a clue. Ahmed Chalabi and three others listed in the article are paying up to a combined $100,000 a month.

Mr. ABERCROMBIE. Mr. Speaker, if Mr. Chalabi and his cohorts are paying this kind of money, what is the principal source of income that we have already enunciated for Mr. Chalabi and his friends?

Mr. HOEFFEL. The principal source I know of is U.S. Government.

Mr. ABERCROMBIE. In other words, the U.S. taxpayers are paying this guy to in turn pay lobbyists in Washington to advocate his position and influence Members of Congress.

Mr. DELAHUNT. To influence Members of Congress and influence the administration.

□ 2340

Mr. HOEFFEL. Before we get too carried away with Chalabi, let me just make the point that is in the Roll Call article. There were three others doing this. One of them is the favorite of the CIA to be the new Iraqi leader and a third the favorite of the State Department to be the new Iraqi leader. The gentleman from Massachusetts is right, the Defense Department has long wanted Chalabi to be the new leader of the Iraqi Government.

Mr. DELAHUNT. The convicted felon.

Mr. HOEFFEL. The favorite of the State Department is Adnan Pachachi, who is another member of the current interim government in Iraq as Chalabi is. And, according to Roll Call, the favorite of the CIA is Ayad Allawi, also a member of the Iraqi Governing Council.

We have got a three-headed monster here. The administration itself cannot agree on who should be the next leader of the Iraqi Government. There are three different agencies pushing three different people.

Mr. DELAHUNT. We would hope that that would be the Iraqi people, because if we preach democracy, hopefully we will abide by the decision that the Iraqi people in an election reach on their own. That is a message that I think, and I think we speak for many Members on both sides of the aisle here, that yes, the absolute sine qua non, the essential ingredient to a democracy is to give voice to all of the people, not some selected individuals hand-picked by DICK CHENEY, by the CIA, or by anybody else to run the country for the Iraqis, because if that happens, the American taxpayer is going to end up with a much larger bill than we have already assumed.

Mr. HOEFFEL. The gentleman from Massachusetts is making a lot of sense here, but the situation is made that much worse by the fact we are not just trying to hand-pick the next leader from Washington, but the Bush administration has three different favorites, one from the Defense Department, one from the State Department, one from the CIA.

Mr. ABERCROMBIE. If the gentleman will yield, not having seen the article, does the article go on to elucidate for us who these individuals are who are doing the lobbying? Are there firms here? Are there American firms who are going to come to Members of Congress and advocate on behalf of these individuals our appointees?

Mr. HOEFFEL. Yes. All the firms are identified, the monthly retainers. It is an interesting article. It is a million-dollar industry.

Mr. ABERCROMBIE. Would the gentleman consider submitting that article for the RECORD so that those who want to read the article in the CONGRESSIONAL RECORD subsequent to our discussion tonight will know all of the details?

Mr. HOEFFEL. I will be delighted to do it.

Mr. ABERCROMBIE. Mr. Speaker, I will ask to have the article that the gentleman from Pennsylvania is referring to entered into the RECORD as part of our deliberation.

[From Roll Call, Feb. 24, 2004]

IRAQI MONEY FLOWS

(By Brody Mullins)

Several well-heeled Iraqis who hope to play central roles in Iraq's emerging government have launched lobbying campaigns in Washington to influence the Bush administration and Congress as they work to shape a permanent government in Iraq.

The group of Iraqis, which include three members of the U.S.-created Iraqi Governing Council, are spending as much as $100,000 per month on lobbying firms and public relations agents to press U.S. officials to create a modern, democratic government that is not dominated by Islamic conservatives.

''It's like they are running for president,'' said one U.S. official of the competing public relations efforts in Washington.

The three Iraqis began their public relations efforts in Washington more than a decade after another Iraqi member of the Iraqi Governing Council—Ahmed Chalabi—began cultivating close ties to now-Vice President Cheney and other key administration officials.

According to forms filed with the Justice Department, Ayad Allawi, a member and former president of the Iraqi Governing Council, has begun an expensive lobbying and public relations effort to press U.S. officials to build a modern democratic government that builds on Iraq's existing foundations.

Allawi has already paid more than $300,000 to Washington from Preston Gates Ellis & Rouvelas Meeds LLP to help open doors on Capital Hill and at the White House.

Allawi also hired a former U.S. ambassador to coordinate his Washington effort and a New York advertising firm that once worked for the Beatles to manage his image in the United States.

The public relations effort, which could top $1 million this year, is funded by Mashal Nawab, an Iraqi-born physician who is a ''close friend and admirer'' of Allawi, according to the Justice Department forms.

Adnan Pachachi, another member and former president of Iraq's interim government, has also signed up a Washington public relations firm to help him get his message across to the Bush administration and Congress.

F. Wallace Hayes, working on a pro bono basis for now, will write press releases for the 70-year-old Pachachi that ''promote democracy in Iraq,'' according to the Justice Department forms.

Meanwhile, Baqir Jabor, an Iraqi exile appointed by the United States to run Iraq's housing and construction department, has asked former Rep. Bob Livingston (R-La.) and his influential Washington lobbying firm to help arrange a series of meetings with the Bush administration during his upcoming visit to the United States.

Officials at Livingston Group said Jabor is not a formal client of the firm. Other details of Livingston's work with Jabor are not yet available because Jabor first asked Livingston for help only last month.

The new public relations campaigns in Washington come as the Bush administration struggles to complete an interim constitution for Iraq by the end of the month in order to turn control of the government over to Iraq this year.

In the past few days, it has become clear that the United States will fail to meet both deadlines.

Over the weekend, the Kurds in northern Iraq—which comprise 20 percent of the country—rejected key parts of the constitution. Meanwhile, Paul Bremer, the U.S. administrator in Iraq, acknowledged last week that it is unlikely that Iraq will be able to hold an election for at least another year.

By hiring lobbyists in Washington, the Iraqi leaders hope to one day play a central role in the emerging government.

The Iraqis who have hired lobbyists are each former exiles who want the United States to create a democratically elected government.

Iraq's Shiites make up as much as 60 percent of the country and are better organized than their political and ethnic rivals, the Kurds and the Sunnis.

The leader of Iraq's Shiite conservatives, Grand Ayatollah Ali al-Sistani, hopes to schedule quick elections, knowing that he and his allies would dominate the government if elections are held soon.

Allawi, Jabor and Pachachi share another rival in Chalabi. But unlike the Iraqi newcomers to Washington, Chalabi has worked for years in Washington cultivating friendships with key players like Cheney, Paul Wolfowitz and Richard Perle.

Since 1986, Shea & Gardner has represented Chalabi and his Iraqi National Congress in Washington for about $10,000 a month. One of the partners at Shea & Gardner is James Woolsey, the former CIA director.

Chalabi also gets help from Francis Brooke, a political consultant, and Riva Levinson of BKSH & Associates, the Washington firm founded by Charles Black, a long-time ally of President Bush.

Those contacts have paid off: At this year's State of the Union address, Chalabi sat in the VIP box with first lady Laura Bush.

Chalabi also was one of the few Iraqis permitted to meet face to face with Saddam Hussein in his cell in the hours after his capture in late December.

Chalabi has long been considered the favorite of Defense Department officials to lead Iraq's new government.

However, his star appears to be fading as Pentagon officials question some of the military intelligence he provided before the war and as Iraqis increasingly view Chalabi as a pawn for the United States.

Meanwhile, the State Department is thought to favor Pachachi, while the CIA backs Allawi. His main opponent in Washington is thought to be Chalabi, a distant relative.

Though Chalabi and Allawi both oppose an Iraqi government run by Islamics, they split over the structure of a new secular government.

Chalabi would like to rid the country of anything to do with Hussein's Baath Party, while Chalabi—a member of the Baath Party before it was hijacked by Hussein in the 1970s—believes the new government should be built upon the existing foundations.

''There are options available to make use of the civil structures that are available in Iraq rather than throwing everything out,'' said R. Paul Stimers of Allawi's lobbying firm, Preston Gates.

Allawi, a neuroscientist by training, survived a vicious assassination attempt in the late 1970s when Hussein allies tried to axe him to death in his sleep. He later became a source of important—and sometimes suspect—intelligence information to the CIA.

After the war, he was appointed to the interim Iraqi Governing Council and tapped to take charge of security for the country.

In Washington, Allawia and his British benefactor last fall hired Patrick Theros, a former U.S. ambassador to Qatar, to build his base of support among key Members of Congress and the Bush administration.

Theros runs a consulting firm, Theros & Theros, with his wife and son out of their home in a leafy section of Northwest Washington.

With a total monthly budget that began at $122,000, Allawi brought on New York public relations agency Brown Lloyd James Ltd.—a firm that once represented the Beatles—for $12,500 a month.

For lobbying work, Allawi tapped Washington lobbying shop Preston Gates for $100,000 a month, though the firm has since lowered its monthly retainer to less than $50,000.

According to contracts filed with the Justice Department, the firms will help Allawi ''gain U.S. government support for his policy suggestions for Iraq'' by ''explain[ing] his views on the security and political situation in Iraq.''

Theros, who is making about $10,000 a month from Allawi, plans to attend ''public forums, seminars, events and meetings which represent an opportunity'' to express Allawi's ideas.

Allawi's lobbying effort was expected to end this spring when the United States was

expected to hand control over the government to Iraq.

But with the prospects of meeting that deadline dim, the lobbying and public relations campaign is expected to continue.

Mr. DELAHUNT. If the gentleman will yield, I think I can answer his question at least in part here. As the gentleman from Pennsylvania just indicated, there are rival camps now that presumably the American taxpayer is supporting in their lobbying efforts in terms of securing more resources and more tax dollars from Congress and the administration. But it would appear that Mr. Chalabi has an advantage. According to the Roll Call edition of today, it reports that unlike the Iraqi newcomers to Washington, Chalabi has worked for years in Washington cultivating friendships with key players like CHENEY, like Vice President DICK CHENEY, Paul Wolfowitz and Richard Perle, all gentlemen that we have heard from during the course of the debate that many in the majority party have described as so-called neoconservatives.

The Roll Call article goes on to indicate that since 1986, Shea & Gardner has represented Chalabi and his Iraqi National Congress in Washington for $10,000 a month. So Mr. Chalabi certainly was an individual of some affluence. Clearly that was the impression that the Jordanians had when they convicted him of embezzling some 300 million American dollars from a significant financial institution in Jordan. But that was $10,000 a month. For your edification, for those of the viewing audience, they should be aware that one of the partners at Shea & Gardner is James Woolsey, the former CIA Director who has been an outspoken advocate for military intervention in Iraq.

Mr. ABERCROMBIE. If the gentleman will yield, I want to make sure I understood really, because I have had some conversations with Mr. Woolsey. They were affable. I considered them informative and straightforward. I just want to make sure. You mean when he was talking to me about these issues, he was part of a firm that was being paid $10,000 a month by one of the individuals, by Chalabi himself?

Mr. DELAHUNT. By Chalabi himself.

Mr. ABERCROMBIE. That was never revealed to me. I must say, and I want it on the record, that I resent that. If I knew that at least, that is okay. I am an adult. I am perfectly capable of differentiating between someone's sincerely held views and business associations they might have. If somebody represents to me that, look, I just want to tell you that we have a business relationship with this person, but I hope you will grant me that I am speaking to you, giving you my best and sincerest personal judgment regardless of my connection, I can accept that, and I would have, surely, because I like to think that I am a person, I hope, of some integrity, and I would do the same. If I have strong views about something, I will certainly tell people the whys and wherefores of it. But as a Member of Congress and having had conversations with Mr. Woolsey concerning some of these issues, not to have that kind of information, I think, is a subterfuge.

I am sorry to say it. It pains me. It pains me to say that. What you just said to me is, in fact, shocking. If people want to be cynical about it or think that I am just making some rhetorical flourish, they can think so, but it is not. I do not conduct my affairs that way. I do not deal with other people that way. I feel personally offended, to tell you the truth, that such a thing could take place. I had no idea that there was that kind of relationship, because I think that might have colored what was said to me.

Mr. DELAHUNT. I would hope, and yet it would appear to be a remote possibility, given all that we know, that Mr. Woolsey was unaware of the representation possibly by another partner.

Mr. ABERCROMBIE. If the gentleman will yield further, Mr. Woolsey has appeared on television numerous times as a commentator. He has been introduced as the former head of the CIA. I have seen him often making commentary and being asked for his perspective, and never once have I heard on any of those television shows, never once, unless I missed it, maybe I tuned in in the middle, maybe there is something that I missed, but I do not believe ever once on any of those shows that any of those hosts ever indicated that he is being paid by a member of the Governing Council, or that his firm is being paid by a member of the Governing Council, and that therefore, at the very least, on the basis of full disclosure that we should know that so that you can take that into account if you think that is pertinent with respect to what he is saying.

I wonder if the hosts of some of these television shows and radio shows and even those newspaper columnists who are quoting Mr. Woolsey are aware or whether they have made the inquiry as to whether or not such a situation exists. What bothers me as a Member of Congress, does this mean that I have to ask every single person that speaks to me, every single person with whom I have a conversation for a list of particulars as to what their associations are before I engage in a conversation or can expect on my part to receive information that is the best judgment of this person rather than the paid retorts and paid-for positions of someone who is in the hire of somebody else?

Mr. DELAHUNT. I share your disappointment. I really do. I find it so incredulous that I will presume that there is some responsible answer why that disclosure was never made.

□ 2350

Maybe this is a question of inaccurate reporting, but this is what appeared today in the Roll Call magazine that is distributed throughout the Capitol building.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would yield again to me, the newspaper article, again, I am presuming that it is accurate. Does it indicate that this is a current relationship?

Mr. DELAHUNT. Let me read it again, and let me go on because there is more information.

Mr. ABERCROMBIE. Mr. Speaker, I realize I am taking time up here, but I am genuinely upset and shocked by this because I feel personally used. I mean, some of these conversations took place on official trips of the United States Government.

Mr. DELAHUNT. Again, I am reading for the gentleman's benefit and for those who are viewing our conversation here this evening: ''Since 1986 Shea & Gardner has represented Chalabi and his Iraqi National Congress in Washington for about $10,000 a month. One of the partners at Shea & Gardner is James Woolsey, the former CIA director.

''Chalabi also gets help from Francis Brooke, a political consultant, and Riva Levinson, the Washington firm founded by Charles Black, a long-time ally of President Bush.

''These contacts have paid off: at this year's State of the Union address, Chalabi sat in the VIP box with the first lady, Laura Bush. Chalabi was also one of the few Iraqis permitted to meet face to face with Saddam Hussein in his cell in the hours after his capture in late December.

''Chalabi has long been considered the favorite of the Defense Department officials to lead Iraq's new government.''

Mr. HOEFFEL. Mr. Speaker, there is something else troubling about this. The gentleman from Hawaii (Mr. ABERCROMBIE) is correct and he is right to be personally offended by the lack of disclosure. And it is also clear from this article that a lot of money is being spent to influence the gentleman from Hawaii and me and the gentleman from Massachusetts (Mr. DELAHUNT) and every other Member of Congress, and we have a right to know who is being paid to influence us and what the subject matter is.

But the fact that this article also demonstrates that the Bush administration is pushing three different people to be the next leader of the Iraq government leads to the following question: What does come next in the larger governance question? We know that Paul Bremer has been advocating on behalf of the Bush administration this concept of caucuses, that when the Bush administration leaves Iraq on June 30, at least the civil authority is pulled out, that Paul Bremer has been pushing for caucuses to take the place of direct elections and somehow lead to a representative form of self-government for Iraq.

The problem is none of the Iraqis like that idea. The head of the majority

Shiite Muslims do not like that idea. The Kurds do not like that idea. That is not going to happen. What is going to take the place of the American-appointed 25-member group of what most Iraqis think are American puppets, the Iraqi Governing Council, what is going to take their place, particularly if the Bush administration has three different favorites to lead the next government? What comes next? We have got an arbitrary deadline set by the President of June 30 to withdraw the civilian authority, a date that seems more based upon the upcoming election than any ability of the Iraqi people to actually conduct a self-government.

Mr. DELAHUNT. Mr. Speaker, is the gentleman suggesting that there is no exit strategy?

Mr. HOEFFEL. I could not have said it better. There is clearly no exit strategy. In fact, there are three different strategies, if the Roll Call article is correct, about who is supposed to lead the next government, and all of this is supposed to come to fruition by June 30.

Iraq Watch has to come to fruition in 5 minutes tonight. I want to give my two colleagues an opportunity to make any closing comments.

Mr. ABERCROMBIE. Mr. Speaker, I would just like to say in that regard that this is my 30th year in public service. I have made friendships and conducted business, legislative business, and evolved personal relationships over those 30 years with a great number of individuals. I have particularly valued those who are sometimes disparagingly referred to as special interests or lobbyists as if that is seen by many people as a derogatory term or a term of denigration. And I do not see it that way. I want to make it clear in terms of my expressed disappointment with regard to this revelation about Mr. Woolsey; and now I guess I am going to have to wonder about everybody else too that I have a conversation with, I am not trying to keep people from making a living.

It does not bother me any. As I say, I have friends who lobby on behalf of what are called special interests. We all have special interests. We are a multiplicity of special interests. One has only to read the Federalist Papers to understand that. In fact, it can be seen as the bulwark of a democratic republic because we do have factions and many interests competing with one another for attention and for approbation. There is no question about that. The only question to be answered in that is do we know that, do we know who they are and what they are and why they are and so on so we can discern what the difference is?

I have no problem with people who are our friends, personal and otherwise, making their positions known to me or to anyone else in the Congress or anywhere else in public office. What bothers me is when positions are represented to us and we do not know that someone, in fact, is a paid representative, particularly on issues of war and peace, life and death. The folks know and the Speaker knows that I am a member of the Committee on Armed Services and those are the kinds of things we vote on every day, and I think every member there, regardless of party, takes seriously, deadly seriously, I might say without any sense of irony attached to it, take seriously their responsibility.

But we are dependent in the Congress on getting good information. The President of the United States is dependent upon getting good information and making solid judgments based on that information. Anybody who fails to give the best possible information with the fullest knowledge behind it and the resources is undermining the Constitution of the United States and failing their responsibilities as a citizen. In this regard, then, I feel ill used in this process by Mr. Woolsey, and I feel very definitely that the press and the Congress need to make inquiries of everybody who comes before us presenting that information and perspective to us upon which we have to act in matters of life and death. Everybody has to have the fullest inquiry made of them as to what their sources of income are and what their sources of information are, whether they are tainted.

Mr. HOEFFEL. Mr. Speaker, if I can add to the gentleman's comments, specifically about what appeared to be the distortions of information in Iraq. I am not speaking of Mr. Woolsey. I am speaking of the Iraqi Governing Council representatives, Mr. Chalabi and others. I do not want to see them benefit any more than they already have from their relationships if they have misled this country and this government, and I hope that Congress can figure out a way to deny those individuals, if we can show they intentionally misled us, from any further contract with the U.S. Government, benefit from the U.S. Government, promotion by the U.S. Government. If we have been intentionally misled, if we had gone to war in part under their false comments and under false pretenses, and particularly, as I believe happened, there have been additional American deaths because of that faulty information, we need to cut off those relationships and prohibit any further financial relationships with these malfeasors.

I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding. I think what he is saying is what we need is something that does not exist here in Washington at this moment in our history. And that is openness and transparency and accountability, and it is not happening. To think that, and I do not know whether it was the gentleman from Pennsylvania (Mr. HOEFFEL) or the gentleman from Hawaii (Mr. ABERCROMBIE) that mentioned it, they continued to benefit and with an attitude that arrogance is not a suitable adjective. It is far beyond arrogance. And it is time to lay everything out on the table or the American people will lose confidence, not only in the President but in the Congress.

Mr. ABERCROMBIE. Can we conclude, Mr. Speaker, by saying that, at least for the three of us I think I can speak, there will be openness and transparency and accountability on this floor.

Mr. HOEFFEL. Mr. Speaker, I thank my colleagues for their comments. Iraq Watch will be back next week.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of travel problems.

Mr. OSE (at the request of Mr. DELAY) for today on account of family reasons.

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. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. DEAL of Georgia, for 5 minutes, February 25.

Mr. HENSARLING, for 5 minutes, February 25.

Mr. OSBORNE, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, February 25.

Mr. BURTON of Indiana, for 5 minutes, today and February 25.

Mr. SOUDER, for 5 minutes, today and February 25.

Mr. KING of Iowa, for 5 minutes, February 25.

Mr. KIRK, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. GILCHREST, for 5 minutes, February 25.

Mr. GARRETT of New Jersey, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1786. An act to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act; to the Committee on Education and the Workforce and in addition to the Committee on Energy and Commerce, and the Committee on Ways and Means for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 743. An act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 523. An act to make technical corrections to laws relating to Native Americans, and for other purposes.

ADJOURNMENT

Mr. HOEFFEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until tomorrow, Wednesday, February 25, 2004, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2003 and the first quarter of 2004, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. PHIL S. ENGLISH, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 18 AND DEC. 21, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Phil S. English	12/18	12/21	Germany	390.42	482.00		6,385.92				6,867.92
Committee total				390.42	482.00		6,385.92				6,867.92

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PHIL S. ENGLISH, Jan. 27, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. AARON H. LEVY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 5 AND JAN. 10, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Aaron H. Levy	1/8	1/10	UK	478	874.00					478.00	874.00
	1/5	1/8	Israel	4,871	1,092.00			472.00	106.89	5,343.00	1,198.00
Committee total											2,072.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AARON H. LEVY, Jan. 26, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bob Goodlatte	12/13	12/14	Germany		241.00		(3)				241.00
	12/14	12/16	Uzbekistan		666.00		(3)				666.00
	12/16	12/18	Kuwait		804.00		(3)				804.00
	12/18	12/19	Italy		461.00		(3)				461.00
Hon. Doug Ose	12/13	12/14	Germany		241.00		(3)				241.00
	12/14	12/16	Uzbekistan		666.00		(3)				666.00
	12/16	12/18	Kuwait		804.00		(3)				804.00
	12/18	12/19	Italy		461.00		(3)				461.00
Hon. Tom Osborne	12/13	12/14	Germany		241.00		(3)				241.00
	12/14	12/16	Uzbekistan		666.00		(3)				666.00
	12/16	12/18	Kuwait		804.00		(3)				804.00
	12/18	12/19	Italy		461.00		(3)				461.00
Hon. Sam Graves	12/11	12/13	Kuwait		804.00		(3)				804.00
	12/14	12/14	Germany		241.00		(3)				241.00
Hon. Dennis Rehberg	12/13	12/14	Germany		241.00		(3)				241.00
	12/14	12/16	Uzbekistan		666.00		(3)				666.00
	12/16	12/18	Kuwait		804.00		(3)				804.00
	12/18	12/19	Italy		461.00		(3)				461.00
Hon. Leonard Boswell	12/13	12/14	Germany		241.00		(3)				241.00
	12/14	12/16	Uzbekistan		666.00		(3)				666.00
	12/16	12/18	Kuwait		804.00		(3)				804.00
	12/18	12/19	Italy		461.00		(3)				461.00
Hon. Randy Neugebauer	12/13	12/14	Germany		241.00		(3)				241.00
	12/14	12/16	Uzbekistan		666.00		(3)				666.00
	12/16	12/18	Kuwait		804.00		(3)				804.00
	12/18	12/19	Italy		461.00		(3)				461.00
Laverne Hubert	12/13	12/14	Germany		241.00		(3)				241.00
	12/14	12/16	Uzbekistan		666.00		(3)				666.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/16	12/18	Kuwait		804.00		(3)				804.00
	12/18	12/19	Italy		461.00		(3)				461.00
Brent Gattis	12/13	12/14	Germany		241.00		(3)				241.00
	12/14	12/16	Uzbekistan		666.00		(3)				666.00
	12/16	12/18	Kuwait		804.00		(3)				804.00
	12/18	12/19	Italy		461.00		(3)				461.00
Lynn Gallagher	12/13	12/14	Germany		241.00		(3)				241.00
	12/14	12/16	Uzbekistan		666.00		(3)				666.00
	12/16	12/18	Kuwait		804.00		(3)				804.00
	12/18	12/19	Italy		461.00		(3)				461.00
Jason Vaillan Court	12/13	12/14	Germany		241.00		(3)				241.00
	12/14	12/16	Uzbekistan		666.00		(3)				666.00
	12/16	12/18	Kuwait		804.00		(3)				804.00
	12/18	12/19	Italy		461.00		(3)				461.00
Elyse Bauer	12/13	12/14	Germany		241.00		(3)				241.00
	12/14	12/16	Uzbekistan		666.00		(3)				666.00
	12/16	12/18	Kuwait		804.00		(3)				804.00
	12/18	12/19	Italy		461.00		(3)				461.00
Committee total					24,937.00						24,937.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB GOODLATTE, Chairman, Jan. 21, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Kay Granger	10/3	10/5	Canada		753.00						753.00
Commercial airfare							2,210.71				2,210.71
Hon. C.W. Bill Young	10/22	10/23	Spain		298.00		(3)				298.00
	10/23	10/28	Italy		614.00		(3)				614.00
Hon. Jim Kolbe	10/22	10/23	Spain		298.00		(3)				298.00
	10/23	10/28	Italy		614.00		(3)				614.00
Hon. Rodney Frelinghuysen	10/22	10/23	Spain		298.00		(3)				298.00
	10/23	10/28	Italy		614.00		(3)				614.00
David Jolly	10/22	10/23	Spain		298.00		(3)				298.00
	10/23	10/28	Italy		614.00		(3)				614.00
Hon. Jim Kolbe	11/8	11/10	Jordan (and Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Scott B. Gudes	11/8	11/10	Jordan (and Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
John Blazey	11/8	11/10	Jordan (and Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. James P. Moran	11/8	11/10	Jordan (and Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. John E. Sweeney	11/8	11/10	Jordan (and Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Jo Ann Emerson	11/8	11/10	Jordan (and Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Dave Weldon	11/8	11/10	Jordan (and Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Charles H. Taylor	11/8	11/10	Jordan (and Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. Tom Latham	11/8	11/10	Jordan (and Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/10	11/12	Germany		241.00		(3)				241.00
Hon. Patrick J. Kennedy	11/8	11/10	Jordan (and Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. David E. Price	11/8	11/10	Jordan (and Iraq)		476.00		(3)				476.00
	11/10	11/11	Syria		262.75		(3)				262.75
	11/11	11/12	Germany		241.00		(3)				241.00
Hon. David Hobson	11/15	11/17	Kuwait		804.00		(3)				804.00
Hon. Robert Aderholt	11/15	11/17	Kuwait		804.00		(3)				804.00
Hon. Steny Hoyer	11/15	11/17	Kuwait		804.00		(3)				804.00
Brian Potts	11/15	11/17	Kuwait		300.00		(3)				300.00
Sarah Young	11/13	11/16	Germany		300.00		(3)				300.00
	11/16	11/18	Italy		1,000.00		(3)				1,000.00
Commercial airfare							4,946.28				4,946.28
Hon. Frank Wolf	12/3	12/7	Jordan (and Iraq)		916.00						916.00
Commercial airfare							6,945.52				6,945.52
John Shank	11/30	12/2	United Kingdom		842.00						842.00
	12/2	12/4	Bulgaria		530.00						530.00
	12/4	12/7	Italy		1,383.00						1,383.00
Commercial airfare							6,131.37				6,131.37
Beverly Aimaro Pheto	11/30	12/2	Hong Kong		822.00						822.00
	12/2	12/4	Thailand		456.00						456.00
	12/4	12/6	Singapore		512.00						512.00
Commercial airfare							7,311.93				7,311.93
Elizabeth A. Phillips	12/3	12/10	Italy		2,100.00						2,100.00
									681.81		681.81
Commercial airfare							5,796.22				5,796.22
Hon. Dave Weldon	11/30	12/2	Zambia		690.00						690.00
	12/2	12/3	Rwanda		201.00						201.00
	12/3	12/4	Kenya		295.00						295.00
Commercial airfare							8,871.06				8,781.06
John Blazey	12/8	12/18	India		2,488.00						2,488.00
Commercial airfare							9,410.00				0,410.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jack Kingston	12/11	12/13	Kuwait (and Iraq)		804.00		(3)				804.00
	12/14	12/14	Germany		191.00		(3)				191.00
Committee total					32,904.00		51,533.09		681.81		85,118.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military airtransportation.

BILL YOUNG, Chairman, Jan. 28, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, OFFICE OF SURVEYS AND INVESTIGATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas K. Baker	10/26	11/1	United Kingdom		1,458.25		7,669.90		247.25		9,375.40
Carroll L. Hauver	10/26	11/1	United Kingdom		1,458.25		7,669.90		232.65		9,360.80
James A. Higham	11/5	11/9	Korea		1,042.50		4,651.52		27.04		5,721.06
William J. McGinnis	11/5	11/9	Korea		1,042.50		4,651.52		39.00		5,733.02
Robert H. Pearre, Jr.	11/5	11/9	Korea		1,112.00		4,651.52		117.72		5,881.24
Robert J. Reitwiesner	10/26	11/1	United Kingdom		1,458.25		7,669.90		377.19		9,505.34
Committee total					7,571.75		36,964.26		1,040.85		45,576.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS K. BAKER.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Turkey, Kuwait, Iraq, Bahrain, Qatar, Saudi Arabia, and the United Kingdom, October 9–15, 2003:											
Hon. Jim Saxton	10/9	10/10	Turkey		281.00						281.00
	10/10	10/14	Kuwait		1,556.00						1,556.00
	10/11	10/12	Iraq (day trips)								
	10/13	10/13	Bahrain								
	10/13	10/13	Qatar								
	10/14	10/14	Saudi Arabia								
	10/14	10/15	United Kingdom		403.00						403.00
Hon. Jim Turner	10/9	10/10	Turkey		281.00						281.00
	10/10	10/14	Kuwait		1,556.00						1,556.00
	10/11	10/12	Iraq (day trips)								
	10/13	10/13	Bahrain								
	10/13	10/13	Qatar								
	10/14	10/14	Saudi Arabia								
	10/14	10/15	United Kingdom		403.00						403.00
Hon. John M. McHugh	10/9	10/10	Turkey		281.00						281.00
	10/10	10/14	Kuwait		1,556.00						1,556.00
	10/11	10/12	Iraq (day trips)								
	10/13	10/13	Bahrain								
	1/13	1/13	Qatar								
	10/14	10/14	Saudia Arabia								
	10/14	10/15	United Kingdom		403.00						403.00
Hon. Michael Turner	10/9	10/10	Turkey		281.00						281.00
	10/10	10/14	Kuwait		1,556.00						1,556.00
	10/11	10/12	Iraq (day trips)								
	10/13	10/13	Bahrain								
	10/13	10/13	Qatar								
	1/14	1/14	Saudi Arabia								
	10/14	10/15	United Kingdom		403.00						403.00
Hon. John Kline	10/9	10/10	Turkey		281.00						281.00
	10/10	10/14	Kuwait		1,556.00						1,556.00
	10/11	10/12	Iraq (day trips)								
	10/13	10/13	Bahrain								
	10/13	10/13	Qatar								
	10/14	10/14	Saudi Arabia								
	10/14	10/15	United Kingdom		403.00						403.00
Thomas E. Hawley	10/9	10/10	Turkey		281.00						281.00
	10/10	10/14	Kuwait		1,556.00						1,556.00
	10/11	10/12	Iraq (day trips)								
	10/13	10/13	Bahrain								
	10/13	10/13	Qatar								
	10/14	10/14	Saudi Arabia								
	10/14	10/15	United Kingdom		403.00						403.00
William H. Natter	10/9	10/10	Turkey		281.00						281.00
	10/10	10/14	Kuwait		1,556.00						1,556.00
	10/11	10/12	Iraq (day trips)								
	10/13	10/13	Bahrain								
	10/13	10/13	Qatar								
	10/14	10/14	Saudi Arabia								
	10/14	10/15	United Kingdom		403.00						403.00
Visit to Iraq and Kuwait, October 18–19, 2003:											
Hon. Mac Thornberry	10/18	10/19	Kuwait		389.00						389.00
	10/18	10/19	Iraq (day trips)								
Hon. Vic Snyder	10/18	10/19	Kuwait		389.00						389.00
	10/18	10/19	Iraq (day trips)								
Hon. Rob Simmons	10/18	10/19	Kuwait		389.00						389.00
	10/18	10/19	Iraq (day trips)								
Hon. Baron P. Hill	10/18	10/19	Kuwait		389.00						389.00
	10/18	10/19	Iraq (day trips)								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Cole	10/18	10/19	Kuwait		389.00						389.00
	10/18	10/19	Iraq (day trips)								
Hon. Madeline Z. Bordallo	10/18	10/19	Kuwait		389.00						389.00
	10/18	10/19	Iraq (day trips)								
Hon. Mike Rogers	10/18	10/19	Kuwait		389.00						389.00
	10/18	10/19	Iraq (day trips)								
Douglas C. Roach	10/18	10/19	Kuwait		389.00						389.00
	10/18	10/19	Iraq (day trips)								
Debra S. Wada	10/18	10/19	Kuwait		389.00						389.00
	10/18	10/19	Iraq (day trips)								
Harald O. Stavenas	10/18	10/19	Kuwait		389.00						389.00
	10/18	10/19	Iraq (day trips)								
Jesse D. Tolleson	10/18	10/19	Kuwait		389.00						389.00
	10/18	10/19	Iraq (day trips)								
Hon. Mac Thornberry	10/18	10/19	Kuwait		389.00						389.00
Visit to El Salvador, December 4–6, 2003: Mr. Hugh N. Johnston, Jr..	12/14	12/6	El Salvador		412.50						412.50
Commercial transportation							923.00				923.00
Visit to Spain, Italy, Syria, Israel, Turkey and Ireland With Codel Cox, December 10–18, 2003:											
Hon. Jeff Miller	12/10	12/11	Spain		357.00						357.00
	12/11	12/12	Italy		922.00						922.00
	12/13	12/14	Syria		268.00						268.00
	12/14	12/15	Israel		362.00						362.00
	12/15	12/17	Turkey		828.00						828.00
	12/17	12/18	Ireland		308.00						308.00
Visit to Kuwait, Iraq and Germany, December 11–14, 2003:											
Hon. Howard P. "Buck" Mckeon	12/11	12/13	Kuwait		804.00						804.00
	12/12	12/13	Iraq (day trips)								
	12/14	12/14	Germany		191.00						191.00
Hon. Frank LoBiondo	12/11	12/13	Kuwait		804.00						804.00
	12/12	12/13	Iraq (day trips)								
	12/14	12/14	Germany		191.00						191.00
Hon. Jim Cooper	12/11	12/13	Kuwait		804.00						804.00
	12/12	12/13	Iraq (day trips)								
	12/14	12/14	Germany		191.00						191.00
John D. Chapla	12/11	12/13	Kuwait		804.00						804.00
	12/12	12/13	Iraq (day trips)								
	12/14	12/14	Germany		191.00						191.00
Jeremiah J. Gertler	12/11	12/13	Kuwait		804.00						804.00
	12/12	12/13	Iraq (day trips)								
	12/14	12/14	Germany		191.00						191.00
Lynn W. Henselman	12/11	12/13	Kuwait		804.00						804.00
	12/12	12/13	Iraq (day trips)								
	12/14	12/14	Germany		191.00						191.00
Visit to Germany, December 13–17, 2003: Ronald S. Phillips.	12/13	12/17	Germany		884.00						884.00
Visit to Bosnia, Kosovo and Austria, December 15–19, 2003:											
William H. Natter	12/15	12/18	Bosnia		518.00						518.00
	12/18	12/18	Kosovo								
	12/18	12/19	Austria		293.00						293.00
Commercial transportation							5,327.02				5,327.02
Visit to Kuwait, Iraq, Bahrain, Afghanistan and Djibouti, December 15–19, 2003:											
Henry J. Schweiter	12/15	12/17	Kuwait		804.00						804.00
	12/16	12/17	Iraq (day trips)								
	12/17	12/19	Bahrain		646.00						646.00
	12/18	12/18	Afghanistan								
	12/19	12/19	Djibouti								
Visit to Kuwait, Iraq and Germany, December 20–23, 2003:											
Hon. Roscoe G. Bartlett	12/20	12/22	Kuwait		800.00						800.00
	12/21	12/22	Iraq (day trips)								
	12/22	12/23	Germany		200.00						200.00
Hon. Gene Taylor	12/20	12/22	Kuwait		800.00						800.00
	12/21	12/22	Iraq (day trips)								
	12/22	12/23	Germany		200.00						200.00
Hon. Phil Gingrey	12/20	12/22	Kuwait		800.00						800.00
	12/21	12/22	Iraq (day trips)								
	12/22	12/23	Germany		200.00						200.00
Hon. Loretta Sanchez	12/19	12/22	Kuwait		1,056.00						1,056.00
	12/21	12/22	Iraq (day trips)								
	12/22	12/23	Germany		200.00						200.00
Commercial transportation							1,532.51				1,532.51
Douglas C. Roach	12/20	12/22	Kuwait		800.00						800.00
	12/21	12/22	Iraq (day trips)								
	12/22	12/23	Germany		200.00						200.00
Mary Ellen Fraser	12/20	12/22	Kuwait		800.00						800.00
	12/21	12/22	Iraq (day trips)								
	12/22	12/23	Germany		200.00						200.00
Hugh Brady	12/20	12/22	Kuwait		800.00						800.00
	12/21	12/22	Iraq (day trips)								
	12/22	12/23	Germany		200.00						200.00
Committee total					39,782.50		7,782.53				47,565.03

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, Jan. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jo Bonner	12/11	12/13	Kuwait		804.00						804.00
	12/12	12/13	Iraq (day trips)								
	12/14	12/14	Germany		191.00						191.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					995.00						995.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM NUSSLE, Chairman, Jan. 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J. Gresham Barrett	10/18	10/19	Kuwait		389.00		(3)				389.00
	10/18	10/19	Iraq (day trips)				(3)				
Hon. Michael Oxley	11/15	11/15	Jordan				(3)				
	11/15	11/15	Iraq				(3)				
	11/15	11/17	Kuwait		804.00		(3)				804.00
	11/16	11/16	Iraq				(3)				
Hon. Ginny Brown-Waite	11/15	11/15	Jordan				(3)				
	11/15	11/15	Iraq				(3)				
	11/15	11/17	Kuwait		804.00		(3)				804.00
	11/16	11/16	Iraq				(3)				
Committee total					1,997.00						1,997.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MICHAEL G. OXLEY, Chairman, Jan. 29, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. (3)1, 200(3)

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB NEY, Chairman, Jan. 20, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Adams	10/22	10/28	Egypt		969.00		5,906.00				6,875.00
Hon. Cass Ballenger	10/22	10/29	Venezuela		268.00		(3)				268.00
	11/29	12/1	Venezuela		496.00		2,880.90				3,376.90
Hon. Chris Bell	10/24	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		(3)				281.00
Patrick Brennan	10/22	10/24	Venezuela		496.00		(3)				496.00
	11/29	12/01	Venezuela		496.00		2,496.40				2,992.40
Hon. Steve Chabot	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		(3)				281.00
Hon. Jo Ann Davis	10/9	10/13	Italy		1,784.00						1,784.00
	10/13	10/14	Poland		88.00		(3)				88.00
Hon. William Delahunt	10/22	10/24	Venezuela		596.00		(3)				596.00
Hon. Jeff Flake	12/15	12/18	Israel		915.50						915.50
	12/18	12/19			255.00		(3)				255.00
Hon. Elton Gallegly	11/29	11/30	Japan		194.00						194.00
	11/30	12/12	Thailand		2,640.00						2,640.00
	11/29	12/12					[4] 4,902.13				[4] 4,902.13
Kirsti Garlock	12/15	12/19	Greece		928.00		4,625.07				5,553.07
Kristen Gilley	12/15	12/19	Greece		903.00		3,753.04				4,656.04
Hon. Mark Green	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		(3)				281.00
Hon. Peter King	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		(3)				281.00
Robert King	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		(3)				281.00
Hon. Thomas Lantos	10/23	10/24	Israel		362.00						362.00
	10/24	10/27	Jordan		952.00		(3)				952.00
	10/27	10/28	Turkey		281.00		(3)				281.00
David Lee	12/10	12/11	United Kingdom		742.00						742.00
	12/11	12/13	Austria		486.00						486.00
	12/13	12/17	Turkey		914.00						914.00
	12/10	12/17					[4] 6,912.00				[4] 6,912.00
Jessica Lewis	11/29	12/01	Venezuela		339.00		2,496.00				2,835.00
Noelle Lusane	12/11	12/13	Ghana		416.00		5,909.92				6,325.92
Caleb McCarry	10/22	10/24	Venezuela		481.00		(3)				481.00
Hon. Betty McCollum	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		(3)				281.00
Hon. Thaddeus McCotter	12/5	12/7	Italy		922.00		3,612.15				4,534.15
John Mackey	11/10	11/16	Colombia		225.00		1,966.90				2,191.90
	12/10	12/11	United Kingdom		742.00						742.00
	12/11	12/13	Austria		486.00						486.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/13	12/17	Turkey		914.00						914.00
	12/10	12/17					[4] 6,912.00				[4] 6,912.00
Alan Makovsky	10/23	10/24	Israel		362.00						362.00
	10/24	10/27	Jordan		952.00						952.00
	10/27	10/28	Turkey		281.00		(3)				281.00
Hon. Gregory Meeks	10/22	10/24	Venezuela		596.00		(3)				596.00
Paul Oostburg-Sanz	10/22	10/24	Venezuela		390.00						390.00
	11/7	11/11	Brazil		605.00		7,069.31				7,674.31
Hon. Donald Payne	12/11	12/13	Ghana		416.00		6,073.42				6,489.42
Patrick Prisco	10/8	10/12	Italy		1,584.00		5,589.09				7,173.09
Hon. Edward Royce	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		(3)				281.00
Jonathan Scharfen	12/10	12/11	United Kingdom		742.00						742.00
	12/11	12/13	Austria		486.00						486.00
	12/13	12/17	Turkey		914.00						914.00
	12/10	12/17					[4] 6,912.00				[4] 6,912.00
Doug Seay	11/21	11/23	United Kingdom		972.26		5,865.30				6,837.56
Thomas Sheehy	10/22	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		(3)				281.00
Paula Sheil	11/29	11/30	Japan		194.00						194.00
	11/30	12/12	Thailand		2,640.00						2,640.00
	11/29	12/12					[4] 4,902.13				[4] 4,902.13
Sam Stratman	10/24	10/27	Jordan		1,190.00						1,190.00
	10/27	10/28	Turkey		281.00		(3)				281.00
Hon. Diane Watson	11/29	12/1	Venezuela		596.00		3,284.40				3,880.40
Hillel Weinberg	10/22	10/28	Egypt		1,002.00		5,906.00				6,908.00
Hon. Robert Wexler	12/2	12/4	Romania		2,160.00						2,160.00
	12/4	12/5	Bulgaria		250.00						250.00
	12/2	12/5					[4] 5,595.27				[4] 5,595.27
Committee total					47,671.76		103,569.43				151,241.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Round trip airfares.

HENRY HYDE, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Tanner	11/15	11/17	Kuwait		778.00		(3)				778.00
	11/17	11/18	Kuwait		241.00		(3)				241.00
Hon. Mark Foley	12/5	12/7	Italy		872.00		(3)				872.00
Committee total					1,891.00						1,891.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL THOMAS, Chairman, Jan. 28, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Elizabeth Pryor		09/30	USA				2,501.00				2,501.00
	10/1	10/5	Austria		1,199.00						1,199.00
	10/5	10/17	Poland		2,593.00		3,673.00				6,266.00
	10/17	10/22	Jordan		957.00						957.00
Janice Helwig		10/1	USA				5,568.00				5,568.00
	10/2	12/20	Austria		19,440.00						19,440.00
Ronald McNamara		10/4	USA				5,629.00				5,629.00
	10/5	10/11	Poland		1,503.00		20.00		550.00		2,073.00
	10/11	10/15	Belarus		597.00						597.00
Erika Schlager		10/4	USA				4,142.00				4,142.00
	10/5	10/18	Poland		3,013.00						3,013.00
Janice Helwig		10/5	Austria				1,195.00				1,195.00
	10/5	10/18	Poland		3,009.00						3,009.00
Hon. Christopher Smith		10/8	USA								
	10/9	10/13	Italy		1,784.00						1,784.00
	10/13	10/14	Poland		241.00						241.00
Hon. Benjamin Cardin		10/8	USA				(3)				
	10/9	10/13	Italy		1,784.00						1,784.00
	10/13	10/14	Poland		241.00						241.00
Hon. Joseph Pitts		10/8	USA				(3)				
	10/9	10/13	Italy		1,784.00						1,784.00
	10/13	10/14	Poland		241.00						241.00
Hon. Alcee Hastings		10/9	USA				3,486.00				3,486.00
	10/9	10/13	Italy		1,784.00						1,784.00
Dorothy Douglas Taft		10/8	USA				(3)				
	10/9	10/13	Italy		1,397.00		915.00				2,312.00
	10/13	10/18	Poland		1,239.00						1,239.00
Orest Deychakiwsky		10/8	USA				5,629.00				5,629.00
	10/9	10/10	Poland		526.00		20.00				546.00
	10/11	10/15	Belarus		595.00						595.00
Knox Thames		10/8	USA								
	10/9	10/13	Italy		1,383.00						1,383.00
	10/13	10/14	Poland		200.00						200.00
Chadwick Gore		10/9	USA				2,486.00				2,486.00
	10/9	10/12	Italy		1,183.00						1,183.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Chadwick Gore		10/17	USA				7,882.00				7,882.00
	10/18	10/23	Jordan		950.00						950.00
Dorothy Douglas Taft		11/4	USA				846.00				846.00
	11/5	11/8	Austria		729.00						729.00
Marlene Kaufmann		11/15	USA				5,590.00				5,590.00
	11/16	11/18	Armenia		551.00						551.00
	11/18	11/21	Austria		486.00						486.00
Janice Helwig		11/29	Austria				267.00				267.00
	11/29	12/3	Netherlands								
Hon. Alcee Hastings		11/28	USA				5,793.00				5,793.00
	11/29	12/2	Netherlands		428.00						428.00
	12/4	12/7	Russia		870.00						870.00
Elizabeth Pryor		11/29	USA				5,827.00				5,827.00
	11/30	12/2	Netherlands		706.00						706.00
	12/2	12/4	Belgium		511.00						511.00
	12/4	12/5	France		587.00						587.00
Dorothy Douglas Taft		11/30	USA				6,953.00				6,953.00
	12/1	12/3	Netherlands		706.00						706.00
	12/3	12/6	Belgium		786.00						786.00
Ronald McNamara		12/2	USA				4,747.00				4,747.00
	12/3	12/9	Russia		1,522.00						1,522.00
John Finerty		12/2	USA				4,601.00				4,601.00
	12/3	12/9	Russia		1,210.00						1,210.00
Committee total					56,735.00		77,770.00		550.00		135,055.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CHRISTOPHER SMITH, Cochairman, Feb. 2, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON PRINTING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB NEY, Chairman, Jan. 20, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Jan. 26, 2004.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, February 12, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)) (''Act''), I am transmitting on behalf of the Board of Directors of the Office of Compliance the enclosed Second Notice of Proposed Procedural Rule Making for publication in the Congressional Record.

We request that this notice be published in the Congressional Record. The Act specifies that the enclosed Notice be published on the first day on which both Houses are in session following this transmittal. Any inquiries regarding this notice should be addressed to the Office of Compliance, Room LA–200, 110 2nd Street, S.E., Washington, D.C. 20540; 202–724–9250, TDD 202–426–1912.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

Attachment.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Second Notice of Proposed Amendments to the Procedural Rules.

Introductory statement:

On September 4, 2003, a Notice of Proposed Amendments to the Procedural Rules of the Office of Compliance was published in the Congressional Record at S11110, and H7944. As specified by the Congressional Accountability Act of 1995 (''Act'') at Section 303(b) (2 U.S.C.1384(b)), a 30 day period for comments from interested parties ensued. In response, the Office received a number of comments regarding the proposed amendments.

At the request of a commenter, for good reason shown, the Board of Directors extended the 30 day comment period until October 20, 2003. The extension of the comment period was published in the Congressional Record on October 2, 2003 at H9209 and S12361.

On October 15, 2003, an announcement that the Board of Directors intended to hold a hearing on December 2, 2003 regarding the proposed procedural rule amendments was published in the Congressional Record at H9475 and S12599. On November 21, 2003, a Notice of the cancellation of the December 2, 2003 hearing was published in the Congressional Record at S15394 and H12304.

The Board of Directors of the Office of Compliance has determined to issue this Second Notice of Proposed Amendment to the Procedural Rules, which includes changes to the initial proposed amendments, together with a brief discussion of each proposed amendment. As set forth in greater detail herein below, interested parties are being afforded another opportunity to comment on these proposed amendments.

The complete existing Procedural Rules of the Office of Compliance may be found on the Office's web site: www.compliance.gov.

How to submit comments:

Comments regarding the proposed amendments to the Rules of Procedure of the Office of Compliance set forth in this NOTICE are

invited for a period of thirty (30) days following the date of the appearance of this NOTICE in the Congressional Record. In addition to being posted on the Office of Compliance's section 508 compliant web site (www.compliance.gov), this NOTICE is also available in the following alternative formats: Large Print, Braille. Requests for this NOTICE in an alternative format should be made to: Bill Thompson, Executive Director, or Alma Candelaria, Deputy Executive Director, Office of Compliance, at 202–724–9250 (voice) or 202–426–1912 (TDD).

Submission of comments must be made in writing to the Executive Director, Office of Compliance, 110 Second Street, S.E., Room LA–200, Washington, D.C. 20540–1999. It is requested, but not required, that an electronic version of any comments be provided on an accompanying computer disk. Comments may also be submitted by facsimile to the Executive Director at 202–426–1913 (a non-toll-free number.) Those wishing to receive confirmation of the receipt of their comments are requested to provide a self-addressed, stamped post card with their submission.

Copies of submitted comments will be available for review on the Office's web site at www.compliance.gov, and at the Office of Compliance, 110 Second Street, S.E., Washington, D.C. 20540–1999, on Monday through Friday (non-Federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure generally establish the process by which alleged violations of the laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the procedures for processing Occupational Safety and Health investigations and enforcement, as well as the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint under all of the statutes applied by the Act, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for the filing of an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These proposed amendments to the Rules of Procedure are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

How to read the proposed amendments:

The text of the proposed amendments shows [deletions within brackets], *and added text in italic*. Textual additions which have been made for the first time in this second notice of the proposed amendments ***are shown as italicized bold.*** Textual deletions which have been made for the first time in this second notice of the proposed amendments [[are bracketed with double brackets.]] Only subsections of the rules which include proposed amendments are reproduced in this notice. The insertion of a series of small dots (. . . . .) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of stars (* * * * *) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not proposed to be amended, please access the Office of Compliance web site at www.compliance.gov.

PROPOSED PROCEDURAL RULE AMENDMENTS

PART I—OFFICE OF COMPLIANCE

Office of Compliance Rules of Procedure

As Amended—February 12, 1998 (Subpart A, section 1.02, ''Definitions''), and as proposed to be amended in 2004.

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§9.0[6]8 Revocation, Amendment or Waiver of Rules

* * * * *

§1.03 Filing and Computation of Time.

(a) Method of Filing. Documents may be filed in person or by mail, including express, overnight and other expedited delivery. *When specifically authorized by the Executive Director,* ***or by the Board of Directors in the case of an appeal to the Board,*** *any document may also be filed by electronic transmittal in a designated format.* Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. . . . .

Discussion: The electronic filing option is in addition to existing filing procedures, and represents the decision of this agency to begin to explore the process of migration toward electronic filing. In response to comments, the Board has added Board of Directors authorization authority to ensure that the Executive Director cannot unilaterally assume Board authority regarding a matter pending before the Board. Because of limits in available technology, it will remain necessary to designate a particular format for

electronic transmittal. Requiring a designated format does not impose an undue burden, since electronic filing is not required. Stipulating a web address and system for confirmation of receipt of electronic transmittal is not appropriate for a formal rule, since all documents will not necessarily be filed at the same address, and not all filing requires proof of receipt. Not including such information also better safeguards the security of document filing.

(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or filed by express mail or other forms of expedited delivery in which proof of [[delivery to]] ***date of receipt by*** *the addressee is provided.*

Discussion: Section 1.03(a)(2)(i) permits ''other expedited delivery'' of documents being filed for which proof of delivery is not required. However, there is no similar provision with regard to certified mail, return receipt requested. Such a service method is specifically required in Sections 2.03(l), 2.04(i), and 5.01(e). Particularly in view of the lengthened time required to process mail through the U.S. Postal Service since 9–11, the Board has determined that additional flexibility in the use of other mail delivery services is also needed as an alternative to certified mail, return receipt requested.

* * * * *

1.05 Designation of Representative.

AMENDMENT DELETED (a) An employee, other charging individual or party, a witness, a labor organization, an employing office, an entity alleged to be responsible for correcting a violation wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney. [[*During the period of counseling and mediation, upon the request of a party, if the Executive Director concludes that a representative of an employee, of a charging party, of a labor organization, of an employing office, or of an entity alleged to be responsible for correcting a violation has a conflict of interest, the Executive Director may, after giving the representative an opportunity to respond, disqualify the representative. In that event, the period for counseling or mediation may be extended by the Executive Director for a reasonable time to afford the party an opportunity to obtain another representative.*]]

Discussion: Upon further consideration, the Board has deleted this proposed amendment. The Board does not agree with the assertion by a commenter that the current version of this rule is in excess of the authority of this Board under the Act.

* * * * *

2.03 Counseling.

(a) Initiating a Proceeding; Formal Request for Counseling. In order to initiate a proceeding under these rules, an employee shall [formally] *file a written* request *for* counseling [from] *with* the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All [formal] requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

Discussion: The purpose of this amendment is to delete the undefined term ''formal'', and require simply that the request be made in written form. Several commenters suggested that institution of a requirement that the counseling request be in writing would constitute a ''waiver'' of the statutory requirement of absolute confidentiality in counseling mandated by section 416(a) of the Act. Requiring a written counseling request does not constitute or suggest a ''waiver'' of confidentiality in any way. Such a waiver may only occur when ''the Office and a covered employee . . . agree to notify the employing office of the allegations.'' 2 U.S.C. 1416(a). The process for such a waiver is set out in the existing Procedural Rules at section 2.03(e)(2), which requires a written waiver form. A written request for counseling is an entirely different document.

. . . . .

(c) When, How, and Where to Request Counseling. A [formal] request for counseling *must be in writing, and* [: (1)] shall be [made] *filed with the Office of Compliance at Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; [[telephone 202–724–9250;]] FAX 202–426–1913; TDD 202–426–1912*, not later than 180 days after the alleged violation of the Act.[; (2) may be made to the Office in person, by telephone, or by written request; (3) shall be directed to: Office of Compliance, Adams Building, Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912.]

Discussion: This amendment conforms to the requirement that a written request for counseling must be filed with the Office.

. . . . .

(l) Conclusion of the Counseling Period and Notice. The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested, *or by personal delivery* ***evidenced by a written receipt.*** The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

Discussion: This amendment reflects the provision of flexibility to the Office in providing notice. In response to comments, we have added the requirement for appropriate documentation in the case of personal delivery. A suggestion that a copy of the end of counseling notice be served on ''opposing counsel'' would cause a violation of the confidentiality requirement for counseling required by section 416(a) of the Act, and would contradict the non-adversarial nature of counseling.

. . . . .

(m) Employees of the Office of the Architect of the Capitol and the Capitol Police.

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The term 'grievance procedures' refers to internal procedures of the Architect of the Capitol and the Capitol Police that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act and by agreement with the Architect of the Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

. . . . .

(ii) After having contacted the Office and having utilized the grievance procedures of the Architect of the Capitol or of the Capitol Police Board, the employee may notify the Office that he or she wishes to return to the procedures under these rules: (A) within [10] *60* days after the expiration of the period recommended by the Executive Director, if the matter has not [[been resolved]] ***resulted in a final decision***; or (B) within 20 days after service of a final decision resulting from the grievance procedures of the Architect of the Capitol or the Capitol Police Board.

(iii) The period during which the matter is pending in the internal grievance procedure shall not count against the time available for counseling or mediation under the Act. If the grievance is resolved to the employee's satisfaction, ***the employee shall so notify the Office within 20 days after the employee has received service of the final decision resulting from the grievance procedure.*** [[or i]] ***I***f no request to return to the procedures under these rules is received within [[the applicable time period]] ***60 days after the expiration of the period recommended by the Executive Director***, the Office will [[consider the case to be closed in its official files]] ***issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.***

Discussion: The amendment reflects the Board's conclusion that controversies referred to agency grievance procedures may be close to disposition at or near the end of the stipulated referral period. In such circumstances, the requirement for a return by the employee to the Office's procedures within 10 days can actually have the effect of disrupting the completion of the grievance process. Therefore, the Board proposes an extension of that time frame to 60 days. The time during which a controversy has been referred to an agency grievance proceeding assumes that there will have been joinder of issues between the employee and the employing office. Certainly, there can be no doubt that the employing office has been placed on notice of the existence of the controversy. The amended proposal ensures that the employee will not be penalized by reason of an employing office's failure to process a grievance in a timely manner by stipulating that the Office will issue an end of counseling Notice to the parties 60 days after the end of the referral period. A commenter's suggestion that the referral time frame unlawfully extends counseling beyond the 30 day maximum period ignores section 401 of the Act, which specifically stipulates that all time during which a matter is referred to the grievance procedures of the Architect of the Capitol or the Capitol Police ''shall not count against the time available for counseling or mediation.'' Issuing a Notice of End of Counseling is preferable to administrative closure of a case, since the closure may penalize an employee who is still waiting for the employing office to issue a final decision.

* * * * *

2.04 Mediation.

. . . . .

(e) Duration and Extension.

(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint *written* request of the parties ***or of the appointed mediator on behalf of the parties*** *to the attention of the Executive Director.* The request [may be oral or] *shall be* written and [shall be noted and] filed with the Office no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Request for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

Discussion: The amendment assures that an adequate record of such a request be made. In response to comments, the Board

has added language allowing the assigned mediator to submit the request on behalf of the parties.

. . . . .

(i) Conclusion of the Mediation Period and Notice. If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, *or will be [hand]* ***personally*** *delivered,* ***evidenced by a written receipt****,* and it will also notify the employee of his or her right to elect to file a complaint with the Office in accordance with section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

Discussion: The purpose of this amendment is to reflect the provision of the flexibility of personal delivery. In response to comments, the Board has also formalized the requirement that proof of delivery be evidenced by a written receipt.

* * * * *

2.06 Filing of Civil Action.

. . . . .

(c) Communication Regarding Civil Actions Filed with District Court. [(1)] The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act [should simultaneously provide a copy of the complaint] ***shall provide a written notice*** *to the Office* ***that the party has filed a civil action, specifying the district court in which the civil action was filed and the case number.***

Discussion: The Office has the responsibility to be aware of judicial applications and interpretations of the Act. In this regard, see also proposed rule 9.06. In response to comments, the Board has replaced the proposed requirement that a copy of the complaint be provided, with a notice of filing of a civil action. The Office also intends to include notice of this requirement in its Notice of End of Mediation.

AMENDMENT DELETED: [[(2) No party to any civil action referenced in paragraph (1) shall request information from the Office regarding the proceedings which took place pursuant to sections 402 or 403 related to said civil action, unless said party notifies the other party(ies) to the civil action of the request to the Office. The Office will determine whether the release of such information is appropriate under the Act and the Rules of Procedure.]]

Discussion: Upon further consideration, the Board has deleted this proposed amendment.

* * * * *

§4.16 Comments on Occupational Safety and Health Reports. [[The General Counsel will provide to responsible employing office(s) a copy of any report issued for general distribution not less than seven days prior to the date scheduled for its issuance. If a responsible employing office wishes to have its written comments appended to the report, it shall submit such comments to the General Counsel no later than 48 hours prior to the scheduled issuance date. The General Counsel shall either include the written comments without alteration as an appendix to the report, or immediately decline the request for their inclusion. If the General Counsel declines to include the submitted comments, the employing office(s) may submit said denial to the Board of Directors which, in its sole discretion, shall review the matter and issue a final and non-appealable decision solely regarding inclusion of the employing office(s) comments prior to the issuance of the report. Submissions to the Board of Directors in this regard shall be made expeditiously and without regard to the requirements of subpart H of these rules. In no event shall the General Counsel be required by the Board to postpone the issuance of a report for more than five days.]] ***With respect to any report authorized under section 215(c)(1) or 215(e)(2) of the Act that is intended by the General Counsel for general public distribution, the General Counsel shall, before making such general public distribution, first transmit a copy thereof to the responsible employing office(s), together with a notification that the employing office(s) has 10 days within which to submit any written comments that it wishes to be appended in their entirety as an appendix to the report. In the event the General Counsel declines to append to the report timely submitted comments of an employing office, the General Counsel shall not issue the report for general public distribution, and will promptly notify that office in writing of the basis for such declination. Upon written request to the Board of Directors submitted by the employing office within 10 days of the date of notification of declination by the General Counsel, with a copy thereof served on the General Counsel, the Board of Directors shall promptly review the matter, including any submission filed by the General Counsel within 10 days of the employing office's request, and issue a final and non-appealable decision determining the issue of inclusion of the employing office's comments prior to the general public distribution of the report. In no event shall the General Counsel be required by the Board to delay issuance of a report covered by this procedure for more than 15 days after the employing office's request for review is submitted to the Board of Directors.***

Discussion: The proposed amendment, as reworded, provides a mechanism for employing office comments to be appended to reports issued by the General Counsel regarding Occupational Safety and Health inspections. The Board has amended the proposal to clarify further the categories of OSH reports resulting from inspection requests. The Board has extended the time periods within which the dispute resolution procedure takes place. The Board has also added a requirement that any General Counsel declination must be provided in writing to the employing office.

* * * * *

§5.03 Dismissal, Summary Judgment, and Withdrawal of Complaints.

. . . . .

(d) Summary Judgment. A Hearing Officer may, after notice and an opportunity ***for the parties to address the question of summary judgment,*** *[[to respond,]] issue summary judgment on some or all of the complaint.*

([d]*e*) Appeal. A [dismissal] *final decision* by the Hearing Officer made under section 5.03(a)–(c) or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01. ***A final decision under section 5.03(a)–(c) which does not resolve all of the claims or issues in the case(s) before the Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these rules, except as authorized pursuant to section 7.13 of these rules.***

([e]*f*) . . . . .

([f]*g*) . . . . .

Discussion: Hearing Officers have plenary authority to conduct hearings and make final decisions, including summary judgment, pursuant to section 405 of the Act. The amendments more adequately reflect the existing authority of Hearing Officers. In response to a comment, the Board has included the requirement that the parties be given the opportunity to address the issue. The Board has also addressed the circumstance of a partial disposition of a case.

* * * * *

§7.02 Sanctions

(a) The Hearing Officer may impose sanctions on a party's representative [[for inappropriate or unprofessional conduct]] ***necessary to regulate the course of the hearing.***

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

([a]*1*) Failure to Comply with an Order. When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

([1]*a*) . . . . .

([2]*b*) . . . . .

([3]*c*) . . . . .

([4]*d*) . . . . .

Discussion: In response to comments, and upon further consideration, the Board has amended this proposal to better reflect existing statutory authority. Section 556(c)(5) of the Administrative Procedure Act, referenced in section 405(d)(3) of the Act, specifically authorizes a presiding official to ''regulate the course of the hearing''. The amendment authorizes a Hearing Officer to carry out that responsibility when required by a representative's conduct.

* * * * *

§8.01 Appeal to the Board.

. . . . .

(b)(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief in accordance with section 9.01 of these rules. That brief shall identify with particularity those findings or conclusions in the decision and order that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a reply brief.

(3) Upon ***written*** *delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any* ***post-petition for review*** *document or submission with the Board* ***in any case in which the Executive Director has not rendered a determination on the merits.*** *Such delegation shall continue until revoked by the Board.*

. . . . .

Discussion: The amendment authorizes the Executive Director to perform the ministerial act of granting extensions of time in which to file documents when specifically authorized to do so by the Board. In response to comments, the Board has required written delegation of authority, and has limited that delegation to submissions after a petition for review has been filed. The Board has also prohibited such a delegation in any case in which the Executive Director has issued a determination on the merits in the underlying proceeding.

* * * * *

§9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) Filing with the Office; Number. One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer *or other* ***matter or*** *determination reviewable*

by the Board files an appeal with the Board, one original and seven copies of both any appeal brief and any responses must be filed with the Office. *The Officer, Hearing Officer, or Board may also [[require]]* ***request*** *a party to submit an electronic version of any submission on a disk in a designated format.*

. . . . .

Discussion: The addition of ''other matter or determination reviewable by the Board'' is intended to address: collective bargaining representation decisions made pursuant to Part 2422 of the Office of Compliance Rules regarding labor-management relations, negotiability determinations made pursuant to Part 2424 of the same Rules, review of arbitration awards under Part 2425 of the same Rules, determination of bargaining consultation rights under Part 2426 of the same Rules, requests for general statements of policy or guidance under Part 2427 of the same Rules, enforcement of standards of conduct decisions and orders by the Assistant Secretary of Labor for Labor Management Relations pursuant to Part 2428 of the same Rules, and determinations regarding collective bargaining impasses pursuant to Part 2470 of the same Rules. The term ''matter'' was included by the Board on further consideration, because some of the procedures referenced in the labor-management relations Rules are addressed to the Board in the first instance. Submission by electronic version is in addition to the existing methods for filing submissions. This addition reflects the decision of this agency to begin exploring the process of migration toward electronic filing. Because of limits in available technology, it remains necessary to designate a particular format for electronic disk transmittal. In response to comments, the Board has amended the proposal to allow for a ''request'' rather than a requirement. The availability of submissions on disk, particularly of lengthy documents, can save the Office time and expense in handling such documents.

* * * * *

§ 9.03 Attorney's fees and costs.

(a) Request. No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. *All motions for attorney's fees and costs shall be submitted to the Hearing Officer.* [The Board or t] *T*he Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion.

. . . . .

Discussion: This amendment clarifies the rules to exclude the filing of motions for attorney's fees with the Board of Directors.

* * * * *

§ 9.05 Informal Resolutions and Settlement Agreements.

. . . . .

(b) Formal Settlement Agreement. The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. *If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.*

(c) Requirements for a Formal Settlement Agreement. A formal settlement agreement requires the signature of all parties on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise [[required]] ***permitted*** *by law.*

(d) Violation of a Formal Settlement Agreement. If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be a part of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act: Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final and binding decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

Discussion: The Board disagrees with comments that assert the Office has no statutory authority to settle disputes regarding the alleged violation of settlement agreements. Under section 414 of the Act, the Executive Director is clearly given plenary authority to approve all settlement agreements under the Act entered into at any stage of the administrative or judicial process. No settlement agreement can ''become effective'' unless and until such approval has been given. The Office is concerned that many settlement agreements do not include provisions for disposition of controversies regarding alleged violations of the agreement. Rather than consider initiating a practice of withholding approval of settlement agreements which do not include provisions setting forth dispute resolution procedures, the Office is providing all parties, by notice and rule, the option to include their own dispute resolution provisions, or default to the dispute resolution procedure stipulated in this proposed Rule when they enter into a settlement agreement. The word ''permitted'' was inserted in place of ''required'' as a clarification, since in this context a rescission of an approved agreement would rarely, if ever, be required by operation of law.

[[§ 9.06 Destruction of Closed Files. Closed case files regarding counseling, mediation, hearing, and/or appeal ***to the Board of Directors*** *may be destroyed during the calendar year in which the fifth anniversary of the closure date occurs, or during the calendar year in which the fifth anniversary of the conclusion of all adversarial proceedings in relation thereto occurs, whichever period ends later.]]*

Discussion: The Executive Director and the Board of Directors have been made aware that the Office of Compliance appears to be an agency covered by the requirements of the Federal Records Act (found at Title 44 of the U.S. Code). The Records Act requires that an agency consult with the Archivist of the United States regarding any record destruction program. Therefore, the Executive Director and the Board are withdrawing this proposal at this time, and will issue a new Notice regarding this subject matter after the requirements of the Federal Records Act have been satisfied.

§ 9.0[7]6 *Payment****s*** *[[of]]* ***required pursuant to*** *Decisions, Awards, or Settlements under section 415(a) of the Act. Whenever a decision or award pursuant to sections 405(g), 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.*

Discussion: This proposed rule reflects the existing procedure for processing payments under section 415(a) of the Act. Since section 415 does not authorize automatic stays of judgments or awards pending appeal, parties are advised to seek such a stay from the appropriate forum. Adding an automatic stay of payment until all appeals have been exhausted would require an amendment of the Act.

*§ 9.0[6]***7 Revocation, Amendment or Waiver of Rules.**

. . . . .

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6747. A communication from the President of the United States, transmitting Requests from the Judicial Branch for FY 2004; (H. Doc. No. 108—161); to the Committee on Appropriations and ordered to be printed.

6748. A letter from the Under Secretary, Department of Defense, transmitting Approval of Brigadier General Martin E. Dempsey and Brigadier General Barbara G. Fast to wear the insignia of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6749. A communication from the President of the United States, transmitting Report including matters relating to the interdiction of aircraft engaged in illicit drug trafficking, pursuant to Public Law 107—108 22 U.S.C. 2291—4; (H. Doc. No. 108—158); to the Committee on International Relations and ordered to be printed.

6750. A communication from the President of the United States, transmitting a report including matters relating to post-liberation Iraq as consistent with the Authorization for Use of Military Force Against Iraq Resolution of2002 (Public Law 107-243); (H. Doc. No. 108—160); to the Committee on International Relations and ordered to be printed.

6751. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6752. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's budget justification for the Office of Inspector General for fiscal year 2005, prepared in compliance with Office of Management and Budget (OMB) Circular No. A-11; to the Committee on Government Reform.

6753. A letter from the Chairman, U.S. Commodity Futures Trading Commission, transmitting the FY 2003 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6754. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Polson, MT. [Docket No. FAA-2003-16207; Airspace Docket No. 03-ANM-10] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6755. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule — Establishment of Class D and E Airspace; Olive Branch, MS, Amendment of Class E Airspace; Memphis, TN [Docket No. FAA-2003-16534; Airspace Docket No. 03-ASO-19] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6756. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cherokee, IA. [Docket No. FAA-2003-16505; Airspace Docket No. 03-ACE-89] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6757. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Hilton Head Island, SC; Correction [Docket No. FAA-2003-16359; Airspace Docket No. 03-ASO-18] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6758. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification and Revocation of Federal Airways; AK [Docket No. FAA-2002-14010; Airspace Docket No. 02-AAL-09] (RIN: 2120-AA66) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6759. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Waverly, IA [Docket No. FAA-2003-16502; Airspace Docket No. 03-ACE-86] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6760. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Oskaloosa, IA. [Docket No. FAA-2003-16500; Airspace Docket No. 03-ACE-84] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6761. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting The Department's final rule — Modification of Class E Airspace; Springfield, MO. [Docket No. FAA-2003-16763; Airspace Docket No. 03-ACE-100] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6762. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and A300 B4-600, B4-600R, C4-605R Variant F, and F4-600R (Collectively Called A300-600) Series Airplanes [Docket No. 2003-NM-248-AD; Amendment 39-14308; AD 2003-26-10] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6763. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80E1A2 and -80E1A4 Turbofan Engines; Correction [Docket No. 2003-NE-26-AD; Amendment 39-13409; AD 2003-26-11] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6764. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — DOD Commercial Air Carrier Evaluators; Correction [Docket No. FAA-2003-15571; Amdt. Nos. 119-8, 121-298 and 135-88] (RIN: 2120-AI00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6765. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Philadelphia, PA [Docket No. FAA-2003-16282; Airspace Docket No. 03-AEA-06] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6766. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Great Bend, KS. [Docket No. FAA-2003-16080; Airspace Docket No. 03-ACE-72] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6767. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Removal of Class E Airspace; New Port Richey, FL. [Docket No. FAA-2003-16623; Airspace Docket No. 03-ASO-22] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6768. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Beloit, KS. [Docket No. FAA-2003-16749; Airspace Docket No. 03-ACE-93] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6769. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kingman, KS. [Docket No. FAA-2003-16081; Airspace Docket No. 03-ACE-73] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6770. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Greenfield, IA. [Docket No. FAA-2003-16504; Airspace Docket No. 03-ACE-88] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6771. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Marysville, KS. [Docket No. FAA-2003-16762; Airspace Docket No. 03-ACE-99] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6772. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Tipton, IA. [Docket No. FAA-2003-16501; Airspace Docket No. 03-ACE-85] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6773. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Osceola, IA. [Docket No. FAA-2003-16499; Airspace Docket No. 03-ACE-83] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6774. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Winterset, IA. [Docket No. FAA-2003-16503; Airspace Docket No. 03-ACE-87] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6775. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes [Docket No. 2002-NM-233-AD; Amendment 39-13466; AD 2004-03-22] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6776. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. 2002-NM-79-AD; Amendment 39-13472; AD 2004--03-28] (RIN: 1220-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6777. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SP, and 747SR Series Airplanes [Docket No. 2003-NM-84-AD; Amendment 39-13461; AD 2004-03-17] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6778. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directies; Airbus A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No. 2003-NM-223-AD; Amendment 39-13468; AD 2004-03-24] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6779. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340-200 and -300 Series Airplanes [Docket No. 2001-NM-284-AD; Amendment 39-13469; AD 2004-03-25] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6780. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes [Docket No. 2002-NM-116-AD; Amendment 39-13462; AD 2004-03-18] (RIN: 1220-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6781. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Series Airplanes [Docket No. 2003-NM-154-AD; Amendment 39-13458; AD 2004-03-14] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6782. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321 Series Airplanes [Docket No. 2003-NM-257-AD; Amendment 39-13446; AD 2004-03-02] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6783. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2004-NM-10-AD; Amendment 39-13447; AD 2004-03-03] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6784. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the intent to initiate negotiations for a free trade agreement between the United States and Thailand, pursuant to Section 2104(a)(1) of the Trade Act of 2002; to the Committee on Ways and Means.

6785. A letter from the Chair, Office of Compliance, transmitting Second notice of proposed procedural rule making under Section 303(b) of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C 1384(b); jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on February 11, 2004, the following reports were filed on February 18, 2004]

Mr. BOEHLERT: Committee on Science. House Concurrent Resolution 189. Resolution celebrating the 50th anniversary of the International Geophysical Year (IGY) and supporting an International Geophysical Year-2 (IGY–2) in 2007–08; with an amendment (Rept. 108–422). Referred to the House Calendar.

Mr. BOEHLERT: Committee on Science. H.R. 1292. A bill to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, and for other purposes; with an amendment (Rept. 108–423). Referred to the Committee of the Whole House on the State of the Union.

[Filed on February 24, 2004]

Mr. POMBO: Committee on Resources. H.R. 2707. A bill to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service; with amendments (Rept. 108–424, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2391. A bill to amend title 35, United States Code, to promote research among universities, the public sector, and private enterprise; with amendments (Rept. 108–424). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3036. A bill to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, and for other purposes; with amendments (Rept. 108–426). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 529. Resolution providing for consideration of the bill (H.R. 1997) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes (Rept. 108–427). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 2707 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2707. Referral to the Committee on Agriculture extended for a period ending not later than February 24, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RENZI:

H.R. 3817. A bill to ensure that certain areas are eligible for rural housing assistance; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. ROHRABACHER, Mr. BELL, Mr. GREEN of Texas, Ms. ROS-LEHTINEN, Mr. PAYNE, Mr. PITTS, Ms. HARRIS, Mr. DICKS, Mr. SANDERS, Mr. SMITH of Washington, Mr. BAIRD, Mr. FALEOMAVAEGA, and Mr. BROWN of Ohio):

H.R. 3818. A bill to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes; to the Committee on International Relations.

By Mr. BAIRD (for himself, Mr. WU, Mr. NETHERCUTT, Mr. BEREUTER, Mr. LARSEN of Washington, Mr. DICKS, Mr. INSLEE, Mr. MCDERMOTT, Mr. SMITH of Washington, Mr. DEFAZIO, Mr. SOUDER, Mr. POMEROY, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, Mr. WALDEN of Oregon, Mr. GOODE, and Ms. DUNN):

H.R. 3819. A bill to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself and Mr. DINGELL):

H.R. 3820. A bill to protect United States workers from competition of foreign workforces for performance of Federal and State contracts for goods or services; to the Committee on Government Reform.

By Mr. KOLBE (for himself and Mr. STENHOLM):

H.R. 3821. A bill to amend title II of the Social Security Act to provide for individual security accounts funded by employee and employer Social Security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM:

H.R. 3822. A bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to establish an electronic nationwide livestock identification system, and for other purposes; to the Committee on Agriculture.

By Mr. PAUL (for himself and Mr. FLAKE):

H.R. 3823. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Belarus; to the Committee on Ways and Means.

By Mr. RENZI:

H.R. 3824. A bill to facilitate the operation, maintenance, and capital improvement of Camp Navajo, Arizona, by the Arizona Army National Guard; to the Committee on Armed Services.

By Mr. STEARNS (for himself, Mr. STUPAK, and Ms. SCHAKOWSKY):

H.R. 3825. A bill to amend title 36, United States Code, to amend the Federal charter of the United States Olympic Committee, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. RAHALL, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. LEACH, Mr. LANTOS, Mrs. CHRISTENSEN, Mr. CASE, Mr. CARDOZA, Mr. KILDEE, Ms. WATSON, Mr. FLAKE, and Ms. MILLENDER-MCDONALD):

H. Con. Res. 364. Concurrent resolution to recognize more than 5 decades of strategic partnership between the United States and the people of the Marshall Islands in the pursuit of international peace and security, and for other purposes; to the Committee on International Relations.

By Mr. EVANS:

H. Con. Res. 365. Concurrent resolution supporting the goals and ideals of National Purple Heart Recognition Day; to the Committee on Armed Services.

By Mr. KILDEE (for himself, Mr. QUINN, and Mr. LEVIN):

H. Con. Res. 366. Concurrent resolution expressing the sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. PENCE, Mr. PAYNE, Mr. BROWN of Ohio, Mr. SHERMAN, Mr. COX, Mr. PITTS, Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. GREEN of Wisconsin, Mr. BERMAN, Ms. HARRIS, Mr. KING of New York, Mr. MCNULTY, Mrs. NAPOLITANO, Mr. ROTHMAN, Mr. CAPUANO, Ms. KAPTUR, Mr. HOLT, Mr. CHABOT, Mr. UDALL of New Mexico, Mr. FERGUSON, Mr. SHIMKUS, Mr. TANCREDO, Mr. KIRK, Mr. BURR, Mr. BLUMENAUER, Mr. SOUDER, Mr. FRANKS of Arizona, Mrs. KELLY, Mr. MCGOVERN, Mr. MCKEON, Mr. ANDREWS, Mr. PICKERING, Ms. MCCARTHY of Missouri, Mr. SCHIFF, Mr. AKIN, and Mr. MENENDEZ):

H. Res. 530. A resolution urging the appropriate representative of the United States to the 60th session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights violations in China, and for other purposes; to the Committee on International Relations.

By Mrs. BIGGERT (for herself, Mr. STRICKLAND, Ms. GINNY BROWN-WAITE of Florida, Mr. MCCOTTER, Mr.

OSBORNE, Mrs. CAPITO, Mr. WAXMAN, Mr. HOEFFEL, and Mr. SHAYS):

H. Res. 531. A resolution encouraging increased public awareness of eating disorders and expanded research for treatment and cures; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H. Res. 532. A resolution expressing the sense of the United States House of Representatives that the United States should adhere to moral and ethical principles of economic justice and fairness in developing and advancing United States international trade treaties, agreements, and investment policies; to the Committee on Ways and Means, 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 Mr. RODRIGUEZ (for himself, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. BACA, Mr. HINOJOSA, Mr. SERRANO, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. BECERRA, Mr. GONZALEZ, Mr. PASTOR, Ms. SOLIS, and Mr. CARDOZA):

H. Res. 533. A resolution commemorating the 75th Anniversary of the Creation of the League of United Latin American Citizens; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. THORNBERRY.
H.R. 80: Mr. ROTHMAN.
H.R. 117: Mr. BAIRD.
H.R. 173: Mr. SOUDER, Mr. VAN HOLLEN, Ms. HARMAN, and Mr. JOHN.
H.R. 218: Mr. BURNS, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. BOEHLERT, Ms. MAJETTE, and Ms. SLAUGHTER.
H.R. 290: Mrs. CHRISTENSEN, Mr. SWEENEY, Mr. MURPHY, and Mr. BERMAN.
H.R. 296: Mr. BROWN of Ohio.
H.R. 300: Mr. JONES of North Carolina.
H.R. 339: Mr. HALL.
H.R. 375: Mrs. JOHNSON of Connecticut.
H.R. 391: Mr. KELLER and Mr. CHABOT.
H.R. 463: Mr. TOWNS, Mr. PAUL, and Mr. SESSIONS.
H.R. 504: Mr. TIBERI, Mr. FRANK of Massachusetts, Mr. BLUMENAUER, Mr. RANGEL, Mr. ENGEL, and Mr. FILNER.
H.R. 584: Ms. SLAUGHTER, Mr. CUMMINGS, and Mr. DUNCAN.
H.R. 714: Mr. GORDON.
H.R. 716: Ms. MILLENDER-MCDONALD.
H.R. 802: Ms. SOLIS.
H.R. 814: Mr. ROTHMAN, Mr. BERMAN, Ms. WATERS, Mr. PALLONE, Mr. JEFFERSON, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. MENENDEZ, and Mr. CUMMINGS.
H.R. 847: Mr. FROST and Mr. EMANUEL.
H.R. 852: Mr. WEINER.
H.R. 857: Mr. WELLER, Mr. ROYCE, and Ms. LORETTA SANCHEZ of California.
H.R. 876: Mr. PITTS, Mr. GUTIERREZ, Ms. KILPATRICK, Mr. GILLMOR, Mr. OXLEY, Mr. TURNER of Ohio, Mr. SPRATT, and Mr. CASE.
H.R. 931: Mr. GIBBONS, Mr. TAYLOR of Mississippi, and Mr. QUINN.
H.R. 933: Ms. SLAUGHTER.
H.R. 944: Mr. PETERSON of Minnesota and Mr. GORDON.
H.R. 972: Mr. PETERSON of Minnesota.
H.R. 976: Ms. LEE, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. KUCINICH, Mr. FRANK of Massachusetts, Ms. WATERS, Mrs. LOWEY, and Mr. HASTINGS of Florida.
H.R. 1002: Mr. WEXLER.
H.R. 1029: Mr. GEORGE MILLER of California.
H.R. 1057: Mr. BARTLETT of Maryland, Mr. POMBO, and Mr. WAMP.
H.R. 1083: Mr. CRAMER.
H.R. 1084: Mr. MURPHY.
H.R. 1117: Mr. DEMINT and Mr. TURNER of Ohio.
H.R. 1231: Mrs. BONO.
H.R. 1236: Mr. GARRETT of New Jersey.
H.R. 1267: Mr. CLAY.
H.R. 1336: Mr. BOUCHER, Mrs. MCCARTHY of New York, Ms. LOFGREN, Mr. SWEENEY, Mr. CRENSHAW, Mr. PLATTS, Mr. PUTNAM, and Mr. BRADY of Pennsylvania.
H.R. 1345: Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. LOFGREN, Mr. OBERSTAR, Mr. GORDON, Mr. HASTINGS of Florida, and Mr. FRANK of Massachusetts.
H.R. 1434: Mr. BALLANCE, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, and Mr. BELL.
H.R. 1478: Mr. HONDA.
H.R. 1508: Mrs. MCCARTHY of New York.
H.R. 1513: Mr. TIAHRT.
H.R. 1532: Mr. WYNN, Mr. ROYCE, and Mr. RENZI.
H.R. 1563: Mr. PASCRELL and Mrs. BONO.
H.R. 1608: Mr. CALVERT and Mr. EMANUEL.
H.R. 1615: Mr. CAPUANO and Mr. SIMMONS.
H.R. 1655: Mr. FRANK of Massachusetts.
H.R. 1677: Mr. LEWIS of Georgia.
H.R. 1731: Mr. NEY, Mr. HENSARLING, Ms. SCHAKOWSKY, Mr. BURGESS, Mr. SMITH of Texas, and Mr. BAIRD.
H.R. 1736: Mr. JOHN, Mr. FROST, Ms. DELAURO, Mr. BELL, Ms. SLAUGHTER, and Mr. FILNER.
H.R. 1749: Mr. BISHOP of New York.
H.R. 1755: Mr. DEMINT.
H.R. 1758: Mr. GORDON.
H.R. 1793: Mr. AKIN.
H.R. 1918: Mr. GORDON.
H.R. 1919: Mr. MEEHAN.
H.R. 1994: Mr. ANDREWS.
H.R. 2045: Mr. SIMPSON.
H.R. 2107: Mr. RAHALL, Mr. DEUTSCH, Ms. SCHAKOWSKY, Mr. DELAHUNT, Mr. BOUCHER, and Mr. MORAN of Virginia.
H.R. 2133: Mr. DELAHUNT.
H.R. 2137: Mr. DEUTSCH.
H.R. 2198: Mr. RODRIGUEZ and Mr. WEXLER.
H.R. 2246: Mr. BAIRD, Mr. GRIJALVA, and Mr. MCINTYRE.
H.R. 2247: Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. MEEHAN, Mrs. DAVIS of California, Mr. KUCINICH, and Mrs. MALONEY.
H.R. 2262: Mr. PETERSON of Minnesota.
H.R. 2293: Mr. DEMINT, Mr. NEUGEBAUER, Mr. GINGREY, Mr. HENSARLING, Mr. FEENEY, Mr. BEAUPREZ, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. BRADY of Texas, Mr. JONES of North Carolina, and Mr. NORWOOD.
H.R. 2296: Mr. SOUDER.
H.R. 2318: Mr. BRADY of Pennsylvania and Mr. BURTON of Indiana.
H.R. 2387: Mr. BACHUS and Mr. DELAHUNT.
H.R. 2404: Mr. BURTON of Indiana, Mr. BARTLETT of Maryland, and Mr. EHLERS.
H.R. 2442: Mr. MCNULTY, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Kentucky, Mr. WEINER, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, Mr. LANTOS, Mr. SABO, Mr. ROTHMAN, Ms. NORTON, Ms. KILPATRICK, Mr. SANDERS, Mr. CUMMINGS, Mrs. LOWEY, Mr. FOLEY, Mr. MICHAUD, Ms. SLAUGHTER, Mr. OWENS, Mr. CLAY, Ms. LOFGREN, Mrs. MALONEY, Mr. CUNNINGHAM, Mr. ENGEL, Mr. RUPPERSBERGER, Mr. PLATTS, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. TOM DAVIS of Virginia, Mr. JEFFERSON, Mr. DICKS, Mr. GORDON, Mr. DINGELL, Mr. SHIMKUS, Ms. HARMAN, Mr. KLECZKA, and Mr. SHAYS.
H.R. 2490: Mr. LANTOS.
H.R. 2494: Mr. VAN HOLLEN.
H.R. 2519: Mr. BRADY of Pennsylvania.
H.R. 2527: Mrs. LOWEY.
H.R. 2550: Mr. OBERSTAR.
H.R. 2601: Mr. ANDREWS, Mr. RANGEL, and Mr. FILNER.
H.R. 2625: Mr. BERMAN and Mr. BRADY of Pennsylvania.
H.R. 2626: Mr. GORDON, Mr. OLVER, and Mr. WHITFIELD.
H.R. 2668: Mr. LEVIN.
H.R. 2700: Ms. LINDA T. SANCHEZ of California.
H.R. 2708: Mrs. MALONEY.
H.R. 2711: Ms. CARSON of Indiana.
H.R. 2727: Mr. PRICE of North Carolina and Mr. GONZALEZ.
H.R. 2743: Mr. MILLER of Florida.
H.R. 2797: Mr. BURNS.
H.R. 2821: Mr. ROGERS of Kentucky.
H.R. 2851: Mr. WILSON of South Carolina.
H.R. 2852: Mr. STENHOLM.
H.R. 2866: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2928: Mr. HAYES.
H.R. 2945: Mr. ETHERIDGE and Ms. SLAUGHTER.
H.R. 2959: Mr. RYAN of Wisconsin.
H.R. 2967: Mr. SULLIVAN, Mr. ROTHMAN, Mrs. JO ANN DAVIS of Virginia, Mr. PALLONE, Mr. CARSON of Oklahoma, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. DAVIS of Tennessee, Mr. SHERMAN, Mr. SHIMKUS, and Mr. MENENDEZ.
H.R. 2987: Ms. SCHAKOWSKY, Mr. RUSH, and Mr. FILNER.
H.R. 3039: Mr. SWEENEY.
H.R. 3049: Mr. BOUCHER, Mr. MORAN of Virginia, and Mr. OBERSTAR.
H.R. 3073: Mr. KILDEE.
H.R. 3085: Mr. NADLER and Mr. LARSEN of Washington.
H.R. 3090: Mr. FROST.
H.R. 3099: Mrs. WILSON of New Mexico.
H.R. 3103: Mr. GUTKNECHT, Mr. CAPUANO, Mr. GRIJALVA, Ms. KAPTUR, Mr. FRANK of Massachusetts, Mr. PETERSON of Minnesota, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3111: Mr. CARDOZA, Mr. BOUCHER, Mr. GEORGE MILLER of California, Mr. SCOTT of Georgia, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mrs. JOHNSON of Connecticut, Mr. BEREUTER, Ms. DELAURO, Mr. WOLF, Mr. DICKS, Mr. HOEFFEL, Mr. HASTINGS of Florida, Mr. PRICE of North Carolina, Mr. HOUGHTON, Mr. GERLACH, Mr. PAYNE, Ms. MILLENDER-MCDONALD, Ms. HARMAN, Mr. SANDERS, Mr. COSTELLO, Mr. FRANK of Massachusetts, and Mr. OWENS.
H.R. 3173: Mr. GRIJALVA.
H.R. 3238: Mr. LEWIS of Georgia.
H.R. 3246: Mr. ALEXANDER, Mr. COLE, Mr. REHBERG, Mr. BONILLA, Mr. BOUCHER, Mr. GORDON, Mr. BAKER, and Mr. MCINTYRE.
H.R. 3266: Mr. SMITH of Michigan.
H.R. 3270: Mr. MCCOTTER and Mr. SHAYS.
H.R. 3324: Mr. FRANK of Massachusetts and Mr. KLECZKA.
H.R. 3344: Mr. JENKINS, Mr. COSTELLO, Mr. HASTINGS of Florida, Mr. SPRATT, Mr. FATTAH, and Mr. FRANK of Massachusetts.
H.R. 3359: Mr. HINCHEY and Mr. OWENS.
H.R. 3360: Mr. MCDERMOTT.
H.R. 3361: Mr. FARR and Mr. NADLER.
H.R. 3377: Mr. OWENS.
H.R. 3378: Mr. FRANK of Massachusetts, Mr. OLVER, Ms. BORDALLO, Mr. SAXTON, Mr. MARKEY, Ms. MCCOLLUM, and Mr. DEUTSCH.
H.R. 3424: Mr. NADLER, Mr. HOEFFEL, Mr. SCOTT of Georgia, Ms. JACKSON-LEE of Texas, and Mr. DOGGETT.
H.R. 3425: Mr. UDALL of New Mexico and Mr. NADLER.
H.R. 3432: Mr. GORDON.
H.R. 3438: Mr. MICHAUD, Mr. GOSS, Mr. CLAY, and Mr. BISHOP of Georgia.
H.R. 3449: Ms. WATSON.
H.R. 3450: Mr. BOUCHER and Mr. SCHIFF.
H.R. 3473: Mr. GONZALEZ, Mr. BELL, Mr. GARY G. MILLER of California, and Mr. WEINER.
H.R. 3474: Mrs. NAPOLITANO, Mr. BURGESS, Mr. BILIRAKIS, Mr. RENZI, Mr. SOUDER, Mr.

MOORE, Mrs. MUSGRAVE, Mr. BARTLETT of Maryland, Mr. CHANDLER, Mr. HERGER, and Mr. DAVIS of Tennessee.

H.R. 3484: Mr. FERGUSON.

H.R. 3527: Mr. SPRATT.

H.R. 3550: Mr. ORTIZ.

H.R. 3572: Ms. KILPATRICK, Ms. NORTON, and Ms. MILLENDER-MCDONALD.

H.R. 3574: Mr. PEARCE, Mr. ENGLISH, Ms. HARMAN, Mr. BACHUS, and Mr. HERGER.

H.R. 3579: Mr. PAUL, Mr. BOEHLERT, Mr. HINCHEY, Ms. WATERS, Ms. LEE, Mr. ANDREWS, Mr. FILNER, Ms. NORTON, and Mr. OTTER.

H.R. 3582: Mr. BOUCHER.

H.R. 3622: Mr. FATTAH.

H.R. 3635: Ms. MAJETTE, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. CLAY, Mr. WATT, Ms. LEE, Mr. OWENS, Mr. PAYNE, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Ms. CARSON of Indiana, Mr. FATTAH, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. TOWNS, and Mr. WYNN.

H.R. 3672: Mr. JACKSON of Illinois, Mr. LARSON of Connecticut, Mr. CONYERS, Ms. ROYBAL-ALLARD, Mr. POMEROY, Mr. WYNN, Mr. LARSEN of Washington, Ms. DELAURO, Mr. LAMPSON, Mr. KENNEDY of Rhode Island, Mr. COSTELLO, Mr. CLAY, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Ms. BERKLEY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. BOUCHER, Mr. SNYDER, Mr. MARSHALL, Mr. FILNER, Mr. MOLLOHAN, Mr. SKELTON, Ms. HOOLEY of Oregon, Mr. MCGOVERN, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Ms. BALDWIN, and Ms. DEGETTE.

H.R. 3673: Ms. CARSON of Indiana, Mr. RAHALL, Mr. DEUTSCH, Mr. CONYERS, Mr. KUCINICH, Mr. ROTHMAN, and Mr. CUMMINGS.

H.R. 3695: Mr. PASCRELL.

H.R. 3712: Mr. CASE, Mr. OWENS, Mr. STARK, Ms. BORDALLO, Mr. MCINTYRE, and Mr. ACEVEDO-VILA.

H.R. 3717: Mr. WICKER, Mr. COLE, Mr. CRAMER, Mr. WELDON of Florida, Mr. PRICE of North Carolina, Mr. BRADLEY of New Hampshire, Mr. HASTINGS of Washington, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. HOLDEN, Mr. KIRK, Mr. HALL, Ms. MAJETTE, Mr. PUTNAM, Mr. LATOURETTE, Mr. WAMP, Mr. ADERHOLT, Mr. MURPHY, Mr. SESSIONS, Mr. WILSON of South Carolina, Mr. BONNER, Mr. SMITH of New Jersey, and Ms. ROYBAL-ALLARD.

H.R. 3719: Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. WU, Mr. MATSUI, Mr. HASTINGS of Florida, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. BLUMENAUER, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mr. MEEKS of New York, Mrs. LOWEY, Mrs. MCCARTHY of New York, and Mr. OWENS.

H.R. 3721: Mr. RAHALL, Mr. OSBORNE, Mrs. WILSON of New Mexico, Mr. MATHESON, and Mr. BURNS.

H.R. 3729: Mr. ACKERMAN, Mr. RANGEL, Mr. FROST, Mr. PALLONE, and Ms. MILLENDER-MCDONALD.

H.R. 3731: Mr. BRADLEY of New Hampshire, Mr. HASTINGS of Florida, Mr. RODRIGUEZ, Ms. DELAURO, Ms. CORRINE BROWN of Florida, Ms. LOFGREN, and Mr. BLUMENAUER.

H.R. 3734: Mr. FALEOMAVAEGA, Mr. OXLEY, Mr. PETERSON of Pennsylvania, Mr. DUNCAN, Mr. CANTOR, and Mr. OSBORNE.

H.R. 3741: Mr. KIND.

H.R. 3743: Mr. LUCAS of Kentucky and Mr. STRICKLAND.

H.R. 3755: Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. MICHAUD, Mr. BACHUS, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, and Ms. MAJETTE.

H.R. 3763: Ms. HARRIS, Mr. RENZI, Mr. GONZALEZ, Mr. PLATTS, Mr. HOYER, Mr. WALDEN of Oregon, Mr. WOLF, Mr. HINOJOSA, Mr. SHIMKUS, Mr. YOUNG of Alaska, Mr. PAYNE, and Mr. GREEN of Texas.

H.R. 3771: Mr. FARR.

H.R. 3778: Mr. SHUSTER, Mr. ENGLISH, and Mr. HOLDEN.

H.R. 3780: Mr. MCGOVERN, Mr. BLUMENAUER, and Mr. FILNER.

H.R. 3787: Mr. BALLENGER, Mr. SMITH of Michigan, Mr. UDALL of Colorado, and Mr. HILL.

H.R. 3791: Mrs. MUSGRAVE and Mr. VITTER.

H.R. 3795: Mr. Case, Mr. RODRIGUEZ, Mr. PAUL, Mr. MCHUGH, and Mr. COSTELLO.

H.R. 3799: Mr. KINGSTON, Mr. PITTS, Mr. BACHUS, Mr. CRAMER, Mr. EVERETT, and Mr. ROGERS of Alabama.

H.R. 3800: Mr. SOUDER and Mr. CRANE.

H.R. 3806: Mr. SHIMKUS.

H.R. 3815: Mr. FRANK of Massachusetts.

H.R. 3816: Mr. SHERMAN and Mr. BOUCHER.

H.J. Res. 22: Mr. BRADLEY of New Hampshire.

H.J. Res. 56: Mrs. BLACKBURN, Mr. NUSSLE, and Mr. HEFLEY.

H.J. Res. 60: Mr. GOODE.

H. Con. Res. 15: Mr. LANTOS, Mr. SAXTON, Ms. ROS-LEHTINEN, Mr. CANTOR, and Ms. HARRIS.

H. Con. Res. 74: Mr. CONYERS.

H. Con. Res. 218: Mr. LANGEVIN and Mr. MILLER of Florida.

H. Con. Res. 241: Ms. LOFGREN.

H. Con. Res. 247: Mr. THOMPSON of California.

H. Con. Res. 275: Mr. WAXMAN.

H. Con. Res. 298: Mr. HALL, Mr. MICHAUD, Mr. MCKEON, Mr. CARDOZA, and Mr. KINGSTON.

H. Con. Res. 304: Mr. GEORGE MILLER of California and Mr. MORAN of Virginia.

H. Con. Res. 310: Mr. RAHALL.

H. Con. Res. 311: Mr. FOLEY.

H. Con. Res. 314: Mr. WEXLER.

H. Con. Res. 324: Mr. SOUDER.

H. Con. Res. 332: Mr. NORWOOD, Mr. LEVIN, Mr. BEAUPREZ, Mr. EVANS, Mr. COX, Mr. TIBERI, Mr. RAMSTAD, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. NETHERCUTT, Mrs. MCCARTHY of New York, Mr. PLATTS, Mr. PASCRELL, Mr. ISRAEL, Mr. KNOLLENBERG, Mr. NUSSLE, Mr. HERGER, Mr. HEFLEY, Mr. EDWARDS, Mr. BURR, Mr. CANTOR, Mr. WELLER, Mr. CROWLEY, Mr. TURNER of Texas, Mr. GARRETT of New Jersey, Mr. PENCE, Mr. MCHUGH, Mr. KENNEDY of Minnesota, and Mr. AKIN.

H. Con. Res. 343: Mr. VAN HOLLEN.

H. Res. 28: Mr. EVANS, Mrs. MALONEY, Mr. MCNULTY, and Mr. GERLACH.

H. Res. 60: Mr. SHAYS.

H. Res. 103: Mr. SPRATT and Mr. KIND.

H. Res. 140: Mr. TOOMEY and Mr. TIBERI.

H. Res. 389: Mr. FATTAH, Mr. HASTINGS of Florida, Mr. MENENDEZ, and Mr. HOYER.

H. Res. 402: Mr. MOORE.

H. Res. 466: Ms. HARRIS, Mr. LEVIN, Mr. GREEN of Texas, Mrs. CAPPS, and Mr. KUCINICH.

H. Res. 485: Mr. BRADY of Pennsylvania, Mr. CLAY, and Mr. FILNER.

H. Res. 500: Mr. DAVIS of Tennessee and Mr. SMITH of Texas.

H. Res. 510: Mr. FILNER.

H. Res. 514: Mr. ABERCROMBIE.

H. Res. 522: Ms. ESHOO, Ms. WATSON, Ms. CARSON of Indiana, Ms. DELAURO, Mr. JOHN, Mr. ROTHMAN, Ms. BORDALLO, Mr. PAYNE, Mr. MEEKS of New York, Mr. FOLEY, Mr. FROST, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. ABERCROMBIE, Mr. STARK, Mr. OWENS, and Mr. JENKINS.

H. Res. 524: Mr. GEORGE MILLER of California, Mr. EMANUEL, Mr. HASTINGS of Florida, Mr. GREEN of Wisconsin, Mr. BARTLETT of Maryland, Ms. KAPTUR, Mr. LANTOS, Mr. EVANS, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Ms. MCCARTHY of Missouri, Mr. UDALL of Colorado, Mr. FROST, Mr. FRANK of Massachusetts, Mr. BAIRD, and Mr. CUNNINGHAM.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3473: Ms. EDDIE BERNICE JOHNSON of Texas.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, TUESDAY, FEBRUARY 24, 2004 No. 20

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAXBY CHAMBLISS, a Senator from Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and glory, we owe You far more than we can ever repay. Thank You for Your gift of abundant life and freedom from the chains of evil. Thank You also for the love of family, for the joy of health, and for the challenges that make us stronger.

Lord, deliver us from pride and ingratitude. Inspire our leaders with Your presence. May each Senator enable You to lay the foundation for every decision he or she makes. Protect these leaders as they come and go.

Continue to keep each of us from falling. Empower us to be faithful to our high calling to be Your sons and daughters. Bless our military and all who risk their lives for freedom. We pray this in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAXBY CHAMBLISS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 24, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAXBY CHAMBLISS, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CHAMBLISS thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. ENSIGN. Mr. President, today the Senate resumes consideration of the motion to proceed to S. 2061, the OB/GYN medical malpractice bill. Senators who wish to speak on the bill are encouraged to come to the floor during today's session. The Senate will recess from 12:30 until 2:15 for the weekly party lunches.

At 5 p.m. the Senate will vote on the motion to invoke cloture on the motion to proceed to the bill. As a reminder, last night the majority leader filed cloture on the motion to proceed to S. 1805, the gun liability bill. The cloture vote on the motion to proceed to the gun liability bill will occur on Wednesday.

I ask unanimous consent that the time until 12:30 p.m. be equally divided between the two managers or their designees; provided further that the time from 2:15 until 4:50 p.m. be equally divided in the same manner; with the final 10 minutes prior to the 5 p.m. cloture vote equally divided between the two leaders or their designees, with the majority leader in control of the final 5 minutes.

Mr. REID. Mr. President, this is an equitable distribution of time and will save a lot of confusion. We therefore agree.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTHY MOTHERS AND HEALTHY BABIES ACCESS TO CARE ACT OF 2003—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to consideration of S. 2061.

Mr. ENSIGN. Mr. President, I wish to make a few opening comments on the medical liability bill. Last year we had a debate in the Senate on proceeding—not voting on but proceeding—to an overall medical liability reform bill. That vote was 49 to 48 in favor of going to the bill. Unfortunately, the rules of the Senate provide that one needs 60 votes. Otherwise, a filibuster, as it is commonly referred to, is continued. You cannot proceed to debating the legislation or to votes or amendments.

There are currently 19 States, according to the American Medical Association, that are in crisis. Nineteen States are experiencing some kind of crisis with their medical system because of problems with medical liability insurance. All but 5 States of the remaining are showing some problems, the type of problems that have led to those 19 States being in crisis.

We had the vote last year and couldn't get it done. Senator GREGG and I have introduced the bill before us today, the Healthy Mothers and Healthy Babies Access to Medical Care Act. This bill limits the scope of reform of the medical liability system to the practice of obstetrics and gynecology and the doctors involved in those practices.

Using my own State as an example, at the University of Nevada School of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Medicine there has been a dramatic decrease in the number of medical students deciding to go into obstetrics. This is happening at a time when Nevada is the fastest growing State in the country. Southern Nevada—Las Vegas, in particular—is by far the fastest growing metropolitan area in the Nation. Not only are we not adding the OB/GYNs we need, we are actually losing them.

The other side will argue that the General Accounting Office did a study and determined that doctors are not giving up their licenses. They said that doctors are not leaving their States.

The problem with what the General Accounting Office did is, they went to the State boards and only did a survey of licenses. I was a practicing veterinarian and still have a license in veterinary medicine. Once you have a license, you never give it up because you never want to take the exam again. So when the General Accounting Office asked the State board of medical examiners how many doctors have given up their licenses, and they found out nobody had given up their licenses, that should not surprise anybody because they are not going to give them up. That does not mean these doctors are not quitting practice in Nevada and other States—Pennsylvania, West Virginia, Washington State, Mississippi, and many others around the country. It means they haven't given up their licenses because they don't want to take the exam again. But they are limiting their practices. And many of them are leaving those States that are affected.

Several years ago, California gave us a good model. California is right next to my State of Nevada. California passed what is known as MICRA. It is a medical liability reform bill. Luckily, they passed it back then because the trial lawyers have become so powerful across the United States that you could never get the same piece of legislation passed in California. That would be a shame because it has worked so well. It is the model around which we built the legislation on the Senate floor today.

In California—Los Angeles, for example—OB/GYN medical liability insurance is somewhere a little over $50,000 a year. In Las Vegas, where we don't have and haven't had this wonderful MICRA law on the books, premiums can run anywhere from $110,000 up to $200,000 a year. Not only that, they are telling the doctors in Las Vegas, you have to limit the number of deliveries you do, especially if you are practicing on high-risk deliveries.

If you are a woman who has a high-risk pregnancy, you want the best possible doctor you can get. Unfortunately, those doctors are having to limit their practice or retire or leave the State because they cannot afford medical liability coverage any longer.

This is a crisis—a crisis of access to health care for women who need the health care, women who are in search of gynecological services or women who are about to deliver babies. The stories—there are many of them—are tragic in many circumstances.

This is, by the way, only one area of our health care system that is in crisis. Trauma is another place, and we are going to address that later this year—emergency rooms. As a matter of fact, the level I trauma center in Las Vegas closed a couple of years ago because the doctors could not afford to practice there because of the liability. There were so many lawsuits—not lawsuits that actually had merit to them; some of them did but most of them did not. Because of the potential liability, the doctors said we cannot afford to work here. So the level I trauma center that serves a four-State region had to close. That is the same level I trauma center, for those who followed the national news this last year, where Roy Horn of Siegfried and Roy was treated after the tiger had attacked him. It is an excellent level I trauma center. It saves many lives.

We had a press conference last year where a woman whose father was in Las Vegas and had an accident while the level I trauma center was closed. He had to be transferred to another hospital, and because of the delay in treating him, we could definitely argue that this man would be alive today if the trauma center had not closed. That trauma center was only closed for 1 week, and it was closed for that reason. The State of Nevada stepped up; our Governor stepped up and said we will cover that trauma center under the laws of the State of Nevada.

What are the laws of the State of Nevada? It has a $50,000 cap of liability—total cap. Not $50,000 for pain and suffering but a total cap of $50,000. That is not even close to what this bill says. This bill has a $250,000 cap on noneconomic, nonmedical damages. You can still get all the economic damages you would have incurred; for instance, loss of income or other types of economic damages. You can get all of the medical coverage you would need. It is just that $250,000 cap on pain and suffering awards. Those are the awards we have seen that are getting outrageous all across America.

That level I trauma center, luckily for Roy Horn, was open. Without the type of intense care you can receive in a trauma center, Roy Horn, I think it could be argued, would not be with us today.

Mr. President, even though we have limited this bill to the practice of obstetrics and gynecology, we do have a much bigger problem in this country, a problem that must be addressed. We are in a political season today. We know that. It is an election year for the President, the Senate, and the House, and there is a lot of politics going on. Some people say: You guys are just doing this with OB/GYNs to make a political issue out of it.

If people want to stand up and say that they don't want to fix the problem happening with access to care for women and children, then I guess that is a political issue. I think it is a legitimate political issue. People need to know where Senators stand. They need to know where our Presidential candidates stand on issues of this importance. I believe that when they find out where candidates stand, whether they are incumbents or challengers, this issue will make a difference in their vote come November.

It is that important to our overall quality of life in America. I believe it is wrong that we have to have people moving, or not moving, from State to State because they cannot get access to quality care because the medical liability costs are too high—one reason versus another reason.

Some States have enacted good reform. Colorado and California are the best examples. My State enacted a bill, but, unfortunately, it will take several years before we know whether that bill will withstand challenge in the courts. Also, there were two huge loopholes in that bill that the trial lawyers were able to get in that you will be able to drive a truck through. That is why many in the medical community in Nevada are trying to close those loopholes.

We need enactment at the national level. Sixty percent of all medical bills are paid by the Federal Government between Medicare, Medicaid, and veterans. It is a national priority. We must get this medical liability crisis under control so that our trauma centers are not closing, so that women have access to their OBs, gynecologists, and nurse midwives, who are also covered under this bill. They sometimes get left out of the discussion, but they are a very important part of our health care delivery system in this country and delivering healthy babies.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from Nevada. I know of his personal interest in this issue. He has offered legislation before. Today we are considering S. 2061, which has been offered initially by Senator GREGG of New Hampshire and Senator ENSIGN.

It is important to note that this bill, which was brought directly to the floor, has not been the subject of any committee hearings. In fact, there has been no effort, to my knowledge, to sit down and find a bipartisan compromise or sponsorship for this legislation. This bill was presented to the Senate a few days before we went into recess, and now it is being called this day.

What is interesting, as well, is that there are announcements from the Republican leadership that we will quickly move after the vote on this bill to other issues, and they have been enunciated.

The point I want to make is this: I don't believe this is a constructive effort that leads us to a solution to a national problem. This, instead, is a bill

being called for one reason only: To get a rollcall. It is a bill being called today to put Senators on the spot. Vote yes; vote no. Why? Because, frankly, there are some on one side of the issue who want to demonstrate that they are concerned. So they are bringing a bill to the floor. They want a rollcall so they can say to those who are looking for some change and for some legislative progress: See, we moved quickly on this. We brought a bill to the floor and, darn it, it didn't pass. We will try to get to it later in the session.

From my point of view, that is not the way to approach this. We should have dealt with this in good faith and constructive, bipartisan effort to try to find a solution to a serious national problem. But that is not the case. Instead, we are having a head-on collision between the trial lawyers on one side and the doctors on the other side.

I come to this debate as someone who had a little bit of experience in this issue a long time ago. Before I was elected to Congress 21 years ago, I was a practicing lawyer. I used to defend doctors who were sued for medical malpractice. I did that for 5 or 6 years. I came to understand the nature of these lawsuits and how complicated and painful many of them are. Then I was on the other side of the table, representing patients who went into a doctor's office or a hospital and were injured and they sought compensation because of these injuries. So I have seen both sides of the issue. I come to this debate with the belief that we need to bring all of the parties together to find a solution. What we have with this bill, I am afraid, does not come close to addressing a serious national issue.

Mr. President, I see that the Democratic leader, Senator DASCHLE, has taken to the Senate floor. I planned on giving a rather lengthy speech. At this point, I would like to yield the floor to the Senator from South Dakota and then I can resume after he is finished.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Illinois for his courtesy, and I appreciate very much the leadership he has provided. He has said on many occasions that it is imperative we address this issue in a meaningful, comprehensive way. Senators on both sides of the aisle recognize that this situation will not resolve itself; that it must be addressed. But like him, I share the concern that the bill before us just doesn't do that.

Last year, the Senate was asked to consider a bill that promised to reduce insurance premiums for doctors by restricting the legal rights of injured patients. That bill was rejected by a strong bipartisan margin in the Senate for one simple reason: It was a sham. It put the profits of insurers ahead of the rights of patients, while offering doctors no real relief whatsoever.

Today we are being asked to consider yet another bill that seeks to close the doors of the courthouse to victims of malpractice, this time under the guise of expanding health care access for women and infants.

Once again, the Senate should reject this bill for what it is: a maneuver designed to protect nothing but the profits of insurance companies, HMOs, pharmaceutical companies, and medical device manufacturers.

Democrats and Republicans agree that skyrocketing malpractice insurance premiums are a serious challenge. Too many doctors, especially obstetricians and gynecologists, are being forced to pay exorbitant premiums because of the arbitrary actuarial formulas of insurance companies. This is a national problem, and it demands our attention. But like last year, this bill actually does nothing to help doctors. Despite the claims of the insurance companies, every piece of available evidence shows that capping damages has absolutely no impact on the cost of malpractice insurance.

According to the Medical Liability Monitor in a sampling representative of all States with caps on damages, malpractice insurance premiums for OB/GYNs actually increased by as much as 54 percent in 2003. In States without caps on damages, OB/GYN premiums increased no more than 14 percent in 2003. Many States without caps saw no increases whatsoever.

We have a situation, again documented by the Medical Liability Monitor, that States with caps saw increases of as much as 54 percent last year. States with no caps saw increases of no more than 14 percent last year.

A recent study by the Weiss rating organization found that caps on noneconomic damages failed to result in lower premiums for doctors, despite the fact they did reduce the amount insurers had to pay out to victims. Insurers merely kept the savings for themselves and left doctors to fend for themselves.

In the months since we last discussed this issue, the GAO and the CBO both released reports demonstrating that the primary factor driving insurance premiums higher is not malpractice awards, but the insurance companies' desire to recover their investment losses. After trying to pass on the cost of their bad investments to doctors, they are now trying to do the same thing by limiting the rights of injured patients.

Even the insurance industry admits that caps will not protect doctors from higher insurance premiums. A press release published on March 13, 2002, by the American Insurance Association stated:

> Insurers never promised that tort reform would achieve specific premium savings. . . .

Just last year, Bob White, president of the largest medical malpractice insurer in Florida, stated:

> No responsible insurer can cut its rates after a [medical malpractice tort ''reform''] bill passes.

Take it from the insurers themselves, no doctor should expect lower insurance rates as a result of this bill, and no woman should expect greater access to health care for themselves or their babies.

What women should expect, on the other hand, is a two-tiered legal system that restricts their rights in the courthouse if they are hurt by the negligence of a doctor, HMO, drug company, or medical device manufacturer.

This bill is unjust. It restricts women's access to the legal system while preserving it actually for men.

Under this bill, if a man shows signs of lung cancer and his illness is misdiagnosed due to the negligence of his doctor, he can recover damages to compensate him fully for his injuries. But if a woman with cervical cancer suffers the same negligence, her damages will be arbitrarily capped. If a man is prescribed defective blood pressure medication by an internist, he can recover full damages. But if a woman is prescribed blood pressure medication during pregnancy that causes blood clots, her damages will be capped.

The real problem with this bill is not merely that it values the injuries of men and women differently, as troubling as that is, the real problem is that it presumes that politicians in Washington are better able to determine how to compensate injured patients.

Every year, tens of thousands of women and infants are injured at the hands of OB/GYNs.

Nine years ago, Colin Gourely of Nebraska suffered complications at birth due to his doctor's negligence. Today, he has cerebral palsy and is confined to a wheelchair. In his short life, he has needed five surgeries to correct bone problems and sleeps in a cast every night to prevent further orthopedic problems.

Shannon Hughes from South Carolina was in the middle of a difficult labor. Despite repeated calls, the doctor wouldn't come until her 35th hour of labor. It turned out that the umbilical cord was wrapped around her baby's neck cutting off oxygen. Today, Shannon's son, Tyler, is severely brain damaged and bedridden. He requires constant medical care and is fed through a tube.

When Alexandra Katada was born in McKinney, TX, the doctor stretched her spine, destroying her nerves, leaving her partially paralyzed. The baby's elbow was pulled from its socket and broken. She died 8 months later from her spinal injuries.

Let us be clear: No amount of money can compensate a parent for their child's pain, but malpractice awards are not simply about money. They are about offering victims a sense of justice, a way to hold accountable those responsible for their injuries or the death of their loved ones.

Some have said that without limits, the legal system looks more like a lottery. But no jury award could ever make the parents of Colin Gourely or Tyler Hughes or Alexandra Katada feel

that they were holding a winning ticket.

Malpractice awards are decided by juries and approved by judges. This is the same system on which we rely to decide life and death issues in capital cases. Why would we not trust our citizens to fairly evaluate how to deliver justice for the victims of medical malpractice?

Democrats are eager to work together with our colleagues to craft a real solution to the problem of rising malpractice premiums. But, once again, rather than working with us to craft a true compromise that would address the problems of increasing insurance premiums, the Republican leadership has decided to bring this bill to the floor with the same level of problems, the same concerns we had 7 months ago.

If our colleagues were serious about combating the rising cost of malpractice premiums, they would join us in supporting bipartisan legislation that includes both long-term and short-term solutions that directly address the rising premiums without harming injured Americans—solutions such as individual tax credits to offset costs when premiums rise sharply; reasonable limits to punitive damages; prohibitions against commercial insurers engaging in activities that violate Federal antitrust laws; sensible ways to reduce medical errors; and direct assistance to geographic areas that have a shortage of health care providers due to dramatic increases in malpractice premiums.

The Senate faced a similar situation discussing concerns about the rising terrorism insurance rates. Some thought then that the only solution was to undo the jury system. Instead, the Senate worked together and developed a bipartisan solution that fixed the problem and brought down insurance rates dramatically.

We should pursue the same model for addressing this problem as well.

There is no question that malpractice rates are a serious problem. Doctors and patients deserve a real answer. This bill is not it. I urge my colleagues to reject cloture.

I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from South Dakota because I think he has raised an important issue of concern in this debate and that is one I have initiated in my opening remarks. We need to have a constructive bipartisan conversation about a serious national problem. Instead, this bill, S. 2061, was introduced just a few days ago without a committee hearing, reference to committee, without any attempt to find common ground and find a solution. In fact, it is being called today so there will be a vote on record and nothing else. It is anticipated the bill will not go forward.

I spoke to doctors in Illinois over the weekend, doctors who share my concern about the medical malpractice premium situation in our State. I have told them what we are doing today is frankly a political exercise. It is an exercise to come up with a roll call vote so those on one side of the issue can go to their supporters and say, we have worked hard. We brought this bill to the floor, we have been stopped, and we cannot get back to it because we are so busy. Frankly, that is no solution. In State after State, including my State, there are areas where there are serious medical malpractice premium problems. They arise for a variety of reasons. Memorial Hospital in Belleville, IL, has lost numerous obstetricians and gynecologists in the last year due to rising malpractice premiums. Community leaders in that town, which I am familiar with—it is an area I grew up in—have come to me and said, this is a real source of concern. We are losing doctors. They are doctors who are leaving the practice to retire early, and I met one doctor in that circumstance. There are some who are moving to rural counties where the malpractice premiums are lower and they are further away, of course, from the people they originally served. Some are moving across the river to Missouri where they are finding malpractice premiums are a fraction of what they are in Illinois.

There is no doubt in my mind there is a serious problem that needs to be addressed. It is not just in the obstetrical/gynecological area. The OB/GYN issue is an important one, but there are other areas of need relative to trauma care, neurosurgery, and orthopedic surgery. The list is long and we need to address it in a serious and responsible way.

This bill, however, is being brought to us on a moment's notice. This bill is being brought to us in an effort to really check off the box that says, yes, we considered medical malpractice and now we are going to move on. That is unfair and it is unfortunate, and we can do better.

I will tell my colleagues a story about some of the situations I know of in my State. Eduardo Barriuso, who is a physician in the Humboldt Park area of Chicago, pays $104,000 a year for malpractice insurance. He earns about $175,000 because the patients he sees are poor patients, Medicaid and Medicare patients. Doctors who depend on Medicaid and Medicare are not wealthy individuals, but they perform a valuable function because if they are not there to serve the poorest of the poor, then who will?

This doctor says that faced with $104,000 in annual premiums and a $175,000 annual income, he cannot continue his practice, and he certainly cannot pass on the higher costs of medical malpractice insurance to his patients who are poor people.

Another Chicago area OB/GYN has announced he is going to study to obtain his pharmacist license. Right now he is paying $115,000 a year for liability insurance.

Let's go to the root cause of the issue. Why are we even debating this issue of medical malpractice? There are several reasons. First, the men and women who are engaged in the medical profession are some of the most important people in our lives, some of the most important people in America. These are men and women who at great personal sacrifice go to medical school so that they are trained and skilled to be there when we need them, when our families need them. Time and again, my family and most who are following this debate have turned to a doctor in the hopes that he or she can cure an illness, provide some hope, give people some reason to believe they can overcome a disease, disability, or an injury.

Doctors are so critically important to all of us and yet when one takes a look at a doctor's practice, at a doctor's skills, there is a human side to the equation. They are human beings. They do make mistakes. Some are simple negligence. Some are far worse. When these mistakes occur, when a patient is in a hospital or a doctor's office and the wrong thing is done and that patient is injured, what should happen? In most walks of life in America, we are held accountable for our actions.

If I decide this evening to take my car and go out speeding on a highway, strike another car and injure someone, I will be held accountable. I was negligent. I did not reach the standard of safety that is expected of me as a driver and I must pay the price. That is true for businesspeople, for individuals, for virtually everyone in America. It is certainly true for medical professionals. When they make a mistake by negligence or intentional misconduct, they can and should be held accountable. I think that is part of our system of justice. Very few, if any, people argue that is not a reasonable thing to do.

How serious then are the number of medical errors and medical malpractice cases that occur across the United States? Well, the most far-reaching study of the extended cost of medical errors in hospitals and doctors' offices was published by the Journal of the American Medical Association last October. This is a dispassionate, objective analysis of the likelihood of medical errors and medical negligence in America. The authors of the study analyzed 7.4 million patient records from 994 hospitals in 28 States, representing some 20 percent of all the hospitals in America. This was an exhaustive study.

They concluded medical injuries in hospitals ''pose a significant threat to patients and incur substantial costs to society,'' and ''are a serious epidemic confronting our health care system.''

A study in the Journal of the American Medical Association has told us as we go into this debate the first thing we can acknowledge is we have an epidemic of medical negligence in America. Now this was not the Journal of

the American Trial Lawyers. This was the Journal of the American Medical Association. They published a study that told us and warned us we have a serious problem in America.

The study found injuries in U.S. hospitals in the year 2000, for just one year, led to approximately 32,600 deaths, at least 2.4 million extra days of patient hospitalization, and additional costs of up to $9.3 billion. These injuries did not include adverse drug reactions or malfunctioning medical devices.

Dr. Carolyn Clancy, Director of the Agency for Health Care Research and Quality, called medical errors ''a national problem of epidemic proportions.''

This was at a hearing before the Government Affairs Committee last June. She said Congress and the Bush administration need to make sure health care professionals work in systems that are designed to prevent mistakes and catch problems before patients are injured.

According to the Institute of Medicine, the medical errors epidemic has caused more American deaths per year than breast cancer, AIDS, and automobile accidents combined. It is the equivalent to a jumbo jetliner crashing every 24 hours for an entire year.

More than 70 studies of the past decade have documented serious quality problems in medical treatment, yet this bill before us today, S. 2061, does absolutely nothing to address this underlying problem of patient safety. How can we in good conscience talk about a medical malpractice problem and conclude the only place we need look is to the courtroom, to the patient once injured who goes to the courthouse seeking some compensation, some accountability for an injury that was absolutely no fault of their own? Yet the bill before us is absolutely silent when it comes to making doctors' offices, hospitals, and patient treatment safer.

This last Sunday in the New York Times, an interesting article on patient safety was published. I ask unanimous consent that the article be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 22, 2004]

RUNNING A HOSPITAL LIKE A FACTORY, IN A GOOD WAY

(By Andrea Gabor)

On the face of it, SSM St. Joseph Health Center, a small hospital in suburban St. Louis, does not seem very revolutionary in business terms. The hospital is a nonprofit institution run by the Franciscan Sisters of Mary. The chief executive, Alan Kevin Kast, is a former seminarian who begins his meetings with prayer and refers to his hospital as a ministry. A crucifix hangs in every room.

Yet St. Joseph is also guided by worldly objectives. The 364-bed hospital, part of SSM Health Care, which has 20 hospitals in four states and is led by Sister Mary Jean Ryan, is in the vanguard of health care change. By using the quality and productivity techniques that helped strengthen American industry in the 1980's, the hospital has improved patient care and reduced medication errors, waiting time in the emergency room and infection rates. It has even sharply reduced nursing turnover, which prevents many hospitals from delivering consistent care.

Other hospitals are also starting to use some of the techniques that have made industry more efficient in its quest to improve quality and save money. Every year, preventable medical errors cost $9 billion, and tens of thousands of lives, according to a recent study by the Agency for Healthcare Research and Quality, part of the Department of Health and Human Services, and Johns Hopkins University.

Whether in industry or in health care, a quality strategy ''gives a unified vocabulary for thinking about production as a system with a focus on customers,'' said Donald Berwick, founder of the Institute for Healthcare Improvement, an advocacy organization based in Boston.

Many hospitals are using a road map provided by General Electric, which has been selling its productivity-enhancing, cost-cutting elixir known as Six Sigma, along with medical imaging equipment, to hospitals around the country. Six Sigma is a statistical measure that can be applied to any industry and refers to a goal of reducing errors to 3.5 parts per million. Two years ago, for example, the North Shore-Long Island Jewish Health System contracted with GE Medical Systems and the Harvard School of Public Health to help start a leadership training center. Similarly, after close to a decade of cost-cutting, the Yale New Haven Hospital also recently signed up with GE.

New devotees of quality are beginning to measure and analyze everything from waste and waiting time to infection rates and the narrow avoidances of mistakes in treatment, as well as organizational barriers to improvement.

In a culture ruled by a fear of malpractice, the focus on quality involves a shift from secrecy to transparency—including reporting and dissecting mistakes.

That shift may be helped by a provision of the Medicare legislation passed in December that withholds a small part of Medicare payments if a hospital refuses to disclose quality data. ''It's not a lot of money, but it's incredibly historic,'' said Robert Galvin, director for global health care of G.E. and a founder of the Leapfrog Group, an industry consortium aimed at improving health care.

A few hospitals, including Dartmouth Hitchcock Medical Center in New Hampshire and the nine hospitals that form the Wisconsin Collaborative for Healthcare Quality, have begun to publish comparative quality data on their Web sites, including statistics like mortality rates.

At St. Joseph, where a quality strategy was first embraced in the late 1980's, measurement, standardization and analysis are obsessions.

''When I came here, everything was done differently,'' said Filippo Ferrigni, who has led the hospital's intensive care unit since 1987. ''We didn't even measure blood pressure the same way in everyone. We decided we needed to have internal standards for measurement of at least blood pressure, pulmonary artery pressure, temperature, the fundamental building blocks of medicine.''

The quality push at St. Joseph and the other hospitals in the group has led to systemwide benefits. In 1999, the company was in the red, but in 2002 it had net income of $17 million, on revenue of $1.8 billion. Amid nationwide nursing shortages, it lowered annual turnover to about 10 percent in 2002 from 15 percent in 2000. The national average turnover rate is more than 20 percent.

At St. Joseph, the zeal for quality improvement is helping the sickest patients. When Dr. Ferrigni read an article in a recent issue of The New England Journal of Medicine linking high glucose levels to an increased chance of infections, he knew that he had found his next big opportunity for improving patient care. Infections acquired in hospitals and intensive care units are common, according to a report released in December by the government's Agency for Healthcare Research and Quality; about two million patients are infected each year at a cost of more than $4.5 billion.

The stress of illness results in higher gluclose levels for most patients—not just those with diabetes. Dr. Ferrigni decided to see if lowering glucose levels in the intensive care unit by giving patients intravenous insulin would lower infection levels. Initially, the project ran into ''tremendous resistance,'' he said. Doctors were concerned that giving patients insulin might result in brain injury and seizures. Dr. Ferrigni, however, persuaded his colleagues to allow him to gradually reduce blood sugars of patients in the intensive care unit. As blood sugars declined among the patients, overall mortality in the unit declined by 40 percent.

The results were so astonishing that the hospital decided to make the reduction of glucose levels for all patients, not just those in intensive care, a quality goal. Today, all patients are given glucose tests and, if necessary, get insulin. Hospitalwide, that change is credited with reducing deaths over all, not just from infections, by 28 percent from the average recorded from 1998 to 2001.

Because each serious infection costs about $35,000, the savings are also huge. ''This is the single most important leverage point for reducing mortality that's available to hospitals,'' Dr. Ferrigni said. ''This is incredibly powerful stuff.''

The effort, however, also demonstrated a major organizational challenge. ''Doctors write the orders, but nurses have to make it work,'' Dr. Ferrigni said, explaining that the glucose initiative significantly increased nurses' workloads.

Blood sugar, once measured four times a day, now must be measured 12 times a day in intensive care. Once nurses saw the impact of the glucose testing, however, ''they got all over it,'' Dr. Ferrigni said.

Some of the greatest quality challenges involve persuading employees in various departments to cooperate. Consider the effort, known as 30/30, to cut waiting time in emergency rooms. The goal is to evaluate patients with life-threatening illnesses or injuries in just 30 seconds and to reduce the time needed to admit patients to a hospital bed from the emergency room to 30 minutes.

Improvements in the emergency room involved a number of departments. When X-rays were needed, it often took an hour for an X-ray technician to get to the emergency room. To solve the problem, one X-ray technician was permanently transferred there. Or, in admitting psychiatric patients, the hospital had to wait for an evaluation by an outside psychological social worker before moving patients out of the emergency room, a process that averaged 90 minutes. To reduce the wait, the hospital hired a psychological social worker.

Within two years, SSM St. Joseph has met its objectives in the emergency room 94 percent of the time, up from about 65 percent when the project began. To help keep the organization from becoming complacent, patients receive a coupon for $10 of groceries when SSM misses its 30/30 target. The hospital spent $14,450 in 2003 on coupons.

The hospital now spends about $200,000 more each year on increased emergency-room staffing. But a jump in admissions has

more than made up for that cost. In 2002, St. Joseph garnered about 68 percent of all new emergency room admissions in St. Charles County. After years without growth, the hospital also had a 7 percent increase in patient admissions in general in 2001, and the same increase in 2002.

Some major health care institutions, like Johns Hopkins and the Mayo Clinic, have been pursuing quality initiatives for years, but generally the mantra has been slower to penetrate big institutions.

Large teaching hospitals, which juggle teaching, research and patient care, have special challenges. Because of their residency programs, many of their doctors are temporary. At Yale-New Haven, one big question is whether a hospitalwide quality effort can succeed when only 10 percent of the hospital's 2,600 physicians are full-time. The rest are community physicians or professors at the School of Medicine.

The hospital began its Six Sigma effort in the intensive care unit, which had its own staff of nurses. The project involved reducing a relatively high rate of blood-stream infections that occur in patients who have catheters.

When management broached the subject with Heidi Frankel, director of surgical critical care at the hospital and a doctor at the Yale School of Medicine, she was skeptical. ''This isn't an assembly line; it's an I.C.U.,'' Dr. Frankel recalled saying. ''But it turned out to be a brilliant and inspired thing to use rigid corporate improvement techniques in a patient model because there are many things we do that are repetitive, and that we could standardize.''

After winning over fellow doctors and residents, Dr. Frankel standardized the catheterization procedure and created a training video for the regular influx of new residents. During the last year, the surgical intensive care unit cut its catheter-related infection rates by about 75 percent. A rigorous quality strategy appeals to many hospitals not only because it controls costs, but also because it can improve care. But the process can take years to master. That is why, at St. Joseph, the true believers would also recommend a little prayer.

Mr. DURBIN. Let me just note a few things about it. It is entitled ''Running a Hospital Like a Factory, in a Good Way.''

The article tells a story of a hospital in suburban St. Louis, the SSM St. Joseph Health Center. It is a very complimentary article. The hospital is a nonprofit institution run by the Franciscan Sisters of Mary and the chief executive, a former seminarian, has really decided to make St. Joseph's Hospital different. They have decided they are going to go after quality control and the reduction of patient injuries and accidents at their hospital. They are using techniques that are used by private industry. I will quote from the article:

Other hospitals are also starting to use some of the techniques that have made the hospital industry more efficient in its quest to improve quality and save money. Every year, preventable medical errors cost $9 billion, and tens of thousands of lives, according to a recent study by the Agency for Healthcare Research and Quality, . . .

So this hospital, St. Joseph's, in suburban St. Louis, decided to consult with General Electric, a major corporation, to find a way to make the services they offer to their patients better. They are using a process called Six Sigma. It is a statistical measure and refers to the goal of reducing errors to 3.5 parts per million. What they found is this:

New devotees of quality are beginning to measure and analyze everything from waste and waiting time to infection rates and the narrow avoidances of mistakes in treatment, as well as organizational barriers to improvement.

The article says:

In a culture ruled by a fear of malpractice, the focus on quality involves a shift from secrecy to transparency—including reporting and dissecting mistakes.

Let me go on in the article. They noted here one specific example. The New England Journal of Medicine had linked high glucose levels to an increased chance of infection, so this hospital decided, particularly in the emergency room and for critical patients, to continue to monitor their glucose levels to avoid the incidence of infection. The blood sugars declined among patients when they started monitoring them and administering insulin to keep blood sugars down. Simply by using this quality approach to reduce the likelihood of infection, this hospital reduced the overall mortality in the intensive care unit by 40 percent. The results were so astonishing that the hospital—and I quote again:

. . . decided to make the reduction of glucose levels of all patients, not just those in intensive care, a quality goal. Today, all patients are given glucose tests and, if necessary, get insulin. Hospitalwide, that change is credited with reducing deaths overall, not just from infection, by 28 percent from the average recorded from 1998 to 2001.

Blood sugar in this hospital, once measured four times a day, now is measured 12 times a day.

Those who follow this debate and will read this article in the CONGRESSIONAL RECORD I think will understand the point I am trying to make. If we are going to reduce the likelihood of doctors being sued for malpractice, the first stop in that conversation should be the reduction of medical errors. If we do that, we are serving two goals: reducing doctors' exposure to malpractice and we are making certain that patients will go through their medical experience with a much better outcome.

You would think that would be the first title in this bill, ''Reducing Medical Accidents, Reducing Medical Errors.'' This bill does not even address that. This bill says that after you are injured, after you have gone to court, after you have successfully been given a verdict, this bill is going to restrict and reduce the amount of money you can recover.

From an insurance company's point of view and the view of some doctors, that is good enough. But from the viewpoint of making American hospitals and medical practice safer, that is hardly the place to start. Frankly, this bill does not address the core issue.

Mr. CORNYN. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield for a question.

Mr. CORNYN. In my own State of Texas, that passed a constitutional amendment along with implementing legislation to reduce the cost of medical liability insurance, we have seen reductions offered by medical liability carriers of 12 percent in one case and projected to be as much as a 19 percent reduction in medical liability insurance costs.

While I certainly would agree with the Senator from Illinois that reduction of errors is an important goal, would he not find a reduction of medical liability insurance rates of 12 to 19 percent one way to reduce the cost of health insurance and health care generally, in a way that would benefit the public generally?

Mr. DURBIN. I thank the Senator from Texas. I am aware of his State's experience. I am not an expert on it, but I read a little bit about it.

I will say to him I will be citing some statistics in the course of my remarks that will show that the caps on recovery for victims of medical negligence have reduced premiums in some States but not in others. It is an unpredictable outcome, when you reduce the exposure of a doctor for his malpractice, as to whether or not the cost of medical malpractice premiums goes down.

I would further say to the Senator from Texas, if our goal is simply to reduce medical malpractice premiums, frankly, we could stop people from suing in court. We could basically say you can't go to a courthouse if you are a victim. Malpractice insurance would cease to exist in that case.

What we are trying to do here is find a balance, a balance that is just and fair and says if you are an innocent victim of medical negligence, you are entitled to a day in court and a reasonable recovery. That doesn't mean you can come in and expect punitive damages in every instance, or some enormous verdict in every instance, but we should be able to say that if you are a victim, you will be able to recover a reasonable amount for your injuries.

I say to the Senator from Texas, in this bill, this jury of the Senate has decided that we know the maximum amount any woman or baby should be entitled to recover in a medical malpractice action for noneconomic losses. We are saying here that, regardless of the facts, regardless of the culpability of the doctor, regardless of the circumstances, regardless of how serious the injury is, the maximum amount which the jury of the Senate will render in verdict for the victim is $250,000 for pain, suffering, and disfigurement.

I say to my friend from Texas, there are some who say that is just the price you have to pay; if you want to keep malpractice premiums down, you are going to have to say in some circumstances there is going to be an outcome that makes us feel a little uncomfortable. I am going to give examples of specific cases where $250,000 in

pain and suffering is not even close to compensating the family and the child who are the victims of malpractice in these OB/GYN circumstances.

Mr. CORNYN. Will the Senator yield for a further question?

Mr. DURBIN. I am happy to yield without yielding the floor.

Mr. CORNYN. The Senator from Illinois makes an important point, and that is there will invariably be one or two, perhaps, cases, or a handful of cases, or an example you can point to where a $250,000 limit on noneconomic damages might seem to be too low. But would the Senator agree that what we are trying to do is use a rather indirect means to try to accomplish a greater good for the patients who are denied access to health care?

For example, in 154 of the 254 counties in my State, a woman cannot find a baby doctor to deliver her baby because of the cost of malpractice insurance. Many obstetricians simply decide to give up and retire or to move someplace else where malpractice liability rates are lower.

While the Senator no doubt can find an example where the amount is lower than a jury perhaps might award, why shouldn't we take a step in the direction of bringing some predictability and thus bringing some reasonableness in reducing the rates for liability insurance so people can have access to doctors where they live?

Mr. DURBIN. The Senator from Texas makes an excellent point. I think that is the reason, I would say to my colleague, why once this bill is defeated—and I hope it is defeated—once it is defeated, we really have a responsibility here.

We come from different sides of the political spectrum. We are about as far apart as they come in this Chamber in terms of our political philosophy, but I think we both can see there has a been problem. The medical malpractice premiums in parts of your State and parts of my State have reached record high levels. These premiums are forcing my good doctors in Illinois to retire, move away to another State or to an area that is friendlier when it comes to the cost of the premiums. There is a denial of coverage. There is a denial of services to a lot of poor people in Texas, Illinois, and a lot of other States.

Shouldn't we come together instead of a take it or leave it bill that has never been referred to the Senate Judiciary Committee, never been the subject of a hearing, does not address issues of medical safety and other issues we can agree should be part of this conversation? Shouldn't we at the end of this debate on this bill sit down and honestly try, on a bipartisan basis, to find common ground and compromise that would serve the goal the Senator is suggesting, the greater good, to make sure these good doctors across America will be there when we need them?

I thank the Senator from Texas.

Mr. CORNYN. If the Senator will yield for a final question.

Mr. DURBIN. I am happy to yield.

Mr. CORNYN. I appreciate the spirit in which the comments are offered by the Senator from Illinois, because this is a subject where we do need to have a rational debate. Unfortunately, because we cannot get 60 votes to allow the floor debate and actually vote, we are engaging in a hypothetical exercise.

Wouldn't the Senator from Illinois deem it important for this body to have a realistic, rational debate and ultimately vote to see what the will of this body and the people we represent is when it comes to trying to get some handle on reducing the costs of liability insurance so more mothers can have access to obstetricians and more people can have access to health insurance by reducing health insurance costs?

Mr. DURBIN. I agree with the Senator from Texas. I thank him for his comments which I believe are good-faith comments.

In my rank on this side, I do not set the calendar of how bills are determined; your leader, Senator FRIST, does that. I suggest the best place to start is not on the floor of the Senate but for a group, on a bipartisan basis, to try to come up with an honest answer to this issue and bring it to the floor and stand together to try to pass this bill in a responsible way. Simply bringing a bill, take it or leave it, a few days, no committee hearings, does not serve the needs we are addressing.

I see a few other colleagues on the floor so I will go through a few points quickly and return to the Senate later in the day if there is an opportunity.

This particular bill does not address the problems of malpractice premiums in an honest fashion. The problem with malpractice premiums is a cyclical insurance problem. We have had crises before with high premiums in the 1970s and 1980s. Many States passed changes in the law to address this, some in tort reform and some in insurance reform.

This bill does not even look at the insurance companies that are offering medical malpractice insurance. What it is basically saying is that we are not even going to ask the question as to whether these companies are overcharging doctors and hospitals. Instead, we are going to say that the only culprits, the only people who are at fault in this conversation, are the victims of medical malpractice. They are the ones who have to tighten their belt, take fewer dollars. We will not even consider in 2061 asking that the insurance companies be held accountable for their own conduct and ask whether they are gouging us when it comes to prices.

How can we have an honest discussion of the medical malpractice issue without addressing medical safety, without asking these important questions of the insurance company?

This bill does not address frivolous lawsuits. The proponents of tort reform claim frivolous lawsuits are at the root of the problem. This bill does not do anything to cut down on the number of such suits but only punishes those who make it to court.

Keep this in mind: If a lawsuit is worth $250,000 in noneconomic losses, which is the maximum under this bill, this is a lawsuit where the plaintiff clearly has a cause of action which a jury or judge has decided is a worthy cause of action worth compensation. These are not frivolous lawsuits that would have $250,000 in noneconomic losses. Something happened. A patient went to a hospital or to a doctor and was injured wrongly.

This bill is saying we are not going to address frivolous lawsuits. We will basically say those who are entitled to recover are limited in the amount they can recovery.

One of the worst parts of this bill, we will hear arguments in the Senate that we need OB/GYNs across America and without these doctors to deliver babies we will be at a disadvantage. Frankly, no one can argue with that. But when we read the bill, it is about more than doctors. This bill, like the last one we considered last year, has been expanded to provide protection against lawsuits filed against pharmaceutical companies and medical device companies.

We are finding, time and again in the Senate, whatever the issue, the Republican side of the aisle insists there be at least one provision in every bill that is going to benefit the drug companies of America. In this situation they are saying these drug companies should not be held accountable for the damages and injuries caused by their products involved in OB/GYN practice.

Why would we do this? Why would we decide we are going to exempt them from exposure, liability, and accountability for some of the drugs and devices that are being used across America that cause injury to innocent people? That is exactly what they do.

Let me give some examples of the types of litigation that would have been eliminated by this bill, had it been in law. The Dalkon Shield was an IUD on the market in the early 1970s and caused thousands of women to suffer miscarriages, loss of their female organs, and infertility. It took eight punitive damage awards to force the manager of the Dalkon Shield to finally recall the product. It was not a law passed by Congress. It was a lawsuit filed against the company because of their dangerous product; 400,000 claims were eventually filed against A.H. Robins, the manufacturer of Dalkon Shields. Evidence established that Robins, the device company, knew that its IUD was associated with high rates of pelvic disease and septic abortion and that this company had misled doctors about the device's safety and had dropped or concealed studies on the device.

Why in the world we would protect this brand of reckless, irresponsible corporate behavior with this bill? The honest answer is because politically

the pharmaceutical companies and the medical device companies have a death grip on this Congress. They get what they want. We saw that when we considered the prescription drug bill for seniors and we are seeing it again. There is not a bill that comes through here, not one that passes through the traffic in the Senate, where somebody is not looking for a way to increase the profits and reduce the liability of pharmaceutical companies. This is a further illustration of it.

There are other things I could point out, drugs or devices that have been used. Let me give one from the State of Georgia. A&A Medical, a Georgia-based manufacturer of OB/GYN devices such as forceps, failed to sterilize tens of thousands of devices from 1999 to 2002, posing life-threatening injuries to women. Former staff of this company told FDA investigators that sterile and nonsterile devices were routinely shipped in the same batches. A month after urging the company to voluntarily recall its products, the FDA seized and destroyed the company's inventory. The owners of A&A Medical left the country after the seizure.

These are the kinds of companies we are trying to protect with this bill? This is not a question about whether a doctor could deliver a baby in Texas, Connecticut, Ohio, or Alabama. It is a question about whether or not these companies will be held accountable for their wrongdoing.

There is an approach that can be used and should be used that can bring a positive outcome. Senator LINDSEY GRAHAM from the State of South Carolina and I have introduced bipartisan legislation. We have worked to try to include in this legislation the key elements that we think are necessary for medical malpractice reform. Let me tell you what they include.

First, dealing with medical safety, establish a voluntary system to share medical error information among providers and patient safety organizations. The information shared will be immune from legal discovery so there is some transparency in what occurs but no liability, so a greater likelihood they would exchange information.

Also, consistent with the Institute of Medicine, the bill creates a new center for quality improvement. We provide immediate relief for doctors and hospitals.

If there is one point I make, it is this: If Senators are hearing back home that medical malpractice premiums are too high and that you should vote for this bill, keep in mind what Senator ENSIGN of Nevada said in the debate we had a few months ago on a similar bill. Capping noneconomic losses will not reduce medical malpractice premiums for doctors for 4 to 6 to 8 years. Why? Because there is a long tail of liability. Doctors' acts today that constitute negligence can result in court suits tomorrow, next year, and for years to come when those injuries are finally discovered. If we cap noneconomic losses today, there will not be a relief for doctors in their medical malpractice premiums for years to come.

Senator GRAHAM and I considered that and said we have to deal with this directly. And dealing with it directly means offering a tax credit, particularly to those doctors in specialties where the premiums have gone too high. Doctors today deduct the cost of medical malpractice premiums from their business expenses.

We would go further and offer to doctors and hospitals a tax credit when their premiums skyrocket. That is the only reasonable way to provide immediate relief. We have given tax breaks to a lot of wealthy people across America under this Bush administration. Why can't we, when it comes to the medical professionals, say they should have a tax credit so that skyrocketing premiums do not force them out of business into retirement or to move their practice?

In our legislation, we reduce frivolous lawsuits. We put in the Durbin-Graham bill penalties for attorneys who file frivolous lawsuits: The first time, damages; the second time, even more expense; and the third time we would subject them to losing their license to practice law for a frivolous lawsuit. There is no reason any doctor or any person, for that matter, should be subjected to a lawsuit which ties them up at great expense, costs their insurance company money, and raises their premiums when, in fact, that lawsuit is frivolous. There are few of these, but there should be none. We think there should be a penalty for those who take advantage.

We also stop any competitive activities by insurers under the McCarran-Ferguson Act, and we provide resources to help hard-hit areas of doctor shortages, particularly rural and inner-city areas, through the Department of Health and Human Services.

We also address the issue of reinsurance. This is a topic we never talk about. Most medical malpractice premiums are charged against the initial liability which is usually in the range of $1 million, and then the umbrella policy which covers all the damages which might exceed $1 million. Then companies are brought in, reinsurance companies, that sell the original insurance policy. These are the areas where we believe there is a need for reform.

Reinsurance costs are about 28 percent of medical malpractice premiums. Their prices swing widely. They are mainly international corporations subjected to little regulation. Frankly, since September 11, reinsurance costs have gone up dramatically across America.

As this chart illustrates, this is Hurricane Andrew; reinsurance costs spiked in America. Then they went back down again. This is 9/11. After 9/11, reinsurance costs have gone up. So why are these medical malpractice insurance companies charging higher premiums? Part of it is the cost of reinsurance. Senator GRAHAM and I address this and believe that we should create a Federal fund which deals with reinsurance, where there would be contributions from doctors, hospitals, and health care professionals, and we can see some stability in the amount that is charged.

This situation we have before us is clear. Caps don't work. This chart shows the percentage increase in median premiums for medical malpractice from 1991 to 2002, the States without caps, no limitations on recoveries in verdicts, and the States with caps are shown in red. You can see that Arizona, New York, Georgia, and Washington, with no caps, had very modest increases in malpractice premiums.

Take a look at California, which has a $250,000 cap, Kansas, Utah, and Louisiana. In this period of time, malpractice premiums went up dramatically in the States with the caps. There is little or no correlation between the caps and the fact that malpractice premiums are going up.

Look at these OB/GYN insurance premiums in damage cap States versus noncap States in 2003: In California, a State with caps, there was a 54-percent increase in OB/GYN premiums with caps in place at the State level; in Oregon, zero percent increase; against the State of Washington, California, 15 percent, State of Washington, zero percent; Colorado, 29 percent with caps, Georgia, only 10 percent without caps; New Mexico, 52 percent increase in OB/GYN medical malpractice premiums with caps, and in the State of Arizona, 14 percent. It is an illustration that you just can't rely on these caps to bring down malpractice premiums for many years, if at all, and in many cases not at all.

Look at the percentage increase in median premiums: States with caps, 48 percent between 1991 and 2002; States without caps, 36 percent.

This is an important issue that needs to be addressed. I see my colleagues waiting. I will yield the floor but return later in the debate.

I hope my colleagues will understand that we have a serious national problem that needs to be addressed, but we should not address it in a way that is partial, that does not do justice to the serious challenges we face. We need to reduce medical errors. We need to hold insurance companies accountable. We need to bring about tort reform which stops frivolous lawsuits. We need to move into the area of tax credits for doctors now—not 4, 6, and 8 years from now—so they can pay their malpractice premiums and do it in a fashion that is fair—fair to the people who have been injured and fair to the medical professionals who are so important to all of our communities.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Alabama.

Mr. SESSIONS. Mr. President, we are, indeed, losing physicians in the

practice of medicine throughout America. Senator DURBIN expressed concern in the conversations he has been having with doctors in his State, even though he opposes this bill. I traveled to Alabama this past week and visited five or six hospitals. I was at Fayette and Wedowee and Gadsden and Alexander City. As I traveled the State talking to doctors, to hospitals about their insurance premiums, it is a very real problem.

This is not a new issue. We have been talking about it for a number of years. The reform of litigation of malpractice cases in California is the model for this legislation. It has worked very well in California.

The people who are paying the premiums, people who are subjected to lawsuits, people who care about this every day, people who are giving up their practice every day as a result of abusive lawsuits, they support this legislation. Do they not know what this is all about? Do they not know what they are asking for? These are matters that are quite serious.

I believe capping noneconomic damages has a good effect. When you look at a doctor who delivers a baby, is that doctor a guarantor of a healthy baby? They can't do that. They cannot be the guarantor that every birth they preside over will result in a healthy baby. They are responsible if they are negligent and that negligence causes damage to a child. There is no doubt about that. So that is what we need to focus on.

The limit on damages does not limit damages for injuries in care for a child who lives many years with a great disability. They can recover unlimited amounts for that.

Under California law, these are some of the verdicts that have been rendered to compensate families for children who were born with serious disabilities: In December, an $84 million verdict was rendered because of a 5-year-old with cerebral palsy after a mishandled birth; $25 million in San Diego County because a boy had severe brain damage; $27 million in San Bernardino for a woman who was a quadriplegic because of failure to diagnose a spinal injury; $21 million in Los Angeles for a newborn girl with cerebral palsy and mental retardation as a result of a birth-related injury. They go on.

These are real recoveries to compensate people for economic losses they will have in the future and to allow them every possibility to see that the child or the person who is injured can be taken care of with the best conditions we can make. We are concerned about the explosion of punitive damages. Some people say the person who did wrong ought to be punished.

As a matter that we need to think about, the system is out of whack. The person who commits malpractice is not the one who is punished. The person who commits malpractice—for the most part, hopefully, certainly, all of them doctors—has insurance. They don't pay the verdict. The insurance company pays the verdict. How do they get the $21 million or whatever they have to pay out in the verdict? How do they get that money to compensate the victims? They raise the rates on everybody; the innocent and those who commit errors. It is driving up the cost to practice.

I have a wonderful friend, an OB/GYN, in my hometown of Mobile. We go to church together. He was telling me about a doctor that just gave up his practice. He handled 60 or 80 births a year. His insurance was $60,000 a year. That is almost $1,000 per birth. This week, I was in a hospital in Alabama. They told me 3 years ago they gave up deliveries—there were 200 deliveries a year in this small town, and the hospital had less than 50 beds—because they could not afford the insurance. The hospital quit doing it. The physician in the community also quit delivering. This is a fact, a reality, and it is driving good physicians out of health care.

No group of doctors in America has the hammer falling harder on them than the doctors who deliver our babies. They are getting hit with extraordinary increases. They are getting sued to an extraordinary degree. We need to do something about it. We have bills here, and whatever the bill is, they say ''we need to do something, but this isn't the way to do it; but we want to do something.'' They say ''there are problems, I will admit, Senator, but this isn't the right bill.'' They say ''you have not done this or that,'' and on and on. The result of that is we never pass anything. I believe it is time to do something about this issue. We can do something about this.

When you look at the cost of delivering babies in America today, the liability cost is a very significant portion of it. Not only that, doctors—particularly those who have been practicing for a number of years—do not like the agony of going through a lawsuit. There is the combination of premiums and the threat of being dragged through court for long periods of time, and that is not good. That is why they are quitting.

I was at one of the hospitals in Gadsden this week. One of the nurse supervisors came up to me after I had been asked in the meeting whether we were going to do anything about the liability problem. She said she and the hospital had been in litigation. She had been away from the hospital for 10 days during the trial of this case. They were not negligent and they won the lawsuit, but millions of dollars were spent on that litigation. This is happening all over America. Most of the cases are defendants' verdicts, but many cases are coming in with extraordinarily high verdicts. The BMW case out of Alabama, decided by the Supreme Court, raised real questions about how do you decide what punitive damages ought to be. Does the jury just feel bad this day or look at the victim and feel sympathetic, or are they more sympathetic to one person than another? They come up with $50 million for one person, and maybe in a similar situation they would come up with $500,000. These are aberrational verdicts in the country.

We are saying that there should be a limit for compensating noneconomic damages. It is modeled on a successful program in California. I believe we are facing a national crisis in health care. It is a crisis that ought to be confronted. It is not going to go away. A big part of it is litigation. If you don't believe it, ask any doctor or hospital you know. They sue everybody, including the nurses, doctors, the aides, the hospital, the manufacturer of the hospital bed, or whatever, that might be possibly construed as being connected. All of that adds up to a tremendous burden, a tremendous cost on our health care system.

The truth is health care costs are continuing to go up. One of the factors is litigation costs, which are going up even faster than other costs. We need to contain that and bring some rationality into it. I am willing to listen to other ideas. I am not sure California is perfect, but I will say it is working there. I believe it will work for our country. I thank our majority leader, Dr. BILL FRIST, for bringing this up. It is time to debate this. We need to pass something soon to protect the availability of health care. We need to make sure hospitals and doctors are not quitting delivering babies. That hurts us in America and hurts health care in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I have been listening to the arguments posed by our colleague from Illinois, Senator DURBIN, and our colleague from Alabama, Senator SESSIONS. I find myself sort of agreeing with both of these individuals. Clearly, this is an area that cries out for some solution. We have been back at this issue over and over again. Like my colleague from Alabama, and I suspect my colleague from Illinois as well, I was home in Connecticut over the past week and I have received letters from radiologists, and I have talked to OB/GYNs and others. My State ranks third in the country in the rate of premiums for OB/GYNs, which I will address in a minute. This is an area that clearly needs to be addressed. So I appreciate the comments of my colleague from Alabama, that is, to see if we cannot find solutions to this.

As the Senator may recall, I have not been shy when it comes to tort reform issues, having authored the securities litigation reform bill, uniform standards legislation; and I have dealt with the issue of terrorism insurance, and Y2K legislation with BOB BENNETT. I am someone who wishes we were debating class action reform now. There, we

have an agreement. It is not going to satisfy everybody, but I have agreed with BILL FRIST and others. Senators SCHUMER and LANDRIEU and I have worked across party lines to come up with a compromise solution on class action reform. That is a bill I believe we could actually adopt.

Here we are going to spend 2 days debating a cloture motion we both recognize is probably going to fail this evening. But we have a class action reform bill we can get done. I regret I am not arguing on behalf of that proposal, rather than standing here and reluctantly disagreeing with this particular bill; although I am agreeing with my colleague from Alabama that we cannot allow year after year to go by without addressing this issue. I regret we didn't make the effort here we did on class action. On class action, once the cloture motion was defeated on the motion to proceed, people reached out and said let's see where we can find common ground on this. I think we have done that. Only time will tell if the compromise will work. That is how you have to function in this body, when you have 100 Members representing different constituencies and ideas and proposals, where there is a commonality and purpose to try to arrive at an answer to a staggering problem. One of the problems—not all, but one of the problems—is associated with health care. I will go into that in a minute. It seems to me we should pause and reach out and see if we cannot find that common answer. It may not satisfy everybody, but certainly it will come up with some intelligent responses to this problem.

So I say to my constituency in Connecticut, and elsewhere, I am listening to you and I hear you. I know we have to answer this. The question is, is this particular proposal the answer to the problem we face, with the rising increase in malpractice premiums. What actually could be done that may address the issue?

As my colleagues know, this legislation is similar to the one the Senate rejected last year. It would place, as we all know, a $250,000 cap on noneconomic damages that can be awarded to a plaintiff in a medical malpractice case. The bill we are considering today has been narrowed, but in narrowing it, its defects have not been remedied. Like S. 11, the previous bill, this bill would apply to claims brought by health care professionals, health care organizations, such as HMOs, insurance companies, as well as product liability claims brought against medical device and drug manufacturers, by and on behalf of pregnant women and children. However, it would only apply to claims relating to obstetrics and gynecological services. We are dealing with a reduced universe of people in this area, much narrower from the proposal of last year.

Once again, this legislation would cap noneconomic damages at $250,000. It would put the same cap on punitive damages while imposing a stiffer evidentiary standard. It would also reduce economic damages a victim could collect by subtracting benefits paid by health insurance, life insurance, disability insurance, and Social Security benefits. In short, it would make it much harder for the victims of medical malpractice in this narrow area to receive fair and just compensation, in my view.

This legislation would not affect all victims of malpractice. We pointed out the bill we are dealing with seeks to limit the legal rights of a specific segment of our society, women and newborns.

It is important to remember that this bill is going to affect those who have actually been injured by malpractice. We are not debating whether there has been a judgment. There has been a decision that malpractice has occurred. A jury has already, in these cases, decided the victims are eligible to collect noneconomic damages. Furthermore, it will hurt the most seriously injured, those who might receive a noneconomic damage award of more than $250,000 were it not for the arbitrary cap.

We are essentially telling women and infants that the injuries and suffering they experience are not worth as much as injuries and suffering of others.

The assumption is if we just do this in this one area, we are then going to be able to bring down the costs of these premiums. In fact, I suggest that if the empirical evidence made that case, I would be very tempted to support this bill. I say that to my colleagues who are the authors of this legislation. But, in fact, the data and information, unfortunately, does not substantiate the claim that by establishing a cap, you will achieve the desired results of lesser premiums on malpractice insurance.

The argument used by supporters of this bill is OB/GYNs are particularly hit by rising medical premiums. I want to make it clear that I am not insensitive to that claim. As I said earlier, I have heard from many in my own State. In Connecticut, we face the third highest premiums in the country for OB/GYNs. My doctors pay an average of $102,000 every year in medical liability premiums. I have heard from them on numerous occasions about the difficulties they face in the current environment. The vast majority are good doctors who are working to provide the best possible care they can for their patients. They are doctors on whom families in Connecticut and newborns can rely. It is the same across the country. I know, having had a newborn in my own household, a child born to my wife Jackie and me a little over 2 years ago, the tremendous care and attention we received from our OB/GYN in Virginia, where Grace was born.

The question is not whether these people are paying higher premiums. The question is, Is the solution being proposed by this legislation actually going to address this problem? Again, if I thought it would do that, I would be very tempted to support this legislation, as someone who has offered legislation dealing with frivolous lawsuits and other claims. I am not adverse to tort reform. In fact, I am disappointed. We are discussing tort reform in this instance, and we are also going to be talking about the tort liability of gun manufacturers. It is going to be interesting to hear people on that issue.

We had language included in the Energy bill to deal with MTBE. Senator SCHUMER of New York eloquently made the case, asking why we should be eliminating the liability of a product that was causing such damage. I am frustrated to know that we are protecting people from liability because of the political pressures that occur.

I am prepared to support intelligent tort reform, but this problem, as serious as it is, is not addressed by this solution. Will this legislation do anything to reduce premiums? Let me tell you why I don't think it does.

If we are limiting the ability of women and young children to hold accountable doctors, nurses, insurance companies, and others for harm resulting from a mistake, we certainly must make sure we are doing so for a very good reason.

The answer to the question posed above is a resounding no, in my view. The suggestive link between jury awards and rising premiums has not been established at all. In fact, to the contrary. Nor is there a link between insurance premiums and access to health care. In fact, the evidence suggests quite the opposite.

The two pillars upon which this bill is based are deeply flawed, in my view. First, some would suggest jury awards have exploded in both numbers and dollar amounts. That is something we will hear over and over, that victims are winning more and more so-called jackpot malpractice cases. But the facts are quite different.

The amount defendants and insurers are paying for medical malpractice claims, including jury awards and settlements, has increased in a manner that is consistent with and even lags behind medical inflation. Over the 10-year period from 1992 to 2001, the mean payout in medical malpractice cases rose by 6.2 percent per year, while medical inflation was rising at 6.7 percent annually over the same period of time. In other words, malpractice awards are rising exactly in the manner we would expect. They are tracking health care costs.

Of course, a rise in premiums might also be explained by an increase in the number of malpractice claims. That is also an argument we are hearing. Again, this is not the case. Between 1995 and 2000, the number of claims filed actually decreased by 4 percent, and the number of medical malpractice payouts decreased by 8.2 percent between 2001 and 2002. So we are not seeing these numbers go up financially, nor are the actual numbers of malpractice cases increasing. Both are the

two pillars upon which this bill is based. It is the reason people are saying we need to have the cap on these noneconomic awards.

The case made by supporters of this legislation is further damaged, in my view, when we compare States that currently have caps on noneconomic damages with States that have no such caps. As I mentioned previously, my home State of Connecticut has the third highest average premium for OB/GYNs. Connecticut has no cap. However, seven of the 10 States with the highest premiums do have caps. Last year, premiums actually increased by 17.1 percent for OB/GYNs in States with caps compared to a 16.6 percent increase in States without caps.

In the year 2003, the average premium for an OB/GYN in States with caps was $63,000. The average premium in States without caps was $59,000. So if anything, the evidence suggests caps on patient damages actually correspond to higher insurance premiums for doctors.

I said that rather quickly. Let me run by it again and make the case. The argument, again, is if you don't have caps, then these premiums go up. But if you look at places that have caps, seven of the 10 States with the highest premiums for OB/GYNs do have caps—seven of the 10. Last year, premiums actually increased by 17.1 percent in States with caps—an increase of 17.1 percent—compared to 16.6 percent in States without caps.

Again, if anything, the evidence suggests caps on patient damages actually correspond to higher insurance premiums for doctors.

The ineffectiveness of caps is illustrated by the experience in the State of California. Ironically, supporters of caps point to California as the model for limiting noneconomic damages. The State does, in fact, have a $250,000 cap and premiums have remained stable relative to the rest of the country. However, California adopted the cap in 1975, and over the next 13 years in California, with a cap of $250,000, premiums increased by 450 percent. This is comparable to a nationwide trend during that same period.

Then in 1988, California did something else. It passed comprehensive insurance reform. Only at that point did insurance premiums stabilize, decreasing 2 percent between 1988 and 2001. So for 13 years, when they had caps on the awards, they actually had premiums go up 450 percent, tracking the national average. In 1988, they put a cap on insurance premiums. Then they began to see the decline.

California is very worthwhile to look at, but we have to look at it in its totality. Don't disregard what happened in 1988. If we only look at 1975 to 1988, for that 13 years, there is nothing to brag about at all. The numbers went up as much as they did all across the country. It is only from 1988 up to now that we begin to see the real changes as a result of the insurance reforms in that State.

So California is a good example, but look to all of California. I could continue to quote numbers to underscore my point, but I do not want to bore my colleagues with recitations of data. I think it is important because without knowing what the facts are and understanding the argument, we cannot understand how best to deal with a very legitimate problem of trying to get these premium costs down. Does this solution meet that problem? One has to look at the data and the facts, and the facts are not holding this point up very well, in my view.

The point is very simple: The number of medical malpractice claims is not rising. The amount awarded to victims is consistent with inflation. The story in States with caps is similar to that without caps. Based on this evidence, we are being asked to limit the rights of pregnant mothers and infants. I do not think we ought to do that. The facts fail utterly to dictate such a conclusion.

If neither the number nor the amount of malpractice awards can explain rising premiums, then what is the explanation? Something is going on that is causing these premiums to continue to skyrocket as they are in my State and others across the country. According to several analyses that have been done, the increase in premiums does in fact correlate with the stock market and interest rates.

One recent study showed that premiums very closely tracked the insurers' economic cycle. During good economic times, insurers slash premiums in order to attract as much business as possible. Insurance companies receive their money from two sources. They get it from premium payments as well as investments. So when there is a good, healthy market going on, then they will reduce premiums because the cycles in the market are allowing them to sustain their economic growth. When there is a downturn in the economy and the stock market is not doing as well, the insurance industry is faced with only one other solution and that is to raise the premiums in order to keep the cashflow coming in.

So it is not complicated. As someone who comes from a State with a lot of insurance companies, I know that is how this is done. There is not some great magical secret out there. This is exactly how it occurs. So, obviously, during good economic times, insurers will cut the premiums in order to attract as much business as possible, which makes sense. This is because every new policy brings in additional float, money to invest in a booming market so they bring in the dollars. However, when the market turns and investment returns are weak, as has happened in the last few years, insurers raise their rates or, in some cases, leave the market altogether. When this happens, the result is often a crisis in the availability and affordability of insurance, and that is exactly what we are seeing today.

I will take a moment to address one other claim made by the supporters of this bill, and that is that rising premiums have reduced access to care for women and infants. Again, this is a very significant claim and needs to be addressed. Once again, I do not think the facts support that argument.

Between 1999 and the year 2002, the number of OB/GYNs across the country actually increased by 1,700 people. Only 6 States out of 50 saw a decrease in the number of OB/GYNs. That is not good news for those six States, but the argument that across the country this is occurring is not borne out by the facts. Actually, there were 1,700 new OB/GYNs in 44 States, so the number is stable or increasing, and in 6 States the number is going down. We ought to be conscious of that because that could be a trend that needs to be addressed.

Again, I underscore what I said at the outset. This is a serious problem but a serious problem demands a serious solution. Unfortunately, this bill is not that answer.

As an interesting note, by the way, where we are losing OB/GYNs, half of those six States have caps on the amount that can be collected in noneconomic terms. So we are talking about a bill that places caps on noneconomic awards, and in six States the number of OB/GYNs is declining, and yet three out of the six States have actual caps. One has to ask oneself: If this is failing in half of the States in terms of attracting or keeping OB/GYNs, is this bill or this idea the right solution to this problem? I think the conclusion is no, it is not, unfortunately, if those are the facts.

A GAO report from August of last year identified access to care as a problem—and I am quoting—''in scattered, often rural areas where providers identified other long-standing factors that also affect the availability of services.''

The question was asked: Why is this happening? The General Accounting Office comes back and said there are a lot of other factors that are causing a decline in the number of OB/GYNs. In addition, the GAO found—and I am quoting them again—''that many of the reported provider actions were not substantiated or did not affect access to health care on a widespread basis.''

Unfortunately, this bill is a misguided attempt to solve a health care problem with a tort reform solution. I am disappointed that we are not using this time today to discuss the real issues. One issue I wish we were discussing is class action reform because I think we have come up with an answer that a majority of us could support. Regrettably, we are not spending two days debating that issue. We are debating a bill that is not going to go anywhere because the solution that is being called for does not do the job.

So instead of taking the few valuable days we have in this Chamber to deal with some issues before we adjourn for elections and conventions, we are not debating class action reform, we are

debating a bill that is going nowhere. That does not make any sense to me at all in terms of this agenda. So this is a waste of our time.

Let me get into other areas of health care because there are health care problems that need addressing. I am disappointed, though, that we are not going to debate class action reform but instead these tort reform issues. We do have problems with access to care in our country. We do have a patient safety problem in our country. We do have a health care quality issue in this Nation of ours. We do have a problem with rising health care costs in the Nation. This bill does not answer any of those problems.

Why are we not discussing real solutions to the issue of access to health care, to patient safety, to health care quality in this country, and to the problem of rising health care costs? The American people have a right to expect from this body better answers than the ones we are giving them on this bill dealing with the issue of rising premium costs.

Supporters of this bill are right about one thing: Far too many in this country have little or no access to health care. The latest Census Bureau figures released in September are alarming, to say the least. Forty-four million of our fellow countrymen, more than one out of every seven people in our great Nation, were without health care in the year 2002. This figure represents a 10 percent increase in the number of uninsured since the year 2000.

Numerous studies have shown that being uninsured has a drastic impact on the amount and quality of care individuals receive. Put very simply, the uninsured receive less care, lower quality care, and are at a greater risk of dying. The Institute of Medicine has estimated that every year 18,000 of our fellow citizens die prematurely in this country as a result of the effects of being uninsured.

Our country has a growing health care underclass. The Bush administration's response to this crisis has been woefully inadequate. Tax credits and health savings accounts will do little or nothing to help the vast majority of the 44 million people who are uninsured, such as low-income working families. By the way, the majority of the uninsured work every day on one, two, three, and four jobs. These are not people sitting around doing nothing. They are working. And we have nothing to say to them.

We are debating an issue of tort reform when we ought to be dealing with how to provide some health care coverage for these people and explain why 18,000 lives a year are being lost prematurely because of the lack of health insurance. We should be talking about creative ideas to offer meaningful assistance to the uninsured. There are a variety of ideas out there that are worth discussing.

We also have a health care quality and patient safety problem in the country. Again, according to the Institute of Medicine, as many as 98,000 Americans are killed every year as a result of medical errors. A study conducted by the Rand Corporation and published in the New England Journal of Medicine last year came to a similar conclusion. Individuals received the recommended treatment for their condition in only 55 percent of the cases, according to that study. In other words, nearly half the time patients did not receive the appropriate care. Why are we not debating that and discussing that issue today?

There are a variety of proposals to address this real threat to the American public. I am currently working with our colleagues on both sides of the aisle on issues that would have some real impact on the quality of care in our country. One meaningful step we can take almost immediately is to encourage the use of information technology in the health care setting.

The Senator from New York, Mrs. CLINTON, is deeply interested in this subject matter, as are several other colleagues. Improving quality is the best tool we have to address rising health care costs. Supporters of this legislation we are debating today would have you believe medical liability costs are the main driver of rising health care costs. But that is simply not the case. The Congressional Budget Office has estimated that malpractice costs represent, at most, only 2 percent of the overall health care costs in our country.

We ought to address this issue, but let's talk about it in the context in which it is really a problem. Furthermore, while health care costs more than doubled between the years 1987 and 2001, the total amount spent on medical liability premiums rose by only 52 percent over that same period. The real drivers of health care costs are prescription drugs and hospital spending. We should be using the time to pursue proposals to address these issues, including expanding the use of inexpensive generic prescription drugs, better chronic disease management and preventive medicine, and improving health care quality and efficiency.

Let me finish by saying, as ranking member of the Subcommittee on Children and Families, improving the health of women and children has been a priority of mine and many others who serve on that committee, including the Presiding Officer. If my colleagues are genuinely interested in healthier mothers and healthier babies, I can suggest any number of pieces of legislation that are pending here that would represent real steps towards achieving that goal. I am the coauthor of two bills, the Newborn Screening Save Lives Act and the Prematurity Research Expansion and Education for Mothers who Deliver Infants Early Act, the PREEMIE legislation, that I believe would go a long way towards improving the health and well-being of newborns. During the 107th Congress, Senator HARKIN introduced the Safe Motherhood Act a comprehensive bill to ensure safe pregnancy for all women. Senator BINGAMAN introduced legislation to expand health care coverage for pregnant women under Medicaid and the State Children's Health Insurance Program.

There are a variety of such bills out there, offered on a bipartisan basis. The Senator from Ohio, Mr. DEWINE, and I have worked very hard on a number of these bills. I am not going to suggest they solve all the problems, but they are designed to deal with some of the very issues pregnant women and infants face every day. The idea that you are going to put a cap on noneconomic recoveries here and that is somehow going to address these other issues is ludicrous on its face. We ought to be spending the valuable time of this institution in debating and discussing and getting some of this legislation passed that could make a difference to these people.

I am not shy when it comes to tort reform. I have spent a good deal of time in my Senate career authoring bills dealing with tort reform. This is not one of them. This is not tort reform. This is not addressing the issue that people face every day and doctors face with rising premiums. There is a way of addressing that problem. When we get around to doing it and working on it, then we can take some pride in passing something that does something meaningful in this area. This bill doesn't do it.

I hope cloture will be denied. I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today in strong support of S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act, and I strongly encourage my colleagues to vote for cloture on the motion to proceed on this very important legislation.

I would like to point out in the beginning of my remarks, in response to some of the statements that have been made on the floor this morning, that there has to be a reason the American College for Obstetrics and Gynecology, the American Medical Association, and just about every medical group in the United States of America is supportive of this legislation. We would not be talking about it unless they really believed the passage of this legislation would have a dramatic impact on the liability costs that OB/GYNs are experiencing, causing so many of them to leave their practices.

This is a personal issue for me. Last summer when my daughter-in-law was expecting her fourth child, she learned that after the delivery, her doctor would no longer deliver babies. At the time, her doctor was in a four-physician group, all of them obstetricians. They never had any lawsuits against them. Yet their insurance premiums had skyrocketed from $81,000 to over $381,000 in just 3 years. That is $75,000

per person over a period of 3 years. How could physicians be expected to afford rate hikes such as these?

We need to be doing something about it. This legislation is going to help. This legislation is so important because the effects of the medical liability crisis can be felt acutely by the obstetrics/gynecology community. Data from the American Medical Association indicates that 19 States currently face a medical liability crisis and 25 States show problem signs. Women of childbearing age have been impacted the most because 1 out of 11 obstetricians nationwide has stopped delivering babies and, instead, has scaled back their practice to gynecology only or just gotten out of the practice. In addition, one in six has begun to refuse high-risk cases.

How does this affect a patient's access to care? As premiums increase, women's access to general health care, including regular screenings for reproductive cancers, high blood pressure, cholesterol, diabetes, and other serious health risks, will decrease. It leads to more uninsured women because of health care costs that have gone up as a result of the fact that malpractice costs have gone up so astronomically in the last couple of years.

In 2002, 11.7 million women of childbearing age were uninsured. Without medical liability reform, a greater number of women ages 19 to 44 will move into the ranks of the uninsured. With fewer health care providers offering full services, the workload has increased significantly for those who still do. Wait times increase, putting women at risk. A physician facing higher premiums is likely to practice defensively, ordering more tests than medically necessary, seeking more opinions, and giving more referrals.

Women receive less prenatal care in our current environment. Improved access to prenatal care has resulted in record low infant mortality rates, an advance now threatened as OB/GYNs drop obstetrics. As some of you may have read, for the first time since 1958, the U.S. infant mortality rate is up. According to preliminary data released this month by statisticians from the CDC, the Nation's infant mortality rate in 2002 was 7 per 1,000 births. That is up from 6.8 in 2001. Some experts are attributing this to poor access to prenatal care, that that is the cause of this problem. Women have less preventive care. Women's general health care is routinely provided by community clinics and OB/GYNs. Women receive fewer screenings for reproductive cancers, high blood pressure and cholesterol, diabetes, and other serious health risks as OB/GYNs and community clinics reduce care.

The ramifications of this medical liability crisis on women's health care are shocking, and we feel this crisis very strongly in Ohio. The Medical Liability Monitor ranked Ohio among the top five States for premium increases in 2002. The OHIC Insurance Company, among the largest medical liability insurers in the State, has reported that average premiums for Ohio doctors have doubled over the last 3 years.

I would like to point out that the argument that the insurance industry is ripping off doctors and raising rates to make up for investment losses, as some contended here on the floor of the Senate this morning, is preposterous.

I invite those Members who believe this to read an article from Brown Brothers Harriman Insurance Asset Management Group.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From BBH & Co. Insurance Asset Management, Jan. 21, 2003]

DID INVESTMENTS AFFECT MEDICAL MALPRACTICE PREMIUMS?

(By Raghu Ramachandran)

It's deja vu all over again in the medical malpractice arena.

Last July, the only trauma center in Las Vegas was forced to close. At the beginning of this year, doctors in Pennsylvania threatened to go on strike but relented when the incoming governor promised to support legislative reforms to limit jury awards in malpractice suits. Also in January, doctors in Weirton, West Virginia went on strike, forcing patients to travel up to 40 miles to find medical care. Doctors in neighboring areas of West Virginia considered joining the strike, threatening a near complete shutdown of the medical delivery system in the region. Doctors and hospitals around the country are suspending their practices and closing their doors because they can no longer afford the huge and increasing cost of medical malpractice insurance. The situation is increasingly reminiscent of the malpractice crisis of the 1970's. What is causing this controversy and what can be done about it?

According to Americans for Insurance Reform (AIR), ''insurance companies raise rates when they are seeking ways to make up for declining interest rates and market-based investment losses.'' Mainstream media, such as The New York Times, have picked up this argument: ''The steep drop in bond yields and the stock market has also fueled the crisis.'' These arguments are both misleading and inaccurate. The root causes of the problem are quite different from what is often suggested by the media, and their resolution is far less simplistic than the pundits imply.

In this paper, we will analyze several variables to demonstrate that asset allocation and investment returns have had little, if any, correlation to the development of the current malpractice problem. The crisis is rather the result of a generally unconstrained increase in losses and, over several years, inadequate premium income to cover those losses.

Given that conclusion, we will then examine several possible solutions and attempt to gauge the magnitude of changes necessary to resolve this problem.

AIR uses the following graph to demonstrate that losses have tracked inflation and that premiums vary because of the economy. The graph attempts to compare two key trends underlying the medical malpractice controversy: premiums per doctor (DPW/MD) and paid losses per doctor (DLP/MD). Both of these variables are expressed in constant medical dollars.[1]

[1] Graphs not reproducible in the Record.

LOSS INFLATION

AIR claims this shows ''that since 1975, medical malpractice paid claims per doctor have tracked medical inflation very closely.'' In fact, the graph and the underlying data suggest exactly the opposite. First, they make an erroneous comparison. Since AIR uses real (or constant) medical dollars, they have already factored out the effect of medical inflation. So, any increase is a ''real'' increase in excess of medical inflation. One cannot compare real increases to inflation.

Second, the data show loss costs have increased significantly faster than inflation. Using data from the AIR report, we plotted medical inflation (CPI–U), premiums, and losses to show how each has grown since 1975.

One sees that the losses per doctor have grown at a much higher rate than either medical inflation or premiums per doctor. In order for losses in 2001 to have equaled the build up created by inflation in medical care during the period 1975–2001, companies would have to reduce the amount of paid losses by approximately 60%. Therefore, losses, not inflation, are the problem.

ECONOMIC EFFECT

The other claim made by AIR is that ''insurance premiums (in constant dollars) increase or decrease in direct relationship to the strength or weakness of the economy, reflecting the gains or losses experienced by the insurance industry's market investments and their perception of how much they can earn on the investment 'float'.'' Unfortunately, they make this claim without any supporting analysis. Using the premium data from AIR, we found no correlation between premiums and the economy.

The standard measure of the effect one variable has on another is the coefficient of determination (r^2); this value shows how consistently two variables move in the same direction. The coefficient of determination has values between 0 and 1. A value of 1 means that if the first variable moves up the second will move up at the same time; a value of zero means that there is no similarity in the movement of the two variables. The correlation coefficient has to be greater than 0.75 for us to claim the observed effect between the two variables is significant.

As a measure of the economy, we used the year-over-year change in GDP; as a measure of investment yield, we used the yield on a 5-year Treasury note. In our analysis, neither the direct premiums written nor the direct premiums per doctor showed any significant correlation to either the investment yield or GDP variable. The table lists the coefficients of determination generated by the regression analysis between the economy, investment yield, and medical malpractice premiums.

	GDP	Yield
DPW	0.0001	0.1255
DPW/MD	0.0104	0.0318

Several other analyses also failed to show a correlation between premiums and the economy. To test if the premium increases are related to the economy or bond market, we analyzed the correlation of the change in premiums to GDP and investment yield. To test whether premiums go up when the investment yield goes down, we analyzed the correlation between premiums and the change in yield as well as the correlation between the change in premiums and the change in yield.

One could reasonably claim that the premiums (or increases in premiums) are dependent not upon the company's performance this year but upon the company's performance in the previous year. To test this hypothesis, we regressed both premiums and

change in premiums to both the economy and investment yield in the previous year. For thoroughness, we also analyzed the correlation between both premiums and change in premiums with the change in yields in the prior year.

We also considered alternate measures for GDP and yield. We used industrial production as an alternate measure of the economy and the 10-year Treasury note as an alternate measure of yield. We also analyzed the effect the slope of the yield curve and the change in slope had on premiums. We performed all of the analyses above on these new variables.

In 64 different regressions between the economy, yield, and premiums, the highest coefficient of determination was 0.1505. Therefore, we can state with a fair degree of certainty that investment yield and the performance of the economy and interest rates do not influence medical malpractice premiums.

STOCK MARKET EFFECT

But what about the stock market? How did the drop in the equity markets affect insurance company performance? Are companies raising premiums because they lost money on Enron or WorldCom?

Obviously, the market decline affects insurance companies like every other investor, but the magnitude of the losses gets lost in the media hype. We analyzed the equity exposure in two stages. Stage one: Did medical malpractice companies have an unusually large amount of equities in their portfolio? Stage Two: Given their level of equity exposure, did they invest prudently in the market or did they gamble by investing in technology or telecom stocks?

Using NAIC filings, we can determine the amount of assets invested in equities.

Over the last five years, the amount medical malpractice companies have invested in equities has remained fairly constant. In 2001, the equity allocation was 9.03%. We can also compare how the medical malpractice sector compares to other P&C sectors.

This graph shows that medical malpractice companies have less invested in equities than other sectors of the industry.

Even if the equity allocation is not large relative to the industry or other insurance sectors, is 10% the correct amount for medical malpractice insurers to invest in equities? Insurance companies invest their assets as a fiduciary of the policyholders. As such, they must invest according to a ''prudent investor'' standard. This requires the company not only to consider the risk in an individual security, but also the risk to the portfolio as a whole. Prudent investors know that diversifying across asset classes can enhance return and reduce volatility. A simple analysis shows a conservative investor will have at least 10% invested in equities. Thus, a prudent insurance company should have some allocation to equities.

If the degree of equity exposure was not unusual, was the investing? Again using NAIC filing data, we can analyze the distribution of equity investments for medical malpractice companies and compare it to S&P performance.

[In percentage]

Sector	Medical malpractice companies	S&P sector return
Energy	5.6	−11.0
Materials	1.9	−5.4
Industrials	11.9	−26.2
Consumer Discretionary	15.9	−23.7
Consumer Staples	7.3	−4.3
Healthcare	14.1	−18.8
Financials	17.8	−14.5
Technology	17.9	−37.4
Telecom	6.3	−34.0
Utilities	1.4	−29.5
	100.0%	
Total Return	−22.4%	
S&P Return	−22.2%	

We see that medical malpractice companies had returns similar to the market as a whole. This indicates that they maintained a diversified equity investment strategy.

As medical malpractice companies did not have an unusual amount invested in equities and since they invested these monies in a reasonable market-like fashion, we conclude that the decline in equity valuations is not the cause of rising medical malpractice premiums.

WHERE DO WE GO FROM HERE?

In order for any form of insurance coverage to be viable, the insurance company must receive more in premium dollars and investment income than they pay in losses and expenses. A simple measure of this is the ratio of paid losses to premiums Over the last 27 years, and especially over the last 16, the paid loss ratio in medical malpractice coverage has steadily increased. Without some form of relief, this is not a good sign.

Although the paid loss ratio is a good starting point, that metric excludes other expenses such as incurred losses, loss adjustment expenses, general operating expenses, etc. as well as income from investments. A.M. Best provides the combined loss ratio (paid loss + change in reserves + expenses) for the medical malpractice industry. By subtracting the paid loss ratio, from the AIR report, from the combined ratio, we can get an estimate of the other expenses for an insurance company. The average expense ratio for medical malpractice companies was 43% when investment income is included and 74% when investment income is excluded.

Over the last 27 years, the average paid loss ratio was 47% and the minimum paid loss ratio was 16%. In 2001, the industry paid loss ratio was nearly 75%. In other words, for every dollar that comes in the door, 75 cents is paid out. When combined with the expense ratios cited earlier, it is clear that it has been extremely difficult—if not impossible—for insurance companies to earn a profit writing medical malpractice insurance. Further, at this rate of expenditure, after the company pays its losses and expenses, there is very little ''float'' on which they can earn investment income.

Medical malpractice paid loss ratio 1975–2001

	In percent
Average loss ratio	46.8
Minimum loss ratio	15.9
2001 loss ratio	74.4

To increase profitability, companies must effect one of three changes: reduce their losses, increase their premiums, or increase their investment income. As the industry, in aggregate, cannot control return on investments, they have only two choices. Using the methodology above, we can estimate the magnitude of the change required to restore profitability to the industry.

If losses are held constant—i.e., no change in loss and expense trends, then we are left with increasing premiums to restore the industry to profitability. For premiums to have kept up with medical inflation for the period 1975 to 2001, they would have to increase by 41%. For premiums to have kept up with the increases in paid losses since 1975, they would have to increase by 325%. For the industry's average loss ratio to drop back to its 27-year average, premiums would need to rise by 59%. For the loss ratio to drop to its nadir during that period, premiums would have to increase by 368%.

	Dollars	% Increase
2001 DPW/MD	$9,719	
Premium required for:		
Average Loss Ratio	15,448	59
Minimum Loss Ratio	45,478	368

Clearly, increases of this magnitude are intolerable, for both the industry and state regulators. In this regard, St. Paul's experience is noteworthy. Prior to its withdrawal from the market, the company was granted 31% less in rate increases than indicated. It is little wonder that they responded as they did!

ST. PAUL RATE FILINGS

[In percentage]

State	Date	Indicated increase	Increase filed	Difference
1	1/1/2001	76.10	25.00	40.90
2	3/7/2001	−34.30	−43.00	15.30
3	1/1/2001	54.50	35.00	14.40
4	6/1/2000	39.20	5.00	32.60
5	11/1/1999	28.70	5.00	22.60
6	1/1/2001	55.20	10.00	41.10
7	2/1/2001	18.90	−21.00	50.50
8	1/1/2001	90.80	35.00	41.30
9	1/1/1999	18.50	5.00	12.90
10	1/1/2002	73.00	35.00	28.10
11	1/1/2001	26.80	12.50	12.70
12	1/1/2002	70.20	45.00	17.40
13	1/1/2002	67.30	40.00	19.50
14	1/1/2001	49.30	10.00	35.70
15	10/1/1999	88.10	5.00	79.10
16	1/1/2002	71.00	10.00	55.50
17	1/1/2002	82.60	45.00	25.90
18	7/1/2000	12.50	0.00	12.50
19	7/15/2000	57.00	7.50	46.00
20	7/1/2000	17.10	5.00	11.50
21	1/1/2000	40.90	5.00	34.20
22	7/1/2000	58.90	8.50	46.50
23	1/1/2001	50.70	15.00	31.00
Average		48.40	13.00	31.60
Average excluding #2		52.20	15.60	32.40

St. Paul had the luxury of falling back on other lines of business. Unfortunately, many special medical malpractice companies, such as state PIAA companies, do not have other lines of business to fall back on.

RATING AGENCY RESPONSE

The reaction of rating agencies to these trends is another important ingredient in the medical malpractice landscape. Principal concerns of the agencies are ''solvency'' and the ''leverage'' built into the premium and surplus structure of the industry. While agencies usually express the benchmarks for the measurements (ratios) in ranges, trends are also important. Either level or trend can result in a downgrade in a company's rating, a serious event in the corporate life of an insurer.

In 2001, medical malpractice companies had an average premium-to-surplus ratio of 0.72. As premiums are increased, this ratio will rise. If premiums rise too quickly, we would observe a spike in this ratio as it takes time for the increased premiums to show up in surplus. Unless rating agencies account for this, a company could find they cannot raise their rates by the required amount for fear of impairing their rating. In fact, several companies have been downgraded recently, with premium leverage given as the primary reason. (The situation is exacerbated by the fact that with the industry suffering from reduced capacity as a result of the St. Paul type experiences, companies are adding to their number of insureds. This puts further strain on their leverage ratios.) Fortunately, the rating agencies seem to be aware of the problem.

TAMING LOSSES

If companies cannot increase their premiums, then they must be able to control the burgeoning increase in losses. Our analysis suggests that the level of losses would

have to decrease by 37% to achieve the average loss ratio and by 79% to obtain the minimum loss ratio observed over the past 27 years. Such reductions would require significant change in the tort environment.

	Dollars	% decrease
2001 DLP/MD	$7,232	
Losses required for:		
Average Loss Ratio	4,549	−37
Minimum Loss Ratio	1,545	−79

The paid loss number cited above includes both jury awards and settlements. Large jury awards have the pernicious effect of enticing more lawsuits, most of which are settled out of court but with an expense to the company. Prudent reforms, such as MICRA, reduce not only the jury awards but also reduce the amount of lawsuits filed.

SUMMARY

The magnitude of these changes suggests that the eventual solution to the current malpractice problem will be a blend of premium increases and tort reform. Since the financial shortfall compounds itself over time, it is imperative that the solution set be developed as quickly as possible. Without significant relief in fairly short order, the country may find itself facing an accelerating loss of available medical care.

Mr. VOINOVICH. The subject of the article is ''Did Investments Affect Medical Malpractice Premiums?'' It concluded:

. . . asset allocation and investment returns have had little, if any, correlation to the development of the current malpractice problem.

The article goes on to say:

The crisis is rather the result of a generally unconstrained increase in losses and, over several years, inadequate premium income to cover those losses.

The article also goes on to say:

We see that medical malpractice companies had returns similar to the market as a whole. This indicates that they maintained a diversified equity investment strategy. As medical malpractice companies did not have an unusual amount invested in equities and since they invested these moneys in a reasonable market-like fashion, we conclude the decline in equity valuations is not the cause of rising medical malpractice premiums.

Finally, I will finish up with a summary:

The magnitude of these changes suggests that the eventual solution to the current malpractice problem will be a blend of premium increases and tort reform. Since the financial shortfall compounds itself over time, it is imperative that the solution set be developed as quickly as possible. Without significant relief in fairly short order, the country may find itself facing an accelerating loss of available medical care.

And I contend that acceleration is well underway not only in OB/GYN but in other aspects of the medical profession.

According to a November 2000 study of the American College of Obstetricians and Gynecologists, 59 percent of responding Ohio OB/GYNs have been forced to make changes to their practice such as quitting obstetrics, retiring, relocating, decreasing gynecological surgical procedures, no longer performing gynecologic surgery, decreasing the number of deliveries, and/or decreasing the amount of high-risk obstetric care because of unaffordable and unavailable medical liability insurance. Of the respondents, 86 percent no longer practice obstetrics, which forces a potential of some 14,000 pregnant Ohio women to find new OB/GYNs to provide their obstetric care.

This is not the statistics. I have received dozens of testimonials from doctors saying they are quitting their practice because of the rising cost of medical liability insurance. A friend of mine shared with me a letter from an OB/GYN in Dublin, OH, who decided to retire from his practice.

He wrote the following to his patients:

On June 17, 2003, I received my professional liability insurance rate quote for the upcoming year, and it is 64% higher than last year's rate. I have seen my premiums almost triple during the past two years, despite never having had a single penny paid out on my behalf in twenty-seven years as a physician. Even worse, during this time the insurance company has reduced the amount of coverage that I can purchase from $5 million to only $1 million, while jury verdicts have skyrocketed, often exceeding $3–4 million. If I were to purchase this policy, I would be putting all of my family's personal assets at risk every time that I delivered a baby or performed surgery. I refuse to do that.

I have therefore decided to retire from private practice on July 31, 2003, the final day of my current liability insurance policy. This is not a decision that I take lightly, but unfortunately it has become necessary. For many of you, I have been part of your life for years. I have delivered your babies, and helped you through some of life's most difficult challenges. It has truly been an honor.

I received another letter from Dr. Ben Alvarez. He worked for Beachwood OB/GYN. He sent a letter informing his patients he was relocating to Minnesota this March. He says, in part:

The decision to leave Ohio is the direct result of the medical malpractice crisis: with a clean record, my annual premium will reach well over $100,000 this July. I cannot, and will not, in good conscience play the insurance company's game—it's just that simple. What's not simple is saying good-bye to a town and people that have given me so much. Ob/Gyn is so different from other medical specialties due to the emotional and personal relationships that exist between us. I have been blessed to have experienced with so many of you the joy of a new baby's arrival; prayed about the outcome of surgery; and also shared the painful moments.

I ask unanimous consent to have the complete letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BEACHWOOD OB/GYN, INC.,
Lyndhurst, OH, January 4, 2004.

MY DEAREST PATIENTS: It is with a heavy heart that I inform you that I shall be relocating to Minnesota in March. The decision to leave Ohio is the direct result of the medical malpractice crisis: with a clean record, my annual premium will reach well over $100,000 this July. I cannot and will not, in good conscience play the insurance company's game—it's just that simple.

What is not simple is saying good-bye, to a town and people that have given me so much. Ob/Gyn is so different from the other medical specialities due to the emotional and personal relationships that exist between us. I have been blessed to have experienced with so many of you the joy of a new baby's arrival; prayed about the outcome of a surgery, and also, shared the painful moments. Indeed, it is I who thank God for having met you, for, because of you, I have become a better, more complete, human being.

Do not despair over the continuity of your care. My colleagues in the practice will keep the ball rolling. From a practical standpoint, I would encourage you to set up follow-up appointments with any one of the doctors. Drs. Varyani and Goldshmidt have schedules that allow for more flexibility, but Drs. Bellin, Evans, Klein and Vexler are also available to continue your care. They are all excellent doctors and have my complete confidence.

Farewell, my friends, and the best to you and your families.

With sincere affection and melancholy.

BEN ALVAREZ,
MD.

Mr. VOINOVICH. After speaking at a physicians' rally in Ohio, I received a letter from a young doctor, Geoff Cly. Dr. Cly received a notice from the insurance carrier that the premiums would increase by 20 percent, $30,000, this plus the $20,000 increase from the year before, forcing him to make a difficult decision of uprooting his family and practice to go to another State. Doctor Cly was unable to make the insurance premiums and still take care of his student loan obligations and his family. He moved to Fort Wayne, IN. He said to me: Senator, I am going to Indiana. My liability insurance will be less there. But the practice has gotten so much different than what I anticipated it to be that I am seriously thinking, after I pay off my college loans, I am going to get out of medicine.

It is a tragedy what is happening today in my State and other States throughout this country. For those of my colleagues who think medical liability reform is a State issue, I ask them to read this letter and see how the medical liability crisis transcended State lines, particularly my friends from the neighboring State of West Virginia. Our Ohio physicians who practice along the border are feeling the effects of their proximity to West Virginia and its favorable plaintiffs' verdicts. They are feeling these effects in their increasing insurance premiums.

It is amazing the number of counties along the West Virginia border and eastern Ohio where they have no more OB/GYNs. They just left. These counties go bare, with no OB/GYN to provide services to protect women.

I could go on and give more and more examples of Ohio physicians who had to leave the practice of medicine. Dr. Komorowski of Bellevue stopped delivering babies after 20 years when he found out the day after Christmas last year that his liability insurance was tripling to more than—listen to this—$180,000. Dr. Komorowski, the only obstetrician in Bellevue, figured it would cost him nearly 11 months of his salary to pay the premium increase in addition to taxes and other expenses.

It is out of control. We need to do something now, not just for Ohio but

for the rest of the country as well. Obstetrics/gynecology is among the top three specialties in the cost of professional liability insurance premiums. Nationally, insurance premiums for OB/GYNs have increased dramatically. The median premium increased 167 percent between 1982 and 1998. The median rate rose 7 percent in 2000, 12½ in 2001, 15.3 in 2002, with increases as high as 69 percent according to a survey by the Medical Liability Monitor, a newsletter covering the liability insurance industry.

According to the Physicians Insurance Association of America, OB/GYNs were first among 28 specialty groups in the number of claims filed against them in 2000. OB/GYNs were the highest of all the specialty groups in the average cost of defending against a claim in 2000 at a cost of almost $35,000. In the 1990s they were first, along with family physicians, general practitioners, in the percentage of claims against them closed with a payment of 36 percent. They were second after neurologists in the average claim payment made during that same period.

Although the number of claims filed against all physicians climbed in recent decades, the phenomena do not reflect an increased rate of medical negligence. In fact, OB/GYNs win most of the claims filed against them. In 1999, an American College of Obstetricians and Gynecologists survey of its membership found that over one-half, 54 percent of claims against OB/GYNs were dropped by plaintiff attorneys, dismissed or settled without payment; 54 percent of the cases that did proceed. OB/GYNs won 7 of 10 times. Enormous resources are spent to deal with these claims, only 10 percent of which are found to have merit.

The cost to defend these claims can be staggering and often mean that physicians invest less in new technologies that help patients. In 2000, the average cost to defend a claim against the OB/GYN was the highest of all physicians.

According to the American College of Obstetricians and Gynecologists, the typical OB/GYN is 47 years old, has been in practice for 15 years and can expect to be sued 2.53 times over his or her career. Over one-quarter of the residents have been sued for care provided during their residency. And that is another problem we are seeing in this country: Many residencies are going unfulfilled because of the medical malpractice lawsuit abuse growth in this country. Medical school enrollments have been impacted by what young people are seeing happening in the medical profession in this country.

In 1999, 76 percent of the American College of Obstetricians and Gynecologists fellows reported they had been sued at least once so far in their career. The average claim takes over 4 years to resolve. I know from anyone who has been the subject of a lawsuit that 4 years is 4 years of stress as they worry about what is going to happen as a result of the outcome of that litigation.

The legislation we are debating today gets us on our way to turning these statistics and stories around. It provides a commonsense approach to our litigation problems that will help keep consumers from bearing the cost of costly and unnecessary litigation while making sure that those with legitimate grievances have recourse through the courts.

Throughout my career in public service, health care has been one of my top legislative priorities. We all want access to quality, affordable health care. We do have a problem in this country in terms of access to quality health care. In my State, I have conducted eight listening sessions. The result from all those sessions, regardless of who was there, is that the system is broken, and we need to plow new ground.

When the quality is not there, when people die or are truly sick due to negligence or other medical error, they should be compensated. We want that. But when healthy plaintiffs file meaningless lawsuits to shake the money tree to get as much as they can get, there is a snowball effect and all of us pay the price.

The last time I spoke on this subject, I had the front and back cover of the white pages and the yellow pages of the Cleveland phonebook. The front cover and back cover of both of them were advertisements for personal injury lawyers giving specific examples of encouraging people to file suits based on the information they had in their advertisement.

For the system to work, we must strike a delicate balance between the rights of aggrieved parties to bring lawsuits and the rights of society to be protected against frivolous lawsuits and outrageous judgments that are disproportionate to compensating the injured and made at the expense of society as a whole.

I have been concerned about this issue since my days as Governor of Ohio. In 1996, I essentially had to pull teeth in the Ohio Legislature to pass a tort reform bill. I signed it into law in October of 1996. Three years later, the supreme court ruled it unconstitutional. If that law had withstood supreme court scrutiny—and it should have; we now have what I call a balanced supreme court in Ohio—Ohioans would not be facing the medical access problems they face today: Doctors leaving their practice, patients unable to receive the care they need, and the cost of health insurance going through the roof.

During my time in the Senate, I have continued my work to alleviate the medical liability crisis. To this end, I have worked with the American Tort Reform Association to produce a study in August of 2002 that captured the impact of this crisis on Ohio's economy in order to share these findings with my constituents and colleagues. Guess what we found. What we have in this country today, in my opinion, not only in this area but in a lot of areas, is a litigation tornado that is ripping through the economy. We found in Ohio that the litigation crisis costs every Ohioan $636 per year and every Ohio family of four $2,544. These are alarming figures, and the numbers are from 2 years ago. Which family do you know that can pay $2,500 for the lawsuit abuse of a few individuals?

Next to the economy and jobs, the most important issue facing our country today is health care. In fact, it is a major part of what is wrong with the economy. We have too many uninsured, and those who have insurance face soaring premiums every year, making it less likely they can continue to pay them. In addition, employers are facing spiraling costs and in some cases don't even provide insurance.

I have talked to one employer after another. They say: I want to provide health insurance for my workers, but I cannot afford to do it at $10,000 for a family of four. I am asking my employees to pay more of the premiums. In many instances my employees cannot afford to pay the premiums so they are going without health insurance.

We have a real problem. Medical malpractice lawsuit abuse reform is having a dramatic impact on the cost of health insurance, in spite of what some of my colleagues have said. Providing the sort of commonsense approach found in the Healthy Mothers and Healthy Babies Access to Care Act is a win-win situation. The bill will help decrease the rising cost of health care. It will give patients access to care and it will curtail the rising cost of medical liability insurance for those physicians who provide prenatal delivery and postpartum care to mothers and babies.

Patients will not have to give away large portions of their judgments to their attorneys. Truly injured parties can recover 100 percent of their economic damages. Punitive damages are reserved for those cases where they are truly justified. Doctors and hospitals will not be held liable for harms they did not cause and physicians can focus on what they do best—practicing medicine and providing health care.

I urge my colleagues to vote for cloture so we can debate this issue and have an up-or-down vote on this legislation impacting on our most important patients: Pregnant women and their newborn babies.

There was some mention made of the General Accounting Office study of the medical liability crisis and access to care. I ask unanimous consent to have printed in the RECORD the response of the American Medical Association to that General Accounting Office report. It is very important.

There being no objection, the material was ordered to be printed in the RECORD, as follows;

MEDICAL LIABILITY CRISIS AND ACCESS TO CARE—AMA'S RESPONSE TO THE GENERAL ACCOUNTING OFFICE, SEPTEMBER 2003

The U.S. General Accounting Office (GAO) recently released two reports related to

America's medical liability crisis. [U.S. General Accounting Office, Medical Malpractice Insurance: Multiple Factors Have Contributed to Increased Premium Rates, GAO–03–702 (June, 2003); and Medical Malpractice: Implications of Rising Premiums on Access to Health Care, GAO–03–836 (August, 2003)]. The first report (June 2003) confirms that, since 1999, medical liability premiums skyrocketed in some states and specialties—and increasing settlements and jury awards (''paid claims'') are the primary drivers for these increases. The second report (August 2003) confirms that America's medical liability crisis is causing access to health care problems in high-risk medical specialties and in select locations throughout America.

The GAO reports also confirm what the American Medical Association (AMA) has long held to be true—tort reform works. Medical liability premiums in states with strong caps on non-economic damages grew at a slower rate than states without caps on non-economic damages.

We appreciate the GAO's efforts and recognize that it is difficult to quantify the medical liability crisis. Among its findings, the GAO confirmed that:

Increased losses on claims are the primary contributor to higher medical liability premium rates (GAO 03–702, p. 15);

Premiums were higher (GAO 03–702, p. 14) and grew more quickly (GAO 03–836, p. 30) in states without non-economic damage caps than in states with non-economic damage caps;

Physician responses to medical liability pressures in the five crisis states have reduced access to services affecting emergency surgery and newborn deliveries (GAO 03–836, p. 5);

Similar examples of access reductions attributed to medical liability pressures were not identified in the four non-crisis states without reported problems (GAO 03–836, p. 5);

Insurers are not charging/profiting from excessively high premium rates (GAO 03–702, p. 32); and

None of the insurance companies studied experienced a net investment loss (GAO 03–702, p. 25).

However, the GAO's August report fails to accurately reflect the severity of the current crisis. Numerous changes to the GAO methodology would strengthen the basic findings of this report. Among the data sources, measures, or analytical methods that could be improved:

Examine all crisis states. To date, the AMA, in conjunction with its federation of state medical associations, has identified 19 states in a medical liability crisis. The GAO investigated access problems in only five of those states. In each of those states it found examples of reduced access to care. The GAO would have found similar access problems if it had examined the other 14 crisis states. In fact, the GAO did not identify any access problems in the four non-crisis states it examined. Therefore, the GAO's conclusion that access problems are not widespread is not substantiated.

Recognize increased impact on rural areas. Health care access problems do not have to affect every part of a state to create crisis conditions. Health care by its nature is local, where a loss of just one or a few physicians or other health care providers in a community can have a traumatic impact on the availability of health care services in that community. Many rural areas suffered from physician shortages prior to the recent escalation in liability premiums. It is precisely in those areas where access is already threatened that one would first notice the impact of physician's relocation or curtailment of certain services.

Appropriately measure physician mobility. Physician counts were based on state licensure data, which do not accurately reflect the number of physicians practicing in a given location. Actual physician practice location information must be used instead.

Relying on the total number of licensed physicians is a state to track physician mobility is inappropriate. According to James Thompson, MD, President and CEO of the Federation of State Medical Boards of the U.S. (FSMB) in September 2003: ''The number of licensed physicians in a state is not an accurate measure of whether patients have adequate access to health care. Physicians may reduce their practice, stop treating high-risk patients, or stop practicing altogether and still maintain their license. Also, the number of licensed physicians is not an accurate indicator of the distribution of those physicians in underserved areas. Licensed physicians may work in administrative, academic or other settings where they may not have a clinical practice. Also, many retired physicians maintain a license. Information in the Federation of State Medical Boards' database shows that approximately 60% of physicians are licensed in more than one state which indicates that they are licensed in states where they do not maintain a full-time or part-time practice.''

Accurately count physicians by specialties and local markets. The GAO's method of measuring physician supply and potential access to care is not appropriate. Physician/population ratios that aggregate physicians across local markets and specialties obscure the significant market-specific or specialty-specific changes in the supply of physicians and availability of critically important medical services. Similarly, the number of high-risk sub-specialists that depart from any locality would likely account for only a small percentage of physicians in the state.

Use multi-payor data to accurately measure access to health care services that Medicare data alone do not capture. Utilization statistics based exclusively on data from a single payor (Medicare) exclude data for obstetric and emergency care, and fail to capture the impairment of access among other vulnerable populations, such as Medicaid patients. Medicare data are inadequate to identify changes in obstetric services because a vast majority of Medicare eligible beneficiaries are beyond reproductive age. Limitations in the data also preclude an assessment of changes in emergency room services. Therefore, the report significantly understates the impact of rising liability insurance premiums because it does not examine two clinical areas in which impairment of patient access has been the most severe—obstetric and emergency room services.

The AMA will continue to advocate on behalf of patients and physicians for national reforms similar to those already passed by the U.S. House of Representatives. America's patients are the ones who will suffer if Congress does not act soon. This is a crisis. It is not waning, and without real reforms more patients will be unable to find a doctor to deliver a baby, perform life-saving trauma surgery, or provide other critical care to high-risk patients who need it most.

Mr. VOINOVICH. I will summarize quickly some of the conclusions. It says: The GAO August report fails to accurately reflect the severity of the current crisis. Numerous changes in the GAO methodology would strengthen the basic findings. Among the data sources, measures, analytical methods that could be improved: Examine all crisis States. To date, the AMA, in conjunction with its federation of State medical associations, has identified 19 States that have a medical liability crisis.

They also suggest recognizing the increased impact on rural areas, which GAO did not do; approximately measure physician mobility. Physician accounts were based on State licensure data which do not accurately reflect the number of physicians practicing in a given location. Actual physician practice location information must be used instead.

They should accurately count physicians by specialties and local markets and use multi-payor data to accurately measure access to health care services that Medicare data alone do not capture.

I can tell you I have not completely read the GAO report, but I have read portions of it. Its connection to reality in my State is not there. I have talked to David Walker about it. I have talked to the people who did the report and encouraged them to look at some of the suggestions the AMA made and perhaps do another study that would accurately reflect what is really going on today in this country in terms of medical malpractice increases and what it is doing to access to health care.

I would like to end my remarks with the words of Dr. Evangeline Andarsio. Dr. Andarsio is an OB/GYN from Dayton, OH. I met Dr. Andarsio at a physicians rally in Ohio. I will never forget that day. It was October of 2002. It was very cold. I was freezing. In fact, when I got up, my teeth were chattering. But prior to my getting up, Dr. Andarsio started to speak. I thought to myself, this doctor is just going to go on and on and on. And I was cold. But as she started, as I listened intently to what she was saying, I was moved by her remarks. This was truly a dedicated physician who loved her patients, loved what she was doing, and who was unable to practice medicine the way she wanted to because of this malpractice lawsuit abuse problem she is confronted with in our State.

I would like to close with a quote from her speech:

> Help us to maintain an ability to have a practice that offers patients excellent access to care—to continue one of the most important relationships in our lives—the doctor-patient relationship—thus maintaining individualized and compassionate care.

That is what much of this debate is about. It is about physicians being able to practice medicine and do it in a way they did back when my wife Janet and I were having our four children. There is a special relationship between an OB/GYN and a family. It breaks my heart to see so many of them leaving the practice of medicine because of these malpractice costs with which they are confronted.

We do have a crisis. This Senate is going to have to face up to it. I am hoping that we will have 60 votes today on cloture on the motion to proceed. I think we need to debate this issue. This issue has to be debated and the American people who are not aware of the crisis need to be made aware of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, what is the present situation relative to time?

The PRESIDING OFFICER. The Senator's side has 37 minutes and the other side has 12 and a half minutes.

Mr. GREGG. The Senator from Florida wanted 20 minutes. I ask unanimous consent that he be allowed to proceed after I speak for 20 minutes, but to the extent his time exceeds 12 minutes, it be debited against the time of the Democratic membership after we come back from the policy lunches.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I congratulate the Senator from Ohio for an excellent statement outlining the gravity of the problem we face, which is that women in this country are losing access to OB/GYN doctors, especially if they want to have babies. As a result, we are putting a lot of pressure on a lot of people—women, specifically, in their birthing years—and making it difficult, especially in rural areas, to get the type of health care we want them to get.

We are a society that is built around the concept of babies and children, and that is one of the more exciting things that happens in everybody's lifetime. Yet we are a society making it extraordinarily difficult now for doctors who practice the delivery of children and babies to practice their trade.

As I have said before, lawyers don't deliver children. Doctors deliver children. Unfortunately, the doctors are being driven out of the business by attorneys, and the cost of their malpractice premiums are going up radically. As a result, many doctors in my State are not delivering children anymore. I went through the specifics of that yesterday. I want to read a compelling letter I received from Debbie Risteen. She lives in Derry, NH. She has six children.

She wrote:

I regret I could not be here with you in person today to tell you my story myself, as it would have been quite an honor for me. Let me tell you a little about myself. I am a mother of 6 whose ages range from 12 to 8 months. I love children and I homeschool. One of my favorite things of our married life has been being pregnant and delivering our babies. What an incredible time all 6 have been!

I would like to describe to you a word picture for a moment. . . . It was a very difficult decision for me to decline coming to speak to you all today. One that took a lot thought. I need to weigh the cost at such a short notice. As much as I wanted to be here today, my family needed me more. If anything happened especially with the baby . . . I would be so far away to be able to meet the need and it would take me awhile to get to NH. In this picture, I now want you to see the importance of a pregnant woman needing the care of her OB. Someone she can depend on, trust in the decisions that lie ahead and most of all close in case of an emergency just like my family is depending on me.

You see, my heart was broken this Christmas when I learned of our dear friend, Dr. Pat Miller, would not be doing what was closest to her heart . . . delivering babies. I could not believe it, you are so wonderful at this, people need you, I would tell her.

12½ years ago we made one of the biggest decisions of our lives . . . to begin a family. When we got the exciting news, we were busy looking for the best care, a doctor who was up on the latest, one who could handle complications, a hospital close by, and the list went on. We learned of a new OB in the area . . . Pat Miller. We heard she was all the things we were looking for and more. We were thrilled to be in the care of someone as wonderful as her. Through all of our visits we became very close friends and I knew she truly cared about me, the child, and my husband. Being our first and not knowing what to expect, I knew she was right there if anything was to happen and I trusted her wisdom to do what was best for the both of us. As a matter of fact, 3 of our children were born on her day off and she spent the day at the hospital in case we needed her for any emergencies. It was a tremendous comfort not only to me through these 9 months, but also for my husband to know we were in the best care and it was close. We knew that no matter what lied ahead she was there and would make the best choices. As our family began to grow it was a huge help to have her close by, especially when bringing 1 then 2 and so on with me. I have been so fortunate through 6 pregnancies to not have any complications, but as we all know, there are no guarantees to this. Other women are not as fortunate as me, but I would love for them to be able to have the same comfort and trust that I have experienced with our OB. I love our children dearly, and I love babies, and my hearts desire in sharing my story with you, is for legislators to hear 1st hand the importance of people, like Pat Miller, to be able to continue what she loves and does best. To be able to provide an environment in which OB's can continue to deliver babies. To allow other mothers the same opportunity of trust and friendship that we still have today with our OB. Please listen to my heart . . . we need people like Pat Miller back in OB where she does what she knows best. Thank you for listening.

Sincerely,

DEBBIE RISTEEN.

That is a pretty compelling letter. It is anecdotal, but it is an anecdote happening across this country. Stories are being retold. Women are losing their OBs because these physicians are getting out of the practice of delivering babies because of the cost of their malpractice insurance. This bill will help alleviate that problem, and it is absolutely critical to give women this access and to not do things extremely discriminatory against women, and especially women who wish to become pregnant and have children.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I rise today in support of S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act, the principal sponsors of which were Senator GREGG and Senator ENSIGN.

Much of America cannot access basic medical services because lawsuits are driving insurance premiums through the roof and driving doctors literally out of business. Seven months ago a majority of Senators voted to try to do something about this problem. Unfortunately, not a single Democratic Senator supported our effort and therefore we could not overcome a filibuster and were prevented from even considering S. 11, the Patients First Act of 2003.

In the last 7 months, the crisis has gotten no better. That is the bad news. The good news is our resolve has not waned so again we are before the American people waiting and willing to roll up our sleeves to fix this problem if our friends on the other side of the aisle will let us have a chance.

Like the bill we offered last July, the reforms we are now proposing are tried and true. They are based on California's MICRA legislation, which for a quarter of a century has stabilized insurance premiums and helped ensure access to health care for those in the Golden State. The Healthy Mothers and Healthy Babies Access to Care Act would allow plaintiffs to recover unlimited economic damages, up to a quarter million dollars in noneconomic damages, and punitive damages up to the greater of a quarter million or twice economic damages.

While the reforms in S. 2061 are similar to those in MICRA and S. 11, the scope of S. 2061 is much more narrow. The bill we are asking the Senate to begin considering today pertains only to obstetrics and gynecological services. If our friends across the aisle will not help us protect all medical professionals with MICRA-type reforms, then perhaps they will let us take this important step toward reform by protecting at least one specialty.

OB/GYNs provide some of the most critical medical services in our country. Unfortunately, OB/GYNs also suffer from some of the highest premiums. As a result, women and children across our country are placed in danger as they struggle to find, oftentimes unsuccessfully, basic obstetric care. This is a nationwide problem. Data from the American College of Obstetricians and Gynecologists illustrates the legal and financial jeopardy faced by OB/GYNs across our country today.

Obstetrics and gynecology are among the top three specialties with the highest professional liability insurance premiums. OB/GYNs were No. 1 among 28 specialty groups in the number of claims filed against them. OB/GYNs were also the highest of all specialty groups in the average cost of defending against a claim. OB/GYNs are also facing enormous increases in the average payout of claims brought against them.

For example, back in 1996, the average award against an OB/GYN was $254,495. Between 1996 and 1998, the average award went up to about $350,000—from $250,000 up to $350,000 in 2 years. By 2000, the average award against an OB/GYN had increased to about $400,000. That is an increase of almost 40 percent in 4 short years.

This phenomenon is even more striking when one looks at cases involving alleged brain injuries to newborns.

Such cases account for 30 percent of all claims against OB/GYNs but research shows physician error is responsible for fewer than 4 percent of neurologically impaired infants. Despite the rarity of physician error in these cases, the average award in these few cases where obstetricians are at fault has dramatically increased in just a few years. In 1996, the average award in these type cases was about $460,000. Two years later, the average award had doubled to $935,000.

Today, the median award in childbirth cases has risen to over $2 million. This is the highest category of award for all types of medical liability cases. American women should not be misled by these statistics. They should not worry that despite annual advances in medical technology and training there is somehow an increasingly poor level of obstetric care in this country.

No, these troubling statistics do not mean America's medical schools have lowered their standards and a rash of incompetent obstetricians has begun to practice medicine. In fact, according to the Society of Obstetricians and Gynecologists, over 80 percent of all cases that went to verdict against an OB/GYN resulted in judgments for the physician. In other words, on average eight out of 10 cases that went to trial against OB/GYNs were not meritorious.

It is the dramatic increase in awards noted above and the specter of such awards in settlement negotiations that is driving malpractice premiums through the roof, not a lowering of medical standards for practice.

Looking at my own State, the immediate result of skyrocketing liability premiums is the doctors pack up and move to a State such as California with liability reform or they just simply close their doors altogether. When this happens, the ultimate victims, of course, are the patients, the mothers and their children.

Let's take a look at the Commonwealth of Kentucky. Kentucky does not have a medical liability reform system. Not surprisingly, liability insurance rates for OBs in my State increased 64 percent in one year from 2002 to 2003. Also not surprisingly in the last 3 years, Kentucky has lost one-fourth of its obstetricians.

Moreover, Kentucky has lost nearly half its potential obstetric services during this time when one factors in those who have limited their practices.

As this chart I have shows, roughly 60 percent of the counties in the Commonwealth of Kentucky have no obstetrician at all—none. These are counties in red on this map. It is a majority of the counties in my State that have no obstetricians at all.

Other counties, such as Perry County, down in southeast Kentucky, down this way, technically have a practicing OB/GYN, but that one doctor has stopped delivering babies within the last year, so if you are in Perry County, that doesn't do you much good. Still other counties, such as Greenup, Lawrence, and Johnson Counties, in northeast Kentucky, have just one OB/GYN in each county, so if you are a woman in those counties you better hope there is not another woman having a baby when you are, or the doctor isn't out of town or busy with another patient. If that happens, you are going to have to drive through the hills on the backroads of eastern Kentucky to try to find a doctor to deliver your baby. All told, 82 of Kentucky's 120 counties have no OBs, or just have one OB.

According to Dr. Doug Milligan of Lexington, who specializes in caring for women with high-risk pregnancies, 11 OBs in eastern Kentucky have recently quit delivering babies or left the State, forcing women to drive for hours.

According to Dr. Milligan, apart from problems with delivering babies, some women are developing complications because they are not getting prenatal care.

So what should we conclude from all of this? The situation I have just described is not, unfortunately, unique to Kentucky. As you will hear from my colleagues, States across the country are in similar straits. So I commend Senator GREGG and Senator ENSIGN for trying to address this important problem.

As I have said earlier, their legislation is modeled on reforms that have stood the test of time in California, and it has been endorsed by the American Medical Association, the American College of Obstetricians and Gynecologists, and a host of other medical organizations.

I hope a dozen brave souls on the other side of the aisle will give the Senate a chance to consider this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand there was an agreement for the allocation of time evenly divided between the two parties this morning, and that there has also been an agreement to divide the time during the afternoon.

I have talked with our leadership. They have indicated I could use 10 minutes of our time this afternoon, for the Democratic side, and use it at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. What adjustment has to be made in the afternoon will be made.

Mr. President, I intend to speak to the issue before us, medical malpractice, in a moment. I will yield myself 6 minutes now and then I will speak on the medical malpractice in just a moment.

THE FEDERAL MARRIAGE AMENDMENT

Earlier today the President announced his endorsement of the Federal marriage amendment. By endorsing this shameful effort to write discrimination back into the Constitution, President Bush has betrayed his campaign promise to be ''a uniter, not a divider.''

The Constitution is the foundation of our democracy and it reflects the enduring principles of our country. We have amended the Constitution only 17 times in the two centuries since the adoption of the Bill of Rights. Aside from the amendment on prohibition, which was quickly recognized as a mistake and repealed 13 years later, the Constitution has often been amended to expand and protect people's rights, never to take away or restrict their rights.

By endorsing this shameful proposal, President Bush will go down in history as the first President to try to write bias back into the Constitution.

Advocates of the Federal marriage amendment claim it will not prevent States from granting some legal benefits to same-sex couples, but that is not what the proposed amendment says. By forbidding same-sex couples from receiving ''the legal incidents of marriage,'' the amendment would prohibit State courts from enforcing many existing State and local laws, including laws that deal with civil unions and domestic partnerships and other laws that have nothing to do with such relationships.

Just as it is wrong for a State's criminal laws to discriminate against gays and lesbians, it is wrong for a State's civil laws to discriminate against gays and lesbians by denying them the many benefits and protections provided for married couples.

The proposed amendment would prohibit States from deciding these important issues for themselves. This Nation has made too much progress in the ongoing battle for civil rights to take such an unjustified step backwards now.

We all know what this is about. It is not about how to protect the sanctity of marriage, or how to deal with activist judges. It is about politics, an attempt to drive a wedge between one group of citizens and the rest of the country, solely for partisan advantage. We have rejected that tactic before and I hope we will do so again.

The timing of today's statement is also a sign of the desperation of the President's campaign for reelection. When the war in Iraq, jobs and the economy, health care, education, and many other issues are going badly for the President and his reelection campaign is in dire straits, the President appeals to prejudice in a desperate tactic to salvage his campaign.

I am optimistic the Congress will refuse to pass this shameful amendment. Many of us on both sides of the aisle have worked together to expand and defend the civil rights of gays and lesbians. Together, on a bipartisan basis, we have fought for a comprehensive Federal prohibition on job discrimination on the basis of sexual orientation. We have fought together to expand the existing Federal hate

crimes law to include hate crimes based upon this flagrant form of bigotry.

I hope we can all agree that Congress has more pressing challenges to consider than a divisive, discriminatory constitutional amendment that responds to a nonexistent problem. Let's focus on the real issues of war and peace, jobs and the economy, and the many other priorities that demand our attention so urgently in these troubled times.

Mr. President, as to the issue that we will be voting on this afternoon, on the medical malpractice legislation, I spoke on this issue yesterday but there are a few additional points that I wish to make today.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

MEDICAL MALPRACTICE LEGISLATION

Mr. KENNEDY. Mr. President, today's vote of S. 2061 is a test of the Senate's character. In the past, this body has had the courage to reject the simplistic and ineffective responses proposed by those who contend that the only way to help doctors is to further hurt seriously injured patients. Unfortunately, as we saw in the Patients' Bill of Rights debate, the Bush administration and congressional Republicans are again advocating a policy which will benefit neither doctors nor patients, only insurance companies. Caps on compensatory damages and other extreme ''tort reforms'' are not only unfair to the victims of malpractice, the do not result in a reduction of malpractice insurance premiums.

Once more, we must stand resolute.

We must not sacrifice the fundamental legal rights of seriously injured patients on the altar of insurance company profits. We must not surrender our most vulnerable citizens—seriously injured women and newborn babies—to the avarice of these companies.

This bill contains most of the same arbitrary and unreasonable provisions which were decisively rejected by a bipartisan majority of the Senate last year. The only difference is that last year's bill took basic rights away from all patients, while this bill takes those rights away only from women and newborn babies who are the victims of negligent obstetric and gynecological care. That change does not make the legislation more acceptable. On the contrary, it adds a new element of unfairness.

This legislation would deprive seriously injured patients of the right to recover fair compensation for their injuries by placing arbitrary caps on compensation for non-economic loss in all obstetrical and gynecological cases. These caps only serve to hurt those patients who have suffered the most severe, life-altering injuries and who have proven their cases in court.

They are the children who suffered serious brain injuries at birth and will never be able to lead normal lives. They are the women who last organs, reproductive capacity, and in some cases even years of life. These are life-altering conditions. It would be terribly wrong to take their rights away. The Republicans talk about deterring frivolous cases, but caps by their nature apply only to the most serious cases which have been proven in court. These badly injured patients are the last ones we should be depriving of fair compensation.

A person with a severe injury is not made whole merely by receiving reimbursement for medical bills and lost wages. Noneconomic damages compensate victims for the very real, though not easily quantifiable, loss in quality of life that results from a serious, permanent injury. It is absurd to suggest that $250,000 is fair compensation for a child who is severely brain injured at birth and, as a result, can never participate in the normal activities of day-to-day living; or for a woman who lost her reproductive capacity because of an OB/GYN's malpractice.

This is not a better bill because it applies only to patients injured by obstetrical and gynecological malpractice. That just makes it even more arbitrary.

The entire premise of this bill is both false and offensive. Our Republican colleagues claim that women and their babies must sacrifice their fundamental legal rights in order to preserve access to OB/GYN care. The very idea is outrageous.

For those locales—mostly in sparsely populated areas—where the availability of specialists is a problem, there are far less drastic ways to solve it. It is based on the false premise that the availability of OB/GYN physicians depends on the enactment of draconian tort reforms. If that were accurate, States that have already enacted damage caps would have a higher number of OB/GYNs providing care. However, there is in fact no correlation. States without caps actually have 28.4 OB/GYNs per 100,000 women, while States with caps have 25.2 OB/GYNs per 100,000 women.

And that is only one of many fallacies in this bill. If the issue is truly access to obstetric and gynecological care, why has this bill been written to shield from accountability HMOs that deny needed medical care to a woman suffering serious complications with her pregnancy, a pharmaceutical company that fails to warn of dangerous side effects caused by its new fertility drug, and a manufacturer that markets a contraceptive device which can seriously injure the user? Who are the authors of this legislation really trying to protect?

In reality, this legislation is designed to shield the entire health care industry from basic accountability for the care it provides to women and their infant children. It is a stalking horse for broader legislation which would shield them from accountability in all health care decisions involving all patients. While those across the aisle like to talk about doctors, the real beneficiaries will be insurance companies and large health care corporations. This legislation would enrich them at the expense of the most seriously injured patients; women and children whose entire lives have been devastated by medical neglect and corporate abuse.

When will the Republican party start worrying about injured patients and stop trying to shield big business from the consequences of its wrongdoing?

If we were to arbitrarily restrict the rights of seriously injured patients as the sponsors of this legislation propose, what benefits would result? Certainly less accountability for health care providers will never improve the quality of health care. It will not even result in less costly care. The cost of medical malpractice premiums constitutes less than two-thirds of 1 percent—0.66 percent—of the Nation's health care expenditures each year. Malpractice premiums are not the cause of the high rate of medical inflation.

In this era of managed care and cost controls, it is ludicrous to suggest that the major problem facing American health care is ''defensive medicine.'' The problem is not ''too much health care,'' it is ''too little'' quality health care.

A CBO report released in January of this year rejected claims being made about the high cost of ''defensive medicine''. Their analysis ''found no evidence that restrictions or tort liability reduce medical spending.'' There was ''no statistically significant difference in per capita health care spending between States with and without limits on malpractice torts.''

The White House and other supporters of caps have argued that restricting an injured patient's right to recover fair compensation will reduce malpractice premiums. But, there is scant evidence to support their claim. In fact, there is substantial evidence to refute it. In the past year, there have been dramatic increases in the cost of medical malpractice insurance in States that already have damage caps and other restrictive tort reforms on the statute books, as well as the States that do not. No substantial increase in the number or size of malpractice judgments has suddenly occurred which would justify the enormous increase in premiums which many doctors are being forced to pay.

The reason for sky-high premiums cannot be found in the courtroom.

Caps are not only unfair to patients, they are also an ineffective way to control medical malpractice premiums. Comprehensive national studies show that medical malpractice premiums are not significantly lower on average in States that have enacted damage caps and other restrictions on patient rights than in States without these restrictions. Insurance companies are merely pocketing the dollars which patients no longer receive when ''tort reform'' is enacted.

Focusing on premiums paid by OB/GYN physicians, the evidence is the same. Data from the Medical Liability Monitor shows that the average liability premium for OB/GYNs in 2003 was actually slightly higher in States with caps of damages—$63,278—than in States without caps—$59,224. It also showed that the rate of increase last year was higher in States with caps—17.1 percent—than it was in States without caps—16.6 percent.

This evidence clearly demonstrates that capping malpractice damages does not benefit the doctors it purports to help. Their rates remain virtually the same. It only helps the insurance companies earn even bigger profits. As Business Week Magazine concluded after reviewing the data, ''the statistical case for caps is flimsy.'' That was in the March 3, 2003 issue.

If a Federal cap on non-economic compensatory damages were to pass, it would sacrifice fair compensation for injured patients in a vain attempt to reduce medical malpractice premiums. Doctors will not get the relief they are seeking. Only the insurance companies, which created the recent market instability, will benefit.

Insurance industry practices are responsible for the sudden dramatic premium increases which have occurred in some States in the past 2 years. The explanation for these premium spikes can be found not in legislative halls or in courtrooms, but in the boardrooms of the insurance companies themselves.

Insurers make much of their money from investment income. Interest earned on premium dollars is particularly important in medical malpractice insurance because there is a much longer period of time between receipt of the premium and payment of the claim than in most lines of casualty insurance. The industry creates a ''malpractice crisis'' whenever its investments do poorly. The combination of a sharp decline in the equity markets and record low interest rates in recent years is the reason for the sharp increase in medical malpractice insurance premiums. What we are witnessing is not new. The industry has engaged in this pattern of behavior repeatedly over the last 30 years.

Last year, Weiss Ratings, Inc., a nationally recognized financial analyst conducted an in-depth examination of the impact of capping damages in medical malpractice cases. Their conclusions sharply contradict the assumptions on which this legislation is based. Weiss found that capping damages does reduce the amount of money that malpractice insurance companies pay out to injured patients. However, those savings are not passed on to doctors in lower premiums.

Between 1991 and 2002, the Weiss analysis shows that premiums rose by substantially more in the States with damage caps than in the States without caps. The 12-year increase in the annual malpractice premium was 48.2 percent in the States that had caps, and only 35.9 percent in the States that had no caps. In the words of the report:

> On average, doctors in States with caps actually suffered a significantly larger increase than doctors in States without caps . . . . In short, the results clearly invalidate the expectations of cap proponents.

Doctors, especially those in high-risk specialties, whose malpractice premiums have increased dramatically over the past few years, do deserve premium relief. That relief will only come as the result of tougher regulation of the insurance industry. When insurance companies lose money on their investments, they should not be able to recover those losses from the doctors they insure. Unfortunately, that is what is happening now.

Doctors and patients are both victims of the insurance industry. Excess profits from the boom years should be used to keep premiums stable when investment earnings drop. However, the insurance industry will never do that voluntarily. Only by recognizing the real problem can we begin to structure an effective solution that will bring an end to unreasonably high medical malpractice premiums.

There are specific changes in the law which should be made to address the abusive manner in which medical malpractice insurers operate. The first and most important would be to subject the insurance industry to the Nation's anti-trust laws. It is the only major industry in America where corporations are free to conspire to fix prices, withhold and restrict coverage, and engage in a myriad of other anticompetitive actions. A medical malpractice ''crisis'' does not just happen. It is the result of insurance industry schemes to raise premiums and to increase profits by forcing anti-patient changes in the tort law. I have introduced with Senator LEAHY, legislation which will at long last require the insurance industry to abide by the same rules of fair competition as other businesses. Secondly, we need stronger insurance regulations which will require malpractice insurers to set aside a portion of the windfall profits they earn from their investment of premium dollars in the boom years to cover part of the cost of paying claims in lean years. This would smooth out the extremes in the insurance cycle which have been so brutal for doctors. Thirdly, to address the immediate crisis that some doctors in high risk specialties are currently facing, we should provide temporary premium relief. This is particularly important for doctors who are providing care to underserved populations in rural and inner city areas.

Unlike the harsh and ineffective proposals in S. 2061, these are real solutions which will help physicians without further harming seriously injured patients. Unfortunately, the Republican leadership continues to protect their allies in the insurance industry and refuses to consider real solutions to the malpractice premium crisis.

This legislation—S. 2061—is not a serious attempt to address a significant problem being faced by physicians in some States. It is the product of a party caucus rather than the bipartisan deliberations of a Senate committee. It was designed to score political points, not to achieve the bipartisan consensus which is needed to enact major legislation. For that reason, it does not deserve to be taken seriously by the Senate.

I withhold whatever time I have and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold on suggesting the absence of a quorum?

Mr. KENNEDY. I withhold suggesting the absence of the quorum.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

HEALTHY MOTHERS AND HEALTHY BABIES ACCESS TO CARE ACT OF 2003—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, what is the state of business?

The PRESIDING OFFICER. The time until 4:50 is evenly divided.

Mr. HATCH. Thank you, Mr. President.

I rise to speak in support of S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act.

This bill addresses the medical liability and litigation crisis in our country, a crisis that is preventing patients from receiving high quality health care—or, in some cases, any care at all because doctors are being driven out of practice. This crisis is limiting or denying access to vital medical care and needlessly increasing the cost of care for every American.

As you will recall, we have previously tried to remedy this crisis in access to care. Most recently, we debated S. 11 which failed to receive the 60 votes necessary to invoke cloture last July. You have to have a supermajority now on these types of issues because of the opponents of this bill—and some others.

The time to act is now. The health care crisis is jeopardizing access to health care for many Americans. The medical liability crisis is also inhibiting efforts to improve patient safety and is stifling medical innovation. Excessive litigation is adding billions of dollars in increased costs and reduced access to high quality health care.

Defensive medicine is way out of whack. We are spending billions of dollars on unnecessary defensive medicine because doctors are terrified they are going to be sued in these frivolous lawsuits—called medical liability suits—by personal injury lawyers.

I am deeply concerned that we are needlessly compromising patient safety and quality health care. We know about 4 percent of hospitalizations involve an adverse event, and 1 percent of hospitalizations involve an injury that would be considered negligent in court.

These numbers have been consistent in large studies done in New York, California, Colorado, and in my home State of Utah. However, the equally troubling statistic is only 2 percent of cases with actual negligent injuries result in claims, and less than one-fifth—17 percent—of claims filed actually involve a negligent injury.

This situation has been likened to a traffic cop who regularly gives out more tickets to drivers who go through green lights than those who run red lights. Clearly, nobody would defend that method of ensuring traffic safety, and we should not accept such an insufficient and inequitable method of ensuring patient safety. Numbers are a searing indictment of the current medical liability system. I personally believe we can do better for the American people, and the Healthy Mothers and Babies Act is an important step in that path.

The problem is particularly acute for women who need obstetrical and gynecologic care because OB/GYN is among the top three specialties with the highest professional liability insurance premiums. This has led to many doctors leaving practice and to a shortage of doctors in many States, including my home State of Utah.

Studies by both the Utah Medical Association and the Utah Chapter of the American College of Obstetricians and Gynecologists underscore the problem in my State. Over half—50.5 percent—of family practitioners in Utah have already given up obstetrical services or never practice obstetrics. Of the remaining 49.5 percent who still deliver babies, 32.7 percent say they plan to stop providing OB services within the next decade. Most plan to stop within the next 5 years.

An ACOG survey from August 2002 revealed that over half—53.16 percent—of OB/GYNs in Utah have changed their practice, such as retiring, relocating, or dropping obstetrics because of the medical liability reform crisis. This change in practice leaves 1,458 pregnant Utahns without OB/GYN care.

The medical liability crisis, while affecting all medical specialties and practices, hits OB/GYN practices especially hard, and I suspect this is true of every State in the Union. Astonishingly, over three-fourths, 76.5 percent, of obstetricians/gynecologists report being sued at least once in their career. Indeed, over one-fourth of OB/GYN doctors will be sued for care given during their residency. These numbers have discouraged Americans finishing medical school from choosing this vital specialty. Currently, one-third of OB/GYN residency slots are filled by foreign medical graduates compared to only 14 percent one decade ago. OB/GYN doctors are particularly vulnerable to unjustified lawsuits because of the tendency to blame the doctor for brain-injured infants, although research has proven that physician error is responsible for less than 4 percent of all neurologically impaired babies.

Ensuring the availability of high-quality prenatal and delivery care for pregnant women and their babies, the most vulnerable members of our society, is imperative. We simply must pass this bill.

In August 2003, a GAO report concluded that actions taken by health providers as a result of skyrocketing malpractice premiums have contributed to health care access problems. These problems include reduced access to hospital-based services for deliveries, especially in rural areas. In addition, the report indicated that States that have enacted tort reform laws with caps on noneconomic damages have slower growth rates in medical malpractice premiums and claims payments. From 2001 to 2002, the average premiums for medical malpractice insurance increased about 10 percent in States with caps on noneconomic damages. In comparison, States with more limited reforms experienced an increase of 29 percent in medical malpractice premiums.

Medical liability litigation directly and dramatically increases health care costs for all Americans. Unfortunately, a high percentage of those cases are brought in order to get the defense costs by, in many respects, lawyers who are not true to their profession, who are personal injury lawyers seeking to make a buck.

In addition, skyrocketing medical litigation costs indirectly increase health care costs by changing the way doctors practice medicine. Defensive medicine is defined as medical care that is primarily or solely motivated by fear of malpractice claims and not by the patient's medical condition. According to a survey of 1,800 doctors published in the Journal of Medical Economics, more than three-fourths of doctors believed they must practice defensive medicine. A 1998 study of defensive medicine by Mark McClellan, our current head of the FDA who has been nominated now to be head of CMS, used national health expenditure data that showed medical liability reform has the potential to reduce defensive medicine expenditures by $69 billion to $124 billion in 2001, an amount that is between 3.2 and 5.8 times the amount of malpractice premiums.

The financial toll of defensive medicine is great and especially significant for reform purposes as it does not produce any positive health results nor benefits. Not only does defensive medicine increase health care costs, it also puts Americans at avoidable risk. Nearly every test and every treatment has possible side effects. Thus every unnecessary test, procedure, and treatment potentially puts a patient in harm's way.

Seventy-six percent of physicians are concerned that malpractice litigation has hurt their ability to provide quality care to patients. What can we do to address this crisis? The answer is plenty. There are excellent examples of what works.

Last March, the Department of Health and Human Services released a report describing how reasonable reforms in some States have reduced health care costs and improved access to quality health care. More specifically, over the last 2 years in States with limits of $250,000 to $350,000 on noneconomic damages, premiums have increased an average of just 18 percent, compared to 45 percent in States without such limits.

California enacted the Medical Injury Compensation Reform Act, also known as MICRA, more than a quarter century ago. MICRA slowed the rate of increase in medical liability premiums dramatically without affecting negatively the quality of health care received by the State's residents. As a result, doctors are not leaving California. Furthermore, between 1976 and 2000, premiums increased by 167 percent in California, while they increased three times as much, 505 percent, in the rest of the country. Consequently, Californians were saved billions of dollars in health care costs, and Federal taxpayers were saved billions of dollars in the Medicare and Medicaid programs.

No one in this body, perhaps with the exception of our colleague from Tennessee, Dr. Bill Frist, our majority leader, is more keenly aware of the defects in this system than I. Before coming to Congress, I litigated several medical liability cases. I defended health care providers. I have seen the heart-wrenching cases in which mistakes were made and where judgments should have been brought. But more often I have seen heart-wrenching cases in which mistakes were not made and doctors were forced to expend valuable time and resources defending themselves against frivolous lawsuits.

I have seen a lot of cases where there was no injury at all that were brought by unscrupulous personal injury lawyers, running up the cost to all the doctors, to the whole system. A high percentage of these cases are brought merely for defense costs because it cost so much to defend these cases that even the defense costs mean a pretty good fee if you are charging 30 to 40 percent.

The recent Institute of Medicine report, ''To Err is Human,'' concluded that ''the majority of medical errors do not result from individual recklessness or the actions of a particular group. This is not a bad apple problem. More commonly, errors are caused by faulty systems, processes, and conditions that lead people to make mistakes or fail to prevent them''. We need reform to improve the health care systems and processes that allow errors to occur and to identify better when malpractice has not occurred.

The reform I envision would address litigation abuses in order to provide swift and appropriate compensation for malpractice victims, redress for serious problems, and ensure that medical liability costs do not prevent patients from accessing the care they need. We need to move ahead with legislation to improve patient safety and reduce medical errors, and we need urgently to address the medical liability crisis so that more women are not denied access to quality medical care because it has become too expensive for their OB/GYN doctors to continue their practice.

The Healthy Mothers and Healthy Babies Access to Care Act will allow us to begin ensuring women and babies get the medical care they need and deserve. Without tort reform, juries are awarding astounding and unreasonable sums for pain and suffering. A sizable portion of those awards goes to the attorney rather than to the patient. The result is that doctors cannot get insurance and patients cannot get the care they need and deserve.

All Americans deserve the access to care, the cost savings, and the legal protections that States such as California provide their residents. Today's bill will allow us to begin to address this crisis in our health care system, gives women and their babies access to their OB/GYN doctors, and enables doctors to provide high-quality, cost-effective medical care.

I strongly support this legislation and urge my colleagues to support cloture.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that during the debate this afternoon with respect to the cloture vote, any Democratic speakers be limited to 10 minutes each. The reason I propound this request is that we have less than an hour left on our side. We have a number of speakers who have a desire to speak. If we have a limited time, they will not be able to do that. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I do not object to that. I appreciate the time consideration. The Senator from California is kind enough to allow me to proceed. I ask unanimous consent that she immediately follow me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, first, I am here to speak on S. 2061 and ask our colleagues to support it. Many of my colleagues have already spoken of the pressing need for this legislation, so I will not repeat their words now. What I will speak about is how the medical liability crisis has played out in my region of the country, the Pacific Northwest. I believe the situation as it exists there provides clear evidence of the need for national reform.

My story is the tale of two States, my home State of Idaho and our neighbor to the west, Oregon. Idaho enacted its original tort reform legislation in 1987. This legislation limited the award of noneconomic damages in personal injury cases to $400,000. This limit was indexed to inflation. Oregon also enacted tort reform legislation in 1987. Like the Idaho law, the Oregon law limited the award of noneconomic damages in personal injury cases. Oregon's law placed this limit at $500,000.

Unlike Idaho however, where the tort reform measure withstood judicial scrutiny, and has since been strengthened by the Idaho State Legislature in 2003, Oregon's law was struck down by the State supreme court in 1999. Since the cap was removed, there have been 20 settlements and jury awards of more than $1 million.

As expected, the costs of these awards have been passed on to medical professionals in the form of higher medical malpractice insurance premiums. The Eugene Oregon Register Guard reported on March 19, 2003, that obstetricians who have base coverage ($1 million per claim, $3 million aggregate per year) through Northwest Physicians Mutual, a doctor-owned insurance company, have seen their premiums increase nearly threefold, from $21,895 in 1999 to $61,203 in 2003. The same article referred to a statewide survey conducted by researchers at Oregon Health and Science University which found that since 1999, 125 doctors have quit delivering babies in Oregon—representing about 25 percent of doctors providing obstetric care. Nearly half of these physicians, 48 percent, cited insurance costs and 41 percent said they feared lawsuits.

The article goes on to tell the story of an Oregon physician who is abandoning his practice in Eugene, in order to establish a new practice in Coeur d'Alene, ID. The physician stated that he was attracted to Idaho because the State has safeguards in place for doctors. These safeguards have helped keep malpractice premiums down in Idaho. Indeed, the Idaho Medical association reports that physicians in Idaho for some high-risk specialities, such as obstetrics and gynecology, pay about half of what their counterparts in Oregon pay.

While I welcome any healthcare providers who wish to practice in Idaho, I do not wish to see women of a neighboring State, or any State, suffer from lack of available health care because medical providers cannot afford to purchase malpractice insurance in their home State.

Now as a firm proponent of our Federal system, I have always believed that it is preferable to solve problems at the level of government closest to the people. And my preference here would have been for State governments to address this issue, as indeed many have. However, many other States have either not enacted reform legislation, or as in the case of Oregon, have found their efforts at reform sidetracked by overzealous judges. And, as the medical liability crisis in the 19 States identified by the AMA now threatens to overwhelm the entire Nation's medical liability system, I feel that now is the time to address this issue at the national level.

A Federal law is required to ensure that reforms will be effected in all States. Furthermore, the language of S. 2061 will protect States with existing caps. At the same time it will protect health care providers by establishing a Federal standard for noneconomic damages limits, even if such caps are barred by a State constitution, such as in Oregon. By allowing State autonomy in the setting of liability limits, this bill respects our tradition of federalism.

Since this body refused to vote for cloture on a related bill last July, the general accounting Office has issued a report assessing the effects that rising malpractice insurance premiums have had on the public's access to health care. This report, released in August of last year, confirmed instances in the five ''crisis'' States studied where actions taken by physicians in response to malpractice pressures have reduced access to services affecting emergency surgery and newborn deliveries. No instances of reduced access to heath care were identified in the four ''non-crisis'' States studied.

The August report follows an earlier GAO report that examined the causes of the dramatic increase in malpractice insurance rates. That earlier report found that ''losses on medical malpractice claims—which make up the largest part of insurer's costs—appear to be the primary driver of rate increased in the long run.''

Together these two studies provide strong evidence that: (1) Rising claims costs are driving up the cost of malpractice insurance; (2) the rising cost of insurance is causing medical service providers to take actions which have limited access to health care; and (3) the imposition of noneconomic damages caps, as well as the other reform measures included in this bill, are effective in constraining the rise of insurance premiums.

From the Pacific Northwest to the Florida Keys, the problem is clear and the solution is clear. The only question awaiting clarification is whether this body possesses the resolve to pass this much-needed legislation.

Mr. President, to reiterate, I want to tell the story of two States as it relates to this issue and the bill, Healthy Mothers and Healthy Babies Access to Care Act, addressing that problem. The States are Idaho and Oregon. In 1987, Idaho and Oregon passed identical laws—or relatively identical laws. In the State of Idaho, we capped our personal injury cases at $400,000. Oregon capped them at $500,000. Unlike Idaho, the Oregon Supreme Court, in a period of time immediately following that, struck down the Oregon action. Idaho did not.

Idaho not only held its law but then strengthened that law in 2003. Here is the rest of the story. Idaho strengthened its law in 2003. Oregon struck down its law in 1999. But they both started in the same place. Since the cap was removed in Oregon, there have been 20 settlements for injury awards of well over a million dollars.

As expected, the cost of these awards has been passed on to the medical professional in the form of higher medical malpractice insurance premiums. The Eugene, Oregon Register Guard reported on March 19, 2003, that obstetricians who have base coverage—that is, $1 million per claim, $3 million per aggregate per year—through Northwest Physician Mutual, a doctor-owned insurance company, have seen their premiums increase nearly threefold, from $21,895 in 1999, to 61,203 in 2003. The same article referred to a statewide survey conducted by researchers at Oregon Health and Science University, which found that since 1999, 125 doctors have quit delivering babies in Oregon—representing about 25 percent of the doctors providing obstetric care. Nearly half of these physicians, 48 percent, cited insurance costs, and 41 percent said they feared lawsuits.

The article went on to talk about one Eugene, OR, physician who moved to Coeur d'Alene, ID. The reason he moved to Idaho is because in our State of Idaho, their insurance premiums are substantially less because the cap we placed in the law has held the test of the courts.

The reality is that we are trying to set the stage nationwide. We are all aware—and many colleagues have come to the floor of the Senate to talk about it—of the studies done, the GAO report, the high-cost States, and the OB/GYN doctors fleeing from those States, and as a result making it very difficult in some instances for pregnant women to receive the kind of health services they need and, in fact, upon time of delivery, to know they have a doctor waiting at their side to help them.

As medical liability crises in these 19 identified States loom, it is time we speak with uniformity across the Nation. That is exactly what this bill does. I hope that our colleagues can support cloture and we can move to a final vote on this bill. Clearly, the American people are now expecting us to speak out.

Last week, I held a health care conference in Boise. One of the primary concerns was the rapidly rising cost of health care. One of the components of that escalation in cost is the very thing we are attempting to address today. So I hope the Senate can stand with reasonable unity. Myself and others understand the politics of the trial bar. When is enough enough?

If we don't, by this action, deny access to the courts by those who are truly injured—and we don't—then why are we allowing a certain segment of our society, in the litigious manner they have chosen, to line their pockets. Who is the beneficiary? The patient? In many instances, they are not. Yet costs go up simply because of the risk involved.

We ought to be protecting the patient and, in this case, the average citizen of this country on both sides of that equation by making sure they can gain true access to the courts when true injury results and, at the same time, making sure we are wise enough to hold down the increasing costs of health care, assisted by the dramatic increase in premium costs to our physician. This is a step toward that kind of a solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Idaho for his courtesy. I cannot support this bill. I don't believe it reflects compromise. I don't think it is materially changed from the bill that failed to get 50 votes last July. The major difference, as I see it, in this bill is that the liability restrictions apply to only one medical specialty group, obstetricians and gynecologists.

This bill sets a national cap of $250,000 for noneconomic damages. The cap applies not only to suits against doctors but to suits against HMOs and to manufacturers of gynecological or obstetric products as well.

So, under this bill, the Dalkon Shield contraceptive device would be shielded by this $250,000 cap regardless of the harm caused.

Moreover, this bill severely limits the availability of punitive damages against OB/GYNs and manufacturers of related products. The bill would also immunize manufacturers or sellers of gynecological products approved by the FDA from punitive damages.

The FDA exemption sets, in a way, a downward course. If a company has an FDA-approved product on the market and then learns of dangerous complications, the company must remove the product from the marketplace immediately. To provide an exemption for products with FDA approval may well be a disincentive to prompt removal from the shelf.

I am one who believes there needs to be a solution to rising malpractice insurance premiums. I want to talk to that solution in just a moment. But, it is correct that obstetricians and gynecologists are reeling under exorbitant medical malpractice premiums.

Obstetricians and gynecologists had more claims against them and paid out more money to plaintiffs than any other medical specialty between 1985 and 2000.

Prior to the State of Florida passing medical liability caps last year, OB/GYNs in Florida paid over $200,000 annually for malpractice insurance.

OB/GYNS in California, a State with liability caps, pay an average in malpractice insurance of $57,000, which is about a quarter of what it is in Florida.

According to the American College of Obstetricians and Gynecologists, 20 percent of obstetricians and gynecologists in Nevada are leaving their practice due to rising malpractice insurance costs. Twenty percent of OB/GYNs in West Virginia and Georgia have been forced out of their practice. I could go on and on and on.

I want to talk for a moment about California, and then I want to talk about what I think is a logical solution to this. But up to this point, the AMA and my own medical association, the California Medical Association, won't buy it. Congress can and should provide some legislative relief.

MICRA, the Medical Injury Compensation Reform Act, took place 29 years ago in California. MICRA set a precedent in the ensuing years for reform measures in several States. The MICRA law provides a model.

Last year, I spent several months reviewing MICRA to see what could be transferred to the national level.

I have come to believe it is possible that reasonable caps on liability can lead to affordable premiums.

When MICRA was enacted in 1975, the cost of health insurance in California was higher than in any market except New York City. In the 6 years before 1975, the number of malpractice suits filed per hundred physicians in California had more than doubled.

MICRA has kept costs down. In 1975, California's doctors paid 20 percent of the gross costs of all malpractice insurance premiums in the country. Today, it is 11 percent.

California's premiums grew 167 percent over the past 25 years compared to 505 percent in other States. So the growth in California is just about less than a third of what it is in the rest of the United States.

In California, patients get their money faster. Cases in California settle 23 percent faster than in States without caps on noneconomic damages.

MICRA allows patients to obtain health care costs, recover for loss of income, and receive the funds they need to be rehabilitated. And California's malpractice premiums are now one-third to one-half lower on average than those in Florida and New York.

The proposal I would put out for people to study today takes those parts of MICRA which I thought could serve as a national model. For example, a schedule of attorney's fees; a strict statute of limitations requiring that medical negligence claims be brought within 1 year from the discovery of an injury or within 3 years of the injury's occurrence; the requirement that a claimant give a defendant 90 days' notice of his or her intent to file a lawsuit before a claim can actually be filed; allowing defendants to pay damage awards in periodic installments; and allowing defendants to introduce evidence at trial to show that claimants have already been compensated for their injuries through workers' compensation benefits, disability benefits, health insurance, or other payments; and permitting the recovery of

unlimited economic damages. All of these points are now in play in California. I believe they are applicable nationally.

The differences from the California MICRA that I would propose would be in two key areas. The first is noneconomic damages, and the second would be punitive damages. The California MICRA law has a $250,000 cap on noneconomic damages. That is what is proposed in the pending bill. In contrast, I would propose a national $500,000 flex cap, a general cap on noneconomic damages. This cap would allow a State to impose a lower or a higher limit, but it would be pivotal for those States where the State laws do not currently allow a State to set a cap. This would allow in those States for the cap to be $500,000.

In catastrophic cases where a victim of malpractice was subject to severe disfigurement, severe disability, or death, the cap would be the greater of $2 million or $50,000 times the number of years of life expectancy of the victim. This handles the situation of a very young victim who was really the victim of egregious malpractice.

In addition, my proposal would have less onerous punitive damages standards than California law. California law would require a plaintiff to prove punitive damages under the very high standard of fraud, oppression, or malice. Under this standard, I am not aware of a single case where a plaintiff has obtained punitive damages in California over the past 10 years. However, if the State wanted to keep that—any State—they could under my proposal. But I would offer a four-part test where a plaintiff would have to show by clear and convincing evidence that the defendant (1) intended to injure the claimant unrelated to the provision of health care; (2) understood the claimant was substantially certain to suffer unnecessary injury, and in providing or failing to provide health care services, the defendant deliberately failed to avoid such injury; (3), acted with a conscious, flagrant disregard of a substantial and unjustifiable risk of unnecessary injury which the defendant failed to avoid; or, (4), acted with a conscious, flagrant disregard of acceptable medical practices in such circumstances.

I firmly believe a variant of this type could lead to a compromise in the Senate, but the AMA and my own medical association, the California Medical Association, both flatly rejected this proposal last year. They refused any cap for noneconomic damages above $250,000 even in catastrophic cases. To me this makes little sense because a $250,000 cap in 1975, which was when the cap was put in play in California, adjusted for inflation, was worth $839,000 in 2002. If $250,000 was adequate in 1975, why wouldn't a figure of a half a million dollars—$500,000—which is lower than the cap adjusted for inflation, be acceptable in 2004? If a victim receives $250,000 today, it is the equivalent of $40,000 in 1975 dollars.

There are many specific instances of why a $250,000 noneconomic damage, especially today, remains too low. Let me just give you one case. I happened to meet this woman, and it is a case that I think makes my argument irrevocably. It is the case of Linda McDougal. She is 46. She is a Navy veteran, an accountant, and a mother. She was diagnosed with an aggressive form of cancer and underwent a double mastectomy. Two days later, she was told that a mistake was made. She didn't have cancer, and the amputation of her breasts was not necessary. A pathologist had mistakenly switched her test results with another woman who had cancer.

A cap on noneconomic damages must take into account severe morbidity produced by a physician's mistake, such as amputating the wrong limb or transfusing a patient with the wrong type of blood.

I remain a supporter of malpractice insurance reform. If at any time there would be physician support, I believe then the necessary 60 votes in this body could be generated for a plan such as I have just enumerated.

In conclusion, I will vote against this bill but stand ready to participate in a solution along the lines I have mentioned.

I thank the Chair, and I thank the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, before Senator FEINSTEIN leaves the Chamber, she has laid out what may well be a very reasonable alternative for this body and our colleagues in the House to consider with respect to medical malpractice. She has played a vital role as we have worked over the last several years to craft a compromise on class action reform and offered maybe the critical amendment to the bill.

What I would like to do in the 10 minutes I am going to speak is compare and contrast, if I can, the approach in bringing this medical malpractice bill to the Senate today with the approach that has been followed as we have tried to bring class action reform legislation to the Senate floor.

Let me step back for a moment. For those who may be listening to this discussion, class action reform seeks to address the issue of when a class of people are harmed what kind of redress do they have to seek compensation? I think most of us would agree that if a person were harmed by a product, good, or service that they had come in contact with or acquired that that person should be made whole. I think we would also agree if a whole class of people were somehow damaged by a product, good, or service that they came in contact with that the class of people should be made whole.

The question is, In what forum should those damaged persons, the damaged class, the plaintiff class—where do they turn to for redress to gain compensation for their injury or for their harm?

In my view, and I think it is a view probably shared by a majority of my colleagues, we believe that if the plaintiff class happens to be in a State different from the State that the defendant is from, our Constitution would suggest that maybe in those cases that rather than the case being litigated in the State where all of the plaintiffs are located, if the defendant is from another State, that the fair thing to do to both the defendant and the plaintiff is to litigate that matter in Federal court. That has been a subject of some debate.

It is not an issue that involves limits on punitive damages, economic, noneconomic damages, pain and suffering. The debate does not lie there. Rather, the debate lies in the area of in what court, in what jurisdiction should those kinds of questions be resolved.

I have been in the Senate for a bit more than 3 years. During that course of time, there have been any number of hearings in the Senate Judiciary Committee and in the House Judiciary Committee to bring before the respective panels in both bodies those who believe that we need to change the status quo with respect to class action litigation and those who think that what we have is just fine.

Proponents and advocates have had the opportunity to speak their points of view and to testify repeatedly in the Senate and in the House. In fact, over the last couple of years, this is what has happened in the Senate: Legislation has been developed in committee, it has been debated in committee, it has been amended in committee, and it has been brought to the floor in an effort to try to have it debated, amended, and voted on.

Last fall, we were able to get 59 votes to proceed to the bill, to take it up and offer amendments on the floor, but on class action we fell just short of the 60 that we needed to invoke cloture. So we went back and we did some more work. Those of us who think changes are necessary worked with some of our Democrat colleagues, three of them especially, and others as well, to come up with changes that would make the bill better, fairer, and more defensible. Hopefully, within the next several weeks we will have the opportunity to debate that on the floor and to offer further amendments to class action reform legislation.

It has been a long process, some would say too long. What happens is we start off with a reasonable proposal, debate it in committee, improve it in committee, report it out of committee, and then we are going to have the opportunity to bring the bill to the floor and it will be altered, I think improved, when that same bill comes to the floor.

Once the bill is on the floor, we will have the opportunity for full and open debate to consider what people like about it and do not like about it. They can offer their changes and we will have an up-or-down vote at the end of

the day when we have amended the bill. That is what we call regular order. That is the way an issue of this nature should be decided.

To my knowledge, maybe in the last 3 years there has been one hearing in one committee in the Senate on the issue of medical malpractice. If there have been others, I am not aware of them. A year ago, there was one hearing in one committee on this issue. I do not believe the bill has been marked up in that committee.

They did not vote on that bill in that committee. They did not seek to amend this medical malpractice bill in that committee. Instead, we simply find a related bill appearing on the Senate agenda with no opportunity to offer amendments, to improve it as maybe Senator FEINSTEIN, Senator DURBIN, or others would like to do but, rather, to have to kind of take it or leave it. That is not regular order and that is not the way to build consensus, particularly on an issue as difficult and as contentious as this one.

Another issue we have been dealing with, which involves litigation reform, is the subject of asbestosis. We all know that for many years people used asbestos. It was used in all kinds of projects, construction, automobiles, brakes, ship construction. Asbestos was commonly used. We later found out that it kills people. It causes asbestosis, mesothelioma, and other diseases. We now have been working for years to try to figure out how do we compensate the victims of asbestos exposure to make them whole. That process is one that has gone on for any number of years, too. The process we followed there is the opportunity to fully debate the issue in committees, to hold hearings in committees, where people who are for and against it have a chance to express their views. There are a lot of interested parties such as insurance companies, manufacturers, labor unions, the trial bar, and others that have had the opportunity to add their input. I hope what we now have coming to the Senate floor sometime later this spring is legislation that says maybe the way we handle asbestos litigation in this country can be improved on so we make sure people who are sick and dying of asbestos exposure get the help they need, and make sure people who are not sick will not ever be sick and do not siphon off money from those who truly need it. We need to come up with a fair system and one, frankly, that will stem the loss of companies, corporations, and businesses that are going bankrupt by the scores of asbestos exposure.

If we compare the way this body has approached class action reform legislation, in a very deliberate and thoughtful fashion, with plenty of opportunity for debate and changes, and compare that with what is before us today, it is night and day. There is really very little similarity.

I suggest to our friends on the other side of the aisle that on this particular issue if they are interested in finding a fair and reasonable solution, there are a number of us on this side of the aisle who would be willing to engage with them to find that. In the meantime, I would suggest they take a look at what States are doing.

Senator FEINSTEIN talked about her own State. In Delaware, the Governor put together a group, not a partisan group but a group that includes the trial bar, health providers, hospital representatives, folks within government and outside of government, to try to figure out if we needed to make any changes in our own State with respect to medical malpractice.

In the end, they said: We do not think we have a problem in Delaware with physicians being unable to get the coverage at a reasonable price. We do not have out of control jury awards. This is not a huge Delaware problem. Rather, they did suggest one change which I think is instructive. What they did was said why do we not provide for the certification of medical malpractice litigation to certify that it is not a frivolous lawsuit. If someone wants to bring a suit before it ends up in court, there will be a panel of knowledgeable people within that area of health care who will look at the assertion of the plaintiff and decide whether or not this is a frivolous lawsuit. If it is, the litigation does not go forward. That is what one State is doing, as a temporary measure.

I close by saying this: Unlike asbestos litigation reform, which needs a national solution, unlike class action litigation reform, which I believe needs a national solution, for the most part States can deal with on a case-by-case, State-by-State basis issues revolving around medical malpractice. I think for the most part we are better off pursuing that. Not everybody will agree with me on that point, but I think most people in this body will agree on this point, and that is the right way to legislate on these contentious issues is the approach we have taken with respect to class action reform and the approach we are taking with respect to asbestos litigation reform, where all sides have the opportunity to be heard, Members get to offer their amendments in committee and on the floor and then we go forward. That is the way to do business, and if we do business on those bases and in that accord, on a more consistent basis, we will be able to not only talk about doing something that needs to be done but actually accomplish it.

I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator from New Jersey.

CHICKEN HAWKS

Mr. LAUTENBERG. Mr. President, I rise to discuss a troubling issue that has plagued our political debate for many years and now has come to a head. I cannot stay silent any longer.

We so much admire the eagle, the bird of strength, the bird that portrays the courage of America, the willingness to support our country no matter what the cost. That is what the eagle says to me. At times it has been an endangered species. But there is another bird I want to talk about today. That bird is called, in my view, the chicken hawk. There is such a bird, but usually it is the hawk chasing the chicken. But now I want to talk about the chicken that really chases the hawk.

Those of us who answered our Nation's call for military service at wartime have not grandstanded on that issue. We served our country and, frankly, many of my colleagues who answered the call are not always willing to talk about their experiences.

But now I see a disturbing trend from the other side of the political aisle. More and more, Senators in this body are tagged as lax on national security or homeland security or support for the military because of votes they took against problematic defense bills over the years. For years the charge coming from across the aisle is that Democrats are somehow or other less patriotic, less supportive of defense, and it is a shameful and grotesque charge. In my view these charges typically come from people I would simply call chicken hawks.

My definition of a chicken hawk is someone who talks tough on national defense and military issues, casts aspersions on others who might disagree on the vote, but when they had a chance to serve, they were not there. Now they are attacking the Senator from Massachusetts for opposing bloated or poorly designed defense bills. Is it known how much courage it takes to vote against a bad Defense authorization or appropriations bill? We all know it takes a lot of political courage, because even if the bill contains wasteful and damaging provisions, the vote can be twisted by your opponents. But when faced with a bad defense bill, what do the chicken hawks do? They take the easy road. They fly the easy route. They always vote for it, no matter what it says. How much courage does it take to vote for a bad defense bill? None. Zero. It is the easy thing to do.

Our colleague, the distinguished junior Senator from Massachusetts, is being attacked this week by the other side of the aisle as being weak on support for the military and compromising the defense of our country. I say shame on those who impugn the patriotism of those who supported their country's call for duty and paid for it with injuries resulting from their obedience to that call.

In my view, that is the cry of the chicken hawk who has no idea what it means to have the courage to put your life at risk to defend your country and its ideals. But the Senator from Massachusetts knows it all too well. When our country went to war in southeast Asia, the Senator from Massachusetts enlisted in the Navy. He requested to be sent to Vietnam to fight for his country, and he did that. For his heroic

service in Vietnam, the Senator from Massachusetts won the Silver Star, the Bronze Star, three Purple Hearts—that means he was wounded three times; it is a miracle he is still alive—the Combat Action Ribbon, the Navy Presidential Unit Citation, the Navy Unit Commendation Ribbon, the National Defense Service Medal, the Vietnam Service Medal, and the Vietnam Campaign Medal. How dare they challenge his commitment to our defense? His patriotism?

The Senator's action took courage. It is the same courage the Senator showed when he refused to vote for defense bills merely because they were defense bills. As a man who has seen a battlefield, he has a keen understanding of military needs and military policy and he voted accordingly. He actually did what his constituents sent him here to do: evaluate legislation on its merits and vote with your conscience and your obligation to our citizens.

Did it take courage? Of course. Integrity? Of course. Was it an easy thing to do? Absolutely not. The easy thing to do would be to simply vote for all the defense bills, no matter what they say, and pretend these votes are the real measure of patriotism. That is what the chicken hawks do. That is the easy road.

It is the same easy road we see when someone files for five student deferments and then claims an old football injury should prevent him from fighting for his country. Only a chicken hawk would attack a political rival who lost three limbs in Vietnam as being soft on defense.

So I say to my colleagues on the other side of the aisle, we are not going to put up with these insinuations that attack our patriotism, our support for our troops, anymore. Because real patriotism and real support for our Nation's defense should not be judged on whether we ignore our constitutional duty and rubberstamp legislation. Real patriotism and support for the defense of this country has to do with answering the call. In my view, as a fellow veteran, the Senator from Massachusetts not only answered the call to fight for his country, but also to perform his duty and judge legislation on its merits.

I served in the Army. It doesn't mean I should approve $1,500 toilet seats or poorly designed military equipment that is being procured simply because of political influence. In fact, I believe because I served, I have the duty to the men and women who are now in the military to make sure our military is strong and is as free from waste and corruption as possible, and our military men and women are protected to the fullest extent possible during their service and, when they are veterans, to provide for their health care needs and other services without question.

Our job is to think as Senators and not to bow to everything defense contractors or Pentagon officials want. The Senator from Massachusetts has voted for plenty of defense spending increases, but he has also voted to prevent bad programs from moving forward. He does his duty to his country and to his constituents.

The way I see it, the President and his proxies are attempting to bring American politics back to the days of dirty tricks. We saw it in 2000, not against just Al Gore but also against the most serious Republican challenger, the Senator from Arizona. The Bush campaign coordinated attacks on the Senator from Arizona that questioned his commitment to our troops. Outrageous. An attack on a man who not only fought for this Nation but spent years as a prisoner of war. They didn't stop there. They even attacked the Senator's family. It was a new low in modern American campaigning.

I want the administration and its allies in Congress to know we are not going to put up with these despicable insinuations and dirty campaigning. From now on, they question our commitment to our troops and the defense of this Nation at their own peril.

We saw it just the other day, I think it was yesterday. In a speech that was publicly televised, those members of the NEA, the National Education Association, who stick up for the quality of our teachers, for their ability to earn a living, for the ability to take the courses they need—to talk about them as terrorists? That is no different than the chicken hawk line I just talked about.

With that, I will yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding we are considering S. 2061, with 10-minute allocations of time for each Senator who is recognized?

The PRESIDING OFFICER. The Senate is debating the motion to proceed to that measure. An order has been entered limiting Democratic Senators to 10 minutes each.

Mr. DURBIN. Mr. President, I rise pursuant to that order to speak for 10 minutes about S. 2061. This bill which is pending before the Senate addresses a very serious national issue of medical malpractice. Medical malpractice insurance premiums have increased in my State of Illinois and across the Nation. Because of those increases, a lot of good doctors have been forced to a position where they have to retire or relocate their practices. I have met with those doctors. I understand the problems and dilemmas they face. I think we need to address that here in the Congress. This point is dramatized by the fact that the bill before us is unfortunately not a bill which has been the product of any effort to find compromise or common ground or bipartisan answer to this national challenge.

This bill without referral to committee was sent to the floor of the Senate. It is a bill which, frankly, was introduced by Senator GREGG of New Hampshire, a bill which ordinarily would have been referred to the Senate Judiciary Committee. The bill did not go to that committee. Senator GREGG does not serve on that committee. The bill was sent to the floor. I am afraid what this bill is all about is trying to make certain we make a record rollcall on this issue so that those who are supporting this bill will go back to some members of the medical committee and say all Senators who voted against it don't want to help you with increasing medical practice premiums. That couldn't be further from the truth for this Senator.

I have strong feelings about what we need to do. I believe we need to be doing something. We need to address the issue in a comprehensive way. We shouldn't be afraid to look at all aspects of this challenge.

The first aspect of this challenge is that there are too many medical errors today in hospitals and doctors' offices across America. Don't take my word for it. The Journal of the American Medical Association reached that conclusion and said medical errors are of epidemic proportions across America. The Institute of Medicine estimated that in any given year, 24,000 to 98,000 Americans lose their lives because of medical negligence. This bill doesn't even address that issue. It addresses medical malpractice in a courtroom. It doesn't address it in a doctor's office or in a hospital.

The first thing we should do is see how can we work with the medical community and the hospitals to reduce errors, reduce negligence, and reduce the incidence of these grievous injuries and death that occur as a result.

Currently, when you look at the universe of possible medical negligence and the lawsuits filed as a result of it, a tiny fraction—some 2 percent or less—end up in court. It means that 98 percent or more of the medical negligence that is committed in America does not result in a lawsuit.

If we want to make certain we have fewer cases going to court, let us start at the beginning. Let us make the practice of medicine safer. This bill does not even address that issue.

Second, if you are worried about the cost of medical malpractice premiums, isn't it reasonable to ask whether the insurance companies are treating doctors and hospitals fairly? This bill doesn't have a word in it about insurance companies and their responsibilities. Why are we afraid to even ask? Why wouldn't we have all the books open to find out whether what is happening to doctors' medical malpractice insurance is a result of some insurance practices which should be changed?

The third element is tort reform. I used to practice law. I was a trial lawyer. I defended doctors for many years and hospitals—and I sued them. I have been on both sides of the table. I understand those lawsuits, or at least how they were conducted in Illinois 20 years ago. So I have at least a passing experience with this issue. I think in my

practice I would never have considered taking a so-called frivolous lawsuit forward. It costs too much money. It takes too much time. You wouldn't want to put your plaintiff client through it, you wouldn't want to waste your time and money, and you would not want to run the risk at the end of the day that you would lose—or worse, be sanctioned by the court for raising a frivolous lawsuit. I think there are ways to stop it. A small percentage of lawsuits shouldn't be filed against doctors. This bill doesn't deal with frivolous lawsuits, and it should.

The last element it should address in tort reform is one that I think is essential; that is, to make certain, while we try to reduce the likelihood of frivolous lawsuits, we don't close the courthouse door for those innocent patients who are the victims of medical negligence. That is what this bill does. This bill says that instead of a jury in your hometown deciding what your injury is worth, instead of your peers in the community, your neighbors sitting in the jury box considering the evidence and the law and deciding what the value of your child's life is, or your child's health, we instead will make that decision here on the floor of the Senate. We will say that no matter what lawsuit you have filed for medical malpractice relating to OB/GYN, you cannot recover under any circumstances, regardless of what happened to you or the baby, any more than $250,000—$250,000 for pain, suffering, and disfigurement.

Two-hundred and fifty-thousand dollars may sound to some like a lot of money. Let me give you a few specific examples of cases I know of, and you decide whether $250,000 is a lot of money.

A settlement was reached last Friday in Chicago—a city I am honored to represent—in the case of Evelyn Arkebauer who gave girth to a quadriplegic son, Andrew ''A.J.'' Arkebauer, on October 4, 1998. Evelyn went into labor at 5:30 in the morning with her second child. She had her first child by Cesarean section, so there was a risk for uterine rupture. Early in the afternoon, the doctor began to administer Pitocin to speed up labor.

At 6:15 p.m.—more than 12 hours later—the doctor cut off the Pitocin and told Evelyn to start pushing. Evelyn pushed for more than an hour and a half and was rolled from her back to her side as the baby's heart rate fluctuated during this labor.

At 7:53 p.m.—more than 12 hours into labor—the doctor decided an emergency C section was necessary and paged the anesthesiologist to come to the delivery room. The anesthesiologist failed to return the page and numerous pages after that.

Finally, an hour after the doctor had decided on an emergency C section, the anesthesiologist showed up and the procedure began. The doctor discovered that the uterus had already ruptured. The baby had been without oxygen for 10 to 15 minutes. This baby is quadriplegic and spastic. He cannot walk, talk, or feed himself and will require full-time care for the rest of his life on Earth. This baby had no injury to his cerebrum, so he has normal cognitive thought, meaning he thinks like a normal child but is trapped in a body he cannot use.

During the trial, a nurse working the night of Andrew's birth testified that the anesthesiologist was with her in a private room on the hospital's fourth floor and that he ignored three different pages to respond to this emergency C section before going to the fifth floor delivery room where Evelyn was. This baby—quadriplegic and spastic for the rest of his life with a mind that is functioning—has a body that cannot be used.

This bill, S. 2061, says the jury of the Senate will decide the cases exactly like this—that that baby and that baby's family can recover no more than $250,000 for a lifetime of pain and suffering. That is not fair. It is not just. It is not reasonable. It may reduce medical practice premiums but at the cost of justice.

Gina Santoro-Cotton was 29 years old and pregnant with her first child. Her prenatal course was normal. She was admitted to the hospital 1 week after her due date to induce labor. The drug Pitocin was used. Within a few hours of starting Pitocin, deceleration of the baby's heart rate was noted. The Pitocin was not stopped, which is normally done when there are signs that the baby is in distress.

By early afternoon, the fetal monitor strips showed signs of oxygen deprivation to the baby—a clear warning sign. The Pitocin was still not stopped. At 2:45 p.m., the baby had a prolonged drop in his heart rate. The Pitocin was finally stopped and the baby was resuscitated in its mother's womb.

Within hours, the Pitocin was restarted, and decelerations and other signs of poor oxygenation to the baby appeared. Rather than stopping the Pitocin, the dose was increased.

At 7:30 p.m., there were still severe decelerations on the fetal monitor strips. Pitocin was increased.

At approximately 9:45 p.m., Pitocin was finally stopped and the baby was delivered. The baby was near death at the time of delivery.

Today, that baby is 6 years old and permanently disabled. He has severe cognitive dysfunction and is partially paralyzed in all four of his extremities. He has motor problems, and he can't walk. His speech is not understandable. He is fed through a tube in his stomach because he cannot feed himself. He has paralysis of the vocal cords. He requires care 24 hours a day and extensive therapy.

There are Senators who come to the floor and talk about cases just like this and call it jackpot justice, arguing, I guess, that the parents of that little baby, who will be functionally impaired for his entire life, will never be able to express himself, will never be able to feed himself or walk—that the parents of that baby, if they recover a verdict in court, have somehow won a jackpot. How many of us would want to buy a ticket for that jackpot? How many of us would sacrifice the health of any child, let alone our own children, with the prospect of recovering a verdict?

This bill before the Senate has said that in cases just like this, no matter how serious, no matter how long that baby lives, no matter what conditions that baby faces, the rest of its natural life, the sum total and value of the pain and suffering of that baby and its family can never, ever, be worth more than $250,000. And if that baby, who is now 6, lives 20 years, is it worth $10,000, $12,000, $1,000 a month for what that family will go through? I don't think so.

Let me discuss one last case. Terri Sadowski was pregnant with her second child. At 34 weeks, she went into preterm labor and had a rupture of her membranes. Medication was not successful in stopping her labor so she was transferred from a community hospital to a high-risk referral center, to the care of a perinatologist, a specialist in high-risk pregnancies.

The perinatologist decided to let Terri proceed with labor and deliver normally even though the baby was in a breech position. The doctor also decided to administer Pitocin, a medication to bring on contractions. Within 3 hours of starting the Pitocin, the fetal heart rate began to show signs that the baby was in distress. A normal heart rate for a baby in the mother's womb is 120 to 160 beats per minute. This baby's heart rate was dropping in the 70s. By the time Terri was ready to start pushing, the fetal monitor strips showed significant fetal heart rate decelerations with a consistent heart rate in the 60s and 70s. Despite the overwhelming evidence that the baby was in severe distress, a decision to perform a C section was not made for 40 minutes.

An emergency C section was done but the baby had no movement and was unresponsive. She developed seizures shortly after birth. She sustained severe brain damage due to lack of oxygen in labor in delivery. Had the perinatologist performed a C section, the baby could have been a normal, healthy baby.

The baby lived for 1 year in a vegetative state. During her short life, she had multiple hospital admissions for pneumonia, bowel obstructions, unable to suck, and she required tube feedings and constant suctioning to keep her airways clear. At the time of death, she had frequent seizures.

Think about this for a moment. Think about the happiness each of us has been lucky enough to experience in life from a family and children. And think about something going wrong in that delivery room, something that results in a baby facing a lifetime—long or short—in a terrible situation.

The parents were not at fault. They were not at fault in any of these cases. Eventually they went to court and asked for compensation for what they would face for medical bills, what they would face for pain and suffering, and a jury from their community decided what it was worth.

This bill says it really should not be a decision of a jury, it should be a decision of the Senate, a one-size-fits-all, one solution for every problem, $250,000, take it or leave it. That is not right.

I say to my friends in the medical profession, I know you are not perfect, you are humans; you do make mistakes. Quite honestly, those who have dealt with doctors and have great respect for them know that the overwhelming majority of doctors are good men and women, well trained, dedicated to their profession, who make sacrifices every single day way beyond those called on by Members of the Senate.

Having said that, doctors I have spoken to understand that even giving it their best, occasionally they make a mistake in judgment—they do not know enough, they did not do the right thing—and terrible things occur. And most of them, under those circumstances, say yes, in those cases, people who are the victims of that kind of a circumstance should be compensated. I certainly believe that. It is not fair to establish an artificial limit and say that no matter what happens to that baby or that mother, there will never be another nickel beyond $250,000; a lifetime of pain and suffering limited to $250,000 in recovery.

To my friends in the medical profession who have a genuine concern, as they should, about the increase in medical malpractice premium rates, let me say you are not going to get any favor with this bill. This bill is being offered for reasons I cannot explain. It is being offered in the name of OB/GYNs across America who certainly do need help and need it now. But it is a bill that also includes immunity and relief from liability for pharmaceutical companies and medical device companies. I am sorry, but I have not heard anyone with a hue and cry about a crisis when it comes to these companies dealing with medical malpractice claims. But, naturally, they are included here because most bills that come through have to have a provision to help drug companies. They are the poster kids when it comes to this Congress. We are always going to find ways to help them.

For once, why don't we try to help the families who are the victims? And why don't we try to help the good doctors who need a helping hand?

I will make this statement in closing before I yield the floor: I want to work with those Members of the Senate on both sides of the aisle who in good faith want to address this issue. We can do things to deal with this. We must do them. We should do them now. This bill is not the way. This bill is a bad start. It is better to come together, off the Senate floor, try to find common ground and compromises on a bipartisan basis to protect the medical profession, on whom we all rely so much. We want to give the men and women in that profession, who have given their lives to serving us, a chance to practice medicine without skyrocketing premiums, but to also say to the families and patients who come to these doctors and these hospitals, we will not abandon you in the process.

There is reason to believe we can find this common ground. This bill is a bad start. It is likely to be defeated today. Once defeated, I hope Senators who believe, as I do, that we should address this issue will come together to try to find that common ground.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate goes into a quorum call, the time for the quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BIRTH OF SENATOR BYRD'S FOURTH AND FIFTH GREAT-GRANDCHILDREN

Mr. DASCHLE. Mr. President, later this afternoon, many of us will have an opportunity to see one another after the recess. I will make a prediction that we will notice a special twinkle in Senator BYRD's eye as we visit with him this afternoon. There is good reason. Actually, there are two very good reasons.

In the last month, Senator BYRD became a great-grandfather for the fourth and fifth times. Hannah Byrd Clarkson was born 4 weeks ago today, on January 27, weighing 10 pounds 3 ounces.

Hannah is the second child of another member of our Senate family, Mary Anne Clarkson, of the Bill Clerk's Office, and her husband James Clarkson. She joins her older sister Emma.

Hannah's cousin, Michael Yew Fatemi, was born on February 11. Michael is Senator BYRD's fifth great-grandchild, and his first great-grandson. He is named in honor of his uncle John Michael Moore, Senator BYRD's beloved grandson, who died in a car accident. Michael is the first child of Senator BYRD's grandson Fredrik Fatemi, and his wife Jinny.

Few people live long enough to see and hold even one of their great-grandchildren. To be able to welcome five of them into the world is a rare blessing, indeed.

I was deeply touched by Senator BYRD's kind words to me and my family on the births of my grandchildren, Henry and Ava.

I am sure I speak for the entire Senate family—and people throughout America—in wishing Senator BYRD and his wife Erma many happy hours with Hannah, Michael, and all of their family members.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, going to the doctor for a checkup is hard enough these days between juggling family and work schedules. Few of us get all the checkups and screenings we need. Making matters worse, more and more doctors are closing their practices or limiting the services they offer.

They are doing so because they cannot afford the increasing costs of medical malpractice insurance which they are required to carry.

According to the American Medical Association, 19 States are in a full-blown medical liability crisis, including the home State of the occupant of the chair and mine.

In Missouri, physicians' average premium increases for 2002 was 61 percent on top of increases the previous year of 22 percent. What happens? Well, 31 percent of the physicians surveyed by the Missouri State Medical Association said they were thinking about leaving their practice altogether.

Almost one in three physicians in Missouri considered leaving their practice because they cannot afford the exorbitant medical malpractice insurance cost caused by the lawsuits brought—some frivolously, and many of them, I assume, against doctors. Doctors who have practiced for years in Missouri are closing their doors.

But this is not just a problem for doctors. They are well educated. They can move elsewhere and resume their practice, as difficult and unfair as that is. The real damage and pain is being felt by the patients.

Last summer we considered a comprehensive bill, S. 11, the Patients First Act. Unfortunately, the motion to proceed was not successful. Because this issue is so critical to the health care of all Americans and because the crisis continues to grow, inaction

should not be an option because the outcome of considering the same comprehensive reform bill again is clear.

Today we have narrowed our focus on the health care needs of women and babies.

The American College of Obstetricians and Gynecologists last year said:

> An ailing civil justice system is severely jeopardizing patient care for women and their newborns. Across the country, liability insurance for OB/GYNs has become prohibitively expensive. Premiums have tripled and quadrupled practically overnight. In some areas, OB/GYNs can no longer obtain liability insurance at all, as insurance companies fold or abruptly stop ensuring doctors. When OB/GYNs cannot find or afford liability insurance, they are forced to stop delivering babies, curtail surgical services or close their doors. The shortage of care affects hospitals, public health clinics, and medical facilities in rural areas, inner cities and communities across the country.

It is a real problem in Missouri. A survey conducted by the American College of Obstetricians and Gynecologists in August of 2002 said 55 percent of their members from Missouri have been forced to change their practice, retire, relocate, decrease surgery, stop practicing obstetrics, decrease the number of deliveries, and decrease the number of high-risk obstetric care.

Last year, Missouri lost a total of 33 obstetricians. I want to share with you a few examples.

A St. Joseph, MO, practice, the only practice in Northeast Missouri to accept Medicaid, lost one-third of its doctors after the insurance company would no longer offer insurance to OB/GYNs. St. Joseph now has only seven OB/GYNs serving its population.

A Missouri doctor who has been in private practice for 3 years experienced a 400 percent increase in his liability premiums over the past 3 years and received a quote for $108,000 in 2004. This OB/GYN is considering quitting obstetrics in order to find affordable insurance.

A gynecological oncologist in Missouri left a group practice and eliminated a rural outreach clinic because of rising professional medical liability premiums. ''Women with gynecologic cancers in Ste. Genevieve, Carbondale, and Chester now have to drive over 100 miles to see a gynecologic oncologist and receive the care they deserve,'' said the doctor.

An OB/GYN in St. Ann, MO, was forced to close his practice last year because of medical liability costs that rose 100 percent. The practice had delivered about 400 babies a year.

Twelve doctors at the Kansas City Women's Clinic used to serve women in both Missouri and Kansas. But, because of rising medical liability insurance rates, the clinic could not find a single company that would offer them a medical malpractice insurance policy they need for their office in Missouri.

I should say parenthetically, I have been approached by some lawyers who practice medical malpractice plaintiff cases, and they said: The problem is the insurance companies are making too much money. It is not the lawyers. That is strange when the insurance companies can't even stay in business. They can't stay in business because of the lawyers.

As a result at the end of 2002 they closed their doors to their Missouri patients. There were over 6,600 visits a year in their Missouri office. Now, these women must either travel to Kansas to see their OB/GYN or find a new doctor elsewhere in Missouri.

Two Kansas City, inner city OB/GYNs who serve low-income, high-risk patients had to sell their practices to their hospital in order to continue to see patients in Missouri. Excessive litigation has created an environment that forced two doctors—committed to serving some of the most vulnerable women in Kansas City—out of business. They are no longer in independent practice.

One OB/GYN practice in Missouri had to take a $1.5 million loan to pay the malpractice insurance for this year. That does not even include the cost of the tail coverage.

Other doctors in Missouri are considering going without insurance for their tail coverage because they simply can't afford the premiums.

Women are having a hard time getting the care they need and communities are losing their trusted doctors. We have a health care system that is in crisis in Missouri.

The bill before us today, the Healthy Mothers and Healthy Babies Access to Care Act is narrowly crafted to protect access to prenatal, delivery, and postnatal care for women and babies by reducing the excessive burden the liability system places on the delivery of OB/GYN services.

This bill will protect the right of an injured patient to recover fair compensation while at the same time prevent clear lawsuit abuse.

The bill protects the right of injured patients to receive full economic damages that cover the out-of-pocket expenses that a victim might incur due to a doctor's negligence, such as hospital costs, doctor bills, long-term care, other medical expenses, and lost wages. This bill also includes a $250,000 cap on noneconomic damages, with deference to existing and future State caps.

This bill maximizes the amount of awards received by injured patients by limiting attorney's contingency fee to a reasonable, sliding scale.

Too often large percentages of an injured patient's award go to attorneys, leaving the patient with less money for their medical care and other needs. Injured patients are entitled to an overwhelming amount of their award after settling or winning a lawsuit.

Currently, lawyers in many States can take up to 40 percent of all awards and settlements, robbing the injured patients of their award. We think by protecting injured patients by limiting lawyers to 15 percent of any payment over $600,000 makes good sense.

These are just a few of the many vital reforms contained in this bill.

I urge my colleagues to protect access to quality health care for women and babies and support the Healthy Babies, Healthy Mothers Access to Care Act.

We cannot afford to have OB/GYNs to continue closing their practices, reducing the number of babies they deliver or eliminating care for high-risk patients, the uninsured, and the underinsured because of excessive frivolous lawsuits brought by plaintiff attorneys.

Ms. MIKULSKI. Mr. President, I oppose S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act. It should be called the ''Insurance Companies First Act.'' This is extreme legislation that puts the interests of the insurance industry ahead of the interests of women, their families and their doctors. It applies only to women seeking obstetrics and gynecological services—that's it. Every other patient can recover full damages. But under this bill only women will be limited in what they can recover for a doctor's medical error. This bill penalizes patients, while doing nothing to prevent doctors from being gouged by insurance companies.

This bill is legislative malpractice. First of all, the procedure for considering this bill is seriously flawed. The bill was brought to the full Senate without hearings, without consideration by the Judiciary Committee. There was no chance for patients, doctors or others affected by this bill to testify. There was no Committee Report to analyze the effects of the extremely complex and controversial legislation.

The result is a bill that targets some of the most serious cases of medical error, restricts the rights of women and infants, while doing too little to protect doctors from the high cost of insurance. It is the same broad brush legislation that we defeated in July, only this time they limit it to obstetrical and gynecological services and by design only restrict the rights of women patients. Proponents of the bill say they wanted to streamline the bill, to address the area of medicine with one of the highest premium rates and they claim that the beneficiaries will be women who will have improved access to health care. But since when has limiting one's rights improved anything? And how does restricting a woman's right to full recovery and only her rights provide her a benefit?

The real beneficiaries of this bill are the insurance companies. They get to see their profits soar while mothers who take care of infants who suffer because of medical error will face unfair caps in the remedies they receive. These are often stay at home mothers who need resources to care for their families and their infants who may need constant care, but the cap on noneconomic damages will prevent them from getting those resources. It's unfair to penalize these women because

they can't recover economic damages. I think the Senate can do better.

I oppose this legislation for three reasons:

As a Senator from Maryland, I cannot support legislation that gives Marylanders a worse deal. This legislation would override the Maryland law and place a $250,000 cap on non-economic damages. Maryland law strikes an important balance, providing a much higher cap on non-economic damages. The cap increases each year to offset inflation. It started at $500,000 and is now $635,000. It also has no caps on punitive damages. The Maryland law is supported by both physicians and patient advocates.

Yet the Republican bill would preempt Maryland law. It would put women and infants in Maryland at a disadvantage. It would severely limit their ability to get relief for the death, physical impairment or disfigurement that they suffer as a result of serious medical error.

This legislation shuts the court house door. It denies justice to women and women only. It denies justice to those who must care for a mentally disabled child for his or her whole life because of a doctor's mistake during prenatal or post-natal care. It denies justice to women who needlessly lost a child during delivery because of a serious medical error. It does this by imposing arbitrary caps instead of enabling juries to determine damages. I have faith in juries made up of members of the community to reach a fair verdict.

Who would be hurt by this legislation?

Someone like the mother from Baltimore whose newborn baby suffered brain damage because an emergency c-section was not performed in time. His mother had gone to the hospital reporting that there was decreased fetal movement. She knew something was wrong. Tests were performed. Yet the doctor misdiagnosed the problem. After several days, an emergency c-section was performed. It was too late. The baby suffered severe brain damage. He died 13 months later.

It is impossible to put a price on the loss of a child. Imagine if that death is the result of carelessness. Parents who suffer the unbearable pain of losing a child deserve the right to use the courts to seek full accountability.

Instead of penalizing patients, we need legislation to help doctors who are facing skyrocketing insurance costs. A doctor's number one priority is the care of his or her patients. We should make sure that it is easy for them to do so, knocking down the roadblocks to practice that excessive insurance premiums create. S. 2061 won't do that. It won't provide doctors with real relief today.

That's why the Senate should consider alternatives such as that proposed by Senator DURBIN, which focuses on solving the problems where they start. Senator DURBIN addresses the root of the problem, creating greater accountability for doctors through a voluntary error reporting database, economic help for those who face growing premiums, punishment for frivolous lawsuits, grants to provide physicians in areas where malpractice insurance has led to a shortage of doctors, and critically, an end to the immunity that insurance companies face from anti-trust regulations.

Yet instead of helping patients and doctors, the Senate is again caught up in a political game. It doesn't have to be this way. We have worked together in the past to pass legislation that helps victims and lowers insurance costs. The terrorism insurance legislation is a prime example. We passed it because there was a national will and the urgency to do something that provided real solutions.

Today, we are faced with the same national will. And I urge my colleagues to work toward a sensible compromise. One that does not unfairly target women and their infants. One that addresses all forms of medical error, not just those affecting women and puts the rights of all patients first. The public is demanding that we do something, as more Americans are suffering from serious medical mistakes and more doctors are unable to treat patients because of rising premiums. We now need the political will to help doctors without harming patients.

I urge my colleagues to vote no on cloture. We need to send this bill back to the Judiciary Committee for full consideration of the issue of medical liability as well as the impact of limiting women's rights to recovery on their health and well-being and that of their new born infants.

Mr. LAUTENBERG. Mr. President, I rise to talk about the bill that is the subject of today's cloture vote on the motion to proceed.

We must not be fooled by the seemingly friendly title of this bill. The Healthy Mothers and Healthy Babies Access to Care Act of 2003 does nothing to promote the health of mothers or babies. This bill will devastate the rights of parents and children, but it will help neither patients nor doctors. The real beneficiaries will be insurance companies, HMOs and large medical corporations. Sponsors of this bill insult us by calling it a Healthy Mothers and Healthy Babies Act. How can shielding from accountability an entire medical specialty area result in healthy babies? Less accountability will never lead to better health care.

This bill discriminates against women and infants by restricting their right to hold physicians, hospitals, insurance companies, HMOs, and even drug and medical device manufacturers fully accountable for injuries resulting from the provision of obstetrical and gynecological care. Although proponents of the legislation say the bill is necessary to increase access to women's health care, nowhere does the bill make liability insurance for doctors more available or affordable. And nowhere does it provide access to health care for women who are uninsured. What it does do is greatly limit the ability of women and children with the most devastating injuries to hold the wrongdoer accountable.

It is another example of what I call the ''maleogarchy'' that prevails around here placing a higher value on a man's worth than a woman's. The bill cynically devalues the worth of pregnant women injured by medical negligence. Men's injuries are given full value. For example, if a woman is inappropriately prescribed blood pressure medication during pregnancy that causes blood clots, her recovery is limited under the bill's provisions. If a man is prescribed the same defective blood pressure medication by his internist, he may recover against the drug manufacturer in accordance with available State law remedies.

The legislation unfairly reduces the amount of time that an injured woman has to file a lawsuit. Under the bill, a suit would have to be filed no later than 1 year from the date the injury was discovered or should have been discovered, but not later than 3 years after the ''manifestation'' of injury. Thus, a pregnant woman who contracted HIV through a transfusion but only learned of the disease 4 years after the transfusion would be barred from filing a claim. In addition, the bill limits the rights of injured newborns by requiring that actions on their behalf be brought within three years from the date of the manifestation of injury. This is in direct contradiction to the laws of many States, which preserve the rights of minors to seek legal redress upon the age of majority.

The bill limits non-economic damages to $250,000 in the aggregate, regardless of the number of parties against whom an action is brought. Noneconomic damages compensate patients for very real injuries such as the loss of fertility, excruciating pain, and permanent and severe disfigurement. They also compensate for the loss of a child or a spouse. These are very real damages, and juries are able to calculate them fairly. How do you calculate the economic damages to infants who sustain life-long injuries during childbirth or stay-at-home mothers who lose their fertility due to a defective drug taken during the course of pregnancy? Their injuries may be almost completely non-economic and this bill would have a devastating impact.

This bill is an appallingly cynical attack on the rights of mothers and their babies. In many ways, it is even more insidious than the bill that failed in the Senate last July. It is almost as if the proponents of that bill, having failed to eliminate the rights of all patients injured by negligence, decided they would simply target the rights of the most vulnerable: pregnant mothers and their babies.

Mrs. MURRAY. Mr. President, today the Senate is voting on a political gimmick that will punish women and children and do nothing to address the real medical malpractice crisis that is crippling healthcare throughout our State.

Doctors are facing escalating costs that are unsustainable, but instead of addressing this problem with a common-sense and immediate fix, the majority is engaging in a blame game. We don't have time for the blame game. Instead, we should be debating the bipartisan bill I support to provide immediate relief to doctors, stop frivolous lawsuits, and fix the broken insurance market.

But this bill doesn't just fail to address the real crisis in malpractice insurance; it actually undermines the rights of women and children in the name of helping them.

As a woman, a mother, and a Senator who has fought for the safety and welfare of mothers and infants, I am disturbed that the U.S. Senate would single out women and babies for different treatment than everyone else in America if they are injured through no fault of their own. This bill tells women that if we are injured, we don't deserve the same legal protections as men.

The sponsors of this bill have spoken about the health and well-being of women and babies in hypothetical terms. But I have to tell you, the injuries and crimes that continue to plague female patients are all too real.

Currently, in my State of Washington, we are following a high-profile case in which an OB/GYN has been accused of raping or molesting dozens of female patients under his care. This doctor is also accused of providing substandard care, ranging from performing unnecessary medical procedures to failing to prescribe prenatal vitamins to a pregnant patient with low iron levels.

In one case, this doctor even performed a surgery despite the fact that his office was not licensed for surgery and did not have a supply of blood available in case of complications.

I ask my colleagues to consider this case. If your wife or daughter or sister had been hurt, molested or worse by this doctor, would a $250,000 cap seem like a reasonable solution?

These cases are not hypothetical. They are not frivolous. And this bill will not protect the health or increase the wellbeing of any of these patients.

I find some sad irony in being told by this bill's sponsors that if I want to help women and babies, I should strip away their rights. I take a backseat to no one when it comes to standing up for women and children.

I wish that the people who are pushing this bill today had shown the same interest when I was fighting to ensure women could get direct access to an OB/GYN during the Patients Bill of Rights debate, but instead, they killed that effort. I wish they had shown the same interest in 1999 when I offered an amendment to end drive-through mastectomies, but they killed that effort as well. I wish this bill's sponsors had showed the same concern when I was fighting to improve drug labeling for pregnant women, but instead, they killed that proposal as well. They weren't on the side of women during all those fights, but here they are today, using the real shortage of OB/GYNs and the real malpractice crisis as an excuse for punishing women and babies without giving doctors or patients the help they desperately need.

If the sponsors of this bill are now serious about helping ensure healthy women and babies, I say ''Come on over!'' I've got a long list of legislation that they can sign onto today to really help women—like extending Family and Medical Leave, boosting the federal Medicaid match for OB/GYNs, and expanding Medicaid and the Children's Health Insurance Program, CHIP, for low-income pregnant women. The single most important step to ensure a healthy pregnancy and a healthy baby is prenatal care. Fully-funding and expanding CHIP would provide this care to low-income women who would otherwise go without.

The saddest part of this exercise is that we should be spending this time discussing a real solution, like the bipartisan bill I am cosponsoring with Senators GRAHAM and DURBIN, the Better HEALTH Act, S. 1374. If the Senate leadership really wants to help doctors and patients, they will bring up the widely-supported Graham-Durbin bill for a vote and stop playing games at the expense of women and babies. Every day they deny a vote on this bipartisan bill speaks volumes about their interest in a real solution.

The Graham-Durbin bill would give doctors an immediate 20 percent tax rebate on their malpractice premiums, provide federal help for a broken insurance market, and block frivolous lawsuits. That's the type of comprehensive, immediate and effective solution our doctors, patients and communities deserve.

My action plan to fix the malpractice crisis has four steps. The first thing we have to do is get doctors and hospitals some immediate relief—because the clock is ticking. Even if proposals to cap non-economic and punitive damages were passed this year, it is impossible to predict when—if ever—doctors and hospitals would see relief. That is not good enough for me, and it is not good enough for the doctors in my community. I want doctors and hospitals to get immediate relief.

Under the Graham-Durbin bill, doctors in high-risk specialties would be eligible for a tax credit that's 20 percent of their malpractice premium. Doctors in lower-risk specialties would get a 10 percent tax-credit. For-profit hospitals would get a 15 percent tax credit, and non-profit hospitals would get new grants. Immediate financial relief directly to doctors and hospitals must be part of any solution to the malpractice crisis.

Second, we have to cut down on frivolous lawsuits. Under the Graham-Durbin bill, every plaintiff attorney that files a medical malpractice case would be required to include an affidavit by a qualified health care professional verifying that malpractice has occurred. No more launching lawsuits that don't have merit. And anyone who violates this affidavit is going to be punished with strict, and increasingly harsh, civil penalties. We are not going to tolerate frivolous lawsuits, and that's the second part of the Graham-Durbin bill.

Third, we need to provide additional protections for doctors who are doing the right thing and serving patients through Medicare, Medicaid and S–CHIP. Doctors with a 25 percent caseload of Medicare, Medicaid, and State Children's Health Insurance Program, SCHIP, patients would be protected from punitive damages under the Graham-Durbin bill. Exemptions would only be allowed for cases involving sexual abuse, assault and battery, and falsification of records. Other than that there will be no punitive damages for doctors who are doing the right thing and serving Medicare, Medicaid and SCHIP patients.

Finally, the Graham-Durbin bill says the Federal Government should underwrite some of the risk in malpractice insurance—just as we have with terrorism and flood insurance. Doctors and hospitals should not have to shoulder the burden of a broken insurance market.

If the Senate leadership is serious about helping doctors and patients, it will bring up the bipartisan Graham-Durbin bill. It provides immediate and direct financial relief to doctors and hospitals. It cuts down on frivolous lawsuits. It limits liability for doctors with high Medicaid caseloads, and it provides Federal help for a broken insurance system.

As I have done for the past 10 years, I will continue to advocate for the policies that truly help women and infants and I will continue to stand up for my doctors, patients and communities who deserve an immediate, comprehensive solution to the malpractice insurance crisis. I welcome the support of any Senator who wishes to sign onto the legislation I have outlined today.

Mr. ALEXANDER. Mr. President, I express my concern once again with the rising cost of medical liability insurance. Last July we debated this issue in the Senate, and unfortunately did not reach cloture on this important issue. Today we are limiting our debate on the issue to care for mothers and babies. We must protect a woman's access to obstetric and gynecological care to ensure healthy mothers and babies. The increasing cost of medical liability insurance is creating a patient access crisis because doctors are leaving the practice of medicine.

At Hardin County General Hospital in Savannah, TN, the OB/GYN left the hospital to go practice in another state because the insurance premium was

too high. High medical liability insurance is one more reason it is difficult to recruit specialists to rural areas.

In 2002, the average net medical liability premium for an OB/GYN in Tennessee was $33,600. In 2003, the premium increased to $41,980, and in 2004, it increased again to $49,408. This is a 47 percent increase over the past 3 years. This sort of increased cost is not sustainable. I continue to be worried about who will deliver babies in my state.

I believe that S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act of 2004, will help protect access to care for mothers and babies in Tennessee. This bill will still allow unlimited economic damages, but it places a sensible cap on non-economic damages. I hope we reach cloture on the motion to proceed so that we can consider this very important legislation.

Mr. BYRD. Mr. President, I am concerned about the increasing costs of malpractice insurance and a lack of access to medical providers in West Virginia and other States. The current challenges facing the medical malpractice system are complex and require a multifaceted solution.

Unfortunately, this issue has become highly politicized with powerful interests pitted against each other. Patients and their doctors are being squeezed in the middle. It is long past time to give some peace of mind to patients and doctors alike who are caught in this political tug of war. We ought to have a wide-ranging debate in the Senate on how to best reform the medical liability and insurance system and also prevent medical errors.

I am disappointed that the administration and the Senate leadership have adopted a take-it-or-leave-it and one-size-fits-all approach to this issue.

Especially in more rural areas of this country, there is a serious shortage of doctors and a lack of access to quality medical care close to home. Too often, families must travel long distances to see a physician, and even farther if specialized care is required. I hope that, by proceeding to the medical malpractice bill, the Senate can have a constructive debate and reach a commonsense concensus on this important issue.

Mr. CHAFEE. Mr. President, today I will vote in favor of invoking cloture on the motion to proceed to S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act. My vote is not an endorsement of S. 2061 as it was introduced in the Senate. In fact, I have concerns about various aspects of the bill including the $250,000 cap on noneconomic damages and I anticipate supporting amendments to S. 2061 if the Senate has an opportunity to fully debate this legislation.

However, I do believe that reform of the medical liability system should be considered as part of a comprehensive response to surging medical malpractice premiums that endanger Americans' access to quality medical care by causing doctors to leave certain communities or cease offering critical services, such as obstetrical care. For this reason, I will vote for cloture on S. 2061 in an effort to move the debate forward.

Mr. FEINGOLD. Mr. President, once again we are faced with an ill-advised medical malpractice bill coming to the Senate floor without any committee consideration. Some argue that we have a malpractice insurance ''crisis'' that is driving doctors from the practice of medicine, particularly in the field of obstetrics and gynecology, or OB/GYN. But we have not yet explored that issue in the Senate at all. No committee has held hearings or marked up a bill on this topic. Instead, an extreme proposal has been brought directly to the floor and Senators are expected to vote for it because there is a crisis. That is not how the legislative process should work on an issue of importance to so many people.

I would like very much for Congress to address the problem of malpractice insurance premiums once we understand the seriousness of the problem and the effectiveness of the proposed solutions. But by bringing this bill directly to the floor, the majority shows that it is not serious about addressing the problem. It just wants to play a political card. To the extent that there really is a malpractice insurance problem, what is going on here is a cynical exercise, designed only to fail and to provide fodder for political attacks. I will vote ''no'' on cloture.

Ms. CANTWELL. Mr. President, I will not be voting for S. 2061, a bill that imposes very low damage caps on noneconomic damages in cases involving obstetrical services. I cannot support the bill before us today because I do not believe it would be effective in reducing the very serious problem that we have with rising medical malpractice premiums for doctors and hospitals in my State of Washington.

The fundamental premise of the bill is that by placing a very low cap on the amount persons injured in obstetrics cases could receive for noneconomic damages, insurers would respond by reducing premiums for physicians and hospitals. However, multiple studies have now shown that premiums for physicians in States that have already imposed limits on damages continue to increase. According to the Medical Liability Monitor, overall, premiums are 6.8 percent higher for OB/GYNs in States with caps than States without caps, and premium increases last year were slightly higher in States with caps on damages, than in States without them. That is why the Seattle Times, the Seattle Post Intelligencer, The Tacoma News Tribune, The Everett Herald and the Bellingham Herald have all come out in opposition to $250,000 caps in the last 2 weeks. As the editorial board of the Spokane Spokesman wrote last June 4 about proposals to cap damages, ''No doctor would prescribe radical surgery based on anecdotes or conflicting data.''

In the process of educating myself about this issue over the past year, including meeting with hundreds of Washington State physicians and hospital administrators, touring 29 rural hospitals, and reviewing the claims history of Physicians Insurance, Washington State's leading provider of malpractice insurance, I have asked many of these individuals what they believed the cap on damages should be. The fact that I have received answers ranging from zero to $5 million illustrates the difficulty in determining what a damage limit should be without reference to specific facts. I believe that juries made up of Washington State residents are better positioned to make a determination of appropriate compensation after hearing the facts of an individual case, than are Senators trying to find a one-size-fits-all solution. Washington State has the third best tort system in the country according to the Chamber of Commerce. Our State has long banned punitive damages, and as a result, capping noneconomic damages, without the knowledge of the jury, could lead to very unfair results for Washington State residents.

Imposing a $250,000 cap on noneconomic damages is radical. The $250,000 cap is based on a California law that was enacted in 1975 and has never been adjusted for inflation. While I wish that it were not true, Washington residents are sometimes harmed by negligent care in the course of obstetrics cases, and they suffer genuine damages. Despite efforts to create an exception for the most serious and egregious cases, there is no exception in the bill before the Senate for even the worst cases. Noneconomic damages compensate patients for real injuries including the loss of fertility, loss of a child, or loss of a spouse, as well as for excruciating pain and permanent and severe disfigurement. Caps on noneconomic damages disproportionately affect women and children because they lack the work history to make economic damages very meaningful.

That is not to say that we do not have a very serious problem in our State. Individual physicians have experienced premium increases of up to 75 percent and hospitals have suffered even greater increases. Increases have hit specialists, including obstetricians, particularly hard. This adds to pressure already being felt by physicians and hospitals in our State as a result of our abysmal Medicare reimbursement rate. Washington currently ranks 41st in the Nation and receives only $4,303 per beneficiary. Physician practices are small businesses, and many of our hospitals are nonprofit entities. They cannot be expected to absorb these huge increases without help.

That is why I support many measures that would actually help deal with the problem of rising insurance costs. I believe that we should be exploring the creation of best practices for physicians, which, if followed, would protect

physicians from law suits. I also believe that specialized malpractice courts could be a useful tool in curbing abuses of the system.

I also support legislation introduced by Senators LINDSEY GRAHAM and DICK DURBIN. Unlike S. 2061, which relies on damage caps to reduce future premiums, the Graham-Durbin bill provides tax credits to physicians and hospitals to help offset the increases in malpractice insurance. It would also create a medical mistake database, repeal the current law that prevents Federal regulators from examining whether the insurance industry is engaging in anticompetitive behavior and price manipulation to artificially inflate premiums, and impose stricter standards to demonstrate that a malpractice case has merit before it proceeds.

I am committed to finding solutions to these problems to ensure that Washingtonians continue to have access to quality affordable care throughout every city and county in our State. The bill on the floor unfortunately is not part of that solution. Hopefully, the debate doesn't stop today and these other alternatives will be considered.

Mr. FRIST. Mr. President, today we will be voting on a cloture motion to allow the Senate to proceed to debate S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act. I strongly urge my colleagues to vote for the cloture motion on the motion to proceed.

We have had a good discussion over the last few days, and it is clear that our medical litigation system is failing the American people. It is failing our communities, our hospitals, our doctors, our families and, most importantly, our patients. OB/GYNs and the women and babies they serve have been uniquely affected. Reform of this broken system is desperately needed, and we must act.

The upcoming vote will allow us to fully debate this critical issue. If action is delayed, we know what will happen: patients will suffer, women will suffer, and babies will suffer. OB/GYNs will continue to flee their practices and drop obstetrical services, and more States will be added to the AMA crisis list, a list that already has 19 States.

I have received letters from doctors all over America, including from my home State of Tennessee, demonstrating the devastating effect of the crisis. Premiums in Tennessee have gone up 68 percent over the last 4 years, and Tennessee is not even considered a crisis State by the AMA—yet.

One doctor from Paris, TN, writes:

> As a reproductive health physician I have provided a wide range of obstetrical and gynecologic services to west Tennessee for 13 years. I am one of only two physicians practicing in this area and do a significant amount of high risk procedures. My malpractice insurance premiums have increased from $30,000 to $60,000 in just two years. This is without a claim being filed against me. . . . I am strongly considering terminating my obstetrical practice to leave this area markedly undeserved.

Another doctor from Athens, TN, writes:

> As an obstetrician in East Tennessee whose liability insurance premiums increased 23 percent in the year 2003, it is becoming progressively difficult and risky for me to continue to deliver babies. Many of my colleagues have either retired or quit doing obstetrics. This is going to severely limit what is already excellent care in this country for the obstetrical patients especially in this part of the State.

As these real life stories show, this health care crisis is real, spreading and uniquely affects OB/GYNs. The current medical liability system is costly, inefficient and hurts all Americans. In addition to damaging access to medical services, the current medical litigation system creates problems throughout the entire health care system:

It indirectly costs the country billions of dollars every year in defensive medicine. The fear of lawsuits forces doctors to practice defensive medicine by ordering extra tests and procedures. Though the numbers are hard to calculate, well researched reports predict savings from reform at tens of billions of dollars per year.

It directly costs the tax payers billions. The CBO has estimated that reasonable broad reform will save the Federal Government $14.9 billion over 10 years through savings in Medicare and Medicaid.

It impedes efforts to improve patient safety. The threat of excessive litigation discourages doctors from discussing medical errors in ways that could dramatically improve health care and save hundreds or thousands of lives. I am a strong supporter of patient safety legislation which I hope we will pass this year. But in addition to patient safety legislation, we need to address the underlying problem—our liability system.

We must reform this broken liability system. That is why I strongly support the Health Mothers and Healthy Babies Access to Care Act. I thank my colleague, Senator GREGG, who skillfully led this debate, and I thank Senator ENSIGN, a leading proponent of reform, who has seen the current crisis close up in his own State of Nevada.

This legislation will protect women's access to care and ensure that those who are negligently injured are fairly compensated. Again, I encourage my colleagues to move this legislation forward. We cannot afford further delay.

Mr. President, I ask unanimous consent that a list of groups that support S. 2061 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROUPS THAT SUPPORT S. 2061—HEALTHY MOTHERS AND HEALTHY BABIES ACCESS TO CARE ACT

American Medical Association
American College of Obstetricians and Gynecologists
American College of Emergency Physicians
American College of Cardiology
American Association of Neurological Surgeons
American Academy of Dermatology Association
American Association of Orthopaedic Surgeons
American College of Cardiology
American College of Surgeons
American College of Radiology
American Gastroenterological Association
American Society of Cataract and Refractive Surgery
American Urological Association
Congress of Neurological Surgeons
National Association of Spine Specialists
Society of Thoracic Surgeons
American Academy of Family Physicians
American Society of Anesthesiologists

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant bill clerk (Ms. Stacy Sullivan) proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOND). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I support legislation which would address the serious problems faced today by doctors, hospitals and other medical professionals who provide obstetrical and gynecological services and at the same time provide balance to treat fairly people who are injured in the course of medical treatment.

While most of the attention has been directed to OB/GYN malpractice verdicts, the issues are much broader, involving medical errors, insurance company investments and administrative practices.

I support caps on noneconomic damages so long as they do not apply to situations such as the paperwork mix-up leading to the double mastectomy of a woman or the death of a 17-year-old woman on a North Carolina transplant case where there was a faulty blood type match or comparable cases in the OB/GYN services area.

An appropriate standard for cases not covered could be analogous provisions in Pennsylvania law which limit actions against governmental entities or in the limited tort context which exclude death, serious impairment of bodily function, and permanent disfigurement or dismemberment.

Beyond the issue of caps, I believe there could be savings on the cost of OB/GYN malpractice insurance by eliminating frivolous cases by requiring plaintiffs to file with the court a certification by a doctor in the field that it is an appropriate case to bring to court. This proposal, which is now part of Pennsylvania State procedure, would be expanded federally, thus reducing claims and saving costs. While most malpractice cases are won by defendants, the high cost of litigation drives up OB/GYN malpractice premiums. The proposed certification would reduce plaintiff's joinder of peripheral defendants and cut defense costs.

Further savings could be accomplished through patient safety initiatives identified in the report of the Institute of Medicine.

On November 29, 1999, the Institute of Medicine, IOM, issued a report entitled: To Err is Human: Building a Safer Health System. The IOM report estimated that anywhere between 44,000 and 98,000 hospitalized Americans die each year due to avoidable medical mistakes. However, only a fraction of these deaths and injuries are due to negligence; most errors are caused by system failures. The IOM issued a comprehensive set of recommendations, including the establishment of a nationwide mandatory reporting system; incorporation of patient safety standards in regulatory and accreditation programs; and the development of a nonpunitive culture of safety in health care organizations. The report called for a 50 percent reduction in medical errors over 5 years.

The Appropriations Subcommittee on Labor, Health and Human Services and Education, which I chair, held three hearings to discuss the IOM's findings and explore ways to implement the recommendations outlined in the IOM report. The fiscal year 2001 Labor-HHS appropriations bill contained $50 million for a patient safety initiative and directed the Agency for Healthcare Research and Quality, AHRQ, to develop guidelines on the collection of uniform error data; establish a competitive demonstration program to test best practices; and research ways to improve provider training. In fiscal year 2002 and fiscal year 2003, $55 million was included to continue these initiatives. We are awaiting a report, which has been delayed after being scheduled for issuance in September, 2003, by the Department of Health and Human Services, which will detail the results of the patient safety initiative.

There is evidence that increases in OB/GYN insurance premiums have been caused, at least in part, by insurance company losses, the declining stock market of the past several years, and the general rate-setting practices of the industry. As a matter of insurance company calculations, premiums are collected and invested to build up an insurance reserve where there is considerable lag time between the payment of the premium and litigation which results in a verdict or settlement. When the stock market has gone down, for example, that has resulted in insufficient funding to pay claims and the attendant increase in OB/GYN insurance premiums. A similar result occurred in Texas on homeowners insurance where cost and availability of insurance became an issue because companies lost money in the market and could not cover the insured losses on hurricanes.

In structuring legislation to put caps on jury verdicts in OB/GYN cases, due regard should be given to the history and development of trial by jury under the common law where reliance is placed on average men and women who comprise a jury to reach a just result reflecting the values and views of the community.

Jury trials in modern tort cases descend from the common law jury in trespass, which was drawn from and intended to be representative of the average members of the community in which the alleged trespass occurred. This coincides with the incorporation of negligence standards of liability into trespass actions.

This ''representative'' jury right in civil actions was protected by consensus among the state drafters of the U.S. Constitution's Bill of Rights. The explicit trial by jury safeguards in the seventh amendment to the Constitution were adaptations of these common law concepts harmonized with the sixth amendment's clause that local juries be used in criminal trials. Thus, from its inception at common law through its inclusion in the Bill of Rights and today, the jury in tort/negligence cases is meant to be representative of the judgment of average members of the community, not of elected representatives.

The right to have a jury decide one's damages has been greatly circumscribed in recent decisions of the United States Supreme Court. An example is the analysis that the court has recently applied to limit punitive damage awards.

In recent cases, the Court has shifted its Seventh Amendment focus away from two centuries of precedent in deciding that federal appellate review of punitive damage awards will be decided on a de novo basis and that a jury's determination of punitive damages is not a finding of fact for purposes of the reexamination clause of the Seventh Amendment—''no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law''. Then, in 2003, the Court reasoned that any ratio of punitive damages to compensatory damages greater than 9:1 will likely be considered unreasonable and disproportionate, and thus constitute an unconstitutional deprivation of property in non-personal injury cases. Plaintiffs will inevitably face a vastly increased burden to justify a greater ratio, and appellate courts have far greater latitude to disallow or reduce such an award.

These decisions may have already, in effect, placed caps on some jury verdicts in malpractice cases which may involve punitive damages.

Consideration of the many complex issues on the Senate floor on the pending legislation will obviously be very difficult in the absence of a markup in committee or the submission of a committee report and a committee bill.

The pending bill is the starting point for analysis, discussion, debate and amendment. I am prepared to proceed with the caveat that there is much work to be done before the Senate would be ready, in my opinion, for consideration of final passage.

Mr. President, I yield the floor.

Mr. ENSIGN. Mr. President, we had a debate today—sort of a debate, because we are only debating whether to proceed to a debate on the issue of whether we are going to continue to allow obstetricians and gynecologists and nurse-midwives to be able to practice in this country because of the runaway cost of medical liability insurance. The Democrats are not even allowing us to proceed to the bill, just like last year, when we tried to pass a more comprehensive reform. If they don't like the bill, let's amend the bill. But to have no debate on the bill, it seems to me, they are completely turning their backs on the women and children of this country, and those babies yet to be born.

I had a discussion this afternoon with the President of the American College of Obstetricians and Gynecologists. I was talking to her about the numbers of students going into the field of obstetrics and gynecology. At the Nevada School of Medicine, the lowest number ever of students have applied to go into obstetrics and gynecology. She pointed out a statistic in the State right next door, Utah. That number actually was zero. Zero have decided to go into obstetrics and gynecology. Let me repeat—in Utah, there are no new physicians this year who decided to go into obstetrics and gynecology. That is an alarming figure for the future.

For those people who are saying it is a problem but it is not that bad—the problem is bad today and it is going to get much worse in the future.

There have been statistics bantered about as to why this happened and why that happened. However, the bottom line is shown pretty well in this picture. This building is located in a very busy thoroughfare in Las Vegas. This is a picture taken last week . The sign says, ''OB/GYN—For Lease.'' The represents what is going on in many places in Nevada and other parts of the country—OB/GYN practices are shutting down.

There are obstetricians and gynecologists leaving my State. It is the fastest growing State in the country by far, yet we have OB/GYNs leaving. They are stopping their practices. Some of them are retiring early. Some of them are limiting their practices to only the practice of gynecology. For others to get coverage from the insurance companies, they have to limit the number of babies that they deliver each month.

My wife and I have had three wonderful children. Three of the most remarkable experiences of my life were the births of our three children. I know a husband and wife team, Joe and Kirsten Rojas, both of them OB/GYNs. They are passionate about what they do. They love to deliver babies. We have been out to dinner with them and often they get interrupted, and they have to go off and deliver a baby. Some of the hardest working people are OB/GYNs. Yet now they cannot afford to

keep practicing. They have to limit the number of deliveries.

The Rojases are our friends. We talk with them, and they have actually talked about leaving Nevada to go to California to practice their passion of delivering babies. They love Las Vegas. As a matter of fact, Dr. Joe Rojas, his father, was my mom's gynecologist. Actually, he did surgery on my wife when she had a medical condition. I graduated high school with Dr. Joe Rojas. He was born and raised in southern Nevada, and his wife now is in practice in Nevada, and they may have to leave their beloved home because they cannot afford the high costs of medical liability insurance.

I want to put up another chart that shows the comparison of the rates in States around the country compared with California. Some people are saying the insurance rates are rising or falling because of the stock market, or insurance companies are just raising the rates arbitrarily or because of some kind of actuarial tables. The bottom line is on this chart. This puts it into context.

The one State where we have had medical liability reform for any length of time, and it has been since the mid 1980s after surviving multiple court challenges, is the State of California. They enacted what is called MICRA. It is a strong medical liability reform law that, frankly, you could not get passed in the State of California today because the trial lawyers are so powerful. Over the years the trial lawyers have made so much money off of lawsuits that they are, I would argue, the most powerful political lobby in the United States today.

But in California they were able to enact a medical liability reform bill. Their rates are down here shown by the blue line. You see very little increase over the years all the way through 1999. The rest of the country is shown by this red dashed line. You can see the rates going up. This only goes through about 1999. If we took it out to the year 2004, to today, you would see another spike going up right now.

Actually the biggest increases in medical liability insurance we have seen have been in the last few years. This crisis is growing and getting worse year by year.

Let us just compare a few cities in two States that have enacted good medical liability reform versus cities in four States that have not.

Los Angeles in California: They have their MICRA law which is an effective medical liability reform law. Denver, CO: Once again, they have had a law on the books for about 10 years. They have an excellent law there.

Let us look here at OB/GYNs. There are some other specialties and the comparison is very fair, but us stay with OB/GYNs:

Los Angeles, a little over $54,000 a year; Denver, their premiums are about $31,000 a year; New York City, $89,000; Los Angeles, $108,000. By the way, this number, because this is 2002 data, is very low. In Las Vegas, it is somewhere between $140,000 and $200,000 a year, depending on how many babies they are delivering and whether they are dealing with difficult pregnancies. Looking on: Chicago, $102,000; and Miami, $201,000 per year in medical liability premiums.

Some people say these are rich doctors. Has anybody talked to an OB/GYN and asked them how much money they make these days? In Maryland, they get paid $1,400 for a delivery—not just a delivery but all the precare, the delivery, and the aftercare—$1,400 for all of those visits, including the hospital time. In the State of Nevada, Medicaid pays $1,200. That is about what managed care pays in the State of Nevada as well. These are not rich doctors.

By the way, we are not just talking about doctors; we are talking about nurse-midwives as well. When was the last time you talked to a rich nurse-midwife? They are in a crisis as well. A lot of them are having to leave their practices. In 2 States, legislators they have enacted excellent reforms, in too few states, nothing has been done.

That is the simplest evidence we can give as to why it is so desperately needed to enact the bill we have on the floor today. It will protect people involved in the delivery of babies and those involved in the practice of gynecology.

We have heard anecdotal stories about women delivering babies literally on the side of the road because they had to drive too far because their obstetrician left town. This is happening in my State, in Arizona, in Mississippi, in West Virginia—there are 19 States currently in crisis. Of the States that are left, all but five are showing signs of heading into crisis. The one thing we know, unless this problem is fixed, is that all of those States showing signs of crisis will head into the crisis as well.

How bad does the situation have to get before this body and those who defend the trial lawyers finally say enough is enough? How bad does it have to get? How many women have to be denied the care they need?

In the State of Nevada, sometimes politics drives this argument. Sometimes it drives many pieces of legislation around here. In the State of Nevada, our level I trauma center closed a few years ago. Just prior to its closing, the Democrat leaders in our State said there was no way they would pass medical liability reform—no way—it would never see the light of day. Our level I trauma center closed. What happened? Because of that closing, 3 weeks later a medical liability reform bill was passed in the State of Nevada. That medical liability reform bill is not a good one—it does have some good components, but it certainly does not go far enough. In the State of Nevada, we are trying to close the loopholes that were left open by that bill.

The politics that can be generated out of debating the bill and going forward can be a positive thing for actually getting this bill passed. The level I trauma center that closed in my State is the same level I trauma center where Roy Horn—the famous entertainer from Siegfried and Roy who was attacked by the tiger this last year—was treated. Had that level I trauma center not been reopened, Roy Horn would probably not be with us today.

The reason it is so apparent that this legislation would work is because we have the numbers here to show that in the States who have strong medical liability laws, much of the costs have been constrained. Case in point, the reason our level 1 trauma center was allowed to reopen was that our Governor stepped in and said: We will cover the level I trauma center under the State's liability protection.

What does the State of Nevada have for liability protection? It has a $50,000 cap for total damages, which is much more severe than we have in this bill. We have only a $250,000 cap on noneconomic damages. You can get as much as you want out of economic damages, and you can get as much as a jury says. Whatever your medical costs, you can get all of those. But on pain and suffering, with some of the most outrageous runaway jury awards, we limit it to $250,000.

Some say you are limiting the access to courts when you do that. In the State of California, once again, there have been tens of millions of dollars awarded in loss of income. For instance, a child was injured, and in one case $84 million was awarded by a jury. We are not limiting the access. We are trying to get rid of the frivolous lawsuits that are plaguing this Nation and leading to this crisis. There is a direct correlation.

Senator DASCHLE stood on the floor earlier today and said this bill would not help doctors. I question that statement because the doctors are supporting this bill. Virtually every medical association in this country is supporting this bill today. If it is not providing relief to the doctors, why are they supporting this bill? The answer is obvious. The answer is, it will help. It will help our entire system, and it will help those women and children who are being denied access to care right now. Unfortunately, if we don't do something, this situation in the future is only going to get worse and worse and worse.

The bill we have before us today, Senator GREGG and I introduced. I appreciate all of the great work he has done on this bill, which is a narrowed down version of what we tried to pass last year. What we tried to pass last year was a comprehensive bill. If we are not able to move to this bill today, we are going to try to do emergency room and trauma care and a good samaritan bill packaged together. If we can't get that done, we are going to do inner-city and rural health care areas—underserved areas.

We are trying to drive this issue home to the American people. They realize where their representatives stand.

Some have said you are trying to get a rollcall vote. You are darned right we are. We are trying to let people know who stands with patients and who stands with women and children with this bill and who stands with the trial lawyers.

Mr. ENSIGN. Another friend of mine in southern Nevada, whom I was talking to about 6 months ago, is one of the best OB/GYNs we have in southern Nevada. He focused his practice on difficult pregnancies, on the high-risk pregnancies, pregnancies with complicating factors. Maybe there is diabetes involved. That is a very common problem. One of my goddaughters who babysits our children has gestational diabetes. It is not an uncommon problem among women. During that time, there can be complications develop because of diabetes. It can be a very serious problem, but if handled by highly trained physicians, usually you do not end up with any problems.

Because my friend is in the high-risk category—by the way, he has never had a lawsuit against him—his insurance company this past year said he had to severely limit the number of babies he could deliver. This is his passion, and now he has to limit the number of high-risk deliveries. That means some other OB/GYN who is not as highly trained is going to have to deliver those babies.

If you are getting ready to deliver and you have a high-risk pregnancy, you would want the best possible medical care you could get. You would want the most highly trained physician. If you were told that because of our medical liability crisis in this country—I am sorry, you cannot go see your doctor—the one you have come to trust, because they had to limit the number of babies they could deliver in this month, imagine how that whole family would feel—the father, the mother, the grandparents. It puts an unnecessary risk on that delivery we should not be facing.

While no one wants to have medical malpractice cases, there are mistakes that occur in medicine. I am a veterinarian by profession. There are human mistakes. There is gross negligence. Those people should have the right to access a courtroom. They should have the ability of a remedy. I argue that our legislation actually gets them the remedy faster. It limits the attorney's fees so more of the money goes to the victim. It also gets the money to the victim faster. Right now it can take 6, 7, 8, 9, 10 years. A lot of times the patient may have already died. Our bill gets them the compensation they need much more quickly and in a fair manner.

I have heard it described that this bill discriminates against women. That would be like saying the whole State of California and the whole State of Colorado discriminates against women. That is ridiculous. California and Colorado are the two best examples of medical liability reform having been enacted and have been enacted for enough time to see it work. The patients who are injured actually get the compensation they deserve and we do not have the proliferation of frivolous lawsuits we see in the rest of the country in the healthcare field. There are many areas of tort reform we need to address. This happens to be one of them.

Anyone who has delivered or seen their child's birth knows the anxiety that builds up; it is a tense time. Every time one of our babies comes out of the birth canal, we are hoping and praying everything is going to be all right. The biggest fear of any parent is for something to go wrong. We want to know the best possible health care and the best possible health care provider is going to be there. That is not happening in too many cases. That is not happening because, I believe, the trial lawyers have been too powerful in the United States. We have to break that power base if we really want to care about the mothers who are expecting or about the level of gynecological care they have come to expect and deserve in this country.

This legislation is critical to the future quality of life in the United States. It is critical that we put special interests aside and the interests of patients at the forefront. That is what we are debating today. Are we going to put expectant mothers, midwives, OB/GYNs first? Or are we going to put the trial bar first?

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. With the attention of my friend from Nevada, I ask unanimous consent I be allowed to speak as in morning business for 6 or 7 minutes. I think there are a couple of other speakers on the majority side who want to be here. When they come over, I will wrap up my remarks to give them time to be heard on the matter.

Mr. ENSIGN. I agree to the unanimous consent request with the caveat that if a Member of the majority comes over and seeks recognition, they will be recognized.

Mr. DODD. I am happy to do that and I thank my friend from Nevada.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

GROWING ANARCHY IN HAITI

Mr. DODD. Madam President, I come this afternoon to express my deep concern over the growing anarchy and lawlessness in Haiti. This ominous situation, only miles off our own shores, threatens to overwhelm the elected government of Haiti in a number of days, and unless our country, the United States, along with other members of the international community, acts to stop it, it will get worse and pose far many more serious problems for us.

In my view, 3 years of neglected, mixed signals and inertia by the present administration—and the international community, for that matter—have brought a country already steeped in misery and poverty to the brink of uncontrollable violence and chaos. With respect to our own administration, which has sought to remake the political landscape of the Middle East, it is profoundly disturbing and unsettling that it seems incapable or unwilling to act to fortify a struggling democracy in our hemisphere.

I will not defend every action of the Aristide government in Haiti. There have been major problems there. I accept that and understand that. But no one denies this government was duly elected by the people of Haiti and it is being threatened today by a group of thugs and rebels, many of them who come from the previous death squads and ousted armed forces members which ruled that country with a brutal hand, who make up the majority of the people holding the second and fourth largest cities in Haiti today.

I am not standing here as some political defense of a specific administration, but I do stand here as someone who believes that if we are going to defend democracy, we have to be willing to stand up when fragile democracies, such as this desperately poor country, are being threatened by a group of people who do not have the interests of democracy at heart and have no right to be threatening this democratically elected government.

While I cannot discuss the administration's classified briefing of this morning, I can say that I was stunned by the lack of any coherent administration strategy for addressing the violence that may unseat the elected government. It is no secret that Haiti's long history of authoritarian governments as well as political and social upheaval have made it ripe to destabilize. The Haitian people continue to be the principal victims of this instability. The statistics are devastating.

Eighty percent of Haitians live in abject poverty; that is, 8 out of 10 people. By 1998, the World Bank reported that the per capita income in Haiti was $250 a year, less than one-tenth of the average in all of Latin America. In addition, only half of Haitian children attend school. Only 45 percent of the Haitian population can read or write and only marginally so. That is less than the people of Iraq.

The scarcity of resources have contributed to a public health crisis in that nation. Fifteen percent of children don't live past the age of 5. The average life expectancy is under 50 years of age. Haitians suffer from the highest rate of HIV/AIDS in the Western Hemisphere, roughly 6 percent of the population.

I note the presence of the Presiding Officer who, in a former life and occupation, knew these numbers and statistics as well as anybody. I appreciate her listening to this because she understands better than many what goes on in these impoverished nations.

Equally important are the intangible effects of this instability in this little country. Chief among them is the growing chaos in civil society. Indeed, the very fabric of Haitian society is at risk as pro and antigovernment factions armed with every imaginable weapon are increasingly clashing in the streets. Just in the last 2 weeks, more than 50 people have been killed in politically charged street protests. This violence took a new and disturbing turn when a group of armed gangs seized the towns of Cap Haitien and Gonaives, Haiti's second and fourth largest cities. They burned police stations and homes of supporters of Haitian President Jean Bertrand Aristide.

The year 2004 was to be a year of rejoicing and celebration for the people of Haiti as they were expected to proudly celebrate 200 years of independence. Instead they are forced to flee from their communities to escape seemingly indiscriminate violence. There is no mystery, in my view, who is behind these armed attacks. They have audaciously identified themselves to local and international journalists. They are former members of the Haitian armed forces and former members of the so-called FRAPH, the paramilitary organizations that terrorized Haitians in the early 1990s. They were responsible for the deaths of thousands of Haitians and the flight of tens of thousands more who were prepared to risk their lives at sea coming to this country rather than bear the repression and violence that was a daily occurrence in that country. They are back in Haiti, and they are within an eyelash of taking control of Haiti again. We are going to see the effects of it here in a matter of days.

These armed thugs have publicly announced that they intend to march on Port-au-Prince within hours. In fact, within 15 minutes of my address today, a decision will be made by the so-called political opposition in Haiti on whether to accept the recommended political solution that would bring about a new Prime Minister, sort of a copresidency with the present elected government. That is the offer to be made. It has been rejected in the last several days by these gangs and the opposition.

At 5 o'clock they are going to announce whether they are willing to try it again. I hope they will try. I hope they will accept what has been offered to them by CARICOM, our Government, and others. If they don't, I am fearful that we will see a continued rise in this violence, the cost of human life, of innocent life unnecessarily.

The administration up to now has offered only words. I commend Colin Powell. He has said that we respect this elected government and we don't believe it ought to be overthrown, that we will not support any removal of this democratically elected government. But those are words. They are important words coming from an important individual, but it doesn't diffuse the growing crisis. A rejection of the political solution does not portend well for the people of this country. A violent coup that unseats the duly elected government is not an auspicious foundation for further stability in that country as the painful aftermath of the 1991 coups should remind us.

It is too late for diplomacy alone to turn the tide. The political opposition's rebuff of last weekend's diplomatic mission makes that painfully clear. The international community must act with strength and resolve to thwart these criminal elements and prevent the impending humanitarian refugee crisis that is about to explode before our very eyes. It is time for the administration to take the lead in this matter.

I am not suggesting that we send some massive force. We are talking about 200, 300, 400 gang members, thugs. It is not a large operation. It wouldn't take much of an international force to send a message that we are not going to allow this government, this crowd to overthrow the elected government.

Our position as of right now is that we won't do anything. We are not going to step up until there is some political context in which to operate.

There will be a political context when we let these thugs know that we are not going to tolerate the overthrow of this government by asking others to join us. I hope the administration would be prepared to act, particularly in light of what I anticipate to be the rejection of the offer of a political solution.

While I commend CARICOM, the Caribbean community's organization, for ongoing efforts to find a temporary solution to the political crisis, these efforts have so far been fruitless because the political opposition hopes they will be able to watch an overthrow of this elected government and then count on the U.S. Government to come in and sanction them, as if somehow they have arrived in power legitimately.

Let me say to them today: If you think for a single second you are going to get any support out of this Congress by overthrowing an elected government, you are fooling yourselves. It is not going to happen.

This government of ours needs to speak loudly and clearly to these people that this is not what the United States stands for. This is not an endorsement of every action by the Aristide government any more than we endorse every action of other governments around this hemisphere or elsewhere. But to sit back and sort of wink, in a sense, that it is OK for these gangs and thugs and literally drug dealers, some of the worst elements that that country has ever seen, come back into power and be able to overthrow this government is a huge mistake.

It is occurring on this administration's watch. To allow it to happen will be tragic. Let there be no doubt the United States will suffer, along with the Haitian people, if we permit this to go on. Haiti is located only miles from our doorstep. Lawlessness in Haiti only ripens conditions for narcotrafficking and illegal migration.

Haiti is already a major transition site for drugs coming into this country. We know that already. If we think we are going to get a better deal from these gangs that are about to overthrow this country, we are making a mistake. Engagement with the Haitian people is clearly in the best interests of both our peoples.

Not only is the lack of real leadership on the part of our own country disgraceful and disappointing, it is dangerous. Without that leadership, there will be worse violence and greater chaos.

Once security has been restored, the administration has at its disposal the tools to move both sides toward a political compromise, should it choose to utilize them. With respect to the Government of Haiti, that includes providing direct assistance to the Haitian police, assistance in the form of training and equipment in return for compliance with the CARICOM initiative.

With respect to political parties and civil society, the United States should revoke U.S. visas to any of these organization members who are unwilling to participate wholeheartedly with the diplomatic efforts to find compromise or who support or condone violence. If it takes legislation banning these people from getting visas, I will do it. These people travel to the United States all the time and then turn around and provide support to these thugs and then anticipate coming here when it gets a little dangerous. They have no right to come to America, if they participate in this action going on in Haiti as we speak.

The Dominican Republic and other Caribbean countries must take action to stop these territories from being used as a transit point for illegal arms shipments to Haiti or as staging areas for armed Haitian opposition groups. Equally important, the United States and the international community must stop ignoring the negative impact that our economic policy of withholding assistance to the Haitian people is having on Haiti's stability.

Corruption aside, the Haitian government's lack of resources would preclude anybody from effectively ruling that country. It is disingenuous of the Bush administration and the international community to cut off hundreds of millions of dollars in aid to these desperately poor people, some of the poorest people in the world. They needed just a small amount of help, and we were unwilling to give them any over the last 3 or 4 years. It is no wonder that chaos is running wild in that country today.

I hope the administration will take far more concrete steps to respond to this crisis than they have presently. My hope is that within a matter of minutes the political opposition and

others will agree to the political solution offered to them. If not, the United States and the international community need to step up and offer to send in armed forces, if necessary, to protect the overthrow of this legitimately elected government.

Mr. ENSIGN. Madam President, what is the situation regarding time?

The PRESIDING OFFICER. The time has expired.

Mr. ENSIGN. Of the 10 minutes remaining, 5 minutes is for the minority and 5 is for the majority leader, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. ENSIGN. The majority leader has the last 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. ENSIGN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the distinguished Senator from Nevada, my colleague, Senator ENSIGN, has been waiting for the minority leader to come. The time is here for the majority to use. If the minority leader decides to use 5 minutes, I ask unanimous consent that the majority be given the final 5 minutes to speak on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The junior Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, I want to sum up this debate telling one story and making a few other points. Some on the other side of the aisle claim ''they want to make health care a birthright for every single child born in this country.'' Yet they are driving the very doctors who bring America's babies into the world out of their medical practices.

Let me remind you of Melinda Sellard's story. She is the unfortunate woman who went through a horrifying experience of delivering a baby on the side of the road in the middle of the night because her doctor had quit obstetrics altogether due to exorbitant insurance premiums. En route, she and her husband had to drive right past the Copper Queen Community Hospital, which closed its maternity ward 2 months earlier because of the medical liability crisis. Instead, the Sellards were forced out onto the highway to try to get to the only hospital within 6,000 square miles with obstetricians who could afford malpractice insurance.

After enduring the excruciating pains of labor without anesthesia, Melinda was forced to give her newborn infant CPR, since the baby was not breathing immediately after delivery. She finally got her newborn breathing, wrapped him in a sweater she was wearing, and drove the rest of the way to the hospital where the emergency staff cut the umbilical cord in the parking lot.

I urge my colleagues to think of Melinda and the other mothers in this country who have lost their doctors and to stand up to the trial lawyers and support cloture on this bill. The ''objects in your rear view mirror that are closer than you think'' should never be a woman and her newborn child on the side of the road.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Madam President, I know that time is close to having the vote. I will use my leader time. I want to make a couple of additional remarks about the bill.

We have had a great deal of discussion today and comments made by some of our Republican colleagues about the hardships malpractice insurance premiums place on doctors. There is no difference of opinion in that regard. Both Republicans and Democrats agree this is a real challenge and it certainly demands our attention. But I think we have to reject cloture this afternoon for the simple reason this bill does nothing to solve it. As we have heard most of the day, every piece of available evidence shows capping damages has no impact on the cost of malpractice insurance.

Reports from the General Accounting Office, the Congressional Budget Office, Weiss Ratings, and the Medical Liability Monitor all confirm malpractice awards are not the primary factor driving the cost of malpractice insurance higher. Even the insurance industry admits caps won't protect doctors from higher insurance premiums. Just last year, Bob White, president of the largest medical malpractice insurer in Florida, stated, ''No responsible insurer can cut its rates after a [medical malpractice tort reform] bill passes.''

Doctors deserve our help. They need our help. They certainly want it. But no doctor should expect lower insurance rates as a result of this bill. It is wrong to take away the women's right in the courtroom merely to protect the profits of the insurance companies.

This bill would create, for the first time, an unjust two-tiered legal system, actually restricting the rights of women and infants who are hurt by the negligence of a doctor, HMO, drug company, or even a medical device manufacturer.

If a man is prescribed defective blood pressure medication by an internist, he can recover full damages under the bill. If a woman is prescribed blood pressure medication during pregnancy that causes blood clots, her damages will be arbitrarily capped. There may even be a constitutional question involved in this disparity between men and women.

The idea that men and women should have unequal access to the legal system offends, if not the Constitution, certainly our sense of justice. But the real problem with this bill isn't merely that it values the injuries of men and women differently, as troubling as that is. The real problem is that it presumes that somehow those of us in this Chamber are better able to determine how to compensate injured patients in a preemptive way, knowing ahead of time all of the circumstances. Knowing exactly how these people are going to be affected by the decisions we make today is something I don't think anyone could acknowledge they have the ability to do.

This morning, I spoke with Colin Gourely of Valley, NE. At his birth, he suffered complications due to his doctor's negligence. Today he has cerebral palsy and is confined to a wheelchair. He has had five surgeries to correct his bone problems that have occurred as a result of this serious misjudgment in medical care.

Politicians in Washington can't decide what is just compensation for Colin's pain or the pain of any injured patient. We shouldn't apply the one-size-fits-all remedy for the tens of thousands of women and infants who are injured each year.

The fact is, no amount of money can ever compensate a parent for their child's pain, but malpractice awards are not simply about money. They are about offering victims a sense of justice, a way of holding accountable those responsible for their injuries or the death of their loved ones.

Malpractice awards are decided by juries and approved by judges. This is the same system we rely on to decide life or death issues in capital cases. Why wouldn't we trust our citizens to fairly evaluate how to deliver justice for the victims of medical malpractice?

There are real solutions that can bring down the cost of malpractice insurance, and Democrats are eager to work with our Republican colleagues to implement them. We have talked about tax credits to offset the high cost of premiums, prohibitions against commercial insurers engaging in activities that violate Federal antitrust laws, sensible ways to reduce medical errors, direct assistance to geographic areas that have a shortage of health care providers, due especially to malpractice insurance premiums.

So if our colleagues are as concerned about the plight of doctors as they have indicated again today, I hope they will work with us to devise a real solution. Let's drop the maneuvers that protect only the profits of insurers and HMOs and pharmaceutical companies, and let's have a serious discussion about how we solve the problem for our Nation. I think we have an obligation to have that conversation and ultimately come to some solution. Doctors and patients deserve it. They deserve an answer. This bill is not it.

As a result, once again I urge my colleagues to reject cloture. I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 429, S. 2061, a bill to improve women's access to health care services and provides improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services:

Bill Frist, Judd Gregg, Kay Bailey Hutchison, Lisa Murkowski, Susan Collins, Elizabeth Dole, Michael B. Enzi, James M. Inhofe, John Ensign, Craig Thomas, John Cornyn, Pat Roberts, Sam Brownback, Orrin G. Hatch, Charles Grassley, Mitch McConnell, Jon Kyl.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2061, a bill to improve women's access to health care services and provides improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) would each vote ''nay''.

The yeas and nays resulted—yeas 48, nays 45, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—48

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bond	Ensign	Nickles
Brownback	Enzi	Roberts
Bunning	Fitzgerald	Santorum
Burns	Frist	Sessions
Byrd	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NAYS—45

Akaka	Durbin	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham (FL)	Murray
Bingaman	Graham (SC)	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Cantwell	Hollings	Pryor
Carper	Inouye	Reed
Clinton	Jeffords	Reid
Conrad	Kennedy	Rockefeller
Crapo	Kohl	Sarbanes
Daschle	Landrieu	Schumer
Dayton	Lautenberg	Shelby
Dodd	Leahy	Stabenow
Dorgan	Levin	Wyden

NOT VOTING—7

Bennett	Edwards	Miller
Boxer	Johnson	
Corzine	Kerry	

The PRESIDING OFFICER (Mr. ALEXANDER). On this vote, the yeas are 48, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

MORNING BUSINESS

Mr. FRIST. Mr. President, I now withdraw my motion and ask that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

TRADITIONAL MARRIAGE

Mr. CORNYN. Mr. President, in 1996, the Congress voted overwhelmingly to pass the Defense of Marriage Act. This is a bipartisan bill, where Members of both parties in both Houses voted overwhelmingly to define marriage as an institution in traditional terms, between a man and a woman. This, as you may recall, was in part a response at the time to the Vermont decision implementing civil unions. This body, just like approximately 38 States, has now passed defense of marriage acts defining marriage in traditional terms.

Last September, the Senate Judiciary Committee's subcommittee on the Constitution held a hearing at which we elicited testimony on this issue: Is the Defense of Marriage Act in jeopardy?

The reason we had that hearing is because the U.S. Supreme Court, last year, made some pretty significant decisions, one of which was Lawrence v. Texas, which, if the rationale was going to be followed through, would seem to place the Defense of Marriage Act in jeopardy, saying that that somehow violated the Constitution, thus opening the way to marriage between same-sex couples.

At the time we had people, as you might imagine, as in every hearing, some of whom said, oh, no, the Defense of Marriage Act will stand as long as it is the will of Congress and the will of the American people. Others said more presciently, as it turns out, that if there are judges who want to use the decision of the U.S. Supreme Court in Lawrence v. Texas, and to extend that, indeed, yes, the Defense of Marriage Act could be in jeopardy—indeed, the very definition of marriage between a man and a woman that is part of the Federal law and, as I said, I believe some 38 States.

Well, of course, the day that many thought would come only remotely in the future came much more quickly, when the Massachusetts Supreme Court decided that, indeed, traditional marriage violated the Massachusetts Constitution. Now, some might say, well, since it was a matter of State constitution law, it is limited only to the State of Massachusetts. But a closer reading of that decision reveals that one of the bases upon which the Massachusetts Supreme Court decided that traditional marriage violated the Massachusetts Constitution was a U.S. Supreme Court decision in Lawrence v. Texas, interpreting the U.S. Constitution.

So as it turns out, there is a much closer relationship between the State court constitutional decision and a decision under the Federal Constitution.

Well, once the Massachusetts Supreme Court did, indeed, hold that marriage was no longer limited to men and women in Massachusetts, some said this was just a State matter and there was no reason for the Federal Government to get involved, and there was no reason for other States to be concerned. Yet over the last week or so, we have seen that individuals have moved—I saw one report in the Washington Post of people leaving Maryland and going to San Francisco and getting married—in defiance of State law, I might add—where the city of San Francisco, the mayor, and others, would issue marriage licenses, and then people would return to places such as Maryland. Or people would show up in San Francisco and, because of an act of civil disobedience by the mayor and municipal officials there, seek to get married, even though California law is consistent with Federal law and the law of other States defining marriage in traditional terms.

Indeed, we see in New Mexico and in Chicago, where the mayor said if same-sex couples sought to get married, he saw no reason not to issue them marriage licenses. Indeed, in Nebraska, a lawsuit in Federal Court is being defended by the attorney general of Nebraska under the Federal Constitution seeking to define marriage in not untraditional terms, to allow it not to be limited to just traditional marriage.

So this is not an issue that has been raised by Members of Congress initially. This is a matter that has been injected into the public arena by activist judges who have decided to radically redefine the institution of marriage in Massachusetts but the reverberations of which have resounded all across this Nation.

It is in that light I believe we in this body have a responsibility to ask what

are the implications of the Massachusetts decision in this brush fire across the country where local officials and others are in acts of civil disobedience defying State law to issue marriage licenses and what are the ramifications of the Massachusetts decision in terms of the continued viability of the Defense of Marriage Act at the Federal level.

Next Wednesday morning, March 3, under the auspices of the Senate Judiciary Committee, Chairman HATCH has graciously agreed to allow the holding of a subcommittee hearing of the Constitution Subcommittee, which I chair, to have witnesses talk about what the implications are in terms of national policy, in terms of the institution of marriage, which I believe is important. Indeed, if Congress is to be believed, on a bipartisan, overwhelming basis Congress has said it is important and, indeed, that bill itself was signed by President Clinton.

We cannot simply stand idly by, in my opinion, and let activist judges radically redefine the institution of marriage when it stands in stark relief and defiance of the will of the American people and certainly of the decision this body has made in terms of passing the Defense of Marriage Act. So we are going to have a hearing next Wednesday on that issue.

I suspect others will come to the same conclusion I have, and that is the Constitution of the United States will be amended eventually; that this decision in Massachusetts will spread to Federal courts where others will cite this Massachusetts decision as precedent for an interpretation of the Federal Constitution that will strike down the definition of traditional marriage.

I think that is important for a couple of reasons. I know there are people who are reluctant to even talk about this issue because they don't want to be painted or cast as intolerant or haters or bashers or any other term one might think of. Indeed, I think it is important to point out you can believe in the essential dignity and worth of every human being and still believe the institution of marriage is important to our civilization, to families, to providing the most stable means of establishing family life, but also to the benefit of children.

The best interest of children requires us to do everything we can to encourage stable family life and, indeed, in the course of history, not just in this Nation's history, but throughout human history, I believe it is irrefutable that traditional marriage between a man and a woman is the firmest and most stable basis to establish family life. Indeed, that is the relationship, that is the basic social unit under which children thrive and are at reduced risk.

When I was attorney general of Texas for 4 years, I had the responsibility to collect child support for some 1.2 million children. These were children who were from single-parent families. They were either born without their parents ever marrying or their parents married and then divorced and they, of course, were in the custody of one parent and the other parent would typically be ordered to pay child support. I became very much convinced, not just because of the social science, but because of what I saw as a person responsible for collecting that child support for these 1.2 million children, that children are at less risk when they have two loving parents who care about them and support them emotionally and financially; that certainly traditional families are the optimal situation in terms of children doing well and becoming productive citizens.

At that time, of course, it had nothing to do with this new and revolutionary constitutional theory that has been thrust upon us by the Massachusetts Supreme Court that seems to be picking up around the country which I think we need to address, but really we need to, as a nation, reaffirm our commitment to doing what is in the best interest of our children.

Indeed, it is irrefutable that intact families, traditional families—mom and dad providing role models for children they can then use when they grow up to then become not only productive citizens but moms and dads themselves and raise their own children—is something the Federal Government ought to be encouraging. We shouldn't be agnostic about something that is so fundamentally important to the well-being of this country and to our future. We should not stand idly by and see the constitution of one State then spread to another State and, indeed, then to the courts where the Federal Constitution is called into question that would radically redefine this basic social institution.

While I know there are those who are hesitant to talk about this issue because, as I say, no one wants to be cast as intolerant of other relationships—indeed, I think you can say and recognize there are people in loving relationships outside of marriage. But when they want to say marriage is what we redefine it to be, and there is no difference between a man and a woman and a same-sex marriage, I think, first of all, that tends to trivialize what we all have come to recognize as an institution that is a basic social good in this country. But it also is game playing.

There are others who say we want to have all the legal benefits of marriage, but maybe we won't call it marriage, which to me is game playing.

I am a little skeptical of that, especially when, as a lawyer, I know if two people of the same sex want to make contractual or other arrangements between themselves so one can inherit from the other, so one can act on the other's behalf by use of a power of attorney, either to make medical decisions, if one is disabled, or financial decisions if the circumstances arise, there is virtually an unlimited opportunity for same-sex partners to order their relationship from a legal standpoint in a way that satisfies virtually all the reasons I have heard articulated for same-sex marriage.

It is important we have a hearing. It is important for this body to defend, if necessary, its prerogative under the Defense of Marriage Act to do what we believe and I believe the overwhelming number of American people believe is in the best interest of families and children and not leave this to activist judges who consider themselves to be superlegislators, who consider their prerogative to take a social or political or some other agenda and essentially dictate that to the American people from the bench.

We know Federal judges and many State judges serve for a lifetime. There is no way for the American people, short of impeachment, to remove a Federal judge or a judge who is appointed for a lifetime who acts in such a radical fashion, so inconsistent with our norms and traditions, with our traditional understanding of the separation of powers, And yet in a way that would so radically transform this fundamental social unit that is so important to who we are as people and as families, and one that is the best and most optimal arrangement found yet in the history of mankind to have and raise children so that they will be productive citizens.

I have come to the same reluctant position as I know the President announced he has today and believe that indeed the Constitution will be amended. The question is whether we the people are going to amend it by using article V of the Constitution, which creates an admittedly difficult process but one which is important to make sure that it is not done flippantly, too fast or without adequate deliberation. It is time to consider whether we ought to invoke that provision the Framers provided in article V of the Constitution to say: Not so fast, judge. We the people ultimately have the power within our hands to decide how this institution will be defined and we think there is a positive social good to define marriage in traditional terms.

So I believe it is important, as the President has concluded in his announcement today, that we consider a constitutional amendment.

There are some who say our Constitution is a sacred document. Indeed, I think our Constitution is very important and even an inspired document, but I disagree with those who say the Constitution is sacrosanct to the extent that they say the Constitution should never be amended. Indeed, if the Founding Fathers believed the Constitution should never be amended because it was a sacred document, then they would not have provided a means within that document itself for deliberation, hearings, decisions, and ultimately a vote of this body and of the other body by two-thirds and then three-quarters of the States voting for

ratification, which is the process by which that Constitution can be amended.

In my lifetime, I never imagined I would be standing on the Senate floor having to say I believe in the traditional institution of marriage between a man and a woman. I just thought, of all the other issues we would be debating in this body, whether they are matters of war and peace, job creation, access to health care, education, all of the important issues that affect the people in this country, the last issue I ever thought we would have to address would be a redefinition of marriage, but I submit that is where we are.

Reluctantly, as many of us come to this discussion—and I think if one looks at the polls we have all followed in the news media in the last few weeks since this issue has been splashed across our TV screens, our newspapers, the Internet, and elsewhere, one sees that the American people are getting the sense that something has gone terribly wrong, that somehow their values and their traditions are being disrespected in a way that needs correction.

As more and more people find out about the way this came about, through a sort of—well, I would call it judicial lawlessness; in other words, judges who are not interpreting the law but who are taking it upon themselves to redefine what the Constitution means and indeed redefine this basic social unit in our civilization, I think they are going to be pretty upset and they are going to expect us to take up a discussion of this constitutional amendment in a reasonable, deliberate, civil sort of fashion.

I hope we can rise to that challenge. Indeed, if one looks at the vote in the Defense of Marriage Act, one sees there is an overwhelming bipartisan group in this body and in the other body who believe that the institution of marriage is a positive social good and worthy of preservation. I hope we will not be afraid to talk about it in a frank and open way, to listen to the concerns of those who maybe are not yet convinced, to take those into account and then, as a Senate, we can discharge our responsibility under article V of the Constitution to begin the process of allowing the American people to vote on the definition of marriage.

We know who is voting now and it is a handful of judges and municipal officials who are encouraging civil disobedience. They are issuing marriage licenses in violation of State law, for example, in California and elsewhere. Ultimately, if we are going to preserve something that I think is infinitely worthy of preservation—and that is government of the people, by the people and for the people—this is something we are going to have to do. This is a responsibility we are going to have to accept and we are going to have to risk the possibility that some may mischaracterize what we are trying to do as being disrespectful of other people. That is not what this is about.

I would condemn rhetoric or language which would appear to be disrespectful of other people, but that does not mean at the same time that I do not believe the institution of marriage is worthy of protection.

I look forward to the hearing we are going to have in the Constitution Subcommittee on March 3, I believe at 10 in the morning. I anticipate that perhaps later in the month, maybe the week after we come back from the March recess, we will have another hearing. Senator HATCH, the chairman of the Judiciary Committee, of course, reserves the right to make that final decision. At that time, we will begin to take up language, which we might then consider first in committee but then on this floor, that would preserve the definition of marriage for the American people and not allow ourselves to be dictated to by judges who are pursuing some other agenda, one that the overwhelming number of American people disagree with strenuously.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING BLACK HISTORY MONTH: SUPPORTING THE SICKLE CELL TREATMENT ACT

Mr. TALENT. Mr. President, I rise today to honor Black History Month by supporting the Sickle Cell Treatment Act, which is S. 874, and inviting my colleagues to join me and my chief cosponsor, Senator SCHUMER, in doing the same. I am very pleased we now have over 40 bipartisan cosponsors in the Senate for this bill. We certainly would welcome more. I invite our colleagues to look carefully at this act and to support it. It is an important measure. It deals with a disease that afflicts many hundreds of thousands of Americans and a disease that really has not received enough attention and enough visibility in the last few years.

This bipartisan, bicameral legislation is designed to treat and find a comprehensive cure for sickle cell disease which is a genetic disease which primarily affects but not exclusively African Americans. About 1 in 300 newborn African-American infants is born with this disease, but the disease also affects people of Hispanic, Mediterranean, and Middle Eastern ancestry, as well as Caucasians.

More than 2.5 million Americans, mostly but again not exclusively African Americans, have the sickle cell trait, which is not the same as having the disease.

Why focus on sickle cell disease? Because it is the most common genetic disease that is screened in American newborns. People with the disease have red blood cells that contain an abnormal type of hemoglobin. These cells have a sickle shape, hence the name of the disease, that makes it difficult for the cells to pass through small blood vessels or carry the appropriate amount of oxygen or nutrients or antibiotics, if that has been prescribed. The tissue that does not receive normal blood flow because of the disease eventually becomes damaged and can and often does cause potentially life-threatening complications.

Stroke in particular is the most feared complication for children with sickle cell disease. It may affect infants as young as 18 months. I have personally talked with a number of parents whose children have had strokes as toddlers. One of the difficulties with this disease is recognizing it—and I will talk about that in just a minute—recognizing its symptoms. Young children can have strokes without the parents even realizing it for some time.

While some patients live without symptoms for years, many others do not survive infancy or early childhood.

I became involved with this effort because of an African-American doctor from St. Louis, Dr. Michael DeBaun, who treats children with sickle cell disease. When you meet the practitioners who specialize in treating people who have this disease, you meet a series of American heroes. Dr. DeBaun is one of them. After meeting and visiting with him about a year ago, I realized the hardship this disease puts on families and especially on the children, who often have to receive blood transfusion after blood transfusion in order to avoid strokes. And, yes, in order to stay alive.

About one-third of children with sickle cell disease suffer a stroke before age 18. These children require frequent blood transfusions, sometimes 15 to 25 units of blood a year, to prevent subsequent strokes.

If you study the disease, you will also learn firsthand how it can affect the daily lives of children. I will just use one example, 9-year-old Isaac Cornell, whom I also had the privilege of meeting. He is one of Dr. DeBaun's patients and attends fourth grade at Gateway Elementary School in St. Louis. About four times a year, Isaac misses school because of severe episodes of pain, with each episode lasting about 5 to 7 days. Every 4 weeks Isaac has to go for a blood transfusion at St. Louis Children's Hospital where he's treated by Dr. DeBaun. Isaac has a permanent port installed in his upper chest to allow for the transfusions. That is one of the reasons he cannot play contact sports or join the wrestling team.

Sickle cell disease affects Isaac's decisions every day. He has to drink plenty of water to lubricate his cells, he has to be careful not to overexert himself—and that is certainly difficult for a 9-year-old boy—and he has to be careful to get plenty of rest. Because so

many patients like Isaac are struggling with this disease, in April of 2003, Senator SCHUMER and I introduced the Sickle Cell Treatment Act. Our friends, Representatives DANNY DAVIS and RICHARD BURR, introduced a companion bill, H.R. 1736, in the House, which now has 39 bipartisan cosponsors.

S. 874, which is the bill Senator SCHUMER and I introduced, has 41 bipartisan cosponsors as well as the support of dozens of prominent African-American children's and health advocates, as well as union and church groups including—I am going to read the list. This is not a complete list, but it includes the Congressional Black Caucus, the Sickle Cell Disease Association of America, the American Medical Association, the National Association of Children's Hospitals, the National Association of Community Health Centers, the NAACP, the Children's Defense Fund, the Health Care Leadership Council, United Food & Commercial Workers Union—Minority Coalition, the UFCW Faces of Our Children, United Church of Christ, and National Baptist U.S.A. These advocates, as well as the others who support this legislation, know the bill will make a difference in the lives of kids and families who are struggling with sickle cell disease.

I want to outline four key ways in which the bill makes a difference. First, it increases access to affordable, quality health care. The provision provides funding to currently eligible Medicaid recipients for physician and laboratory services targeted to sickle cell disease that are not currently reimbursed or are underreimbursed by Medicaid. Importantly, however, the bill does not increase the number of Medicaid eligibles and the Federal Medicaid match will stay the same. We have structured this bill so it is very affordable.

The bill also enhances services available to sickle cell disease patients. This is a crucial aspect of the bill. When you have this disease, you have to stay on top of it. You have to manage this disease. I mentioned Isaac Cornell before, how he drinks water and gets adequate rest and is careful not to overexert himself. You also have to know the various respects in which the symptoms of the disease can show up. This is a tricky, sneaky disease.

I was talking with another parent whose son was having considerable dental problems. This is something people with this disease struggle with, because when they get periodontal disease and some form of antibiotic is prescribed by their dentist, they can't be certain the red blood cells will carry the antibiotic to the infected point, so indeed any infections they have are particularly dangerous.

Obviously there is a whole medical side to this we have to be aware of, but in addition, people need to know about the disease. They need to receive counseling and education as well as screening, genetic counseling, community outreach. Education and other services are crucial. Currently, those kinds of services are not reimbursed under Medicaid unless they are performed by the physicians such as Dr. DeBaun. Dr. DeBaun simply does not have the time, certainly not as much as he would want to spend, the hours and hours he would need to spend with each set of parents, with each patient, in order to go over all the various ways in which this disease can affect their lives.

So it is important that Medicaid reimburse these services, even if they are done by counselors or outreach personnel who are not physicians. They are perfectly appropriate and able to do it. The bill would allow nonmedical personnel such as counselors to spend time with sickle cell disease families to discuss how they can manage the disease. That, by the way, will end up saving the Government money because it will prevent strokes and other serious episodes that then Medicaid does appropriately reimburse.

The bill creates 40 sickle cell disease treatment centers. This provision of the bill authorizes the Department of Health and Human Services to distribute grants to up to 40 eligible community health centers nationwide for $10 million for the next 5 fiscal years for a total of $50 million. That is subject to appropriation. That could mean a health center grant in almost every State. Grant money may be used for purposes including the education, treatment, and continuity of care for sickle cell disease patients and for training health professionals.

Finally, the bill establishes a sickle cell disease research headquarters. This provision of the bill creates a national coordinating center, which also would be operated by the Department of Health and Human Services, to coordinate and oversee sickle cell disease funding and research conducted at hospitals, universities, and community-based organizations. This will help ensure efficiency so we can share information about the disease, accountability to make sure the taxpayers' dollars are being used well, and also help us get best practices and monitor outcomes for the disease so we can improve services to people who have it around the country.

I cannot overemphasize the outpouring of support Senator SCHUMER and I have received for this bill. I am sure if he were here he would relate the stories he has had. I have myself received personal handwritten letters from sickle cell disease patients who expressed their gratitude for this legislation and who asked what they can do to help pass the bill since they know how many families it will help.

For example, Allyce Renee Ford of Blue Springs, MO, wrote, and I will paraphrase: I was pleased to read of your bill to increase funding for treatment of sickle cell disease. My twin sons were born with sickle sell in 1973 and suffered from this debilitating disease all their lives. They both lost the battle to painful complications in 2002. Please believe me, it is a painful life-constricting disease both for the victims and their families. Even though I do not have any other children to lose to the disease, I mourn for all the other parents who will lose their children in the future—today, tomorrow, someday they will lose them. Thank God there will be help for sickle cell disease victims—help not just in the form of additional funding—and the bill is very affordable—but help in the form of greater visibility, community support. This bill is lifting the profile of this disease which has remained in the corner for too long. The business exclusively in the past has been the business of those struggling and the small community helping them. We need to show these people that the country is with them.

In conclusion, it is critical to help this historically underserved population. Many of these people do not even know they carry the trait or they have the disease until consequences have been visited upon them that they could have lessened or mitigated in some respect had they had prior knowledge.

I ask my colleagues to join me and Senator SCHUMER to honor Black History Month by cosponsoring this Sickle Cell Disease Treatment Act. I cannot think of a better way to honor this month than to help all of the families, most of whom are African-American families, who are living and struggling with this disease.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

FAILURE TO PROCEED TO S. 2061

Mr. FRIST. Mr. President, I will be closing in a very few moments, but I want to express my disappointment in not being able to proceed to the bill. We have been on the motion to proceed the last 2 days to a bill that reflects a pressing problem, a crisis in many States. It has to do with a medical liability system that is having an impact now, not just on physicians paying for their insurance, but on the quality of care, access to care throughout the United States of America.

I do not believe the full impact of the medical malpractice malignancy is truly understood by the average American. Like a cancer, this malady is eating away at the experience of our medical system in critical areas such as obstetrics.

Dr. Sean White of Kingsport is a perfect example of what is happening. Dr. White moved to Tennessee in 2002 due to the outrageous increases in medical malpractice premiums in Pennsylvania. A staggering 7-physician group increase of $210,000 forced a 30-year-old practice to utterly dissolve. Alone, Dr. White's medical malpractice premiums were estimated to increase by $30,000 to $110,000.

And this wasn't just any practice, but an OB–GYN group focusing principally on one of the most precious of

all practices, the delivery of babies. Medical malpractice malignancy ultimately claimed the two senior physicians in the practice, as they retired early, while Dr. White was forced to leave town.

''They really had to scramble,'' Dr. White said of his fellow colleagues who didn't have the option to retire early. ''They went to two local hospitals and asked them to just employ them because they couldn't afford to pay their bills anymore. And no, I don't know how hospitals afford it.'' Dr. White left the Bethlehem practice in 2002 because the bank requested a lien on his home and the co-signature of his wife, Tracy, to finance his malpractice premiums for that year.

''I could see the hand-writing on the wall,'' Dr. White said. ''But I have delivered so many babies in that community. You invest so much time and energy into the practice and develop such a rapport with people. I delivered half of my daughters' friends, the children of my own friends. It was very difficult to just pack up and leave.''

Collectively, Bethlehem's 72,000 residents lost the better part of a century of combined experience when Dr. White left for Tennessee and his two senior partners took early retirement. Let me underscore here, a better part of a century of experience claimed by exorbitant medical malpractice premium hikes.

In addition to taking a loss in order to buyout his partnership in Bethlehem, Tennessee has hardly been a refuge for Dr. White and his family. Yes, malpractice malignancy is also eating away in my own home state, where Dr. White's personal medical malpractice premiums jumped to $65,000 this year, up $20,000 from just last year in Tennessee.

Statistics indicate that as many as nine in 10 obstetric physicians have been sued in Tennessee if they're in the practice of delivering babies for more than 10 years, Dr. White said. This despite the fact that maternal death rates have plummeted to all time lows in this country.

''The trial lawyers will tell you they are trying to weed out the bad apples,'' Dr. White said. ''Obviously, with 90 percent being sued, they're not all bad apples.''

And that is the crux of the issue here.

Mr. REID. Will the Senator yield?

Mr. FRIST. I would be delighted to yield.

Mr. REID. Mr. President, through you to the distinguished majority leader, I got a call from a dear friend in Nevada today, a surgeon. He is very active in public affairs, a very close friend of our Republican Governor. He told me that in Nevada, where the Governor called a special session that we have caps, the insurance rates have not been affected at all; they are still going up. He originally had a policy with St. Paul. They pulled out. Another company came in and doctors are always concerned with what they call the ''tail,'' to make sure if something happens after their policy expires that they are covered for acts that took place in the past. He went with a new company. They pulled out after a year and a half. Now he is going to have to pay more than $100,000 for 1 year to have coverage for today and acts that took place in the past.

I say to my friend, the distinguished Senator from Tennessee, a physician, this medical malpractice is something we have to address. I don't know the best form to do it. But when we do it, we are not only going to have to deal with some of the policies outlined by both parties today, but we will have to take a look at what the insurance industry is doing to my friend and other physicians. This is not just a problem generated solely by the trial bar; the insurance industry has some culpability.

I hope the distinguished majority leader, when again we get to this issue, will help us come up with a framework and we can discuss this issue. Part of the discussion has to be directed toward the insurance industry.

Mr. FRIST. Mr. President, let me respond through the Chair that the problem has gotten so big that patients are being hurt and potential patients are being hurt. It is a crisis. It is a complex problem.

As a physician, and as one who sees patients, I recognize they are being hurt by this system, and we have to start somewhere. Part of it is being able to proceed to debate. If the timing is not right, we will come back and do it at another time. We will come back to it. This problem is not going to go away. I look forward to addressing it again.

This particular bill is not a comprehensive bill. We are not talking about all of the doctors out there. Rather, we took one specialty. I am a little perplexed how to come back to it because I want to keep the issue out there. Patients are being hurt, and we are going to come back to it. We will work together to figure out the best way to try to have an appropriate forum for what is a complex issue. Hopefully, we will bring it back in some shape or form in the next several weeks.

The PRESIDING OFFICER. The Senator from Florida is recognized.

CRISIS IN HAITI

Mr. GRAHAM of Florida. Mr. President, I wish to share a few observations and thoughts about the current circumstances, the tragic circumstances in our near neighboring country of Haiti.

Haiti was once a beautiful country. It was one of the jewels of the Caribbean. Its people, who secured their freedom from France in 1804, have suffered a long history of despair, poverty, and misrule. This country has now fallen into chaos.

Regrettably, Haiti is one of the poorest nations on Earth. It is ranked 172 out of 208 countries in per capita gross national income. It is the only country in the Western Hemisphere to be labeled a least-developed nation.

Haitians are also among the most malnourished people in the Western Hemisphere. The World Health Organization reports that the average daily caloric intake for Haitians is the lowest in the hemisphere and on a par with the poorest nations in Africa.

Violence is on the rise. At least 70 people have been killed in the recent uprising, and the number of dead and wounded grows daily.

Indeed, the country of Haiti now faces twin crises. The first is the possible collapse, if not the violent overthrow, of a democratically elected government, with no agreed-upon follow-on governmental structure. An opposition leader predicted on Sunday that the capital, Port-au-Prince, would fall to armed rebels in 2 weeks.

Second is the humanitarian catastrophe, primarily caused by the violence and the disruption that the violence has created.

The current humanitarian crisis is forcing poor Haitians to literally eat the seeds they have saved for spring planting. With nothing planted, there will be no harvest. These desperate food shortages will strike at the same time the weather improves, and a massive exodus by sea will be feasible and more likely.

The question before the United States and the world is, What should be our priorities? Tragically, it appears that our administration has taken a firm stance on the side of indifference. This may prove to be the longest running and biggest crisis of all for Haiti. The diplomatic effort this past weekend, unfortunately, has accomplished nothing to date.

Cap Hatien, the second largest city in Haiti, fell to the rebels the day after our Assistant Secretary of State left the country. We sent 50 marines to Port-au-Prince on Monday to protect our embassy. From what I can tell, there is no administration plan B.

Furthermore, I have detected very little concern for the potential impact of this crisis on the United States itself, with my State of Florida being on the front lines.

As we have seen repeatedly over the past two decades, one of the impacts of this catastrophe will almost certainly be a dramatic increase in the number of refugees risking their lives in leaky and unsafe boats to try to escape the violence.

Yet there has been little or no contact between Federal agencies and the State and local authorities, our first responders, to prepare for the potential influx of refugees. The principal agencies of the Federal Government have limited capacities to handle yet another immigration crisis. I am told the Department of Homeland Security, which includes the Bureau of Immigration and Customs Enforcement, has the capability to handle only 150 additional

refugees once they reach our shores. This is in large part because of, in my judgment, the inappropriate use of what is supposed to be a temporary holding facility as, in fact, the permanent prison for long-term detainees. But that is another story.

The Defense Department is understandably hesitant to mix Haitian refugees with the detainees from the war on terror at Guantanamo Bay, Cuba.

The Bush administration's feeling—which appears to be shared by others in the international community—is that the problem in Haiti is a political crisis, and that until these paltry and late-starting diplomatic efforts run their course, there is no basis for dealing with the humanitarian crisis.

When asked at a briefing yesterday what the administration is planning to do to halt the violence, Scott McClellan, the White House spokesman, responded:

> We remain actively engaged in these diplomatic efforts to bring about a peaceful, political solution to the situation in Haiti.

That is simply and obviously not enough. Our first priority must be the humanitarian crisis and finding a way to halt the violence which has fueled it.

A political solution should, of course, be actively pursued, but not at the cost of abandoning efforts to address the humanitarian crisis and loss of lives which are occurring daily in Haiti.

There was already a humanitarian crisis as seen by the level of malnutrition. It is now crashing to new levels with the killings and the threats of violence which have forced international aid organizations to reduce support to the poor and impoverished of Haiti.

If we wait for a political settlement, we will be tolerating more scores of people being killed and more deaths due to the meager food supply and lack of adequate health services. Sadly, most of those who are feeling this humanitarian crisis, who are dying today, are innocent women and children.

If we continue to wait for a political solution, the country will be controlled by armed gangs, drug dealers, and thugs. These conditions represent a clear threat to the national security of the United States of America and to the security of friendly allies even closer to Haiti than we are.

It is estimated, for example, that approximately 30 percent of the population of the Bahamas represents Haitian refugees. Allowing the crisis in Haiti to continue could destabilize the Bahamas and its other neighbors, such as the Dominican Republic.

What do we need to do to avoid a humanitarian tragedy? What do we need to do to make that priority No. 1? First, we need to see a sense of urgency on the part of the United States, and that sense of urgency needs to start at the White House.

Just a few days ago, I met with the top administration official who effectively said that it was the policy of the administration to stand on the sidelines and hope that someone else—France, Canada, the Organization of Caribbean Nations, CARICOM, or the Organization of American States—would take the lead in settling the problem.

This is unacceptable as American foreign policy. There is no other alternative but the use of U.S. influence. We must become engaged at a serious and sustained level or, failing to do so, be prepared to pay the cost of chaos 700 miles off our coast and on the seas which separate us from Haiti.

Second, the next step should be a police presence of sufficient scale that it can quell the violence. This can and should be done under the auspices of the Organization of American States, but the United States must be a leader and full participant.

Third, to assure the success of that police presence, the U.S. military should serve as a visible backup force. Recently, this visible backup force worked off the coast of Liberia when we sent a marine amphibious group aboard Navy ships to stand by off the coast while we put ashore a marine security team to protect our embassy. If we can provide the powerful influence of U.S. military troops 3,000 miles away, certainly we can do so in our own neighborhood.

Next, we must enhance our humanitarian presence starting with emergency deliveries of additional foodstuffs and medical supplies, and we must assure that delivery of those supplies is available throughout the countryside.

Next, given the indifference of the State Department and the National Security Council, the President should seriously consider the appointment of a high-level delegation to Haiti, such as that represented by President Carter, Senator Nunn, and General Powell in 1994, to make certain that our expectations, as well as our level of commitment, is clear.

Next, we must enhance our capacity to understand what is happening inside Haiti. In a manner which is eerily similar to the situation in the late 1980s and the early 1990s, our capacity to gather information inside Haiti is woefully inadequate to the scale and the significance of the crisis.

Among other problems, all diplomatic personnel are confined to the capital Port-au-Prince. As one senior administration official described it:

> Our intelligence is very thin.

This limited understanding, without question, has contributed to our allowing the situation to reach near anarchy without the United States assertively engaging itself. These circumstances in Haiti are part of a disturbing pattern of our current international relations. One, by its unwillingness to engage in a leadership role in the world, with the dramatic exception of Iraq, this administration is ceding its sovereignty to other nations. We have ceded to China the leadership for negotiations with North Korea over its nuclear capability. We have ceded to the French, the Canadians, the OAS, and the Caribbean leadership our sovereignty in dealing with the crisis in Haiti.

That loss of sovereignty comes at a heavy price in our ability to influence other nations and international organizations from a position of strength. How can we challenge China on its trade practices when we are relying on China to handle the most sensitive negotiations with North Korea?

Just a year ago, our fragile relations with France were center stage. How can we now rely on France and regional organizations alone to defend our national interests in the Caribbean? The current administration appears indifferent, at best, to our neighbors in the hemisphere, specifically those in the Caribbean and Latin America. This is surprising and distressing because candidate George W. Bush stated that as President George W. Bush he would pursue a policy of much greater U.S. involvement in Latin America.

On August 25, 2000, speaking at Florida International University in Miami, FL, candidate George W. Bush declared:

> This can be the century of the Americas. . . . Should I become president, I will look South not as an afterthought, but as a fundamental commitment to my presidency. . . . Those who ignore Latin America do not fully understand America itself.

After crises in Argentina, in Bolivia, in Venezuela, and now this test in Haiti, the Bush administration has yet another credibility crisis and yet another failure of intelligence. While not on the scale of missed opportunities to disrupt the plots of September 11 or the misinformation which led us to war in Iraq, again we have a failure of intelligence to inform national leadership as to the true state of an international situation or of national leadership to effectively utilize the intelligence which was provided.

Had we secured and utilized accurate and timely information on Haiti, possibly our response would not have been as impotent and retarded as it now is.

Finally, this is the latest example of the need for a United States or international capacity to respond effectively in nation sustaining, even nation building, after our military has successfully secured the territory.

In 1994, the United States effectively invaded Haiti in order to remove a military dictatorship and replace its democratically elected president. We did that with the kind of surgical precision that has come to characterize our military efforts. We then proceeded to spend almost $3 billion attempting to sustain and build the nation of Haiti. I suggest that today, 10 years later, Haiti is in worse condition than it was when we invaded in 1994. The very things that make our military so effective; recruitment, training, support, the exercises of actions, have allowed us to have such a string of successes in the military phase of dealing

with a hostile or chaotic foreign situation. Unfortunately, none of those characteristics is true of the efforts that are made after the war concludes. We need to take the leadership, either unilaterally or, I believe, preferably with other international allies, to develop a capability which has the same characteristics of recruitment, training, support. Having exercised, before actual use, the security, the development of democratic institutions, the restoration of a governmental structure, the development of infrastructure necessary to support the population and a market economy, which can be available after the bullets stop flying, assures our future investments in nation sustaining and nation building are not as ineffective as they have been in the last decade.

The failure to have such a capacity after the 1994 invasion is a primary reason why today we stand on the edge of the volcano of chaos in Haiti yet again, 10 short years later. Let us today, by our inaction and indifference, not provide as a heritage to future generations in America and to future generations in countries like Haiti, Iraq, and Somalia the heritage of a failed effort because we were not able to complete the mission that began so brilliantly with military actions to the conclusion of a stable, democratic, functioning country that gave to their people some reasonable prospect of prosperity and personal peace.

I ask that immediately after my remarks editorials from the Miami Herald, the St. Petersburg Times, the Palm Beach Post, the Washington Post, and the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Feb. 19, 2004]

SET THE RIGHT PRIORITIES IN HAITI; OUR OPINION: IT'S TIME FOR WASHINGTON TO TAKE A MORE ACTIVE ROLE

Now that Haiti is in flames again, an epidemic of hand-wringing is spreading from Washington to the United Nations to the Elysee Palace in Paris.

Where was everybody when the first puffs of smoke appeared years ago? When President Jean-Bertrand Aristide started relying on thugs to maintain order? When brave journalists were murdered for writing and broadcasting the truth? When peaceful protests were repressed by violent means? Today, in the belated haste to do something—anything—there is a danger of failing to adopt the right set of priorities.

PREVENT A DISASTER

The first goal should be to prevent a full-scale humanitarian crisis, and it is already late in the day. It shouldn't take an armed invasion of Haiti to put an end to the hooliganism that has made food, gasoline and medicine scarce. But if strong diplomatic pressure on all sides can't do the job, a small military force may have to be deployed before conditions worsen.

Restoring civil order on the streets is the next priority. Here the challenge is both military and, ultimately, political. Before any outside attempt to launch a police action is made, the nonviolent opposition should be given a chance to show that it is capable of doing something besides voicing demands that Mr. Aristide must go. An effort by Mr. Aristide's critics to curtail the growing insurrection would demonstrate that the opposition is a legitimate political force with clout. The opposition should be mature enough to try to reach at least a temporary accommodation with Mr. Aristide that could lay the groundwork for a political settlement.

Although the president has failed to live up to previous promises to govern in a more democratic manner, the crisis demands a suspension of political demands from his opponents because violence threatens the survival of all political factions in the country.

Mr. Aristide carries the main burden of political responsibility. A band of thugs must not be allowed to depose an elected president, but Mr. Aristide has to do more than simply insist on remaining in power. Reaching out to the opposition to form a bulwark against the forces of violence is the best way to show that he has Haiti's best interests at heart.

DEMOCRACY TAKES TIME

The fundamental problem is that Haiti is a failed state, and will remain one until democracy takes root—the ultimate goal. CARICOM and the OAS can help Haiti get there, but only the United States has the authority, or the muscle, to lead this effort. It is time for the Bush administration to take a more active role in stabilizing the situation. As Sen. Bob Graham has pointed out, if we can send a military force to Liberia to protect our interests, we can do the same in Haiti, the sooner the better.

[From the St. Petersburg Times, Feb. 21, 2004]

CRISIS IN HAITI

With violence and chaos spreading in Haiti, the world community cannot afford to just stand by and do nothing. With the police hiding in their barracks, armed thugs patrolling the street and the elected president appealing for international protection, Haiti is on the verge of another major humanitarian and political crisis. It's understandable that the Bush administration has ''no enthusiasm,'' as Secretary of State Colin Powell put it, to intervene militarily. However, there is an urgent need for an international peacekeeping effort. If ever there was a situation calling out for United Nations peacekeepers, Haiti is it.

The two-week-old uprising has killed at least 60 people. The U.S. government Thursday urged Americans to leave, and the Peace Corps began withdrawing its staff. Washington also dispatched a military team to assess security at the U.S. Embassy. As the nation that stood behind the president, Jean-Bertrand Aristide, the United States has a special obligation to help. Since American military forces restored Aristide to power in 1994, after his ouster in a coup, Aristide has cruelly turned his back on his people and promises. He has not alleviated the human misery in Haiti or reached out to his political opponents. Armed vigilantes roaming the streets terrorize in his name. Aristide has become a polarizing force and a discredited figure internationally. The rebels, however, are not any better. Many leaders are one-time death squad commanders, who have no political legitimacy or idea how to govern.

The United Nations, working with Caribbean leaders and France and Canada, should dispatch a peacekeeping force as soon as possible to try to end the bloodshed. Beyond the need to protect innocent lives and extend a humanitarian hand, the United Nations should underscore that change in Haiti must come through the democratic process. Aristide should be held to the commitments he made to his people. He needs to disarm and disband the vigilante groups, disassociate himself from their operations and bring political opponents into the governing process. The world community has an interest in protecting Aristide, but it stems from his standing as a democratically elected president and because the alternative is even worse. Far from endorsing his presidency, international intervention would be a slap at the character of a man who sold himself to the world as a champion of democratic principles and then betrayed those very principles.

Washington has a major role to play in defusing this crisis—and a big stake in the outcome. This country, after all, restored Aristide to power, and it will become the destination of any mass exodus of Haitian refugees. On Friday, diplomats from the United States, Europe and the Caribbean were preparing to present Aristide and opposition groups a plan for political reform and a return to the rule of law. It's largely the same plan that was presented to the warring parties weeks ago. Secretary of State Powell said the plan does not call for Aristide's resignation but added that the United States would not object if he decided to step down before his term ends as part of a negotiated political solution.

Even if the violence can be quelled in the coming days, a humanitarian crisis is already upon one of the poorest countries in the world. The world community should quickly unite behind an effort that offers humanitarian aid and protects both human rights and Haiti's sovereignty.

[From the Palm Beach Post, Feb. 21, 2004]

ON HAITI, U.S. CAN'T WAIT

As President Bush tries to install democracy thousands of miles away in Iraq, he no longer can remain disengaged from the moral and practical need for democracy hundreds of miles away in Haiti.

Late this week, the State Department acknowledged that Americans in Haiti should leave the ''steady deterioration of the security situation'' between an increasingly defiant President Jean-Bertrand Aristide and the loosely organized movement to oust him. But as the administration finally has become more active in trying to broker a political settlement, it has become increasingly unrealistic to think that a settlement will not require military action. Ideally, that would take place in concert with regional allies, stabilizing Haiti and bolstering the country for the long haul beyond the end of Mr. Aristide's term in 2006.

Each hour's delay only makes the problem more difficult, as the loyal opposition that Mr. Aristide calls a band of terrorists is being subordinated by gangsters returning from exile. Haiti's outnumbered and outgunned police force of fewer than 4,000 is retreating from its posts. If certain rebels take control, they will not easily give it up.

Gov. Bush was brief by the Coast Guard again this week. ''But we have the power to some degree to stop this from hitting our shores,'' said U.S. Rep. Mark Foley, R–West Plam Beach. ''We can't take the standoff position.'' Colombia, he said, is a case where the U.S. has ''used the military to try to rebuild the economy and stem the drug flow. Liberia also is an example that's on point. (Former President) Charles Taylor wasn't going anywhere until the U.S. said we're backing the nations that are liberating Liberia.''

In Haiti, Rep. Foley said, Jamaica, the Dominican Republic and the Bahamas ''need to be leading the dialogue rather than have the perception of imperial saber-rattling. We

have to have the sense that we're all in this together, With America saying, 'We're behind you.'" But it is important, as he said, "to make sure the Haitian people understand, as well as Aristide, that we are not there to prop him up."

That's the message the international delegation led by Assistant Secretary of State Roger Noriega should carry to Haiti today. There's a lot at stake for Florida and the United States, which doesn't need a failed state close to home. It is too late just to assume that things will get better.

[From the Washington Post, Feb. 9, 2004]

NO HELP FOR HAITI

Once again a poor nation with strong ties to the United States is in desperate trouble—and once again, the response of the Bush administration is to backpedal away, forswear all responsibility and leave any rescue to others. Last summer President Bush refused to commit even a few hundred U.S. troops on the ground to help end a bloody crisis in Liberia. Now he and his administration stand by as Haiti, a country of 7.5 million just 600 miles from Florida, plunges into anarchy.

Armed gangs are spreading through cities across the country in a violent rebellion against President Jean-Bertrand Aristide, whose own police force is so weak that a group of about 40 thugs was able to take over a town of 87,000 people on Tuesday. France and the United Nations have begun exploring the possible deployment of police or peacekeepers—which is probably the only way to stop the killing. But Secretary of State Colin L. Powell made clear that "there is frankly no enthusiasm" within the Bush administration "for sending in military or police forces to put down the violence." Mr. Powell rejected "a proposition that says the elected president must be forced out of office by thugs." But that, apparently, doesn't mean the United States—which has intervened repeatedly in Haitian affairs during its 200-year history—is prepared to take any action to stop it.

Nor has the administration been willing to take the lead in seeking a political settlement to the crisis. For several years it has delegated the arbitration of Haiti's mounting domestic conflict to well-meaning but powerless diplomats from the Organization of American States or the Caribbean Community, also known as Caricom. In particular, it has declined to exercise its considerable leverage on the civilian opposition parties, some of which have been supported by such U.S. groups as the International Republican Institute and which have rejected any political solution short of Mr. Aristide's immediate resignation. Apart from Mr. Powell's statement, the administration's rhetoric has mostly been directed at Mr. Aristide. "There certainly needs to be some changes in the way Haiti is governed," said White House spokesman Scott McClellan.

Mr. Aristide is guilty of supporting violence against the opposition and has cruelly disappointed those who expected him to consolidate democracy. But Haiti's mess flows in part from U.S. actions. After restoring Mr. Aristide to power in 1994 and abolishing the army that previously ruled the country by dictatorship, the United States failed to follow through. U.S. forces were pulled out after only two years—they are still in Bosnia and Kosovo eight and five years, respectively, after they arrived—and all aid to the government was suspended after Mr. Aristide's party tampered with the results of a congressional election. Some of the military's former death-squad leaders command the gangs that would seize power. But the Bush administration would rather leave the answers to Caricom or the United Nations or France. It's an inexcusable abdication.

[From the New York Times, Feb. 24, 2004]

HOUR OF THE GUNMEN IN HAITI

Rebels in Haiti were going house to house yesterday, arresting supporters of President Jean-Bertrand Aristide and looting their possessions. The capital, Port-au-Prince, remained in government hands, but the nation's second-largest city, Cap Haitien, was held by the insurgents. The situation is clearly becoming dire. The United States needs to take the lead in protecting the Haitian people from the growing anarchy around them. There is much that Washington could do.

Only the slimmest hope remains for salvaging an international mediation effort that began last weekend. If it cannot be revived, there is a strong likelihood that the country's raging political crisis could ultimately be resolved by brute force. Abrupt and violent changes of government have been a regular feature of Haitian politics over the years and are among the main reasons that Haiti has never developed stable democratic institutions.

Mr. Aristide is no beacon of democratic principles, but he was freely elected to a five-year term that is not scheduled to run out until February 2006. It would have been better if all sides had accepted the proposed compromise that would allow him to stay in office while sharing power with the opposition.

Most, but not all, of the responsibility for the failure to reach an agreement lies with the leaders of Haiti's nonviolent political opposition. They argued that with popular anger against Mr. Aristide running so high, they could accept no compromise that did not cut short his presidency.

That public anger is largely Mr. Aristide's fault, because of a succession of betrayals of his original democratic promises. By failing to end a long impasse over flawed parliamentary elections, he has effectively shut down Parliament and now rules by decree. He has politicized the police and courts and uses special police brigades and armed gangs of his supporters to terrorize civilians and break up opposition demonstrations.

Yet the opposition's unwillingness to stand up to the former army leaders and opposition thugs now demanding Mr. Aristide departure—and their failure to back a compromise that would have been strongly supported by Washington and other mediating countries—is a troubling sign. It suggests that these politicians may not have the toughness needed to make sure that any armed ouster of Mr. Aristide does not lead to a rapid restoration of the same discredited forces that ruled Haiti before he came to power. These include thuggish leaders of the country's officially disbanded army and the murderous paramilitary groups that supported military rule. Some of these elements have already re-entered Haiti from the neighboring Dominican Republic.

There is still time for the political opposition to reconsider its rejection of compromise before the armed rebels impose their own new tyranny.

Whether or not the opposition comes to its senses, Haiti's people deserve protection. More than 70 lives have already been lost. The United States should quickly offer to build up the current force of 50 marines who arrived Monday to protect the American Embassy and make it the core of a multinational stabilization force that would also include soldiers from France, Canada and Latin America. Haiti's army was dissolved in 1994, and a modest international military force could go a long way. It should be in place before armed rebel elements grab power for themselves.

Once a stabilization force is established, an American-led international effort should be mounted to train professional, politically independent police officers and judges. It was the absence of such institutions that allowed Mr. Aristide to create a new authoritarianism behind a democratic shell. American police training programs during the Clinton administration did not reach far enough or last long enough to succeed. Washington should also make it easier for Haiti to earn its way out of poverty by eliminating the American rice subsidies that have contributed to pricing poor Haitian rice farmers out of the market.

Developing a durable democracy in this deeply impoverished country, which has no history of strong, independent civic institutions, will take plenty of time and effort. Failure to begin that effort now will surely result in future revolts, future dictators and future tides of desperate refugees headed for American shores.

Mr. LAUTENBERG. Mr. President, I rise today to express my concern about the violent political crisis engulfing Haiti. We dare not remain silent when faced with such a widespread insurrection in our backyard. I believe that we, members of Congress and the Bush administration, must make an honest reckoning regarding our history of often inconsistence and sometimes even negligent U.S. policies toward this neighboring country, the poorest in the western hemisphere. If the current vicious cycle of resistance and violent reaction to the resistance continues, the resulting instability will have a substantial impact on democracy and security in the Caribbean and will affect our entire hemisphere.

Just last month, Haiti celebrated the 200th anniversary of its independence; it was only the second country in the western hemisphere after the United State to throw off the yoke of foreign domination and to declare independence from a European colonizer. Unfortunately, Haiti's long experience with democracy and self-rule has been impeded by successive waves of military coups—over 30 since its independence—and power consolidation by elites. Poverty and disease are pervasive and government corruption rampant. In its October 2003 survey, Transparency International labeled Haiti the third most corrupt country out of 133 countries in the world and the most corrupt of the 30 countries in the Americas and the Caribbean.

Prior to Jean-Bertrand Aristide's election to his first term in 1990, Haiti had been ruled by successive military dictators, many of whom were anointed by foreign leaders. In 1990, the U.S. government and we, the members of the U.S. Congress, felt optimistic about democratic prospects under Aristide's leadership. The subsequent U.S.-backed restoration of Aristide to power derived from an American hope, perhaps even a naive idealism, that he could rebuild viable democratic institutions and further democratic progress as a legitimate head of state. This American idealism, I believe, led the Clinton administration to deploy 20,000 American troops to support Aristide. Since this time, however, Aristide and his political party have made poor economic

choices; they have consolidated power, eviscerated the role of the parliament, and allowed corruption and cronyism to corrode the government.

Indeed, over the past few years, as our foreign policy attention has shifted eastward, towards hotpots in the Middle East and Southeast Asia, we have been dangerously negligent of Haiti's continuing political dissolution and Aristide's failed leadership.

I believe that the current violent expression of political opposition, which has taken the lives of over 40 Haitians in the past two weeks, derives directly from the Haitians' frustration with their government. Haitian political rights have been chipped away since Aristide's 2000 re-election, based on only five percent voter turnout, created a political stalemate. The Haitian parliament has since stopped functioning, prompting international aid donors to block millions of dollars in needed economic aid.

The resulting economic situation is bleak. Most of Haiti's 8 million people live on less than $1 per day and it ranks 150th out of 175 countries on the United Nations Human Development Index.

But Aristide's government has exacerbated Haiti's economic crisis. The U.S. State Department classified the country's current situation as ''economic stagnation'' caused by ineffective economic policies, political instability, environmental deterioration, the lack of a functioning judiciary, and the migration of skilled workers.

On the other hand, we know that this month's violent outburst is not the only means for Haitians to express political opposition. For years, legitimate opposition groups have opposed Aristide's government and most of them do not condone today's violence. Instead they endorse new elections and a peaceful transition of power.

We have a unique obligation to stand up for the people of Haiti. Our two countries are inextricably linked—by the virtue of our similar histories, because of our involvement in Aristide's return to power, and as a result of the influx of Haitians who have come to our shores seeking refuge from the economically and politically ravaged country. These Haitian Americans have contributed greatly to American life and I am proud to have a talented young man of Haitian origins on my staff and to represent nearly 60,000 Haitian Americans in my State.

The Bush administration has advocated for a negotiated political solution to the crisis. Yesterday, Southern Command has dispatched a small military team to Haiti to provide the ambassador and the embassy staff with an enhanced capability to monitor the current situation. Secretary of State Colin Powell recently met with regional officials and the Canadian and Haitian ambassadors to discuss a possible Caribbean-Canadian police force for Haiti. I support the State Department in its efforts to forge a negotiated political solution brought about by dialogue, negotiation, and compromise and fully support the power sharing agreement put forth by Secretary Powell and international community. I urge the opposition groups to accept this proposal to share power with Aristide until he can be replaced democratically.

I also ask my colleagues to follow this crisis closely and to join me in demanding that President Bush, Secretary Powell and other foreign policy advisors continue to play a leading role, facilitating negotiations between the Haitian government and the opposition factions.

If the opposition accepts the power-sharing agreement, Secretary Powell should enlist French, United Nations, and Caricom help to see that forceful diplomatic intervention ends the current stand-off. The next step is for the U.S., in concert with international organizations, to assist Haiti in creating a unity government, a council of advisors and the installation of a new prime minister. American diplomacy and influence can be effectively mustered to convince both Aristide and the opposition to accept these reformist measures.

U.S. hegemony, wealth, and power have, over the course of our country's history, generated myriad international obligations to resolve global conflicts and preserve peace and security. Our responsibilities emerge no clearer than when conflicts arise in our own neighborhood. It is time to break with a recent policy of U.S. dismissal and neglect regarding Haiti's self-destructive government and devastating economic situation.

I urge my colleagues to join with me in insisting that the administration, with Congressional support, rise to fulfill the responsibilities of global leadership.

HONORING OUR ARMED FORCES

SPC BILLY JESS WATTS

Mr. THOMAS. Mr. President. I express our Nation's deepest thanks and gratitude to a young man and his family from Meeteetse, WY. On February 5, 2004, SPC Billy Jess Watts was killed in the line of duty while preparing to deploy to Iraq to serve his country in the war on terrorism. While traveling in a military convoy to a final training exercise before leaving for duty in Operation Iraqi Freedom, SPC Watts died when the vehicle he was riding in hit ice and rolled over.

SPC Watts was a member of the Wyoming Army National Guard's 2–300 Field Artillery Battalion. He enjoyed the outdoors, hunting and camping, and loved watching NASCAR racing and pitching horseshoes. He loved his family and his country. SPC Watts' profound sense of duty led him to join the U.S. Army following his high school graduation, and the National Guard upon his return to Wyoming. He was an American soldier.

It is because of people like Billy Watts that we continue to live safe and secure. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they willingly bear. Our people put everything on the line everyday, and because of these folks, our Nation remains free and strong in the face of danger.

SPC Watts is survived by his wife Connie and his son Austin John, as well as parents, Bill and Bertha, sisters Bonnie, Betty and Barbara, and his brothers in arms of the 2–300 Field Artillery Battalion. We say goodbye to a husband, a father, a son, a brother, a soldier, and an American. Our Nation pays its deepest respect to SPC Billy Jess Watts for his courage, his love of country and his sacrifice, so that we may remain free. He was a hero in life and he remains a hero in death. All of Wyoming, and indeed the entire Nation are proud of him.

2LT LUKE S. JAMES

Mr. NICKLES. Mr. President, you don't have to do much more than open the morning newspaper or turn on the evening news to understand that the enemies of freedom are working hard in Iraq.

They lay ambushes for our troops, set off bombs by remote control, and drive explosive-laden autos into crowds of innocent Iraqis who want nothing more than a brighter future for their country and their children.

Terrorists connected with al-Qaida, foreign interests and Baathist loyalists conspire to destroy the dream of a free Iraq before it is fully born. They will fail.

But Saddam Hussein, a one-man weapon of mass destruction who preyed on his countrymen and threatened his neighbors, is in custody. His murderous sons are dead. His lieutenants and henchmen are captured, killed, or moving nearer those fates with each passing hour.

The same fates await those who would steal the dream of liberty and replace it with a nightmare of repression, corruption and domination. America's front line in her war against terrorism is now in the fields of Afghanistan and the streets of Iraq instead of in the skies over New York and Washington, DC.

Like Americans everywhere, I was thrilled to see the statues of Saddam Hussein knocked from their pedestals. Those images reminded me that the Iraqi people needed our help, our tanks, our troops, and our commitment to topple a brutal dictator. I am proud of our military and America's commitment to make the people of the Middle East more free and secure.

Without a doubt, our military men and women will face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. Everyone expects more violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

Today I rise to honor who made the ultimate sacrifice one can make for his country.

A few days ago I stood in Arlington National Cemetery to honor the memory of 2LT Luke S. James.

Lieutenant James, 24, was a native of Hooker, OK, and a graduate of Oklahoma State University. He was killed in Iraq on January 27 during a roadside ambush near Iskandariyah.

Lieutenant James was assigned to the 2nd Battalion, 505th Infantry out of Fort Bragg, NC. He'd only been in Iraq a few days.

Our prayers and debt of appreciation now go to his family. He is survived here on the homefront by his wife Molly, his 6-month-old son, Bradley, his parents Brad and Arleen James, his sister Sharla, and his brother Kirby.

''That was his dream (to serve in the Army),'' Molly James said in a recent interview. ''He wasn't afraid to go. He was able to do his duty and die with honor.''

As we watch the dawn of a new day in Iraq, we must never forget that the freedom we enjoy every day in America is bought at a price.

2LT Luke James did not die in vain. He died so that many others could live freely. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family and with the troops who are putting their lives on the line in Iraq.

CONTROL AND DISPOSAL OF RADIOACTIVE SOURCES

Mr. AKAKA. Mr. President, I rise today to express my concern that the threat posed by the detonation of a ''dirty bomb'' has not been adequately addressed. Controlling access to the radioactive materials needed to fabricate such a weapon remains a challenge today, just as it did in the days immediately following the terrorist attacks of September 11, 2001. Security improvements have been slow to come. Dirty bombs continue to threaten the people and the economy of the United States.

Radioactive sealed sources are all around us. They are used widely in medicine, research, industry, and agriculture. Some of these sources are more risky than others, and Congress must take action to ensure the control and safe disposal of those sources that pose the greatest risk. These sources, known as ''greater-than-Class-C'' sealed sources, are of major concern because of their potential for use in the fabrication of a dirty bomb.

To address this risk, I introduced S. 1045, the Low-Level Radioactive Waste Act of 2003, this past May. My bill addresses the efforts made by the Department of Energy, DOE, to recover and dispose of thousands of domestic greater-than-Class-C radiological sources. This measure was developed after three different U.S. General Accounting Office reports I requested showed that the efforts being made by DOE and other Federal agencies to control and dispose of these radioactive sources, both domestically and internationally, have not gone far enough.

Provisions of S. 1045 were included in H.R. 6, the Energy Policy Act of 2003, but as debate over the energy bill continues, radioactive sources remain a threat to our country. Over the holidays, there was a serious concern about the possible detonation of a dirty bomb at one of the large open-air New Year's Eve celebrations around the country. The DOE took serious and prudent action to detect possible terrorist activities and thankfully this situation did not end in tragedy. However, next time we may not be so lucky. The lack of a safe, secure, and permanent disposal site for unwanted radioactive sealed sources places our country at risk.

Thousands of sealed sources await disposal, some requiring security measures greater than those in place at current storage facilities. The problem posed by these sources will not go away by itself. Universities and industry do not have the means or facilities to secure these materials and are seeking Federal Government assistance. In my own State, the University of Hawaii is currently seeking the assistance of the DOE to remove large unwanted radioactive sources, belonging to DOE, that are no longer useful for their research. While DOE is working on a solution, the sources remain in Hawaii awaiting disposal. My bill would require the DOE to fulfill their statutory obligation to develop a disposal facility for all of these sources, in consultation with Congress, and would also require that DOE explore Federal and non-Federal alternative disposal options to make sure that the best disposal method is chosen.

However, my concern over radioactive material does not end here. I will continue my work to improve Federal oversight of radioactive sources and devices. Just a few weeks ago in New Jersey, a gauge containing radioactive material was damaged, and its radioactive material is still missing. Creating a disposal facility for this class of radioactive waste is only the beginning of getting this problem under control. We need to improve the licensing and tracking of these widely used sources and devices, so that they will not fall into the wrong hands.

When the United States began nonproliferation efforts in the former Soviet Union, one of the first jobs was to begin consolidating nuclear weapons and fissile materials in secure facilities to await disposal or destruction. Due to worries about terrorists acquiring dirty bombs, the DOE is now working to secure radiological sources in many countries oversees. I support these efforts. A theft this month of cesium-137 in China re-emphasizes the need to work with other countries to collect and dispose of unwanted radiological materials. The cesium, stolen by scrap metal thieves, ended up being melted by a steel mill. The mill is now contaminated and will have to undergo expensive clean-up efforts. While this type of incident is less likely to happen in the U.S., we must learn from this, and take steps to protect our nation from these materials. We should take the lead in helping other nations secure their radioactive material, for the good of us all.

The bill that I introduced and which is cosponsored by Senators BINGAMAN and LANDRIEU, will give radiological sources and waste on American soil a safe and secure, permanent disposal facility. Before September 11, 2001, collecting and securing these sources was a matter of public safety, now it is a national security concern that demands the attention of Congress. I urge my colleagues to support the Low-Level Radioactive Waste Act of 2003, to ensure that our nation is better protected from the dangers of dirty bombs.

LESSONS FROM A CLEAN AIR LISTENING TOUR

Mr. JEFFORDS. Mr. President, I have spoken many times about my serious concern for our Nation's deteriorating air quality. I would like to speak today on behalf of those Americans who are working tirelessly at the regional and local levels to protect our air quality, and who have expressed their concerns to me. Many Americans across the country feel that the Clean Air Act has not done enough to protect their health and their environment. They also worry that, under the leadership of our President, things will only get worse. They are taking action at the local and State levels, and State government is responding with real leadership. We need to support these actions with strong, Federal legislation to protect our current laws and improve our air quality.

On a nationwide Clean Air Listening Tour I initiated in 2003, I heard firsthand from Americans who are tired of getting sick from breathing dirty air, and tired of putting their children's health at risk from eating mercury-contaminated fish. In Asheville, NC, and in Boston, MA, the public demands that the Federal Government work immediately to clean their air.

Asheville is situated in close proximity to the Great Smoky Mountains National Park, the most visited National Park in the Nation at nine million visitors every year. Sadly, this majestic park is also the Nation's most polluted, as reported by the National Parks Conservation Association. Its visibility is tied for the worst with Mammoth Cave National Park, at a mere 14-mile range during the summer months. Under natural conditions, the vista should average around 80-miles.

The Smokies have the highest rate of acid precipitation among the parks, at thirty-five kilograms per hectare. This is six to seven times the nitrogen pollution that local soils can process. In fact, the highest peak in the Smokies can be as acidic as vinegar.

The total number of hourly ozone exceedences in the Smoky Mountains far outnumbers other parks at over one hundred and thirty-three thousand per year. Ozone exposure in the Smokies is twice that of the region's most ozone-ridden cities—Knoxville, TN, and Atlanta, GA.

These statistics mean that in the Smoky Mountains, dozens of tree and plant species are damaged, streams are dying, aquatic wildlife populations are declining, and area residents face increased mortality and chronic lung ailments. Plus, the fish that people consume are poisoned with toxic mercury, which can cause a number of birth defects and health problems in adults.

What is causing all this dreaded pollution? While cars and industry contribute substantially to the problem, old, dirty power plants are my greatest concern. About 30,000 premature deaths occur every year due to power plant pollution alone. Incredibly, North Carolina loses 1,800 people each year because of this pollution. And, hundreds of thousands of children are born annually at risk of birth defects and neurological damage from their mothers' exposure to mercury.

These are shocking figures, and we should be responding immediately to this crisis. Power plants are still the Nation's single largest source of air pollution in this country. They are responsible for most of our Nation's smog and haze pollution, and asthma- and lung disease-causing particulate matter, by emitting 60 percent or more of national sulfur dioxide emissions, and 25 percent of nitrogen oxides. In fact, the country's oldest and dirtiest plants are responsible for 75 to 85 percent of the haze in the southwestern Appalachians. Power plants also emit more than one-third of the Nation's poisonous mercury into the air.

We should also know that power plants emit 25 percent of our country's emissions of carbon dioxid—the greatest greenhouse gas. Our Nation's utilities alone send forth 10 percent of the world's carbon dioxide emissions. They are, in part, responsible for the global warming that is occurring today and will continue into the future. Global warming will seriously affect the 130 species of trees and the 4,000 other plant species in the Smokies, as well as worsen the already dangerously unhealthy ozone pollution problem. Many local residents are not only highly concerned, but they are frustrated with our Federal Government's absent leadership.

State officials and others in Asheville and the Smoky Mountain region are tired of waiting on the Federal Government to protect their air and their climate. They are already acting to reduce this power plant pollution. The North Carolina legislature has made great strides with the passage of the Clean Smokestacks Act. Other States are quickly following suit. However, States are keenly aware that since much of the pollution they experience blows in from elsewhere, a national solution is crucial. In my listening session at the Grove Park Inn on May 19, 2003, I heard witnesses testify in compelling language how air pollution affects Smoky Mountain communities, and how citizens are banding together to protect public health.

North Carolina State Senator Steven Metcalf, Buncombe County Commissioner and Chair of the Land of Sky Regional Council David Gantt, as well as John Stanton, Vice President of the National Environmental Trust, joined me in a press conference to launch the listening session. Hugh Morton, Owner of Grandfather Mountain, which is a scenic travel attraction near Linville, NC, began the public forum with a slide show illustrating the devastation that air pollution has on his business. Slide after slide showed trees made bare by acid rain, and vistas clogged with haze. There is no doubt in his mind that such pollution threatens the environmental health and economic productivity of the mountain.

Don Barger, Senior Director of the Southeast Regional Office of the National Parks Conservation Association, Brownie Newman, Executive Coordinator of the Western North Carolina Alliance, Elizabeth Ouzts, State Director of the North Carolina Public Interest Research Group, and Michael Shore, Managing Director of the local Environmental Defense, added to the dialogue by describing how grassroots action has led to a high level of public awareness about air pollution and its effects, and how that action has resulted in State legislation to begin cleaning the air.

Dr. Clay Ballantine, an Asheville physician and medical expert on power plant-related health damage, also provided excellent testimony. Given that air pollution decreases lung function, causes pneumonia and respiratory infection, increases lung cancer rates similar to those of second-hand smoke exposure, causes asthma and asthma attacks, and leads to premature death, Dr. Ballantine is concerned about the suffering he sees first-hand. I am grateful to all of these witnesses for participating in the listening session, and for sharing their expertise with me.

Since Asheville ranks sixth in the Nation in per capita deaths caused by power plant pollution, and since North Carolina is facing millions of dollars in additional pollution-related health costs, local citizens there have every reason to be concerned, and every right to be outraged that this administration plans to do nothing to help them. The administration has worked to effectively neutralize and eviscerate nearly all major protections in the Clean Air Act. From dropping all enforcement cases against the worst violators of New Source Review, to the recent proposal to delist utilities for mandatory mercury control, this administration should make all of us angry. These actions are an insult to all Americans, and a slap in the face. From Asheville, NC to Boston, MA, Americans made clear to me their desperation and frustration at being told they have to wait a decade or more for this administration and this Congress to clean their air, while the hundreds of thousands of asthma attacks and birth defects continue across the country.

Residents of Boston, MA are especially worried about the potential dangers of mercury pollution from power plants, as the Boston economy, which is highly reliant on commercial and recreational fishing and tourism, may become affected by declining consumer confidence in the safety of local fish. Fortunately for some New England residents, states such as Massachusetts and Connecticut are already moving ahead with emission reduction plans.

I sincerely appreciate the participation and support of my distinguished colleagues Senator TED KENNEDY and Congressmen MIKE CAPUANO, JIM MCGOVERN, and BILL DELAHUNT, and Massachusetts Attorney General Tom Reilly in standing with me on September 22, 2003, at the New England Aquarium to bring attention to the serious mercury pollution problem facing New England. Also lending their support during the press conference were Ed Toomey, Aquarium President and CEO, and Armond Cohen, Executive Director of the Clean Air Task Force in Boston. The Aquarium and Task Force have been leaders in mercury and air pollution-related research, education, and advocacy.

At the public forum, Cindy Luppi, Organizing Director of Clean Water Action in Boston, and Jane Bright of HealthLink in Marblehead, Massachusetts spoke about the grassroots Northeast Clean Power Campaign, representing over 300 organizations from Maine to Connecticut that are all fighting to reduce power plant pollution in the region.

Ms. Luppi also provided compelling findings from a Tufts University study: direct costs of environmentally-attributable neurobehavioral disorders, such as those caused by mercury pollution, in Massachusetts alone total between $40 million and $150 million each year, with indirect costs totaling an additional $100 million to $400 million. Also, Ms. Luppi presented the findings of a 2002 Massachusetts Department of Environmental Protection study which determined, ''The Department believes that the removal of 85 to 90-plus percent of mercury in flue gas has been demonstrated to be technologically and economically feasible.'' In other words, there is no excuse to delay mandating tough national mercury reductions under the Clean Air Act.

Massachusetts and Connecticut are moving now to require an 85 to 95 percent reduction in mercury emissions in the next 5 to 9 years. Like in Asheville, the witnesses stressed that such State-level progress is encouraging, but that real relief from air pollution can only come from reductions made across the country.

During the listening session, Dr. Jill Stein, a physician and President of the Massachusetts Coalition for Healthy Communities, and Dr. Bill Bress, State Toxicologist for the Vermont Department of Health, detailed the serious and often life-threatening health effects of mercury exposure through consumption of contaminated fish. Nearly 10 percent of American women have high mercury blood levels above EPA's safe health threshold. Pregnant women who consume even small amounts of fish can inadvertently put their developing babies at risk of mental retardation, seizures, cerebral palsy, vision and hearing problems, abnormal gait and speech, and learning disabilities. EPA has estimated that 630,000 children are born at risk each year due to mercury exposure in the womb. This is twice EPA's previous estimate.

An astonishing 50 percent of Americans who eat fish regularly exceed the mercury health limit, and 10 percent exceed the limit by a factor of four. Adults are also susceptible to developing heart, kidney, and immune system disorders due to mercury consumption. Anglers and certain ethnic groups who eat large amounts of fish face two to five times these health risks. Clearly, dramatically curbing mercury pollution will improve all of our lives.

Dr. Steve Petron, Board Member of the National Wildlife Federation and Senior Ecosystems Scientist for CH2M Hill, demonstrated how toxic mercury pollution from power plants harms our Nation's aquatic wildlife. Those species that depend on fish for food are the most at risk. Because of this, loons, bald eagles, otters, amphibians, and other animals are already facing or could soon face decline. And lastly, Dr. Praveen Amar, Director of Science and Policy for the Northeast States for Coordinated Air Use Management, NESCAUM, represented State air quality regulators by stressing that mercury control technologies are available and affordable, and by expressing the need for smart Federal environmental laws to drive technology innovation and application. As a recent NESCAUM report found, ''Where strong regulatory drivers exist, substantial technological improvements and steady reductions in control costs follow.''

That's where Congress comes in. We are elected to serve the people of this Nation. Where people are becoming sick and are dying because of air pollution, something must be done. We must never knowingly allow such suffering to continue if we have the ability to act, and we do. Time and time again, mothers and fathers, doctors, scientists, and community members ask for our help.

At the bare minimum, we should be protecting current law. But to truly benefit the public good, we must pass tough legislation to force dirty power plants and other polluters to start behaving like good citizens. The air is not their toxic waste dump. It is not theirs to pollute for free, even though this administration is encouraging them to think that way. If it belongs to anyone, the air belongs to those children who play outdoors, or those families who go fishing and take trips to our scenic national parks, or to the poorest of us who are unlucky enough to live next to a smokestack. The air belongs to all of us. We should treat it like the most precious resource we know. Americans from around the country have learned this important lesson. Congress and this administration must now do the same.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In February 1999, Steve Garcia was returning to his home from a party wearing women's clothing and shoulder length hair. He died of a gunshot wound to the shoulder and because none of his jewelry was stolen, police suspect that he was targeted because of the way he was dressed.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

RETIREMENT OF TOM RYAN

Mr. SPECTER. Mr. President, March 1 marks a very special occasion—although it is with mixed feelings I report that Tom Ryan, the key Department of Labor Budget Analyst for employment and training programs is retiring following more than 32 years of a most distinguished career. As the members of the Appropriations Committee can attest, Mr. Ryan's work in this area has been extraordinary, in its breadth, its depth, and in its effectiveness. As needs arose and even when crisis has come to the lives of so many job seekers throughout our Nation, Mr. Ryan has been a pillar of strength in helping people as he worked tirelessly with us to ensure that funding for the right training opportunities were available when job seekers needed them.

On behalf of the members of the Appropriations Committee, I would like to take this opportunity to express our heartfelt thanks to Mr. Ryan for his vision which has so often guided us in formulating creative solutions to funding jobs training programs, in caring for the people we serve—many of those who are in critical need of assistance. The complexities of funding these programs during the challenging years of fiscal austerity have been met with a determination to find solutions, and the countless people receiving job training and employment assistance are well-served, due in no small measure, to Mr. Ryan's efforts and his devotion to these endeavors. For these efforts and so many more, we extend our congratulations to Mr. Ryan and wish him an enjoyable and well-deserved retirement.

ADDITIONAL STATEMENTS

TRIBUTE TO ERNIE MARX

• Mr. BUNNING. Mr. President, I take a moment today to pay tribute to Ernie Marx of Louisville, KY for his service to the people of Kentucky and his willingness to teach understanding and compassion to our Commonwealth's youth.

Mr. Marx is a survivor of the Holocaust and has used this tragic event in human history as an inspiration to educate the youth of our country about tolerance and respect. He has focused his efforts on middle and high school students, speaking about his experiences before hundreds of different groups.

One such event was on Tuesday, April 29, 2003, when Mr. Marx spoke at the annual Yom HaShoah commemoration at Fort Knox, KY. Yom HaShoah, or Holocaust Remembrance Day, is an important day of reflection for Americans and people throughout the world. His own message to our soldiers at Fort Knox was about hate and tolerance. He told the soldiers that they can prevent a Holocaust, saying, ''You are our hope and are fight for our freedom.''

This fall Mr. Marx led his 54th trip to Washington, DC to educate children and citizens about the Holocaust. He brings these groups, primarily students, to visit the holocaust Museum and teaches them about tolerance and understanding. I am certain he will continue to lead these trips in the tradition of the Holocaust Museum's mission of education.

From Atherton High School in Louisville, KY to the Henry County Middle School in New Castle, KY, Ernie Marx has had a profound impact on the youth of the Louisville region. I would like to honor his dedication, leadership and commitment to the people of Kentucky.•

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3783. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC–6390. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report of actions taken by the President of the United States under Presidential Determination 2004–08 relating to the Russian Federation; to the Committee on Armed Services.

EC–6391. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, four quarterly Selected Acquisition Reports for the quarter ending September 30, 2003; to the Committee on Armed Services.

EC–6392. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of the Office of Inspector General for the period from April 1, 2003 through September 30, 2003, along with the classified Annex to the Semiannual Report on intelligence-related or classified and sensitive subjects; to the Committee on Governmental Affairs.

EC–6393. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Act of 1993 with respect to Ukraine; to the Committee on Foreign Relations.

EC–6394. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the Trade Act of 2002; to the Committee on Finance.

EC–6395. A communication from the President of the United States, transmitting, pursuant to law, a report relative to United States assistance for the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC–6396. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the Authorization for Use of Military Force Against Iraq Resolution; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of February 12, 2004, the following reports of committees were submitted on February 18, 2004:

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 741. A bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes (Rept. No. 108–226).

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. ROBERTS (for himself and Mr. BROWNBACK):

S. 2103. A bill to amend the Internal Revenue Code of 1986 to limit the deduction for charitable contributions of patents and similar property; to the Committee on Finance.

By Mr. SCHUMER:

S. 2104. A bill to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the ''Barber Conable Post Office Building''; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 2105. A bill to improve the Federal shore protection program; to the Committee on Environment and Public Works.

By Mr. BUNNING (for himself, Mr. MILLER, Mr. ALEXANDER, and Mr. HATCH):

S. 2106. A bill to amend the Internal Revenue Code of 1986 to provide capital gains treatment for certain self-created musical works; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. LEAHY, and Mr. DOMENICI):

S. 2107. A bill to authorize an annual appropriations of $10,000,000 for mental health costs through fiscal year 2009; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. LIEBERMAN, and Ms. CANTWELL):

S. 2108. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that consumers receive information about the nutritional content of restaurant food and vending machine food; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. SCHUMER, Mr. DEWINE, Mr. LEVIN, Mr. CHAFEE, Mr. DODD, Mr. JEFFORDS, Mrs. BOXER, Mrs. CLINTON, Mr. REED, and Mr. LAUTENBERG):

S. 2109. A bill to provide for a 10-year extension of the assault weapons ban; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2110. A bill to amend the Internal Revenue Code of 1986 to extend the Highway Trust Fund provisions through March 31, 2004, and to add the volumetric ethanol excise tax credit (VEETC), and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 469

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 469, a bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies.

S. 557

At the request of Ms. COLLINS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 595

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 664

At the request of Mr. HATCH, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 1010

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1034

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1034, a bill to repeal the sunset date on the assault weapons ban, to ban the importation of large capacity ammunition feeding devices, and for other purposes.

S. 1272

At the request of Mr. CORZINE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1272, a bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties.

S. 1277

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1277, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement discipline, accountability, and due process laws.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1298, a bill to amend the

Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1335

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Virginia (Mr . ALLEN) were added as cosponsors of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1374

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1374, a bill to provide health care professionals with immediate relief from increased medical malpractice insurance costs and to deal with the root causes of the current medical malpractice insurance crisis.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1392

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1392, a bill to amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs.

S. 1393

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1393, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize and expand the fruit and vegetable pilot program.

S. 1466

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1466, a bill to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 1597

At the request of Mr. ALLEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1597, a bill to provide mortgage payment assistance for employees who are separated from employment.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1726

At the request of Mr. ALEXANDER, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1726, a bill to reduce the preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1840

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1840, a bill to amend the Food Security Act of 1985 to encourage owners and operations of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States.

S. 1873

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1873, a bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes.

S. 1902

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1902, a bill to establish a National Commission on Digestive Diseases.

S. 1916

At the request of Ms. LANDRIEU, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 1916, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 1948

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1948, a bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 1949

At the request of Mr. BIDEN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Nebraska (Mr. HAGEL), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1949, a bill to establish The Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict reconstruction, and for other purposes.

S. 2011

At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2011, a bill to convert certain temporary Federal district judgeships to permanent judgeships, and for other purposes.

S. 2020

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2020, a bill to prohibit, consistent with Roe v. Wade, the interference by the government with a woman's right to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 2056

At the request of Mr. BROWNBACK, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Kansas (Mr. ROBERTS), the Senator from Arizona (Mr. KYL), the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mr. HAGEL) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 2056, a bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 2061

At the request of Mrs. DOLE, her name was added as a cosponsor of S. 2061, a bill to improve women's health access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

At the request of Mr. ENSIGN, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Ohio (Mr. VOINOVICH), the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Nebraska (Mr. HAGEL), the Senator from Alabama (Mr. SESSIONS), the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. FITZGERALD) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2061, supra.

S. 2065

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2065, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 2090

At the request of Mr. DASCHLE, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2090, a bill to amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs.

S. 2092

At the request of Mr. ALLEN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2092, a bill to address the participation of Taiwan in the World Health Organization.

S. 2093

At the request of Mrs. HUTCHISON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2093, a bill to maintain full marriage tax penalty relief for 2005.

S. 2096

At the request of Mr. LUGAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2096, a bill to promote a free press and open media through the National Endowment for Democracy and for other purposes.

S. 2099

At the request of Mr. MILLER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2099, a bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes.

S. 2100

At the request of Mr. MILLER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2100, a bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. TALENT) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 2105. A bill to improve the Federal shore protection program; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Coastal Restoration Act of 2004 for myself and Senator CORZINE. Since 1995, the Federal beach nourishment program has been a regular target of the White House Office of Management and Budget, OMB. Under two separate administrations there have been at least five efforts to radically change or terminate the program.

The 1996, Congress passed the Shore Protection Act as Section 227 of the Water Resources Development Act of 1996. That legislation was the first statement by Congress since 1946 of its intent that the Nation needed an ongoing Federal beach nourishment program. Unfortunately, that has not stopped OMB from trying to change Federal policies by making budget proposals that would cripple the program.

The Coastal Restoration Act, CRA, restates the congressional intent regarding the importance of the Federal beach nourishment program. The CRA makes it clear that changes in administration policy will not prevent feasibility and other types of studies from being processed through the Corps of Engineers and sent to Congress. The legislation emphasizes the role of Congress in determining which beach nourishment projects should be authorized for construction. It also re-states and strengthens existing law that periodic renourishment is an integral part of the ongoing construction of a beach nourishment project.

This bill states the intent of Congress that preference shall be given to areas 1, where there has been a previous investment of federal funds; 2, where regional sediment management plans have been adopted to integrate coastal beach nourishment, navigation, and environmental projects; 3, where there is a need to prevent or mitigate damage to shores, beaches, and other coastal infrastructure where that damage is caused at least in part by Federal activities; or 4, where the project promotes human health and safety as well as the quality of life for individuals and families. This recognizes that a primary purpose for establishing the Federal beach nourishment program in 1946 was the promotion of public recreation.

My bill will also raise the low priority now accorded by the U.S. Army Corps to the recreational benefits of beach nourishment, giving equal consideration to all national projects. It also establishes the cost share for beach nourishment projects whose primary net benefit is recreational at the same level of Federal cost share participation as it applies to storm damage and environmental restoration beach nourishment projects. Congress retains the prerogative to authorize the project and appropriate funds based on the Corps' report findings.

These changes are needed to protect and restore our beaches as the national treasure they are. According to a recent study, travel and tourism is the world's largest industry, contributing $3.5 trillion to the world's economy in 2001. In the United States, nearly 17 million people are employed in the tourism industry.

Beaches are the leading tourist destination in the Nation. Each year about 180 million Americans make 2 billion visits to the ocean, the Gulf, and our inland beaches. That is almost twice as many visits as those made to State and national parks and wilderness areas combined. In its ''State of the Beach 2003'' report the Surfrider Foundation states that tourist expenditures in 16 of our coastal States topped $104 billion.

My home State, New Jersey, has 127 miles of shoreline and we are proud of every mile. A significant portion of our tourism industry, which generates $10 billion a year, is due to our beaches. I know many of my colleagues in the Senate have similar situations in their States.

Our beaches also provide vital habitat for numerous species of plants, and for animals such as claims, snails, and crabs. Every time a wave hits the shore it brings nutrients and oxygen to support the tiny but necessary life forms that live there.

Not to be overlooked are the peace and relaxation that a day, or week, at the beach can provide. The poet Lord Byron put it so exquisitely nearly two hundred years ago when he wrote:

There is a rapture on the lonely shore,
There is a society, where none intrudes,
By the deep sea, and music in its roar:
I love not man the less, but Nature more.

The shore's economic, environmental, and aesthetic benefits are truly limitless. That is why I am introducing the Coastal Restoration Act of 2004. My legislation will revitalize the Federal beach nourishment program by placing beach nourishment projects on a par with other Army Corps projects, and assigning recreational benefits the same priority as storm damage protection and environmental restoration, correcting the inequities in our current practices.

Since the 1980s, when medical waste, sewage, and garbage began washing up on the Jersey shore I have been working hard to protect and nurture our beaches. I wrote the Ocean Dumping Act of 1988, which ended ocean dumping of sewage sludge and industry waste. And I have led the fight to ban oil and gas drilling off the Jersey shore. We have made a lot of progress since the 1980s, but our work is far from over.

I ask unanimous consent the text of my bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2105

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 ''Coastal Restoration Act of 2004''.

SEC. 2. FEDERAL AID IN RESTORATION AND PROTECTION OF SHORES AND BEACHES.

The first section of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426e), is amended to read as follows:

''SECTION 1. FEDERAL AID IN RESTORATION AND PROTECTION OF SHORES AND BEACHES.

''(a) DECLARATION OF POLICY.—

''(1) POLICY.—It is the policy of the United States to promote shore and beach protection projects and related research that encourages the protection, restoration, and enhancement of shores, sandy beaches, and other coastal infrastructure on a comprehensive and coordinated basis by Federal, State, and local governments and private persons.

''(2) PURPOSES.—The purposes of this Act are—

''(A) to restore and maintain the shores, beaches, and other coastal resources of the United States (including territories and possessions); and

''(B) to promote the healthful recreation of the people of the United States.

''(3) PRIORITY.—In carrying out this Act, preference shall be given to areas—

''(A) in which there has been a previous investment of Federal funds;

''(B) where regional sediment management plans have been adopted;

''(C) with respect to which the need for prevention or mitigation of damage to shores, beaches, and other coastal infrastructure is attributable to Federal navigation projects or other Federal activities; or

''(D) that promote—

''(i) human health and safety; and

''(ii) the quality of life for individuals and families.

''(b) IMPLEMENTATION.—The Secretary shall pay the Federal share of the cost of carrying out shore and beach protection projects and related research that encourages the protection, restoration, and enhancement of shores, sandy beaches, and other coastal infrastructure (including projects for beach restoration, periodic beach nourishment, and restoration or protection of State, county, or other shores, public coastal beaches, parks, conservation areas, or other environmental resources).

''(c) FEDERAL SHARE.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Federal share of the cost of a project described in subsection (b) shall be determined in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

''(2) EXCEPTION.—In the case of a project for beach erosion control the primary purpose of which is recreation, the Federal share shall be equal to the Federal share for a beach erosion control project the primary purpose of which is storm damage protection or environmental restoration.

''(3) REMAINDER.—

''(A) IN GENERAL.—Subject to subparagraph (B), the remainder of the cost of the construction of a project described in subsection (b) shall be paid by a State, municipality, other political subdivision, nonprofit entity, or private enterprise.

''(B) EXCEPTION.—The Federal Government shall bear all of the costs incurred for the restoration and protection of Federal property.

''(4) GREATER FEDERAL SHARE.—In the case of a project described in subsection (b) for the restoration and protection of a State, county, or other publicly-owned shore, coastal beach, park, conservation area, or other environmental resource, the Chief of Engineers may increase the Federal share to be greater than that provided in paragraph (1) if the area—

''(A) includes—

''(i) a zone that excludes permanent human habitation; or

''(ii) a recreational beach or other area determined by the Chief of Engineers;

''(B) satisfies adequate criteria for conservation and development of the natural resources of the environment; and

''(C) extends landward a sufficient distance to include, as approved by the Chief of Engineers—

''(i) protective dunes, bluffs, or other natural features;

''(ii) such other appropriate measures adopted by the State or political subdivision of the State to protect uplands areas from damage, promote public recreation, or protect environmental resources; or

''(iii) appropriate facilities for public use.

''(5) RECOMMENDATIONS.—

''(A) IN GENERAL.—In recommending to Congress projects for Federal participation, the Secretary shall recommend projects for the restoration and protection of shores and beaches that promote equally all national economic development benefits and purposes, including recreation, hurricane and storm damage reduction, and environmental restoration.

''(B) REPORT.—The Secretary shall—

''(i) identify projects that maximize net benefits for national purposes; and

''(ii) submit to Congress a report that describes the findings of the Secretary.

''(d) PERIODIC BEACH NOURISHMENT.—In this Act, when the most suitable and economical remedial measures, as determined by the Chief of Engineers, would be provided by periodic beach nourishment, the term 'construction' shall include the deposit of sand fill at suitable intervals of time to furnish sand supply to protect shores and beaches for a period of time specified by the Chief of Engineers and authorized by Congress.

''(e) PRIVATE SHORES AND BEACHES.—

''(1) IN GENERAL.—A shore or beach, other than a public shore or beach, shall be eligible for Federal assistance under this Act if—

''(A) there is a benefit to a public shore or beach, including a benefit from public use or from the protection of nearby public property; or

''(B) the benefits to the shore or beach are incidental to the project.

''(2) FEDERAL SHARE.—The Secretary shall adjust the Federal share of a project for a shore or beach, other than a public shore or beach, to reflect the benefits described in paragraph (1).

''(f) AUTHORIZATION OF PROJECTS.—

''(1) IN GENERAL.—Subject to paragraph (2), no Federal share shall be provided for a project under this Act unless—

''(A) the plan for that project has been specifically adopted and authorized by Congress after investigation and study; or

''(B) in the case of a small project under sections 3 or 5, the plan for that project has been approved by the Chief of Engineers.

''(2) STUDIES.—

''(A) IN GENERAL.—The Secretary shall—

''(i) recommend to Congress studies concerning shore and beach protection projects that meet the criteria established under this Act and other applicable law;

''(ii) conduct such studies as Congress requests; and

''(iii) report the results of all studies requested by Congress to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(B) RECOMMENDATIONS FOR SHORE AND BEACH PROTECTION PROJECTS.—

''(i) IN GENERAL.—The Secretary shall—

''(I) recommend to Congress the authorization or reauthorization of all shore and beach protection projects the plans for which have been approved by the Chief of Engineers; and

''(II) report to Congress on the feasibility of other projects that have been studied under subparagraph (A) but have not been approved by the Chief of Engineers.

''(ii) CONSIDERATIONS.—In approving a project plan, the Chief of Engineers shall consider the economic and ecological benefits of the shore or beach protection project.

''(C) COORDINATION OF PROJECTS.—In conducting studies and making recommendations for a shore or beach protection project under this paragraph, the Secretary shall—

''(i) determine whether there is any other project being carried out by the Secretary or other Federal agency that may be complementary to the shore or beach protection project; and

''(ii) if there is such a complementary project, undertake efforts to coordinate the projects.

''(3) SHORE AND BEACH PROTECTION PROJECTS.—

''(A) IN GENERAL.—The Secretary shall construct any shore or beach protection project authorized by Congress, or separable element of such a project, for which Congress has appropriated funds.

''(B) AGREEMENTS.—

''(i) REQUIREMENT.—After authorization by Congress, before the commencement of construction of a shore or beach protection project or separable element, the Secretary shall offer to enter into a written agreement for the authorized period of Federal participation in the project with a non-Federal interest with respect to the project or separable element.

''(ii) TERMS.—The agreement shall—

''(I) specify the authorized period of Federal participation in the project; and

''(II) ensure that the Federal Government and the non-Federal interest cooperate in carrying out the project or separable element.

''(g) EXTENSION OF THE PERIOD OF FEDERAL PARTICIPATION.—At the request of a non-Federal interest, the Secretary, acting through the Chief of Engineers and with the approval of Congress, shall extend the period of Federal participation in a beach nourishment project that is economically feasible, engineeringly sound, and environmentally acceptable for such additional period as the Secretary determines appropriate.

''(h) SPECIAL CONSIDERATIONS.—In a case in which funds have been appropriated to the Corps of Engineers for a specific project but the funds cannot be expended because of the time limits of environmental permits or similar environmental considerations, the Secretary may carry over such funds for use in the next fiscal year if construction of the project, or a separable element of the project, will cause minimal environmental damage and will not violate an environmental permit.''.

By Mr. BUNNING (for himself, Mr. MILLER, Mr. ALEXANDER, and Mr. HATCH):

S. 2106. A bill to amend the Internal Revenue Code of 1986 to provide capital gains treatment for certain self-created musical works; to the Committee on Finance.

Mr. ALEXANDER. Mr. President, I applaud Senator BUNNING for introducing the bill to amend the Internal Revenue Code of 1986 to provide capital gains treatment for certain self-created musical works, and I am proud to be a co-sponsor of this bill.

This bill will make songwriters eligible for the capital gains tax rate when

they sell their portion of a song catalogue. It treats the taxation of songwriters fairly so that they are on equal footing with musical publishers. Many songwriters are self-employed small business owners, but they are distinguishable from other similar small business owners, such as authors, because the rate of pay for songwriters is set by the Federal Government.

Historically, almost all professional songwriters assigned their copyright to a music publisher. As a result, the songwriters did not own the song or receive any royalty payments from the song. The songwriters did not own the copyright, and therefore, were not required to participate in any expenses toward exploiting it.

Currently, songwriters and music publishers are equal, joint-venture business partners. The publisher serves as the songwriter's agent in getting songs recorded or placed, otherwise known as ''co-publishing.'' Under this scenario, the songwriter and publisher equally share expenses of, among other things, demos costs and legal fees, and they equally share in any royalty income. Alternatively, the songwriter is the music publisher and bears all of the expenses of, among other things, demo costs and legal fees. Under the first scenario, the songwriter is subject to ordinary income tax, rather than capital gains tax, despite the fact that the sale of the song catalogue was actually a capital gain and should have been taxed at a lower rate. A capital gain is the result of a sale of a capital asset. Clearly, a song catalog is a capital gain because it is an asset of the songwriter.

Under current law, music publishers are eligible for the capital gains tax rate when they sell their portion of a song catalogue, but songwriters are not. When the publishing rights or the song catalogue is sold, music-publishing companies are allowed to claim the capital gains tax rate on their portion of the sale. However, because the songwriter wrote the song, they must pay ordinary income tax on their share of the same sale even though they share in expenses toward exploiting the copyright.

I am proud to be a cosponsor of this bill because it levels the tax playing field between songwriters and music publishers.

By Mr. DEWINE (for himself, Mr. LEAHY, and Mr. DOMENICI):

S. 2107. A bill to authorize an annual appropriations of $10,000,000 for mental health courts through fiscal year 2009; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I rise today to introduce a bill that would reauthorize America's Law Enforcement and Mental Health Project. This program addresses the impact that mentally ill offenders have had on our criminal justice system and the impact the system has had on the offenders and their special needs.

My interest in, and experience with this issue began over thirty years ago, when I was working as Assistant County Prosecuting Attorney in Greene County, OH, and then as County Prosecutor. What I learned then—and what I have continued to encounter throughout my career in public service—is that our State and local correctional facilities have become way stations for far too many mentally ill individuals in our Nation.

A recent Justice Department study revealed that 16 percent of all inmates in America's State prisons and local jails today are mentally ill. The American Jails Association estimates that 600,000 to 700,000 seriously mentally ill persons each year are booked into local jails, alone. In Ohio, nearly 1 in 5 prisoners need psychiatric services or special accommodations.

Far too many of our Nation's mentally ill persons have ended up in our prisons and jails. In fact, on any given day, the Los Angeles County Jail is home to more mentally ill inmates than the largest mental health care institution in our country. What happens is that all too often, the mentally ill act out their symptoms on the streets. They are arrested for minor offenses and wind up in jail. They serve their sentences or are paroled, but find themselves right back in the system only a short time later after committing additional—often more serious—crimes.

Throughout this destructive cycle, law enforcement and corrections spend time and money trying to cope with the unique problems posed by these individuals. Certainly, many mentally ill offenders must be incarcerated because of the severity of their crimes. However, those who commit very minor non-violent offenses don't necessarily need to be incarcerated; instead, if given appropriate care early, their illnesses could be addressed, helping the offenders, while reducing recidivism and decreasing the burdens on our police and corrections officials.

That's why, four years ago Senator DOMENICI and I introduced America's Law Enforcement and Mental Health Project, to begin to identify—early in the process—mentally ill offenders within our justice system and to use the power of the courts to assist them in obtaining the treatment they need.

This program has been a success. In pilot programs around the country, mental health courts have begun to help local communities take steps toward effectively addressing the issues raised by the mentally ill in our justice system, and these steps must continue. That's why Senators LEAHY and DOMENICI join me in cosponsoring this bill to reauthorize this important program.

America's Law Enforcement and Mental Health Project established a Federal grant program to help States and localities develop mental health courts in their jurisdictions. These courts are specialized courts with separate dockets. They hear cases exclusively involving nonviolent offenses committed by mentally ill individuals. Fundamentally, mental health courts enable State and local courts to offer alternative sentences or alternatives to prosecution for those offenders who could be served best by mental health services. These courts are designed to address the historic lack of coordination between local law enforcement and social service systems and the lack of interaction within the criminal justice system.

To deal with the separate needs of mentally ill offenders, these mental health courts are staffed by a core group of specialized professionals, including a dedicated judge, prosecutor, public defender, and court liaison to the mental health services community. The courts promote efficiency and consistency by centrally managing all outstanding cases involving a mentally ill defendant referred to the mental health court.

Mental health court judges decide whether or not to hear each case referred to them. The courts only deal with defendants deemed mentally ill by qualified mental health professionals or the mental health court judge. Similarly, participation in the court by the mentally ill is voluntary; however, once the defendant volunteers for the Mental Health Court, he or she is expected to follow the decision of the court. For instance, in any given case, the mental health court judge, attorneys, and health services liaison may all agree on a plan of treatment as an alternative sentence or in lieu of prosecution. The defendant must adhere strictly to this court-imposed treatment plan. The court must then provide supervision with periodic review. This way, the court can quickly deal with any failure of the defendant to fulfill the treatment plan obligations. The mental health courts provide supervision of participants that is more intensive than might otherwise be available, with an emphasis on accountability and monitoring the participant's performance. In this sense, the mental health courts function similarly to drug courts.

Mr. President, mentally ill persons who choose to have their cases heard in a mental health court often do so because that is the first real opportunity that many of these people have to seek treatment. A judicial program offering the possibility of effective treatment—rather than jail time—gives a measure of hope and a chance for rehabilitation to these defendants.

The successes of mental health courts are encouraging and show that we can improve the health and safety of our communities through these programs. For example, in Ohio, the Fairfield Municipal Mental Health Court began its program on January 1, 2001. Of those participating in the Fairfield program, 46 percent are bipolar, 42 percent suffer from depression, and 13 percent are schizophrenic. It recently conducted its first ''graduation'' ceremony of program participants. The program's

first graduate came to them hostile, uncommunicative, and unable to function in society due to her bipolar mood disorder. Two years later, she left the program confident, talkative, healthier, and reconnected to her family and her life.

Many jurisdictions across America have established mental health courts as a result of the program that we established four years ago. Our Nation's communities are trying desperately to find the best way to cope with the problems associated with mental illness. Law enforcement agencies and correctional facilities remain challenged by difficulties posed by mental illnesses. Mental health courts offer a solution.

Mental health courts have shown great success, and we must ensure their continuation. Our Nation has long been enriched by the dual ideals of compassion and justice, and these programs are a wonderful embodiment of both ideals. I urge my colleagues to join in support of this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2107

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended by striking ''fiscal years 2001 through 2004'' and inserting ''fiscal years 2004 through 2009''.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. LIEBERMAN, and Mrs. CANTWELL):

S. 2108. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that consumers receive information about the nutritional content of restaurant food and vending machine food; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I rise to introduce a bill, the Menu Education and Labeling Act, on behalf of myself and my colleagues, Senators KENNEDY, LIEBERMAN and CANTWELL.

More than 65 percent of American adults are overweight, and more than 30 percent are clinically obese. We lead the world in this dubious distinction, which is growing worse. In the past 20 years, obesity rates have doubled among American adults and children, while they have tripled among teens. If we do not change course, kids attending school today will be the first generation in American history to live a shorter lifespan than their parents.

The issue is far from merely cosmetic. It is medical and economic. The obesity epidemic has huge consequences. Overweight people have an increased risk of diabetes, cardiovascular disease, cancers and other illnesses. Sixty percent of overweight youth already have at least one risk factor for heart disease which is the No. 1 killer of adults in the U.S. Obesity also causes or contributes to $117 billion a year in health care and related costs, more than half borne by taxpayers.

There is no single solution to the complex problem of obesity, but we must start taking meaningful steps to address this growing problem by giving people the tools necessary to live healthier lifestyles. That is why my colleagues and I are introducing this bill today to extend nutrition labeling beyond packaged foods to include foods at chain restaurants with 20 or more locations, as well as food in vending machines. This common-sense idea will give consumers a needed tool to make wiser choices and achieve a healthier lifestyle. It is a positive step toward addressing the obesity epidemic.

In 1990, Congress passed the Nutrition Labeling and Education Act, NLEA, requiring food manufacturers to provide nutrition information on nearly all packaged foods. The impact has been tremendous. Not only do nearly three-quarters of adults use the food labels on packaged foods, but studies indicate that consumers who read labels have healthier diets.

Restaurants, which are more and more important to Americans' diet and health, were excluded from the NLEA. American adults and children consume a third of their calories at restaurants at the very time when nutrition and health experts say that rising caloric consumption and growing portion sizes are causes of obesity. We also know that when children eat in restaurants, they consume twice as many calories as when they eat at home. Consumers say that they would like nutrition information provided when they order their food at restaurants, yet, while they have good nutrition information in supermarkets, at restaurants they can only guess.

Vending machine food sales also plays a large role in contributing to the diets of Americans. Over the last three decades vending machine sales have shot up eighty-five percent after inflation. Most vending machine sales include foods of low nutritional value. The Menu Education and Labeling Act will require fast-food and other chain restaurants, as well as vending machines, to list basic nutritional information clearly—so consumers can make better choices about the foods that they eat.

Let there be no doubt: obesity is indeed an epidemic, and it is continuing to grow. This is a public health crisis and we must address it. Although this bill alone will not halt rising obesity in its tracks, it provides consumers with an important tool with which to make better choices about the food that they and their children consume.

In the coming weeks I will be offering additional initiatives to give Americans the tools they need to stay healthy and address risk factors like obesity and mental health that are associated with the rising medical and financial costs of chronic illnesses. The common thread will be an emphasis on preventing unnecessary disease and illness.

By Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. SCHUMER, Mr. DEWINE, Mr. LEVIN, Mr. CHAFEE, Mr. DODD, Mr. JEFFORDS, Mrs. BOXER, Mrs. CLINTON, Mr. REED, and Mr. LAUTENBERG):

S. 2109. A bill to provide for a 10-year extension of the assault weapons ban; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senators WARNER, SCHUMER, DEWINE, LEVIN, CHAFEE, DODD, JEFFORDS, BOXER, CLINTON, REED and LAUTENBERG to offer legislation that will reauthorize the 1994 assault weapons ban—which is now set to expire on September 13, 2004—for another ten years.

I would first like to thank my courageous colleague from Virginia, Senator WARNER, for joining me in this effort. Senator WARNER voted against the assault weapons ban in 1994.

But this year, Senator WARNER was willing to revisit his position on the issue. He saw that—contrary to the fears of many in 1994—the ban has done nothing to hurt innocent gun owners. Instead, the ban has only made it harder for criminals to get access to military style firearms. A willingness to look at issues like this with an open mind, particularly this issue, shows a courage and a commitment to making the right decisions that should be emulated by all public servants, and I want to again thank Senator WARNER for this.

Second, I would like to speak about who else supports this legislation.

Those who join us in supporting a reauthorization of the assault weapons ban include: Fraternal Order of Police; National League of Cities; United States Conference of Mayors; National Association of Counties; International Association of Chiefs of Police; National Association of Police Organizations; International Brotherhood of Police Officers; U.S. Conference of Catholic Bishops; National Education Association; Americans for Gun Safety; The Brady Campaign/Million Mom March; NAACP; American Bar Association; and the list goes on, and on.

More than ten years ago—on July 1, 1993—Gian Luigi Ferri walked into 101 California Street in San Francisco carrying two high-capacity TEC–9 assault pistols. Within minutes, Ferri had murdered eight people, and six others were wounded. This tragedy shook San Francisco, and it shook the entire Nation.

The American people saw in that incident and so many others that came before and after it the incredible destruction that could be inflicted with military-style assault weapons—weapons designed and manufactured with one goal in mind—maximum lethality.

It all started, really, on August 1, 1966, when Charlie Whitman climbed the clock tower at the University of Texas and killed more than a dozen people in an hour and a half shooting spree before he was finally killed himself.

The day Whitman climbed that tower was the first time Americans realized that they could become the random victims of gun violence no matter where they were, and no matter what they were doing.

What made the Texas shooting so terrible was the total inability of law enforcement to get to Charlie Whitman until he had been firing shots for almost 96 minutes. The tower allowed him to do this. The tower made him, at least for that amount of time, invincible.

But gunmen no longer need the protection of clock towers, because they now have assault weapons.

We saw in the Columbine shooting, in the Long Island Rail Road shooting, and so many others, that high capacity assault weapons can make those who wield them temporarily invincible to law enforcement, because it is so difficult to get close to the shooter.

It is often only when a gunman stops to reload that bystanders or the police can move in to stop the shooting. And if the gun's magazine holds hundreds of bullets, that could take a long time, and result in a lot of deaths.

This is vitally important, because grievance killings by disgruntled members of society have taken an increasing number of lives in recent years. And when those grievance killers wield high capacity weapons, the toll on lives is exponentially increased.

The grievance killings have been across the Nation, in every forum: In a San Ysidro, CA, McDonald's in 1984, when a gunman with an Uzi killed 21 and wounded 15 others. In Stockton, CA, in 1989, when drifter Patrick Purdy walked into a schoolyard with an AK–47 and killed 5, wounding 30 others. In Long Island, NY, in 1993, when a gunman killed 6 and wounded 19 others on a commuter train—he was only brought down when he finally stopped to reload. In Pearl, MS, in 1997 when 2 students killed. In Paducah, KY, in 1998 when 3 students were killed. In Jonesboro, AR, in 1998 when 5 were killed, and 10 more wounded. In Springfield, OR, in 1998 when 2 were killed, and 22 wounded. In Littleton, CO, when 12 teens and one teacher were killed in Columbine High School. In Atlanta, GA in 1999 when a troubled day trader killed his wife, 2 children and several people trading stocks. At a Granada Hills, CA, Jewish Community Center when a gunman wounded three and killed a Filipino-American postal worker—many of us remember that one touching photo of small children being quickly led across the street to escape the gunfire. No child should have to go through that. At a Fort Worth, TX, Baptist church where seven were killed and seven more wounded at a teens church event, all by a man with two guns and 9 high capacity clips, with a capacity of 15 rounds each.

Recognizing the earliest of these shootings as a problem that needed to be dealt with, Congress finally took notice in 1993. In the aftermath of the 101 California shooting, we in Congress did something that no one had succeeded in doing before—we banned the manufacture and importation of military-style assault weapons.

We were told it could not be done—but we did it. I was even told by colleagues on my own side of the aisle that I was wasting my time—that the gun lobby was just too strong. I hear many of the same arguments today. But we succeeded in 1994, and we will succeed this year. We succeeded, and we will succeed, because the American people will accept no less of us.

The goal of the 1994 legislation was to drive down the supply of these weapons and to make them more difficult to obtain, and to eventually get them off our streets. And in the years following the enactment of the ban, crimes using assault weapons were indeed reduced dramatically—in fact, the percentage of crimes using banned assault weapons fell by more than 65 percent between 1995 and 2002.

The ATF has found that the proportion of banned assault weapons used in crime has fallen from 3.57 percent in 1995 to just 1.22 percent by 2002. Now these are not big percentages—most crimes are not committed by assault weapons.

But it is important to note that crimes committed with assault weapons often result in many more deaths than crimes committed with other guns. A simple robbery with a handgun is far less likely to result in multiple deaths than a drive-by shooting with an Uzi, or a grievance killing in a school using an AK–47 with a large capacity ammunition magazine.

And contrary to the near-hysterical rhetoric coming from the NRA at the time, no innocent gun owner lost an assault weapon. No gun was confiscated as a result of the ban. The sky did not fall. And life went on—but it went on with fewer grievance killers, juveniles, and drive-by shooters having access to the most dangerous of firearms.

Despite these results, House Majority Leader TOM DELAY said last year that House Republicans will let the Assault Weapons ban die when it sunsets after ten years.

To those of us who have been in Congress for some time, this comes as little surprise—after all, the House actually voted to repeal the original assault weapons ban soon after it was signed into law.

But the good news is that the President of the United States does support reauthorizing the ban.

In April of last year, White House spokesman Scott McClellan said of the assault weapons ban, ''The president supports the current law, and he supports reauthorization of the current law.''

That is what we are doing with this legislation—reauthorizing the current law. Period.

I know the President agrees with me when I say that I don't believe that banned guns like the AK–47, the TEC–9, or the Street Sweeper should once again be manufactured or imported into the United States. These are military guns, with no purpose but the killing of other human beings. They have pistol grips and other features designed solely to allow the weapons to be more easily concealed, and more easily fired from the hip in close quarters combat—or, tragically, in places like the schoolyard in Stockton, where five children died, the McDonalds in San Ysidro, the law firm at 101 California Street in San Francisco, Columbine High School, or so many other places where maniacs with their military guns were able to shoot large numbers of people in short periods of time.

That is why I believe that Congress should reauthorize the 1994 law, which expires next September 13. And that is undoubtedly why the President also supports our efforts.

I know there will be some who will say that the current law doesn't go far enough—and frankly, I agree. I would prefer to expand the ban to California law, so that we prohibit the copycat assault weapons that manufacturers so cravenly designed following the ban.

Senator LAUTENBERG has introduced legislation to do this, and I co-sponsored that bill. Ideally, we would pass legislation that fully prevents craven manufacturers from circumventing the ban.

But in an environment where the NRA has such a stranglehold on gun legislation, we will need all the help we can get just to keep the current ban.

The current ban has been effective in limiting the supply of these most dangerous guns. Even the copycat guns are less dangerous, because they are harder to conceal, harder to fire from the hip.

And no matter whether the ban has been entirely effective or not, what is the argument for letting these banned guns back on the streets?

Who is clamoring for newly manufactured AK–47s?

Who is clamoring for new TEC–9s?

These are guns that are never used for hunting. They are not used for self defense, and if they are it is more likely that they will kill innocents than intruders.

These guns—and everyone knows it—have but one purpose, and that purpose is to kill other human beings. Why would we want to open the floodgates again and let them back on our streets? There is simply no good reason.

This debate should not be about whether the assault weapons ban is perfect. This debate should be about whether these guns need to come back—and the American people know that they do not.

With the President, law enforcement, and the American people behind us, we

can succeed. We can beat the NRA's narrow, special interest agenda and keep these guns off the streets.

I urge my colleagues to read the dozens of editorials in support of the ban, to listen to their constituents, to ask us questions, and to make the only decision that makes sense—to support this bill.

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. 2109

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 ''Assault Weapons Ban Reauthorization Act of 2004''.

SEC. 2. 10-YEAR EXTENSION OF ASSAULT WEAPONS BAN.

Section 110105 of the Public Safety and Recreational Firearms Use Protection Act (18 U.S.C. 921 note) is amended to read as follows:

''SEC. 110105. SUNSET PROVISION.

''This subtitle and the amendments made by this subtitle are repealed September 13, 2014.''.

Mr. WARNER. Mr. President, I rise today in support of reauthorizing the Assault Weapons Ban.

Signed into law in 1994, the Assault Weapons Ban placed a 10-year prohibition on the domestic manufacture of semi-automatic assault weapons and high capacity ammunition clips. The 10-year ban ends on September 13, 2004. Consequently, unless Congress and the President act prior to September 13, 2004, weapons like Uzis and AK–47s will once again be produced in America, and more and more often, these weapons will fall into the hands of criminals who lurk in our neighborhoods.

For a number of years now, President Bush has indicated that he supports reauthorizing the assault weapons ban. To date, though, no legislation has been introduced in the Senate to accomplish the President's goal. While measures have been introduced to make the ban permanent or to even expand the ban further, no legislation has been introduced to simply reauthorize the Assault Weapons Ban for another ten years.

I am pleased today to introduce, with Senator FEINSTEIN, legislation that models exactly what the President has indicated he would sign into law: a straight 10-year reauthorization of the Assault Weapons Ban.

Not only does President Bush support this legislation—law enforcement does as well. The men and women of law enforcement know that this legislation makes communities safer. In a letter dated February 18, 2004, the Grand Lodge of the Fraternal Order of Police writes, ''It is the position of the Grand Lodge that we will support the reauthorization of current law, but we will not support any expansion of the ban.'' This endorsement comes in addition to the endorsement of just about every other major law enforcement organization, and in addition to the endorsements of chiefs of police all across Virginia.

Now, admittedly, I have not always been a supporter of the Assault Weapons Ban. When the ban legislation came before the United States Senate for a vote in 1993, I opposed it. At the time, I believed Senator FEINSTEIN's legislation would do nothing to help reduce crime in this country, and I believed it would be a back door way to take firearms out of the hands of law abiding gun-owners and hunters.

Ten years have since passed from the day of that vote. Over the course of those ten years, I have watched the bill be signed into law, and I have watched its implementation. I have studied the law and its affect on crime, and I have watched carefully to see how it affects law abiding gun-owners.

Based on the ten years of history of the Assault Weapons Ban, my thoughts on the ban have evolved.

Ten years of experience provides us with key facts. The Assault Weapons Ban has helped to dramatically reduce the number of crimes using assault weapons. It has made America's streets safer, and it has protected the rights of law abiding gun-owners better than many of us predicted. In fact, the law explicitly protects 670 hunting and recreational rifles.

Moreover, we all know that the world has dramatically changed since that Senate vote in 1993. September 11, 2001, has forever changed our country and has taught us many lessons.

No longer is America protected by the great oceans. The war on terror is not only being fought abroad, but now here at home. September 11 showed us that terrorism lurks in the shadows of our own backyard. Given the world today, now is not the time to make it easier for terrorists to acquire deadly rapid fire assault weapons and use them in our neighborhoods.

Now, over my 25 years plus in the United States Senate, I have always tried to stand up for what is right, regardless of politics. I believe that is why the good people of the Commonwealth of Virginia have given me their trust and elected me to represent them in the United States Senate for five terms.

I know that reauthorizing the Assault Weapons Ban is the right thing to do.

I am pleased to join Senator FEINSTEIN in introducing this legislation, and it is my hope that the Senate will act expeditiously and send this legislation to President Bush to sign into law.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2110. A bill to amend the Internal Revenue Code of 1986 to extend the Highway Trust Fund provisions through March 31, 2004, and to add the volumetric ethanol excise tax credit (VEETC), and for other purposes; to the Committee on Finance

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Surface Transportation Extension Act of 2004''.

SEC. 2. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking ''March 1, 2004'' and inserting ''April 1, 2004'',

(B) by striking ''or'' at the end of subparagraph (E),

(C) by striking the period at the end of subparagraph (F) and inserting '', or'',

(D) by inserting after subparagraph (F), the following new subparagraph:

''(G) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004.'', and

(E) in the matter after subparagraph (G), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2003'' and inserting ''Surface Transportation Extension Act of 2004''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking ''March 1, 2004'' and inserting ''April 1, 2004'',

(B) in subparagraph (C), by striking ''or'' at the end of such subparagraph,

(C) in subparagraph (D), by inserting ''or'' at the end of such subparagraph,

(D) by inserting after subparagraph (D) the following new subparagraph:

''(E) the Surface Transportation Extension Act of 2004,'', and

(E) in the matter after subparagraph (E), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2003'' and inserting ''Surface Transportation Extension Act of 2004''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking ''March 1, 2004'' and inserting ''April 1, 2004''.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2003'' each place it appears and inserting ''Surface Transportation Extension Act of 2004''.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking ''March 1, 2004'' and inserting ''April 1, 2004'', and

(B) by striking ''Surface Transportation Extension Act of 2003'' and inserting ''Surface Transportation Extension Act of 2004''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''March 1, 2004'' and inserting ''April 1, 2004''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on March 31, 2004, for purposes of making any estimate under section 9503(d) of the Internal

Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

SEC. 3. ALCOHOL AND BIODIESEL EXCISE TAX CREDIT AND EXTENSION OF ALCOHOL FUELS INCOME TAX CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application) is amended by inserting after section 6425 the following new section:

"SEC. 6426. CREDIT FOR ALCOHOL FUEL AND BIODIESEL MIXTURES.

''(a) ALLOWANCE OF CREDITS.—There shall be allowed as a credit against the tax imposed by section 4081 an amount equal to the sum of—

''(1) the alcohol fuel mixture credit, plus

''(2) the biodiesel mixture credit.

''(b) ALCOHOL FUEL MIXTURE CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the alcohol fuel mixture credit is the product of the applicable amount and the number of gallons of alcohol used by the taxpayer in producing any alcohol fuel mixture for sale or use in a trade or business of the taxpayer.

''(2) APPLICABLE AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the applicable amount is 52 cents (51 cents in the case of any sale or use after 2004).

''(B) MIXTURES NOT CONTAINING ETHANOL.—In the case of an alcohol fuel mixture in which none of the alcohol consists of ethanol, the applicable amount is 60 cents.

''(3) ALCOHOL FUEL MIXTURE.—For purposes of this subsection, the term 'alcohol fuel mixture' means a mixture of alcohol and a taxable fuel which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel,

''(B) is used as a fuel by the taxpayer producing such mixture, or

''(C) is removed from the refinery by a person producing such mixture.

''(4) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) ALCOHOL.—The term 'alcohol' includes methanol and ethanol but does not include—

''(i) alcohol produced from petroleum, natural gas, or coal (including peat), or

''(ii) alcohol with a proof of less than 190 (determined without regard to any added denaturants).

Such term also includes an alcohol gallon equivalent of ethyl tertiary butyl ether or other ethers produced from such alcohol.

''(B) TAXABLE FUEL.—The term 'taxable fuel' has the meaning given such term by section 4083(a)(1).

''(5) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2010.

''(c) BIODIESEL MIXTURE CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the biodiesel mixture credit is the product of the applicable amount and the number of gallons of biodiesel used by the taxpayer in producing any biodiesel mixture for sale or use in a trade or business of the taxpayer.

''(2) APPLICABLE AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the applicable amount is 50 cents.

''(B) AMOUNT FOR AGRI-BIODIESEL.—In the case of any biodiesel which is agri-biodiesel, the applicable amount is $1.00.

''(3) BIODIESEL MIXTURE.—For purposes of this section, the term 'biodiesel mixture' means a mixture of biodiesel and diesel fuel (as defined in section 4083(a)(3)), determined without regard to any use of kerosene, which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel,

''(B) is used as a fuel by the taxpayer producing such mixture, or

''(C) is removed from the refinery by a person producing such mixture.

''(4) CERTIFICATION FOR BIODIESEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

''(5) OTHER DEFINITIONS.—Any term used in this subsection which is also used in section 40A shall have the meaning given such term by section 40A.

''(6) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2006.

''(d) MIXTURE NOT USED AS A FUEL, ETC.—

''(1) IMPOSITION OF TAX.—If—

''(A) any credit was determined under this section with respect to alcohol or biodiesel used in the production of any alcohol fuel mixture or biodiesel mixture, respectively, and

''(B) any person—

''(i) separates the alcohol or biodiesel from the mixture, or

''(ii) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the applicable amount and the number of gallons of such alcohol or biodiesel.

''(2) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under paragraph (1) as if such tax were imposed by section 4081 and not by this section.

''(e) COORDINATION WITH EXEMPTION FROM EXCISE TAX.—Rules similar to the rules under section 40(c) shall apply for purposes of this section.''.

(b) REGISTRATION REQUIREMENT.—Section 4101(a) of the Internal Revenue Code of 1986 (relating to registration) is amended by inserting ''and every person producing or importing biodiesel (as defined in section 40A(d)(1)) or alcohol (as defined in section 6426(b)(4)(A))'' after ''4081''.

(c) ADDITIONAL AMENDMENTS.—

(1) Section 40(c) of the Internal Revenue Code of 1986 is amended by striking ''section 4081(c), or section 4091(c)'' and inserting ''section 4091(c), section 6426, section 6427(e), or section 6427(f)''.

(2) Section 40(d)(4)(B) of such Code is amended by striking ''or 4081(c)''.

(3) Section 40(e)(1) of such Code is amended—

(A) by striking ''2007'' in subparagraph (A) and inserting ''2010'', and

(B) by striking ''2008'' in subparagraph (B) and inserting ''2011''.

(4) Section 40(h) of such Code is amended—

(A) by striking ''2007'' in paragraph (1) and inserting ''2010'', and

(B) by striking '', 2006, or 2007'' in the table contained in paragraph (2) and inserting ''through 2010''.

(5) Section 4041(b)(2)(B) of such Code is amended by striking ''a substance other than petroleum or natural gas'' and inserting ''coal (including peat)''.

(6) Paragraph (1) of section 4041(k) of such Code is amended to read as follows:

''(1) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of the sale or use of any liquid at least 10 percent of which consists of alcohol (as defined in section 6426(b)(4)(A)), the rate of the tax imposed by subsection (c)(1) shall be the comparable rate under section 4091(c).''.

(7) Section 4081 of such Code is amended by striking subsection (c).

(8) Paragraph (2) of section 4083(a) of such Code is amended to read as follows:

''(2) GASOLINE.—The term 'gasoline'—

''(A) includes any gasoline blend, other than qualified methanol or ethanol fuel (as defined in section 4041(b)(2)(B)), partially exempt methanol or ethanol fuel (as defined in section 4041(m)(2)), or a denatured alcohol, and

''(B) includes, to the extent prescribed in regulations—

''(i) any gasoline blend stock, and

''(ii) any product commonly used as an additive in gasoline (other than alcohol).

For purposes of subparagraph (B)(i), the term 'gasoline blend stock' means any petroleum product component of gasoline.''.

(9) Section 6427 of such Code is amended by inserting after subsection (d) the following new subsection:

''(e) ALCOHOL OR BIODIESEL USED TO PRODUCE ALCOHOL FUEL AND BIODIESEL MIXTURES OR USED AS FUELS.—Except as provided in subsection (k)—

''(1) USED TO PRODUCE A MIXTURE.—If any person produces a mixture described in section 6426 in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the alcohol fuel mixture credit or the biodiesel mixture credit with respect to such mixture.

''(2) USED AS FUEL.—If alcohol (as defined in section 40(d)(1)) or biodiesel (as defined in section 40A(d)(1)) or agri-biodiesel (as defined in section 40A(d)(2)) which is not in a mixture described in section 6426—

''(A) is used by any person as a fuel in a trade or business, or

''(B) is sold by any person at retail to another person and placed in the fuel tank of such person's vehicle,

the Secretary shall pay (without interest) to such person an amount equal to the alcohol credit (as determined under section 40(b)(2)) or the biodiesel credit (as determined under section 40A(b)(2)) with respect to such fuel.

''(3) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—No amount shall be payable under paragraph (1) with respect to any mixture with respect to which an amount is allowed as a credit under section 6426.

''(4) TERMINATION.—This subsection shall not apply with respect to—

''(A) any alcohol fuel mixture (as defined in section 6426(b)(3)) or alcohol (as so defined) sold or used after December 31, 2010, and

''(B) any biodiesel mixture (as defined in section 6426(c)(3)) or biodiesel (as so defined) or agri-biodiesel (as so defined) sold or used after December 31, 2006.''.

(10) Subsection (f) of section 6427 of such Code is amended to read as follows:

''(f) AVIATION FUEL USED TO PRODUCE CERTAIN ALCOHOL FUELS.—

''(1) IN GENERAL.—Except as provided in subsection (k), if any aviation fuel on which tax was imposed by section 4091 at the regular tax rate is used by any person in producing a mixture described in section 4091(c)(1)(A) which is sold or used in such person's trade or business, the Secretary

shall pay (without interest) to such person an amount equal to the excess of the regular tax rate over the incentive tax rate with respect to such fuel.

''(2) DEFINITIONS.—For purposes of paragraph (1)—

''(A) REGULAR TAX RATE.—The term 'regular tax rate' means the aggregate rate of tax imposed by section 4091 determined without regard to subsection (c) thereof.

''(B) INCENTIVE TAX RATE.—The term 'incentive tax rate' means the aggregate rate of tax imposed by section 4091 with respect to fuel described in subsection (c)(2) thereof.

''(3) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—No amount shall be payable under paragraph (1) with respect to any aviation fuel with respect to which an amount is payable under subsection (d) or (l).

''(4) TERMINATION.—This subsection shall not apply with respect to any mixture sold or used after September 30, 2007.''.

(11) Paragraphs (1) and (2) of section 6427(i) of such Code are amended by inserting ''(f),'' after ''(d),''.

(12) Section 6427(i)(3) of such Code is amended—

(A) by striking ''subsection (f)'' both places it appears in subparagraph (A) and inserting ''subsection (e)(1)'',

(B) by striking ''gasoline, diesel fuel, or kerosene used to produce a qualified alcohol mixture (as defined in section 4081(c)(3))'' in subparagraph (A) and inserting ''a mixture described in section 6426'',

(C) by adding at the end of subparagraph (A) the following new flush sentence:

''In the case of an electronic claim, this subparagraph shall be applied without regard to clause (i).'',

(D) by striking ''subsection (f)(1)'' in subparagraph (B) and inserting ''subsection (e)(1)'',

(E) by striking ''20 days of the date of the filing of such claim'' in subparagraph (B) and inserting ''45 days of the date of the filing of such claim (20 days in the case of an electronic claim)'', and

(F) by striking ''ALCOHOL MIXTURE'' in the heading and inserting ''ALCOHOL FUEL AND BIODIESEL MIXTURE''.

(13) Section 6427(o) of such Code is amended—

(A) by striking paragraph (1) and inserting the following new paragraph:

''(1) any tax is imposed by section 4081, and'',

(B) by striking ''such gasohol'' in paragraph (2) and inserting ''the alcohol fuel mixture (as defined in section 6426(b)(3))'',

(C) by striking ''gasohol'' both places it appears in the matter following paragraph (2) and inserting ''alcohol fuel mixture'', and

(D) by striking ''GASOHOL'' in the heading and inserting ''ALCOHOL FUEL MIXTURE''.

(14) Section 9503(b)(1) of such Code is amended by adding at the end the following new flush sentence:

''For purposes of this paragraph, taxes received under sections 4041 and 4081 shall be determined without reduction for credits under section 6426.''.

(15) Section 9503(b)(4) of such Code is amended—

(A) by adding ''or'' at the end of subparagraph (C),

(B) by striking the comma at the end of subparagraph (D)(iii) and inserting a period, and

(C) by striking subparagraphs (E) and (F).

(16) Section 9503(c)(2)(A)(i)(III) of such Code is amended by inserting ''(other than subsection (e) thereof)'' after ''section 6427''.

(17) Section 9503(e)(2) of such Code is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(18) The table of sections for subchapter B of chapter 65 of such Code is amended by inserting after the item relating to section 6425 the following new item:

''Sec. 6426. Credit for alcohol fuel and biodiesel mixtures.''.

(19) TARIFF SCHEDULE.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are each amended in the effective period column by striking ''10/1/2007'' each place it appears and inserting ''1/1/2011''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel sold or used after September 30, 2004.

(2) REGISTRATION REQUIREMENT.—The amendment made by subsection (b) shall take effect on April 1, 2005.

(3) EXTENSION OF ALCOHOL FUELS CREDIT.—The amendments made by paragraphs (3), (4), and (19) of subsection (c) shall take effect on the date of the enactment of this Act.

(4) REPEAL OF GENERAL FUND RETENTION OF CERTAIN ALCOHOL FUELS TAXES.—The amendments made by subsection (c)(15) shall apply to fuel sold or used after September 30, 2003.

(e) FORMAT FOR FILING.—The Secretary of the Treasury shall describe the electronic format for filing claims described in section 6427(i)(3)(B) of the Internal Revenue Code of 1986 (as amended by subsection (c)(12)(C)) not later than September 30, 2004.

SEC. 4. BIODIESEL INCOME TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 40 the following new section:

''SEC. 40A. BIODIESEL USED AS FUEL.

''(a) GENERAL RULE.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is an amount equal to the sum of—

''(1) the biodiesel mixture credit, plus

''(2) the biodiesel credit.

''(b) DEFINITION OF BIODIESEL MIXTURE CREDIT AND BIODIESEL CREDIT.—For purposes of this section—

''(1) BIODIESEL MIXTURE CREDIT.—

''(A) IN GENERAL.—The biodiesel mixture credit of any taxpayer for any taxable year is 50 cents for each gallon of biodiesel used by the taxpayer in the production of a qualified biodiesel mixture.

''(B) QUALIFIED BIODIESEL MIXTURE.—The term 'qualified biodiesel mixture' means a mixture of biodiesel and diesel fuel (as defined in section 4083(a)(3)), determined without regard to any use of kerosene, which—

''(i) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

''(ii) is used as a fuel by the taxpayer producing such mixture.

''(C) SALE OR USE MUST BE IN TRADE OR BUSINESS, ETC.—Biodiesel used in the production of a qualified biodiesel mixture shall be taken into account—

''(i) only if the sale or use described in subparagraph (B) is in a trade or business of the taxpayer, and

''(ii) for the taxable year in which such sale or use occurs.

''(D) CASUAL OFF-FARM PRODUCTION NOT ELIGIBLE.—No credit shall be allowed under this section with respect to any casual off-farm production of a qualified biodiesel mixture.

''(2) BIODIESEL CREDIT.—

''(A) IN GENERAL.—The biodiesel credit of any taxpayer for any taxable year is 50 cents for each gallon of biodiesel which is not in a mixture with diesel fuel and which during the taxable year—

''(i) is used by the taxpayer as a fuel in a trade or business, or

''(ii) is sold by the taxpayer at retail to a person and placed in the fuel tank of such person's vehicle.

''(B) USER CREDIT NOT TO APPLY TO BIODIESEL SOLD AT RETAIL.—No credit shall be allowed under subparagraph (A)(i) with respect to any biodiesel which was sold in a retail sale described in subparagraph (A)(ii).

''(3) CREDIT FOR AGRI-BIODIESEL.—In the case of any biodiesel which is agri-biodiesel, paragraphs (1)(A) and (2)(A) shall be applied by substituting '$1.00' for '50 cents'.

''(4) CERTIFICATION FOR BIODIESEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer or importer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

''(c) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any biodiesel shall be properly reduced to take into account any benefit provided with respect to such biodiesel solely by reason of the application of section 6426 or 6427(e).

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BIODIESEL.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter which meet—

''(A) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545), and

''(B) the requirements of the American Society of Testing and Materials D6751.

''(2) AGRI-BIODIESEL.—The term 'agri-biodiesel' means biodiesel derived solely from virgin oils, including esters derived from virgin vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflowers, flaxseeds, rice bran, and mustard seeds, and from animal fats.

''(3) MIXTURE OR BIODIESEL NOT USED AS A FUEL, ETC.—

''(A) MIXTURES.—If—

''(i) any credit was determined under this section with respect to biodiesel used in the production of any qualified biodiesel mixture, and

''(ii) any person—

''(I) separates the biodiesel from the mixture, or

''(II) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(1)(A) and the number of gallons of such biodiesel in such mixture.

''(B) BIODIESEL.—If—

''(i) any credit was determined under this section with respect to the retail sale of any biodiesel, and

''(ii) any person mixes such biodiesel or uses such biodiesel other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(2)(A) and the number of gallons of such biodiesel.

''(C) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under subparagraph (A) or (B) as if such tax were imposed by section 4081 and not by this chapter.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(e) TERMINATION.—This section shall not apply to any sale or use after December 31, 2006.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following new paragraph:

''(16) the biodiesel fuels credit determined under section 40A(a).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 39(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(11) NO CARRYBACK OF BIODIESEL FUELS CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the biodiesel fuels credit determined under section 40A may be carried back to a taxable year ending on or before September 30, 2004.''.

(2)(A) Section 87 of such Code is amended to read as follows:

''SEC. 87. ALCOHOL AND BIODIESEL FUELS CREDITS.

''Gross income includes—

''(1) the amount of the alcohol fuels credit determined with respect to the taxpayer for the taxable year under section 40(a), and

''(2) the biodiesel fuels credit determined with respect to the taxpayer for the taxable year under section 40A(a).''.

(B) The item relating to section 87 in the table of sections for part II of subchapter B of chapter 1 of such Code is amended by striking ''fuel credit'' and inserting ''and biodiesel fuels credits''.

(3) Section 196(c) of such Code is amended by striking ''and'' at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting '', and'', and by adding at the end the following new paragraph:

''(11) the biodiesel fuels credit determined under section 40A(a).''.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding after the item relating to section 40 the following new item:

''Sec. 40A. Biodiesel used as fuel.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after September 30, 2004, in taxable years ending after such date.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 25, 2004, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on the President's Fiscal Year 2005 Budget Request.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 10th, 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. 1354, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes; S. 1575 and H.R. 1092, to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada; S. 1778, to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes; S. 1819 and H.R. 272, to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; and H.R. 3249, to extend the term of the Forest Counties Payments Committee.

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, United States Senate, Washington, D.C. 20510–6150.

For further information, please contact Frank Gladics at 202–224–2878.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. COCHRAN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Marketing, Inspection, and Product Promotion will meet on March 4, 2004 in SH–216, Hart Senate Office Building at 2:00 p.m. The purpose of this subcommittee hearing is to discuss the development of a national animal identification plan.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCONNELL. 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 Tuesday, February 24, 2004, at 10 a.m. to conduct a hearing on the ''Proposals for Improving the Regulatory Regime of the Housing Government Sponsored Enterprises.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 24, 2004, at 9:30 a.m. on Voice-Over-Internet-Protocol (VOIP).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 10 a.m. to receive testimony concerning the reliability of the Nation's electricity grid. Specifically, the recommendations in the February 10th North American Reliability Council Report Regarding the August 14th blackout will be reviewed and implementation of the proposed solutions will be discussed.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 2:30 p.m. to hold a hearing on The Middle East: Rethinking the Road Map.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, February 24, 2004, at 10 p.m. for a hearing titled ''Preserving a Strong United States Postal Service: Workforce Issues.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, for a joint hearing with the House of Representatives' Committee on Veterans' Affairs, to hear the legislative presentation of the Disabled American Veterans.

The hearing will take place in room 216 of the Hart Senate Office Building at 2:00 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 10 a.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 2:30 p.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, February 24, 2004 from 10:00 a.m.—12:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on ''Virtual Threat, Real Terror: Cyberterrorism in the 21st Century'' on Tuesday, February 24, 2004, at 10 a.m., in Dirksen 226.

Witness List

Panel I: Mr. John Malcolm, Deputy Assistant Attorney General, DOJ, Washington, DC; Mr. Keith Lourdeau, Deputy Assistant Director, FBI, Washington, DC; and Mr. Amit Yoran, director of the National Cybersecurity Division, DHS, Washington, DC.

Panel II: Mr. Dan Verton, Author, Burke, VA; Mr. Howard Schmidt, Chief Information Security Officer, EBay, San Jose, CA; and Mr. Michael Vatis, Executive Director, Task Force on National Security in the Information Age, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENSIGN. Mr. President, I ask unanimous consent that Dr. Rita Redberg, a legislative fellow for Senator HATCH, be granted floor privileges during consideration of S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that privileges of the floor be granted to Lauren Doyle, a legislative fellow in my office.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Patrick Shen and Brett Tolman, detailees on the Judiciary Committee staff, be granted the privileges of the floor for the duration of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I ask unanimous consent that one of my staffers, Telly Lovelace, be permitted the privilege of the floor for the rest of the afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING 200TH ANNIVERSARY OF THE BIRTH OF CONSTANTINO BRUMIDI

AUTHORIZING PRINTING OF ''HISTORY OF THE UNITED STATES CAPITOL''

PERMITTING USE OF ROTUNDA OF THE CAPITOL FOR COMMEMORATION OF HOLOCAUST

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following resolutions which are at the desk en bloc: H. Con. Res. 264, H. Con. Res. 358, and H. Con. Res. 359.

The PRESIDING OFFICER. The clerk will report the concurrent resolutions by title.

The assistant legislative clerk read as follows:

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

A concurrent resolution (H. Con. Res. 358) authorizing the printing of ''History of the United States Capitol'' as a House document.

A concurrent resolution (H. Con. Res. 359) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolutions.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolutions be agreed to, the preambles, where applicable, be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements relating to the concurrent resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 264) was agreed to.

The preamble was agreed to.

The concurrent resolution (H. Con. Res. 358) was agreed to.

The concurrent resolution (H. Con. Res. 359) was agreed to.

MEASURE READ THE FIRST TIME—H.R. 3783

Mr. FRIST. Mr. President, I understand that H.R. 3783 which came over from the House is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3783) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Mr. FRIST. I now ask for its second reading and object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, will the Senator yield?

Mr. FRIST. Yes.

Mr. REID. Mr. President, I know H.R. 3740 is an important piece of legislation. It extends the highway bill now in effect for 4 months. I have not spoken to Senator INHOFE today, but we have communicated through staff. He and I would rather have a 1-month extension. It is my understanding that the two leaders have met and think that 60 days would be an appropriate time. I want everybody to be on notice that if there is any effort to extend this beyond 60 days, I will do whatever I can to make sure that is not the case.

It is so important that we move this most important piece of legislation to 4 months, as there will be no bill this year. We have spent too much time over here. It now appears that the debate is over dollars. It is not about the content of the bill in any way.

I hope the two leaders understand the grief and difficulty that Senators INHOFE and I and KIT BOND and Senator JEFFORDS have gone through to get to the point where we are. I will agree with the decision of the two leaders, but when it comes back from the House, I hope there will be an agreement to split the difference after that.

Mr. FRIST. Mr. President, in all likelihood, we will be looking at 2 months. Again, for those listening now, a lot of people said 1 month. A lot of people said 4 months. A lot of people said a year. So this was negotiated again with both sides, and we understand the immediacy and the importance of this bill, which I do also strongly support.

ORDERS FOR WEDNESDAY, FEBRUARY 25, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, February 25. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S. 1805, the gun liability bill; provided that the time until 10:30 a.m. be equally divided between Senators CRAIG and REED of Rhode Island, or their designees, and the vote on the cloture motion occur at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration of the motion to proceed to S. 1805, the gun liability bill. The cloture vote on the motion to proceed will occur at 10:30 a.m., and that will be the first vote of the day.

It is my hope that we will invoke cloture and begin consideration of the bill shortly thereafter. For the remainder of the day, we will work through amendments on the gun liability bill. Senators who wish to offer amendments should contact the managers to schedule time for floor consideration.

Senators should expect rollcall votes throughout the afternoon as we proceed in the amendment process.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Wednesday, February 25, 2004, at 9:30 a.m.

EXTENSIONS OF REMARKS

DENTON FIRE DEPARTMENT AWARDS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the Denton Fire Department for their nominations of their department employees. For 130 years this fire department has fought to save the lives of citizens of the Denton area. This fire department has 122 firefighters and officers, eight 911 dispatchers, and one RSVP volunteer. It is not the equipment in these stations that makes Denton a safer place; it is the personnel that are hard at work to keep this community safe.

The philosophy of the fire department is that prevention is key to reducing the fire loss of our city. This department is able to maintain its high standards by acting towards arising situations and regulations. These firefighters take a proactive approach of educating citizens about fire safety and life safety through CPR classes and first aid classes. Even with programs in place, the Denton Fire Department strives to continue improvement in the quality of service provided to citizens by aggressively training officers in all areas of expertise. All of our fire department's continuing education programs exceed requirements suggested by the Texas Department of Health. This is proof that our firefighters are above average.

The individuals who work at the Denton County Fire Department are to be commended for their achievements in this past year. Without dedicated individuals the Denton County Fire Department would not serve at the high level it does. Brad Fuller, Brad Lahart, and Mike Tucker received Meritorious Service awards for their hard work and dedication of going beyond the normal job requirements to serve the Denton area. Also, Tim Tarlton's Crew at Station 3 ''B'' Shift has been awarded the Community Service Award for their methods of getting the message to children about fire safety in public schools. Likewise, Lisa Parker, who serves the Denton Fire Department with a cheerful personality and a positive attitude, has been awarded the EMS Excellence award. Furthermore, Jeff Knoles has been awarded special recognition for serving the Denton community in dual roles as a firefighter and paramedic since 1999.

The fire administration provides the leadership, vision and resources that our personnel need to provide the highest quality service to our citizens. The city staff and fire department employees coordinate efforts to maintain the quality of safety necessary for a city of Denton's size.

Firefighters are a necessary part of public life. Like in any other part of life, there are those who deserve special recognition. The individuals honored here today are some of those individuals.

CONGRATULATING THE EXPORT-IMPORT BANK ON ITS 70TH ANNIVERSARY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. OXLEY. Mr. Speaker, today I want to help observe a landmark anniversary for an institution that sustains the jobs of thousands of Americans. February 12, 2004, marked the 70th anniversary of the Export-Import Bank, the official export credit agency of the United States. The Bank will have a celebration of this anniversary in the near future. The Export-Import Bank is an independent U.S. Government agency that creates and sustains American jobs by providing direct loans to buyers of U.S. exports, guarantees to commercial loans to buyers of U.S. products, and insurance products which greatly benefit short-term small business sales.

In an ideal world, export contracts would be won or lost on the basis of the cost and quality of the products being sold. However, as long as foreign export credit agencies provide concessionary financing to companies from their countries, the Export-Import Bank of the United States must ''level the playing field'' by protecting American exporters. The Export-Import Bank fills the necessary role of creating and sustaining American jobs here in the United States, where they are sorely needed.

Since its founding in 1934, the Export-Import Bank has supported over $330 billion of U.S. exports from businesses large and small. In FY 2003, it supported $14.3 billion in exports. Currently, about 85 percent of Export-Import transactions directly benefit small businesses. This amounts to almost 20 percent of the Bank's financings.

The Export-Import Bank Reauthorization Act was signed into law on June 14, 2002 (Public Law No. 107–189). This Act reauthorized the Export-Import Bank through 2006 and made other appropriate changes to the charter of the Bank. The House Financial Services Committee continues to conduct oversight over the implementation of this Act.

Again, I extend my congratulations to the Export-Import Bank on its 70th anniversary.

TRIBUTE TO THE NATIVITY OF OUR SAVIOR CHURCH IN PORTAGE, IN, DURING THEIR 40TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and enthusiasm that I congratulate the Nativity of Our Savior Church in Portage, IN, as they celebrate their 40th anniversary. During the weekend of September 11, 2004, and September 12, 2004, the Nativity of Our Savior Church will be celebrating their anniversary with an Anniversary Celebration Mass and an All-Parish Anniversary Celebration Family Picnic.

The Catholic faith began in Portage in the 1600's with early settlers and French trappers, and they named the area ''New France.'' In 1882, Joseph Bailly, one of those early settlers, established a trading post which he called ''Bailly-Town.'' This area included a chapel for his family as well as other nearby villagers to worship in. During the early 1960's, the Diocese of Gary purchased the land that is now the Nativity Parish and School.

As the population grew in Portage, Bishop Andrew Grutka along with other parish members, established a larger church, which was called ''The Chapel on the Mall'' because it was located at the north end of the Portage Shopping Mall. In 1964, this 10′ by 50′ drive-in church was visited by over 450 cars at each Sunday mass. It was in July 1965 that the Nativity of Our Savior Church was officially established with Father Joseph Till as its first pastor. On October 31, 1965, during the Feast of Christ the King, Nativity of Our Savior became a permanent church and it was formally dedicated by Bishop Grutka on Saturday, March 12, 1966.

In September 1975, the Nativity School opened its doors to 95 students in its first year. Since the founding of the Nativity of Our Savior Church in 1964 and the opening of the school in 1975, there have been many influential pastors who have led the congregation. These include: Father Joseph Till, Father William Spranger, Monsignor Carl Mengeling, Monsignor John Morales, Father John Scott, Father Patrick Kalich, and currently Father Walter Rakoczy. Today, the Nativity of Our Savior Church has over 2,200 registered families, over 200 students in their parish school, and over 600 students in their religious education program.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating the Nativity of Our Savior Church on their 40th anniversary. They have provided support and guidance for all those in the Portage community, and will continue to serve their community through their selfless dedication and commitment.

TRIBUTE TO ELBIE J. HICKAMBOTTOM, SR.

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. SCHIFF. Mr. Speaker, I rise today in solemn remembrance of Elbie J. Hickambottom, Sr., who passed away on the evening of December 31, 2003.

Elbie Hickambottom began his life in Okmulgee, OK, in 1924. In 1925 his family

moved to Pasadena, CA, where he grew up and attended Pasadena public schools. As a young adult he attended Pasadena City College and though his education was interrupted by his service in the military, he continued his academic pursuits at USC and completed his BA degree from the University of Omaha.

Mr. Hickambottom served in the U.S. Army during World War II and at 19 years old was one of the youngest first sergeants in Europe. He was recalled by the Army during the Korean war and commissioned as a second lieutenant. After 20 years of distinguished service, he retired in 1967 with the rank of major. During his career, he was awarded many decorations including twice receiving the Medal for Outstanding Service and three times the Army Commendation Medal. Elbie was a past commander of the Pasadena chapter of the Military Order of the World Wars and a recipient of the Pasadena Chamber of Commerce Patriot of the Year Award.

After Elbie's military retirement, he joined the Pasadena Redevelopment Agency in 1967 where he served as director of Relocation and Property Management, managing programs that assisted displaced families and small businesses. He subsequently worked as senior vice president of Municipal Services, Inc. a private redevelopment consulting firm from which he retired in 1985.

In 1979 Mr. Hickambottom was elected to the Pasadena Unified School District Board of Education, where he served until he retired from the board in 1994. A champion for excellence in education and a strong voice for improving academic achievement for all students, particularly for disadvantaged and minority students, Elbie was often the conscience of the school board. He was an active member of the California Coalition of Black School Board Members, where his tenure included holding office on the Executive Board.

A dedicated community volunteer, Elbie participated in many organizations, including the NAACP, the Pasadena Educational Foundation, Young and Healthy, the Pasadena Commission on Children and Youth, Project Day, ROTC, and various other civic groups.

Elbie is survived by his wife of 52 years, Dolores, his children, Ann Marie, Elbie Jr., Leslie and John, sisters Verdia Arnold and Wilmer Lane, niece Robin Foster, sister-in-law Agnes Brumfield, two brothers-in-law, Joseph Arceneaux and Oscar Dupre II, and many other nieces, nephews, cousins, and beloved friends.

I would like to convey my deepest sympathies to Elbie's family and friends, as well as extend my heartfelt thanks for his many contributions to the community. Elbie J. Hickambottom, Sr., will be missed by all who knew him.

KRISTY WICKLIFF AND E9–1–1 INSTITUTE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. BURGESS. Mr. Speaker, I rise today to commend the efforts made by the Enhanced 9–1–1 Institute for their lasting efforts to improve our Nation's 9–1–1 system. The E9–1–1 Institute is committed to educating and informing citizens of the vital role the 9–1–1 service plays in our communities. Since 1968, 9–1–1 has been a means in which to report emergencies. Today, 9–1–1 is a key component to saving lives and property.

The E9–1–1 Institute has included every level of government, corporations large and small in addition to government policy makers, to convey the significance of the 9–1–1 service to all Americans. The institute continues to work very hard to show that every citizen of this country plays a vital role in making this system successful.

The outstanding efforts of E9–1–1 are most evident in a recent event in my district. I am honored to acknowledge Kristy Wickliff a resident of Southlake, Texas, who is being honored by the E9–1–1 Institute for the heroic act of saving her father's life in April of 2003. Kristy, age five at the time, successfully called 9–1–1 and then proceeded to the medicine cabinet where she was able to obtain and administer medication to her father while he was suffering from diabetic shock. Miss Wickliff will receive the Enhanced 9–1–1 Institute's ''Citizen in Action'' Award on Tuesday, February 24, 2004.

If it were not for the E9–1–1 Institute's dedication to improving the 9–1–1 system or their commitment to education, our ability to save lives and property would be greatly hindered by a lack of communication.

The 9–1–1 service is a necessary part of our daily lives. Like those who have used the service in a time of crisis, the individuals who work to make 9–1–1 a better system deserve to be honored.

CAMPAIGN FINANCE REFORM

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. OXLEY. Mr. Speaker, during the lengthy debate over campaign finance reform, some of us warned that appearances can be deceiving. The McCain-Feingold bill was supposed to empower ordinary voters, who were evidently thought incapable of exercising their own reason during election campaigns. The power shift has actually been to the unelected media and unaccountable special interest groups, mostly liberal, who have concentrated their control over what voters see and hear. Other voices have been muzzled, which is why U.S. Supreme Court Justice Antonin Scalia called the failure to strike down the law ''a sad day for freedom of speech.''

I commend to your attention this George Will column published in the Washington Post on February 22.

RENDERING POLITICS SPEECHLESS

(By George F. Will)

Two years ago President Bush, who had called it unconstitutional, signed the McCain-Feingold bill—furtively, at 8 a.m. in the Oval Office. The law expanded government restrictions on political speech, ostensibly to combat corruption or the ''appearance'' thereof. Bush probably signed it partly because the White House, thinking corruptly or appearing to do so, saw reelection advantage in this fiddling with the First Amendment.

And partly because the nation's newspaper editorial writers nearly unanimous in praise of McCain-Feingold. The editorialists' advocacy of McCain-Feingold could appear corrupt: The bill increases the political influence of unregulated newspaper editorializing relative to increasingly restricted rival voices (parties, candidates and their financial supporters).

Last December the Supreme Court found no serious constitutional infirmity in the law because, although the Constitution says Congress shall make ''no law'' abridging freedom of speech, Congress has broad latitude to combat corruption or its appearance. There is the appearance of corruption when a legislator's views attract contributions from like-minded people, and then he acts in accordance with his and their views.

Today McCain-Feingold itself does not just appear to be corrupting. It is demonstrably and comprehensively so.

Most campaign money is spent on speech—disseminating ideas, primarily by broadcasting. McCain-Feingold's stated premise was that there is ''too much'' money in politics—hence, it follows, too much speech. McCain-Feingold's prudently unstated premise was that legislators know—and should legislate—the correct quantity of speech about themselves, the proper times for it and certain restrictions on the content of it.

Such legislating may not be corrupt, but it might appear so. And appearances are the essence of ethics, as understood by Washington's ethics industry.

Perhaps the White House embraced McCain-Feingold because it doubled to $2,000 the permissible ceiling on ''hard money'' contributions crucial to the president's reelection campaign. Also, Republican national committees do better than their Democratic counterparts at raising smaller hard-dollar contributions.

Supposedly, the principal purpose of McCain-Feingold was to ban large ''soft money'' contributions to the parties ostensibly for ''party-building'' purposes. The delusional assumption of many McCain-Feingold enthusiasts was that when such contributions were banned, the people who had been eager to exert political influence by such contributions would say ''Oh, well'' and spend their money instead on high-definition televisions. Or something.

Actually, McCain-Feingold was moral grandstanding by many liberals who had no intention of abiding by its spirit—or its letter, for that matter—any more than they had abided by existing campaign finance law. To compensate for Republican advantages in raising strictly limited hard dollars, Democrats quickly formed a slew of committees technically disconnected from the party but allowed to receive unlimited soft dollars.

Allowed, that is, as long as the committees do not spend money ''for the purpose of influencing any election for federal office.'' Under McCain-Feingold, and for 30 years before it, entities that raise and spend money for that purpose are subject to hard-dollar limits.

McCain-Feingold's ban on large soft-money contributions to political parties has spawned many groups, mostly liberal ones, to receive and spend such contributions as surrogates for the parties—groups such as America Coming Together. Ellen Malcolm, ACT's president, says her group aims to increase voter turnout in 17 states crucial to the presidential election in order ''to beat George Bush.''

It appears that she intends to influence a federal election. Nothing wrong with that. Citizens are supposed to do that. But liberals have been the prime movers in enacting laws against doing so with soft money, which organizations such as ACT exist to receive.

ACT says it ''will coordinate with progressive organizations.'' But it had better not coordinate with the Democratic Party or candidates. There would be nothing morally wrong with such coordination. It should be a fundamental right—indeed, a civic virtue—for groups such as ACT to coordinate with like-minded political parties. But ''coordination'' is criminal under McCain-Feingold.

House Republicans are now trying to subpoena records of these Democratic groups, clearly hoping to have a chilling effect on them. This is disgusting—but Democrats deserve it because they have entangled America's core liberty, political speech, in an ever-thickening web of regulations they now are evading.

On Wednesday the Federal Election Commission, which is now in charge of deciding what speech is legal under McCain-Feingold and Supreme Court ambiguities, issued a ruling—many more to follow—of exquisite opacity. The chairman of the Republican National Committee said it ''effectively shuts down'' groups such as ACT and others. A spokesman for ACT cheerily said the group would continue ''to operate robustly and effectively.'' It is a constitutional obscenity that no one now knows—or, pending many more FEC and court rulings, can know—what political speech is legal in this nation where the First Amendment is no longer even pertinent to protecting such speech.

TRIBUTE TO THE ACCOMPLISHMENTS OF THE BOYS & GIRLS CLUBS OF NORTHWEST INDIANA THROUGHOUT ITS 50 YEARS OF SERVICE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and pleasure that I stand before you today to recognize the many accomplishments of the Boys & Girls Clubs of Northwest Indiana throughout its 50 years of service to the Northwest Indiana community. As the citizens of Lake County, Indiana celebrate the 50th Year Jubilee of the Boys & Girls Clubs of Northwest Indiana, we are reminded of the dedication and valiant efforts that have been made to incorporate education and community leadership in the region.

Boys & Girls Clubs of Northwest Indiana began in the early 1950's when Mr. Paul Guist, Mr. Sid Holub, Mr. Robert Salvaggi and several other Gary businessmen decided that the children of Gary needed a place to go, complete with worthwhile activities, to help keep kids from spending time on street corners. Their efforts led to the incorporation of the Steel City Boys Club of Gary, Indiana on August 17, 1954.

The Boys Club was incorporated in 1954 when it operated in the hallways, auditorium, gymnasium and one room in the old Beveridge School in Tolleston. Its official name became Steel City Boys Club. In 1956, another club opened in the Webster School Gym located in Glen Park. This was the year that the organization also became a United Way Agency. An additional club eventually moved into the basement of the Assyrian Church where it remained until a permanent location at 7th and Adams was established through the efforts of Mr. John Will Anderson of the Anderson Company. Through Mr. Anderson's gift, the Old Moose Lodge building at 7th and Adams was purchased in 1965. Mr. Anderson and the Anderson Company donated the money and manpower to see that the building was completely renovated and ready for operation in October, 1967. The New Boys Club facility officially opened on October 23, 1967, appropriately dedicated as the John Will Anderson Boys Club.

Another Boys Club was opened in 1969 in the Salesian Prep School in Cedar Lake, and in November, 1976 that club moved to West 133rd Avenue. In 1982, the new Cedar Lake Club was built on Fairbanks Street where it remains today. In 1973, Katherine House and the East Chicago Boys Club merged to form the East Chicago-Katherine House Boys Club and became a unit of the Steel City Boys Club organization. In 1976, the John Will Anderson Club moved to the former Young Men's Christian Association building on 5th Avenue in Gary where it remains today. In 1977, the Steel City Boys Club corporate name was changed to the Boys Clubs of Northwest Indiana. In March of 1979, the Hammond Boys Club was established in the Miller School of Hessville, and today a new building built in 1994 proudly stands on Calumet Avenue. The Lake Station Club was opened in July of 2001.

In 1988, Boys Clubs of Northwest Indiana officially changed its name to Boys & Girls Clubs of Northwest Indiana—as girls were recognized as official club members. In spite of the Boys & Girls Clubs of Northwest Indiana's growth and changes, their philosophy has never changed—to inspire and enable all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible and caring citizens.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring and congratulating the Boys & Girls Clubs of Northwest Indiana, as well as its staff and community leaders on their 50th anniversary. Their many great accomplishments and service to Lake County, Indiana will forever be cherished and commended.

COMMEMORATING BLACK HISTORY MONTH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. SCHIFF. Mr. Speaker, as we celebrate Black History Month, I rise to pay tribute to the extraordinary African-American men and women, past and present, who have shaped the rich history of our Nation.

The month of February has been designated as Black History Month to celebrate the remarkable accomplishments of African-Americans throughout history. This year's national theme, ''Brown v. Board of Education: 50th Anniversary,'' commemorates the historic Supreme Court decision declaring that segregation had no place in the laws of a free republic.

Over 50 years ago, in the Midwest town of Topeka, KS, a little girl named Linda Brown rode a bus 5 miles to school each day even though a public school was located only four blocks from her house. The school was not full and the little girl met all of the requirements to attend—except for the color of her skin. It is hard to imagine that merely 50 years ago, public schools across our country were deeply segregated.

A team of brave lawyers from the NAACP would later appear before the Supreme Court to demand the justice contained within our founding principles—to demand equality for young Linda Brown and for all who had been denied the basic right of equality for far too long.

On May 17, 1954, the United States Supreme Court spoke unanimously and with great clarity when it declared that ''separate educational facilities are inherently unequal.'' This decision continues to have an impact on our country today. Just last year, the Supreme Court upheld the core principles of Brown v. Board when it ruled that maintaining diversity in higher education is a compelling governmental interest. I was pleased to join other Members of Congress in filing an amicus brief with the Court expressing our belief that democratic values are enhanced by the interaction between students of diverse backgrounds and indicating our full support for the efforts of universities to create a more vibrant and enriching learning environment.

The decision in Brown v. Board would also forever change the landscape of the struggle for racial justice and equality in the United States and demonstrate the ability of individuals to effect true change. The congressional district that I represent can certainly recognize the ability of individuals to break through color barriers. Growing up in Pasadena in the early to mid–1900s, a young man named Jackie Robinson was an all-around athlete that would later change the sports world. Robinson won letters in football, baseball, basketball, and track at Pasadena's Muir Technical High School and Pasadena Junior College. Soon after, he would become the first athlete at UCLA to play on four varsity teams.

On April 15, 1947, Jackie Robinson would take the field to play for the Brooklyn Dodgers—a pioneer as the first African-American to play major league baseball. Robinson not only opened the door to pro sports for other African-American athletes, but his remarkable accomplishment would help chip away at prejudices in the minds of Americans and jumpstart the process of dismantling existing barriers throughout our society.

In this month of February, let us not only celebrate the accomplishments of those brave Americans who fought for racial justice, but let us work to keep their vision alive by continuing to break down barriers that exist and working to ensure equality of opportunity for all Americans.

GAYLORD ENTERTAINMENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Gaylord Entertainment on their successful completion of the marvelous new Gaylord Texan Resort and Convention Center on Lake Grapevine ideally located in Grapevine, TX. The Gaylord Texan Resort and Convention Center will be tremendous venue for performances by local and national entertainers.

The Gaylord Texan will bring more economic stability to an already growing local economy with its creation of 1,300 new jobs and an estimated $23 million in spending annually. The Gaylord Texan team has certainly set high standards for which other businesses will aspire.

Gaylord Entertainment has paired up with the city of Grapevine's Convention and Visitors Bureau and other local businesses to ensure a better quality of life for area residents, and a memorable visit for all those who pass through the front door. Whether it is to enjoy the scenic view of Lake Grapevine, an evening of dining and entertainment or to attend a business seminar, the Gaylord Texan is sure to meet the needs of its visitors.

For many years to come, the Gaylord Texan Resort and Convention Center will receive the international spotlight for its state of the art entertainment facilities, 1,511 guest rooms, relaxing atmosphere, beautiful scenery, and a wide variety of activities to choose from.

We congratulate the efforts made by Gaylord Entertainment for the creation of this spectacular new facility. Best wishes to all who are involved and best of luck in future endeavors. In addition, we add our congratulations on having March 2, 2004, Texas Independence Day also named ''Gaylord Appreciation Day'' in Texas.

FLORALBA DEL MONTE, FIRST LADY OF DOMINICAN CLASSICAL MUSIC—A SALUTE ON HER 75TH BIRTHDAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. RANGEL. Mr. Speaker, I rise today to salute Dominican concert pianist and piano teacher Floralba Del Monte, the ''First Lady of Dominican Classical Music,'' who has just celebrated her 75th birthday, and who this year also celebrates several professional anniversaries: The 55th anniversary of her debut in the United States at Carnegie Hall; the 50th anniversary of her graduation from the Paris Conservatoire; the 45th anniversary of her appointment to the Piano Faculty at the Santo Domingo National Conservatoire of Music; the 53rd anniversary of her U.S. network television debut on CBS; and the 52nd anniversary of her debut in Washington, DC, at the Dominican Embassy.

Floralba Del Monte was the first Dominican concert pianist who performed in North America, and the first Dominican performer who appeared at world-famous Carnegie Hall in New York, making her professional and U.S. debuts there on June 14th, 1949, performing on this recital the U.S. premiere of the ''Sambumbia'' or Dominican Rhapsody for Piano by Dominican composer Juan Francisco García, ''Father of Dominican Music.'' In the late 1940s and the early 1950s, she was the first Dominican classical musician who professionally appeared at several of the most prestigious concert halls in New York City, including Carnegie Hall, Town Hall, Steinway Hall, Kauffmann Auditorium and Labor Temple Concert Hall; at important venues such as the International School of Arts, American Women's Union, Fun & Fine Arts Club and the Women's Club of New York; on radio stations and television networks such as NBC, CBS, The Voice of America, WNYC, and WLIB; and at distinguished residences in New York City, performances in which several Dominican piano works were performed for the first time in the U.S. These acclaimed performances established Floralba Del Monte on New York's classical music scene and social circles of the 1950s, the first Dominican performer to make a name for herself in New York.

Floralba Del Monte was the first Dominican performer to appear on U.S. network television, making her debut on CBS on October 1, 1951 as one of the selected artists invited to appear on the Arthur Godfrey Show special that inaugurated coast-to-coast television broadcasting in the United States. During this broadcast, she performed the world première of her own arrangement for three pianos of the popular ''Malagueña'' by Ernesto Lecuona, starring as the First Piano of the Pan-American Piano Trio. This piano trio was founded by Floralba Del Monte in New York, and made its world début on that historic night, with Del Monte, Peruvian pianist Elvira Román and U.S. pianist Dolores Layko representing the three Americas—Central, South, and North.

Floralba Del Monte was the first Dominican performer who performed in the Nation's Capital, making her debut there on May 16, 1952, in a gala recital at the Dominican Embassy, and giving another recital at the Pan-American Union, in which she offered the Washington, DC, premieres of several Dominican piano works.

Floralba Del Monte is recognized as a pianist of exceptional interpretative force, holding a unique place in the Dominican Republic that consecrates her as one of the most revered Dominican artistic figures in Dominican history. In the Dominican Republic, as the concert pianist of most important legacy, and as the music educator of most influential pedagogical work, her artistic legacy that spans five decades of unprecedented achievements, includes: Performing the Dominican, North American, and European premieres of the most important and difficult piano works of Dominican music literature, distinguishing herself for her fervent patriotism, including Dominican piano works on her appearances in her country and abroad; being the first performer invited by the Dominican Government to give a concert tour in the country; being the mentor of the most important school of piano ever created in the Dominican Republic, a school comprising several generations of accomplished pianists, including winners of international music competitions, whom she taught during a distinguished tenure of more than 40 years as a Piano Faculty member at the Santo Domingo Conservatoire; and being director of the Santo Domingo Conservatoire, whose recently completed tenure of more than a decade is already regarded as the Golden Age of that preeminent Dominican institution. This legacy, deservingly consecrates Floralba Del Monte as the unrivaled ''First Lady of Dominican Classical Music.''

''SWEET AND SOUR SUBSIDIES''

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, trying to decide what is the greatest hypocrisy in politics is a hard job, but I believe that by sheer dollar volume the support of many who call themselves free market conservatives for the leading aspects of America's agricultural policy qualifies for the prize.

Few areas in public policy in this country are as heavily subsidized by the taxpayers, rigged against consumers, blatantly unfair to poor people in other parts of the world, and contemptuous of the whole notion of competition and free enterprise as American agriculture policy in various of its aspects.

I am frequently puzzled to hear many who declaim their staunch allegiance to free trade, low taxes, no government intervention in the economy, the free market, and unmitigated competition make an implicit exception when the subject is corn, cotton, wheat, peanuts, sugar, or other commodities. Apparently, there are people who believe that the works of Ludwig von Mises and Friedrich Hayek contain an invisible footnote that says that none of this applies to agriculture.

In the February 12 Washington Post, just before we went on our mid-winter break, George Will documented the blatant inconsistency with regard to the sugar program of the U.S., noting correctly that it has once again contributed to the demise of jobs in the United States by people who had been manufacturing candy. I disagree with much of Mr. Will's conservative approach to economic matters, so I do not agree therefore with everything he says in this column. But I salute his intellectual honesty in urging that the conservative economic principles he professes be applied across the board, without the exception for agriculture made by so many others who claim to be his conservative confreres.

[From the Washington Post, Feb. 12, 2004]

SWEET AND SOUR SUBSIDIES

(By George Will)

Saturday, Valentine's Day, sweets will be showered on sweethearts—a bonanza for candymakers. But the very next day all 242 Fannie May and Fanny Farmer chocolate candy stores will be closed.

They and many jobs—625 of them at the firm's 75-year-old Chicago manufacturing plant—are, in part, casualties of that outdated facility, bad business decisions, and high U.S. labor and other costs. But jobs in America's candy industry also are jeopardized by protectionism, which is always advertised as job protection. In this case, the protectionism is an agriculture subsidy—sugar import quotas.

Chicago is no longer Carl Sandburg's wheat stacker and hog butcher, but it remains America's candy capital, home of Tootsie Rolls and many other treats. In 1970, employment by the city's candy manufacturers was 15,000. Today it is under 8,000, and falling.

Alpine Confections Inc. of Utah has bought Fannie May and Fanny Farmer and may continue some products. This is partly because the price of sugar is less important in soft chocolates than in hard candies.

But the end of 2003 brought the end of Brach's production of hard candy on the city's West Side. A decade ago, Brach's employed about 2,300 people. Until recently,

many of the remaining Teamster jobs paid $19 an hour. Many signs in the abandoned Chicago facility were in Spanish, Polish and Greek for the immigrant workforce, most of whose jobs have gone to Mexico. Labor is cheaper there, but so is 92 percent of the raw material for hard candy—sugar. By moving outside the United States, Brach's can pay the world market price of sugar, which is one-half to one-third of the U.S. price as propped up by import quotas.

Life Savers, which for 90 years were made in America, are now made in Canada, where labor costs are comparable but the yearly cost of sugar is $10 million less. Chicago's Ferrara Pan Candy Co., maker of Jawbreakers, Red Hots and Boston Baked Beans, has moved much of its production to Mexico and Canada.

Dueling economic studies, few of them disinterested, purport to demonstrate that more American jobs are saved or—much more plausibly—lost because protectionist quotas raise the price of sugar for 280 million Americans. In the life of this republic, in which rent-seeking—bending public power for private advantage—is pandemic, sugar quotas are symptomatic.

It was to a North Dakota radio station that Robert Zoelick, the U.S. trade representative, vowed that he would stand like Horatius at the bridge to block Australian sugar. The quotas can be considered among the bearable transaction costs of democracy, keeping North Dakota's, Minnesota's and other states' growers of sugar beets as well as Florida's, Louisiana's and other states' growers of sugar cane from starving.

Or seceding. Or, heaven forfend, being forced to grow something else. But protectionism is unconservative, unseemly and unhealthy—indeed, lethal.

Unconservative? Protectionism is a variant of what conservatives disparage as ''industrial policy'' when nonconservatives do it. It is government supplanting the market as the picker of economic winners. Another name for industrial policy is lemon socialism—survival of the unfit.

Unseemly? America has no better friend than Australia. Yet such is the power of American sugar interests that the Bush administration has forced Australia to acquiesce in continuing quotas on its sugar exports to America. That was a price for achieving the not-exactly ''free trade'' agreement signed last weekend. But look on the bright side: Restrictions on beef imports will be phased out over 18 years.

Is protectionism lethal? Promoted by Democrats hawking their compassion, protectionism could somewhat flatten the trajectory of America's rising prosperity. But protectionism could kill millions in developing nations by slowing world growth, thereby impeding those nations from achieving prosperity sufficient to pay for potable water, inoculations, etc. Developed nations spend $1 billion a day on agriculture subsidies that prevent poor nations' farmers from competing in the world market.

Sugar quotas, although a bipartisan addiction, are worst when defended by Republicans who actually know better and who lose their ability to make a principled argument against the Democrats' protectionist temptation. Fortunately, splendid trouble may be on the horizon.

Last September's collapse of the World Trade Organization's ministerial meeting in Cancun, Mexico, meant that the pernicious ''peace clause'' was not renewed. For nine years it has prevented the WTO from treating agricultural subsidies as what they obviously are—market distortions incompatible with free trade. For Americans, a fight over that is worth having, and losing.

CAPTAIN JOHN DARRAH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. BURGESS. Mr. Speaker, I rise today to recognize Captain John Darrah. For the last four years Captain Darrah has served as the president of the Allied Pilots Association (APA), the largest independent pilots' union in the world with more than 11,500 members.

APA serves as the collective bargaining agent for all American Airlines pilots. It devotes more than 20 percent of its dues income to support aviation safety while working to improve benefits, pensions, hours of employment, and working conditions for its members.

During the spring of 2003, the airline industry was distressed. Fears of terrorism, a troubled economy, and the war in Iraq were all causing a weak travel demand.

This trend was especially hard on American Airlines. They announced that they would file for bankruptcy if they could not cut labor costs by $1.8 billion a year. If the pilots, ground workers, or flight attendants unions rejected the concessions package that was offered, the AMR Corp., the parent company of American Airlines, vowed to file Chapter 11.

John Darrah was president of the Allied Pilots Association during this difficult time. He led his union to accept the concessions, staving off bankruptcy for AMR Corp. During the crisis he said, ''To willingly take our airline and our company into bankruptcy would not be a better alternative . . . There is no upside to bankruptcy.''

As Captain Darrah's term as president of the APA comes to an end, I would like to commend him for the role he played in saving his airline and his company from bankruptcy. He has stood up to harsh criticism, but also saved thousands of jobs. We are proud of his achievements.

AUTHORIZING ISSUANCE OF PROCLAMATION COMMEMORATING 200TH ANNIVERSARY OF CONSTANTINO BRUMIDI

SPEECH OF

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2004

Mr. ISRAEL. Mr. Speaker, I rise today in support of H. Con. Res. 264 to commemorate next year's 200th anniversary of the birth of Constantino Brumidi. I was pleased to join with my colleague, the gentleman from Florida, as an original cosponsor of this resolution.

Constantino Brumidi is known today as the Michelangelo of the United States Capitol building. He is most known for The Apotheosis of George Washington, the painting that depicts our first president's ascension into heaven, that adorns the interior ceiling of the central rotunda.

Brumidi was unknown in America when he began a mural to honor George Washington in 1855 shortly after immigrating to the United States. Over the next 25 years, he also painted the corridors on the first floor of the Senate wing and the first tribute to an African-American in the Capitol by depicting Crispus Attucks's patriotic death that touched off the Boston Massacre in 1770.

Initially, some believed that Brumidi's artistic styles and abilities were more suited to the Vatican and other buildings in Europe, places he contributed works before coming to America. But many historians have noted that Brumidi was the only person capable of painting the Capitol building in the glorious manner befitting the literal crowning achievement of liberty and democracy that it represents. Few in the United States had Brumidi's special talents as a fresco artist that utilized painting with watercolors on wet plaster.

Constantino Brumidi's experience is not unlike the ancestors of more than 26 million Americans of Italian descent that blended their centuries-old traditions with the relatively young history of the United States. Our country is indebted to their time, talents and skills that have beautified our country and inspired great achievements.

Each year, hundreds of Long Island school children gaze upward at Brumidi's work in the Capitol building's rotunda and sprawling corridors. They see important scenes in American history, from the development of the steam engine to the ending of the Civil War. Brumidi's work not only beautifies the Capitol, but it brings history to life and makes one dream of what the future holds for our great nation.

It is important that Brumidi's contributions and sacrifices are remembered. He is every bit as important to American history as the epic scenes and figures he brought to life. It is my hope that all of my colleagues will join me today in honoring Brumidi's legacy by voting in favor of this resolution.

A PROCLAMATION RECOGNIZING THE RETIREMENT OF STANLEY E. SPRAGUE FROM THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. ROYCE. Mr. Speaker, whereas, over the last thirty years, Stanley E. Sprague has represented Orange County in a variety of forms on major water issues.

Whereas, Mr. Sprague joined the Municipal Water District of Orange County in 1972.

Whereas, Mr. Sprague has served as General Manager of the Municipal Water District of Orange County since 1983.

Whereas, the Municipal Water District of Orange County is a wholesale water agency charged with providing imported water to its thirty member agencies.

Whereas, in his role as General Manager of Municipal Water District of Orange County, Mr. Sprague's primary responsibility has been to assure that the present and future water needs of its member agencies are met.

Whereas, the Municipal Water District of Orange County is the second largest member agency of the Metropolitan Water District of Southern California, serving imported water to 2.3 million residents in roughly 80 percent of Orange County, one-third of whom rely solely on imported water.

Whereas, Mr. Sprague has been instrumental in forming partnerships to increase water use efficiency in Orange County.

Whereas, Mr. Sprague has taken a primary role in focusing the CALFED efforts towards meeting Southern California's supply reliability and water quality needs.

Whereas, Mr. Sprague has been involved in providing expert testimony on a myriad of water issues at both the State and Federal level.

Therefore, I join with the entire Orange County Congressional delegation in acknowledging the vital role that Stanley E. Sprague has played in Orange County's water supply, and wish him well upon his retirement from the Municipal Water District of Orange County.

CURRENT STATUS OF RELATIONS BETWEEN THE UNITED STATES AND TAIWAN

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. SESSIONS. Mr. Speaker, in the last ninety years, Taiwan and the United States of America have been allies, partners, and friends. In times of need and turmoil, both countries have always come to each other's aid. In the aftermath of the tragedies of September 11th, 2001 Taiwan immediately offered condolences to the victims of those terrorist attacks, expressed shock over the attacks and condemned such violence. Moreover, to show solidarity with the American people, Taiwan's government ordered flags be flown at half-mast for two days, took every action to protect U.S. citizens on the island, including stepped-up security at the American Institute in Taiwan, and asked all Taiwan offices in the U.S. to cancel their National Day celebrations.

Today Taiwan is under pressure by China. China accuses Taiwan's planned peace referendum as a move toward Taiwanese independence and says it would push Taiwan to the ''abyss of war.'' Such rhetoric is a clear distortion of Taiwan's true intent. In the face of an overwhelming military threat against Taiwan, Taiwanese president Chen Shui-bian in this referendum is asking his voters whether they should buy more anti-missile weapons if China refuses to withdraw missiles targeted at Taiwan and whether Taiwan should open up talks with China about issues of peace.

Taiwan has no intention to provoke China into conflict. It merely aims to avoid war and free its people from the fear that they now face on a daily basis. Taiwan, our ally and friend, is a democracy with a competitive party system and they should have the inherent right to self-determine their own policies and the future of the island without the prospect of fear. I sincerely urge a continuation of peace across the Taiwan straits as well as the good relations between the Taiwanese people and Americans.

HONORING THE SACRAMENTO LIONS CLUB ON THEIR 50TH ANNIVERSARY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. MATSUI. Mr. Speaker, I rise today to honor an organization with a distinguished history of community service to the Capital Region. The Sacramento Senator Lions Club will be celebrating their 50th Anniversary Celebration on March 6, 2004. As the members and friends of the Sacramento Senator Lions Club gather to celebrate this momentous occasion, I ask all my colleagues to join me in saluting one of Sacramento's most important and respected civic groups.

The Sacramento Senator Lions Club was chartered on April 4, 1954 to become a part of the Lions Club, the world's largest service organization. Lions Clubs are non-political, non-sectarian service clubs composed of the community's leading business and professional people. The purpose of a Lions Club is more than good fellowship and club social life. The purpose is to recognize community needs and develop means of meeting them, either through its own effort or in cooperation with other agencies. Lionism is an active and effective medium for national and world service, exerting tremendous influence for national welfare, international amity and human progress socially, culturally and economically. For the past 50 years, the Sacramento Senators Lions Club embodies all of the best qualities that Lionism represents.

The Sacramento Senator Lions Club was the first all Americans of Japanese ancestry in the United States. The Sacramento Senator Lions Club was founded upon the principle that the club should strive to provide its members with the opportunities to collectively serve the community through efforts of fund-raising and hands-on-service projects. Today, the Sacramento Senator Lions Club is a vital service organization that is composed of civic-minded persons of both sexes and many diverse ethnic backgrounds.

The Sacramento Senator Lions Club has a history of community service that stretches beyond Sacramento and across international borders. The Sacramento Senator Lions Club reached a twinning agreement with the Osaka Tezukayama Lions Club of Japan during the International Lions Club in New Orleans in 1977. In recent years, mutual donations have been made to projects in Osaka, Japan. Donations to the Sacramento Senator Lions Club have played a great role in developing the fragrance garden for the visually handicapped and the Japanese garden for children at the Fairytale Town. In addition, the Sacramento Senator Lions Club is also actively involved in helping many other local organizations; Canine Companion for the Blind, City of Hope, My Sister's House for Abused Women, just to name a few. The Sacramento Senator Lions Club commitment to improve the quality of life for people from all different walks of life is truly commendable and admirable.

The Sacramento Senator Lions Club is internationally renowned as one of the most successful and respected Lions Club chapters in the world. The lofty status of the Sacramento Senator Lions Club was confirmed when their member, Kay K. Fukushima, was elected to be the 86th President of the International Association of Lions Club for the year 2002–2003.

Mr. Speaker, as the friends and family of the Sacramento Senator Lions Club gather to celebrate their 50 years of great service to the people of Sacramento, I am honored to pay tribute to one of the Capital Region's most active service organizations. I ask all my colleagues to join me in wishing the Sacramento Senator Lions Club continued success in all its future endeavors.

IN RECOGNITION OF ANNE CISLE MURRAY FOR HER COMMITMENT TO HELPING CHILDREN AT RISK

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to Anne Cisle Murray, whose commitment to helping children at risk is being honored by the Boys Hope Girls Hope organization of Illinois as the 2004 recipient of the Joseph S. Kearney Heart of Gold award.

Boys Hope Girls Hope of Illinois is a privately funded organization that reaches out to children who have shown academic promise, yet live with a family or in a community that has put them at risk. The mission of BHGH is to provide these children with stable home and academic environments and support them in all their endeavors up through college.

Originally from Hamilton, Ohio, Anne Cisle Murray graduated from the University of Notre Dame with a business degree in 1974, a member of the first co-ed graduating class. In 1979 she married Steve Murray with whom she has three children, Tricia, Dan and Mac. Anne's devotion to her family has carried over into her Community through the time and effort she dedicated to the at-risk youth of Illinois. Her accomplishments and hard work as a mother, mentor and organizer in the public service arena will be recognized and commemorated in our nation's capitol today.

Since joining Boys Hope Girls Hope of Illinois, Anne Cisle Murray has served all the executive positions on the organization's Women's Board. In addition to her presence on the Board of Directors and the Marketing Committee, she has also served as President, Vice President, Secretary, Dinner Dance Chairperson and Auction Chairperson.

On a personal level, Anne and her family have been generous to the BHGH organization for many years. Anne reaches out to the community by welcoming young students in the program to her home to facilitate social interaction and familiarity with the other program families. Her general thoughtfulness and care ensure the success of the BHGH program and its participants.

Anne Cisle Murray's determination to enrich the lives of children has made her a priceless member of Boys Hope Girls Hope of Illinois. By investing her time and love of children into this organization, Anne Cisle Murray has helped to make the future brighter for the at-risk children of Illinois.

WQED'S 50TH ANNIVERSARY

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. DOYLE. Mr. Speaker, I rise today to let my House colleagues know about a notable milestone. WQED Multimedia in Pittsburgh is celebrating its fiftieth anniversary this year.

Debuting on April 1, 1954, WQED was the nation's first community-owned television station. At the time, leaders in the Pittsburgh community saw a need for an educational TV station in addition to the already present commercial ones. As station founder Leland Hazard stated, ''On this station you will find a children's hour designed to determine whether it is necessary for someone to get killed to entertain young folks.'' And that is exactly what the station has done. Beginning with Fred Rogers' ''Children's Hour,'' the station has continued to produce wholesome, thoughtful, and nonviolent shows that entertain and educate both young and old.

Which is one of the reasons that, today, WQED Multimedia is one of the most valued Pittsburgh institutions, providing educational, cultural, and informational programming for both local and national audiences.

As the programs WQED produces show, education has always been a priority for the organization. Everyone is familiar, of course, with ''Mr. Rogers' Neighborhood,'' the award-winning children's program, but not everyone knows that WQED has also produced a lot of other high-quality children's educational programs over the years, including ''Where in the World is Carmen Sandiego?'' and ''Once Upon a Classic''. In addition, WQED has produced a nationally broadcast science quarterly program entitled ''The Infinite Voyage'' and a number of National Geographic Specials.

WQED Multimedia is also very involved in cultural promotion and preservation. WQED's radio station broadcasts various types of classical music locally, and it promotes Pittsburgh music nationally and internationally through broadcasts of the Pittsburgh Symphony Orchestra and the River City Brass Band, America's only full time professional brass band. Many of WQED TV 13's programs also seek to promote American culture. In fact, other public broadcasting stations throughout the country have copied the station's program ''Things that Aren't there Anymore''—and several of Rick Sebak's programs celebrating American's favorite pastimes, such as ''Great Old Amusement Parks'' and ''A Hot Dog Program,'' have aired nationally. These programs and many others clearly demonstrate WQED's commitment to telling America's Stories with the American Classics, All-American Documentaries, an American Soundtrack and America's Home Cooking series.

Informing viewers about the world and community is another important goal for WQED Multimedia. One outlet it uses to do this is Pittsburgh Magazine, which informs readers about the interesting people and places in and around the city. Additionally, WQED Multimedia provides an Educational Resource Center for teachers and has a community outreach program that combines the power of the media with community involvement to help inform Pittsburghers of important issues affecting them.

The more than 250 awards that WQED Multimedia has won over the years, including 60 Emmy's and 12 Peabody's, bear witness to the consistently high quality of programs the organization is producing.

Today, over 1,000,000 Pittsburgh households depend upon WQED. It is now the parent company of WQED TV Channel 13, WQED radio Channel 89.3 FM, WQEJ radio Channel 89.7 FM in Johnstown, PITTSBURGH magazine, local and national television and radio productions, www.wged.org, and the WQED Education Resource Center.

Pittsburgh is justifiably proud of WQED Multimedia. Its broadcast, print, and Internet productions educate and entertain millions of Americans across the country. I want to congratulate WQED Multimedia on its 50th anniversary. I hope that WQED's high-quality contributions to our community—and this Nation—will continue for many years to come.

HONORING JULIO AVAEL FOR HIS OUTSTANDING CONTRIBUTION TO THE KEY WEST COMMUNITY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to recognize Mr. Julio Avael, Key West City Manager for his significant contribution to the citizens of the city of Key West. As a tribute to his dedication, the Miami-Dade County Office of the Mayor and the Board of County Commissioners have designated Saturday, February 21, 2004, as Julio Avael Day.

During his 8-year tenure as Key West City Manager, Julio has demonstrated a profound commitment to our community. He has been especially instrumental in enhancing the government through implementation of historic preservation projects, neighborhood and park revitalization, and other citywide infrastructure improvements.

Julio's hard work has enabled him to become not only a dynamic city manager, but also an energetic member of the community.

HONORING SHARP HEALTHCARE'S WOMEN'S SYMPOSIUM

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to recognize the 14th Annual Sharp Women's Health Symposium. This year's symposium, scheduled for Saturday, February 28 at the San Diego Convention Center, focuses on women recharging for their health, their family, and their career. The Sharp Women's Health Symposium's mission is to empower women to assume greater personal responsibility for their own health and the health of their families. I offer the following resolution in recognition of the Sharp Women's Health Symposium:

Whereas, since 1989, Sharp HealthCare has hosted a daylong health symposium for women in San Diego and this event is widely recognized as one of the most successful women's health symposiums in the country offer women a day of fun and health education. Since 1989, more than 16,000 women have attended the symposium.

Whereas, the Sharp Women's Health Symposium has become one of the largest women's health events in the country. One of the attractions of this event is keeping the focus on San Diego community and wellness resources. While the event reaches nearly 2,000 women in San Diego, many women travel great distances to attend the symposium because currently, there isn't an event in their geographical area that meets their needs like the symposium does.

Whereas, Sharp recognizes that women have special healthcare needs throughout all stages of their lives. The symposium energizes, inspires and enlightens San Diego women as they invest in their health and their lives. Participants gain new understandings that lead to better decision-making and improved physical and emotional health.

Whereas, women are seeking health and wellness information especially with the trend towards mind-body-spirit medicine. The Sharp Women's Health Symposium was developed to meet the needs of busy women and provide a one-day symposium—a sort of one stop shopping of practical health information.

Whereas, the Sharp Symposium energizes, inspires, and enlightens women to take an interest in their health. The event educates women about their bodies, and hopes that through the knowledge they gain, women will make better decisions regarding their health both physically and emotionally.

Mr. Speaker, I am proud to rise today to congratulate Sharp Healthcare on its continuing success in educating women about healthcare. As a son, a husband, and the father of two daughters who is committed to programs to improve women's health, I applaud Sharp Healthcare for its longstanding efforts to improve the lives of women across the country.

HONORING THE EFFORTS OF TAYLOR ELEMENTARY SCHOOL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. PORTER. Mr. Speaker, I rise today to recognize Taylor Elementary School of Henderson, NV, for the efforts of its administrators, faculty, students, and community in promoting the importance of reading. Through their participation in the National Reading Is Fundamental Competition, the members of Taylor Elementary School exemplify how our children thrive when given support—both in the classroom and from the surrounding community.

As they work to achieve national recognition for their Reading Is Fundamental efforts, the children and faculty of Taylor Elementary have gained the aid of the entire Henderson community; including high school students, local business men and women, and the mayor of Henderson, Jim Gibson. The importance of reading to these children and their teachers highlights the fact that true breakthroughs in education occur most effectively in the classroom. I ask that my colleagues join me in commending the efforts of those involved and

wish Taylor Elementary School all the best of luck in their future endeavors.

INTRODUCTION OF A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO ALLOW A CREDIT AGAINST THE ALTERNATIVE MINIMUM TAX WHERE STOCK ACQUIRED PURSUANT TO AN INCENTIVE STOCK OPTION IS SOLD OR EXCHANGED AT A LOSS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. GERLACH. Mr. Speaker, I am pleased to rise today to ask for my colleagues' support on a bill I recently introduced. The bill will remedy a great injustice inflicted upon numerous taxpayers as a result of the operation of the Alternative Minimum Tax, AMT, system on the sale of shares of stock acquired by the exercise of incentive stock options, ISOs.

Many companies offer ISOs to reward the innovation and loyalty of their employees. Instead of being a reward, however, this generosity can result in an exorbitant tax burden on the employee. To illustrate, imagine an employee chooses to exercise his or her ISO to purchase 1,000 shares at $10 each when the fair market value of those shares is $100 per share. On paper, the employee just made $90,000. At the end of the tax year, the AMT forces the employee to pay a tax on the $90,000 gain of more than $25,000, based on a taxpayer earning $75,000 per year and supporting a family of four.

ISOs often require an employee to hold shares for a certain period of time. In my illustration, the employee is finally able to sell his shares a year later when, as has been the case many times over during the recent years, the unpredictability of the market forces the stock price down to $40 per share. The employee gains $30 per share for a total gain of $30,000. The employee, however, already paid taxes on a $90,000 gain. The tax liability on a $30,000 gain is just over $9,000—approximately $16,000 less than what was paid in the year the ISOs were exercised. Due to the complicated nature of the AMT tax system, it could take the employee up to 11 years to recover that additional money paid to IRS on a liability that he did not really owe. That is money that our economy badly needs to be reinvested.

My bill will rectify this injustice in our tax system by amending the Internal Revenue Code to allow an immediate refundable credit in the tax year a taxpayer sells his or her shares, when that sale is made at a fair market value which is less than the fair market value used to determine the tax in the year the ISO was exercised. This refundable credit will merely be a return of money that the individual taxpayer paid into the general revenue but which he or she did not actually owe.

I ask all Members to join me in this effort to rectify this unbearable and unjustified tax burden from many middle-income families.

UNCLE ARTHUR AND ORVILLE WRIGHT

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. SIMMONS. Mr. Speaker, earlier this month the media reported that Rover and Opportunity were exploring the Martian surface. Mars is about 35 million miles from Earth, yet man can reach that alien world.

On December 17, 1903, at Kitty Hawk, North Carolina, an equally awe-inspiring event took place. It was there that Wilbur and Orville Wright gave birth to man's ability to fly by successfully testing the first powered, heavier-than-aircraft that achieved sustained flight with a pilot aboard. The first flight was only 120 feet, far less than the distance to Mars, but that single event defined the 20th Century.

In the December 2003 issue of Aircraft Owners and Pilots Association Magazine, I learned, through an article written by my brother, Tom Simmons, that our family has a connection to the Wright Brothers. Our Great Uncle Arthur Ruhl was one of only six journalists in May 1908 to watch the Wright Brothers work with their aircraft at Kitty Hawk. An article about what Uncle Arthur saw appeared in Colliers magazine on May 30, 1908. But this story doesn't end with Uncle Arthur's article. He sent a copy of his story to the Wright Brothers and Orville sent back a warm reply. Emboldened by the inventor's response, and his own curiosity, Uncle Arthur wrote back and asked if he could take a flight. Orville responded that they had so many requests they were limiting their passengers to Army officials.

Undaunted, Uncle Arthur continued his correspondence with Orville Wright. By 1910 the Wright Brothers were exhibiting their aircraft because the public was paying to watch the flights. Who should be covering one of the exhibitions for Colliers Weekly but Uncle Arthur. He was watching Orville Wright train one of his students when the inventor extended the long sought invitation.

Uncle Arthur found the adventure exhilarating. He wrote, ''It was now that we seemed, indeed, to be going like the wind—a wonderful sensation, like nothing else, so near to the earth, yet spurning it.''

I fly between Washington and my home in Connecticut just about every weekend. Today air travel does not inspire the awe described by Uncle Arthur. But it is an amazing thing—the ability to fly thousands of miles around the world in a matter of hours, or to set foot on a planet that our ancestors looked at every night with amazement and wonder. I can now look at flight through the eyes of my Uncle Arthur; and I will probably never look at the trip between Washington and Connecticut so casually ever again.

HONORING THE JUNIOR LEAGUE OF LUBBOCK

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. NEUGEBAUER. Mr. Speaker, I rise today to honor and acknowledge the Junior League of Lubbock as they celebrate their 50th Anniversary. Through the course of my life, I have seen the Junior League do amazing things. As their mission statement reads, they were created to be ''an organization of women committed to promoting volunteerism, developing the potential of women, and improving our community through the effective action of trained volunteers''. As innovative and radical as this mission statement sounded half a century ago, the League stands firm today, backed by a half century of successes.

In February of 1954, the Junior Welfare League of Lubbock was born into the Association of Junior Leagues International. Armed with a charter that was approved on March 15 of the same year, theirs has been a story of untiring determination and commitment. They have, over the past fifty years, been the gateway for several incredible women who have dedicated themselves to the cause of society. The League has consistently helped these women gain invaluable training and leadership skills, while providing for innumerable volunteer opportunities. Moreover, the fundraisers conducted by the organization over past years have borne fruit in the form of approximately three million dollars. This amount has added to the sparkle of the Lubbock community in the form of several outstanding and worthwhile projects. For example, Ronald McDonald House, Safety City, Fire Safety House, Children's Advocacy Center, and Legacy Play Village are just a few of their many noted accomplishments.

In this age and era, one often hears of how the cloud of selfishness and distrust has eclipsed our world. However, looking upon an organization like the Junior Welfare League of Lubbock, one cannot help but experience the light of compassion and giving that motivates it. It is even more impressive when one considers the discipline with which the volunteers work and coordinate. Without doubt, the League has whole-heartedly striven to fulfill the goals that they set when they were first formed.

The 183rd member to join the Association of Junior Leagues International, the Lubbock League is named as one of its finest chapters today. Indeed, it is impossible to imagine Lubbock without its beloved Junior Welfare League. Through their various volunteer projects, the organization has been instrumental in propelling Lubbock's growing prosperity. More importantly, it has served to act as an influential wind wane for the youth, and has repeatedly inspired the community to take up more volunteer projects. The organization's integrity and service-minded approach has endeared it to all the residents of Lubbock, and I am sure that I am not alone when I say that it has become a part of Lubbock history and society.

To dream of social work is not difficult. However, to actually persevere toward implementing that dream is not easy because it takes a lot of dedication, creativity and initiative. And so, when we celebrate 50 years of existence of the Lubbock's Junior Welfare League, we are actually celebrating those qualities and people that have made these 50 years a successful reality.

Mr. Speaker, please join me in extending my hearty congratulations to the Junior League of Lubbock. I applaud them and extend my sincere wishes for all their future endeavors.

HONORING AND RECOGNIZING UNC CHARLOTTE CHANCELLOR EMERITUS DEAN WALLACE COLVARD

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mrs. MYRICK. Mr. Speaker, I would like to honor and recognize UNC Charlotte Chancellor Emeritus Dean Wallace Colvard. On February 24, 2004 he will receive an award that recognizes his lasting impact on our nation. Dr. Colvard, 90, is the 2004 recipient of The Echo Award Against Indifference, given by the Echo Foundation in honor of his lifelong commitment to equity and justice.

Dr. Colvard is best known for his courageous stand against racial discrimination in 1963 as president of Mississippi State University, when he challenged an unwritten state policy and allowed the basketball team to travel to Loyola of Chicago to compete in the NCAA tournament against African American players. Although his team lost, 61–51, Colvard and Mississippi State won national respect for their quest to end segregation—and opened doors of opportunity for future generations.

Forty years later, in 2003, Mississippi State made national news for earning its second trip to the NCAA, and Colvard's actions were chronicled in a Sports Illustrated story looking back on the historic event. To this day, Colvard downplays the significance of his decision, saying he only did what was right.

Dr. Colvard was born in the Appalachian Mountains in Grassy Creek, N.C. in 1913—in a home with no electricity, indoor plumbing or running water. He was the first member of his family to go to college, entering the work-study program at Berea College in Kentucky with $100 in his pocket. Those humble beginnings instilled in him a lifelong commitment to equity and justice.

He went on to earn a Master of Arts degree in animal physiology from the University of Missouri and a doctoral degree in agricultural economics from Purdue University. He has served as superintendent of North Carolina Agricultural Research Stations; professor and head of the animal science department and later, dean of agriculture at North Carolina State College; president of Mississippi State University; and first chancellor of The University of North Carolina at Charlotte. He played an instrumental role in shaping the new university by securing regional and national accreditation for its programs and building a campus to accommodate enrollment that swelled from 1,700 to 8,705 students during his chancellorship.

Dr. Colvard was also instrumental in creating University Research Park and Discovery Place Science Museum in Charlotte, and the North Carolina School for Math and Science in Durham—the nation's first public, residential high school that emphasizes a science and mathematics curriculum. Among Colvard's many honors are the United States Department of the Army Outstanding Civilian Award (1966); the University of North Carolina University Award (1989); the North Carolina Public Service Award, presented by Gov. James Martin (1990); and honorary degrees from Purdue University, Belmont Abbey College, UNC Charlotte and Berea College.

HONORING SARA BERLIN: A YOUNG AND TRULY INSPIRING COMMUNITY LEADER

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of Miami's youngest community leaders, 11-year-old Sara Berlin, a 6th grader from Jacobson Sinai Academy Bergman Upper School in Miami. On Friday, February 13, 2004, Sara was honored by community leaders and organizers of ''Do The Right Thing of Miami, Inc.'', a program under the auspices of the City of Miami Police Department.

Although I have not had the opportunity to meet Sara yet, I feel as though I know her after reading her book about the agonizing plight of Haitian children. I do reserve the utmost respect for her recent and compassionate work.

It is my understanding that Sara was genuinely inspired to write her book after researching the plight of Haitian children and learning about my bill which would allow alien children to be transferred from the Department of Homeland Security to the Office of Refugee Resettlement within 72 hours of apprehension, and to be released from custody and placed into the community with a qualified relative or caretaker within 15 days of such apprehension. I am delighted to know that Sara included me in her book.

Indeed, Mr. Speaker, our quest for simple justice and fairness for newly-arrived Haitians evokes the storied stance of our Nation as the defender of due process and human rights, particularly when the beneficiaries of our action are helpless children.

I am so grateful that Ms. Sara Berlin, a magnificent advocate in her own right, has added her own brave words to ours. We are strengthened yet again by her timely voice to the cause that calls attention to the cruel disenfranchisement of Haitians and their children.

Sarah writes,

> Everyone should help kids. They shouldn't be locked up. Everyone should donate or do something to help out. It is really not fair. Kids should be able to live freely.

With her book on Haiti and specifically Haitian children, we are inspired by a greater appreciation of their struggles. I am moved by the inspiring description written about Sara's work of compassion thus: ''I'm proud that Sara has taken an interest in helping others. The feelings she expressed, and the desire to help, are genuine and spontaneous.''

I join our community in honoring Sara and her parents, classmates and teachers as they come together at the city of Miami Police Department. It is without a doubt that we will long remember this wonderful day as Sara inspires those of us who continue to care for the voiceless children of the world. We are comforted by her words in articulating their struggles to be free and living in a democratic country like ours.

Indeed, I am privileged to have been encouraged and inspired by her work, and I thank her for giving me the honor of representing her in the U.S. Congress.

IN HONOR OF AMERICA'S FIREFIGHTERS

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. JOHN. Mr. Speaker, Please allow me to extend my thanks and gratitude to a class of extraordinary Americans who put their lives on the line daily for the security of our nation and its citizens—our firefighters. Yesterday marked National Firefighter's Day, and it is important for us to realize that in almost any emergency, the first agency called is the fire department—putting America's firemen and women among our nation's first lines of defense.

Every hour of every day, the 21,000 fire companies across the nation stand ready to answer the call. In my home state of Louisiana, nearly 20,000 firefighters in 592 departments are prepared to encounter any threat. While we may not see these men and women every day, their importance is unquestioned when an emergency arises.

Not only do firefighters provide our citizens with dependability in security, but their record of civic duty is long withstanding. Firefighters dedicate much of their free time to volunteer in their local communities. We've seen them at the grocery stores and intersections, encouraging citizens to ''Fill the Boot'' to contribute to the Muscular Dystrophy Association, for which they've raised nearly $200 million over the past 50 years. When off-duty, a firefighter will often stop to help a stranded motorist, render aid at an accident, or just stop whatever they are doing to help. Our quality of life in America is better thanks to the services of our law enforcement, first responders and firefighters.

The security role our firefighters retain has evolved beyond just putting out fires. Our firefighters now deal with hazardous material response and medical emergencies. They train to be first responders and paramedics, comprise search and rescue squads to retrieve trapped victims in burning or collapsed buildings, and extract injured persons from car accidents. Some departments also have SCUBA teams and high angle rescuers.

The role of our firefighters changed forever when we witnessed 343 of them give their lives just two years ago. On 9/11, hundreds of firefighters rushed up the stairs of the burning World Trade Center, as everyone else was rushing down and out of the building. They saved thousands with their selfless bravery.

Now, after 9/11, we see more than ever the vital role firefighters play in our nation's security and preparedness. There should be no doubt that our firefighters remain squarely on the front lines of homeland security; and if terrorists strike again, they will be the first ones on the scene risking it all for our well being.

On National Firefighter's Day—and everyday—let's remember to say ''thanks'' to all of our brave and selfless firefighters.

HONORING THE LIFE OF ESTHER ''KITTY'' BUHLER BRADLEY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the life of the late Mrs. Esther ''Kitty'' Buhler Bradley, widow of General Omar N. Bradley, the last five-star general of the U.S. Army.

Mrs. Bradley was born in New York City and graduated from Manhattan Business College. In the late 1940s, she took a U.S. Government job in Japan and also began freelance writing for the military newspaper Stars & Stripes and the news service United Press. While on an assignment for the United Press in Okinawa, she first met General Bradley. She soon developed a close relationship with General Bradley and secured the rights to his life story, which she hoped to turn into a motion picture.

Upon returning to the United States in the 1950s, Mrs. Bradley found work as a film and television writer under the name Kitty Buhler. Some of her most notable projects were the 1958 Victor Mature film, ''China Doll,'' and two television production series, ''The 20th Century Fox Hour'' and ''My Three Sons.''

In 1966, following the death of General Bradley's first wife, Mrs. Bradley and General Bradley were reunited, then married in San Diego.

Although Mrs. Bradley never realized her dream of taking her husband's life story to the big screen, parts of General Bradley's career were chronicled in the 1970 ''Patton,'' starring George C. Scott as General George Patton and Karl Malden as General Bradley. The couple worked closely together, assisting in the making of the film.

For nearly 15 years, the Bradleys lived happily together. Mrs. Bradley not only was a loving wife to the highly respected and admired five-star general but also a successful freelance writer and screenwriter in her own right.

Mr. Speaker, in closing, I would like to pay tribute to the life and work of Mrs. Bradley and express my deepest condolences to all who knew and loved her.

CONGRATULATIONS TO THE HELIAS HIGH SCHOOL MARCHING CRUSADERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. SKELTON. Mr. Speaker, it has come to my attention that the Helias High School Marching Crusaders from Jefferson City, Missouri, have earned first place honors in the SBC/Cotton Bowl's band competition.

Under the direction of Ray Cardwell, the students placed first for middle-sized schools in the field competition, parade and jazz band categories.

Mr. Speaker, the Helias High School Marching Crusaders represented their school and their State with honor and distinction. I am certain that the Members of the House will join me in congratulating them on their fine performance.

TRIBUTE TO BROWNIE TROOP 139 OF SOUTH HAVEN, MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to the girls of Brownie Troop 139 of South Haven, Michigan, who have over the last few months sent numerous care packages to our troops serving in Iraq. These young ladies have shown remarkable dedication and devotion to our troops, and I am confident that this great project has been received with gratitude and appreciation from those overseas.

Since the troop began their project, they have collected more than $1,200 worth of items totaling 345 pounds. Some of the items these generous girls have sent include granola bars, playing cards, batteries, hand lotion, boot laces, and of course Girl Scout cookies. Over the holidays, the girls put together special packages to give our troops a sense of home.

Brownie Troop 139 is comprised of Jeanne Lyon, leader of Troop 139; Marilyn Shaefer, co-leader; Stephanie Balke; Maggie Filbrandt; Jessica Overholser; Hannah Lyon; Shelby Murphy; Erin Cooper; and Lauren Montgomery. The magnificent work this troop has done to encourage morale and give support to our troops has been inspiring. It greatly pleases me to honor the great charity these girls have done, and I find their patriotism and selflessness to be deeply moving.

PROTESTING THE U.N. GENERAL ASSEMBLY'S DECISION TO RULE ON THE LEGALITY OF ISRAEL'S SECURITY FENCE

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to protest the U.N. General Assembly's decision to rule on the legality of Israel's security fence.

I have just recently returned from Israel, where I had the opportunity to see firsthand the issues surrounding the security fence. Simply stated, Mr. Speaker, the purpose behind this temporary fence is to protect the Israeli people from suicide bombers and terrorists in a region marked by violence and instability.

However, the issue here today is not the lawfulness of Israel's security fence. It is the appropriateness of bringing such a complicated and political issue before the International Court of Justice (ICJ) in an unbalanced manner.

I am encouraged by the administration's support for Israel before the court and agree that such proceedings could undermine the negotiations already under way between Israel and the Palestinian Authority. I encourage Congress to join the administration in sending a strong message to the U.N. opposing this anti-Israel decision.

A PROCLAMATION HONORING BYRON SPENCER PETERSEN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. NEY. Mr. Speaker, Whereas, Matt and Wendy Petersen are celebrating the birth of their son, Byron Spencer Petersen; and

Whereas, Byron Spencer was born on the 16th day of February, 2004, and weighed 9 pounds and 6 ounces; and

Whereas, the Petersens have all occasion to celebrate with friends and family as they welcome Byron Spencer into their family;

Therefore, I join with the Members of Congress and their staff in congratulating Matt and Wendy Petersen and wishing Byron Spencer a very happy birthday.

RECOGNIZING JEAN E. SAWITZKY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Jean E. Sawitzky. Jean will have completed 38 years of loyal and productive work for the United States Postal Service on February 29, 2004.

Jean Sawitzky began her outstanding career at the West Sacramento post office soon after graduating from high school. She worked her way up through the administrative ranks and has served as the Postmaster for Courtland and Clarksburg, California. In addition to running an efficient office, Jean's smile and superior customer service have marked her tenure. She will be missed.

Jean has also been a very active member of the West Sacramento and Delta communities, serving as a member and leader of numerous civic, church and community-service organizations.

In recent years she has become widely known for the quality and originality of her handmade quilts, and has been honored at the Yolo County and California State Fairs. Jean now teaches this craft to others in northern California.

We are confident that in her retirement years, Jean will find more time to invest in community service and her artistic endeavors. I want to thank Jean for her years of excellent service and wish her well in the active retirement years ahead.

Mr. Speaker, it is appropriate at this time that we recognize Jean E. Sawitzky for her contributions to her community and her service to our Nation.

RECOGNIZING SUE HOLMAN AND SUSAN WEEKS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize two extraordinary women who have jointly been named the city

of Sonoma's 2004 Alcaldesas, or honorary mayors.

For more than 10 years, Sue Holman and Susan Weeks have volunteered countless hours to Sonoma Valley's Meals on Wheels program. They work 5 days a week preparing 2 gourmet meals for housebound residents. A typical weekly fare is pork chops in mushroom sauce, spicy lamb logs, linguini and clams, tamale pie and roast beef. Over the past 10 years, they calculate that they have prepared a quarter of a million meals.

In addition to all of the food preparation, they prepare the menus, shop for groceries, do all of the baking, maintain inventory control and supervise the 90 volunteers who package and deliver the food and assist in the kitchen.

They recognize that many of the people they serve live alone and try to make each day special. Each holiday has a theme meal, and each client receives a personalized present or two at Christmas of Hanukkah and on their birthday, plus a split of wine or champagne.

They are able to maintain a high quality of fare and bolster the spirits of the people they serve while running the only all-volunteer Meals on Wheels program in the State of California.

In recognition of their contributions, the city of Sonoma designated them ''los dos Alcaldesas,'' following a 28-year-old tradition of selecting someone in the community who works selflessly on behalf of others. The Alcalde/Alcaldesa reflects the town's Spanish and Mexican heritage and the ''honorary mayors'' will preside at all ceremonial functions on behalf of the city.

Susan Weeks settled in Sonoma 18 years ago following an international career that took her to Jerusalem, South Africa and Washington, D.C. In addition to Meals on Wheels, she has also been active in public safety and infrastructure issues, and working with the Verano Springs Association and the Sonoma Valley Citizens Action Committee.

Sue Holman is a retired investment banker who has been in Sonoma 11 years. An animal lover, she was one of the driving forces in the establishment of Sonoma's only dog park.

Mr. Speaker, Susan Weeks and Sue Holman provide an invaluable service to their community, and it is appropriate that we honor them today as Sonoma, California's 2004 Dos Alcaldesas.

HONORING MR. AND MRS. JEREMY AND ANN PAVA—SPRINGFIELD COMMUNITY LEADERS IN SERVICE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. NEAL. Mr. Speaker, I rise today to recognize and honor the contributions made by Mr. Jeremy Pava and Mrs. Ann Pava to the Jewish community. Over the courses of their lives, they have contributed greatly through both their service and generosity to the advancement of Jewish causes in New England.

Ann sits on the boards of both the Association of Modern Orthodox Day Schools at Yeshiva University as well as the Jewish Orthodox Feminist Alliance. She also serves as the President of the Jewish Federation of Greater Springfield in Massachusetts. In 1999 Ms. Pava received this same Federation's Young Leadership Award.

Jeremy currently sits on the finance committee of the Heritage Academy and continues to serve as a trustee of the Harold Grinspoon Foundation, as he has done since its inception. In the past, he has been the president of Congregation Kodimoh and the campaign chair for the Young Men's Division of the Jewish Federation of Greater Springfield. In 1999 he received the Kodimoh Brotherhood Humanitarian Award. At present, he also is a managing partner at Aspen Square Management, a real estate investment company in West Springfield.

Alone their actions are more than noteworthy, however, together they have given even more to the Jewish community. They are a founding family, and generous supporters, of the Hebrew High School of New England in West Hartford, which opened in 1996. Additionally, Ann was the founding President. HHNE is the only Jewish high school between New York and Boston, serving families from different observant backgrounds in Springfield, Hartford, and New Haven regardless of their financial situation.

This school has grown significantly since its inception in 1996. This burgeoning school is now pushing the limits of its current location, thanks in no small part to the work of Mr. and Mrs. Pava. They have both contributed immensely to the school's vitality and growth. As a result, they are to be honored at the Hebrew High School's first Annual Scholarship Dinner. The proceeds will go towards a new building to house the school, so that it may continue to grow and serve more members of the Jewish community in New England.

Mr. Speaker, I am proud to pay tribute to two extraordinary people from the Springfield area. Their work for HHNE, Jewish education, and the Springfield community is commendable, and the standard they set for public service is outstanding. People, such as the Pavas, are what make Springfield such a wonderful place to live, and I am personally glad to share this city with them.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004 FEBRUARY 11, 2004

SPEECH OF

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2004

Mr. OBERSTAR. Mr. Speaker, continuing my earlier statement, time is again running out in our effort to reauthorize our Federal highway, public transit, and transportation safety programs. The Transportation Equity Act for the 21st Century (TEA 21) expired on September 30, 2003, and Congress passed a 5-month extension, which expires on February 29. On September 24, during consideration of that extension bill, I stated: ''I am afraid . . . we will be back here on this floor once again pleading for another extension of time to keep transportation programs from once again expiring. . . . I do not want to be back on this floor saying again what I said 6 years ago, time is running out.''

Well, time is running out and we must again extend the programs. Why? Because ideology, not good policy, is driving this debate.

On November 19, 73 Members of the Committee on Transportation and Infrastructure introduced H.R. 3550, authorizing $375 billion for the highway, transit, and transportation safety programs for the next six years. Today, the bill has 137 cosponsors. The Transportation and Infrastructure Committee was poised to mark up this legislation last week, but the Republican Leadership has delayed its consideration.

Despite the fact that the funding levels included in our bill were derived from the Department of Transportation's highway and transit needs report, the Administration strongly opposes additional infrastructure investment. Last week, the President submitted his Budget to Congress and it flat-lined the highway and transit programs, and did not include one additional dollar for highway and transit investment over the next 6 years.

Why? When our country's economic strength, improve business productivity, and our desire to create a safe, efficient transportation system are all dependent upon increasing investment in our Nation's infrastructure, why does the Administration oppose such investment? It cannot be because of any renewed Republican concern about the size of the deficit—the President proposes $1.2 trillion of new tax breaks that, if enacted, would result in a total of $3.2 trillion of new tax breaks, primarily targeted at the wealthiest Americans, since assuming office in 2001.

When this Administration and the Republican-led Congress have presided over an economy that has seen the number of unemployed workers increase by 2.4 million workers and the construction industry is suffering under a 9.3 percent unemployment rate, why does this Administration oppose infrastructure investment that its own Department of Transportation estimates will create 47,500 jobs and $6.2 billion for every $1 billion of Federal funds invested? I am sure that the 800,000 construction workers who look for work each month would gladly line up for the more than 1.7 million construction jobs this bill will create and sustain over the next six years, including 445,000 jobs this year alone.

Why? Because the Administration and some of the Republican Leadership would rather kneel at the altar of ''no new gas taxes'' than develop the policy necessary to invest in our Nation's infrastructure. A few days ago, in an interview, President Bush implied that the highway and transit programs were fueling the Federal budget deficit. Nothing could be further from the truth. Nearly all of the expenditures from these programs are funded by the Highway Trust Fund. The Trust Fund is financed by revenues from user fees. It is a ''pay-as-you-go'' program; outgoing expenditures are tied to incoming revenues; and the revenues may only be used for infrastructure investment.

The Trust Fund is a model of fiscal discipline. The Byrd Amendment serves as an anti-deficiency mechanism that prevents the Trust Fund from over-spending. This system of user fees has been well-tested by decades of experience. It provides a clear and unambiguous way to provide the revenues required to make the necessary improvements to the system.

It is for these reasons that the bipartisan leadership of the Transportation and Infrastructure Committee propose to restore the purchasing power of the gas tax, which was last increased more than a decade ago. Under the Committee's proposal, the gas tax would increase by a nickel and the average commuter would pay only an additional $36 per year. The user fee system has served us well. We should further utilize the strengths of that system to generate the necessary revenues to meet the needs of the transportation system.

Regrettably, the reason we are here today with another extension bill is because Administration ideology and political expediency is trumping good policy. The reauthorization bill is again delayed. As we approach the summer construction season, States will be slow to make the necessary investments during these uncertain times. Good-paying jobs will be lost or never created. Last fall, State transportation officials estimated that an extension bill would mean $2.1 billion in project delays and the loss of more than 90,000 jobs. This extension simply compounds those losses.

Instead, we now face vigorous behind-the-scenes efforts by the Administration and the Republican Leadership to cut the funding levels in our bipartisan bill and develop budget schemes that shift money from one account to another—to increase revenue to the Highway Trust Fund without increasing the user fee. While I will work with all parties to ensure that we find the necessary resources to increase our transportation investment, I will not support smoke-and-mirror proposals that simply further ideological objectives or political expediency, but not the long-term interests of the highway and transit programs.

Faced with these current roadblocks, we must again extend the highway, transit, and transportation safety programs or face a shutdown of both the Department of Transportation agencies and Federal surface transportation funding.

Mr. Speaker, before I close, there is one other very important element of this extension that deserves mention. That element is its continuation of the Disadvantaged Business Enterprises (DBE) program, as that program is set forth in TEA 21. Since enactment of the Surface Transportation Assistance Act of 1982, Congress has included a program to aid socially and economically disadvantaged businesses to successfully compete for transportation construction contracts. Because of this program, we have made impressive strides in increasing the participation of minority- and women-owned businesses in Federally-assisted transportation construction contracts. Today, more than 20,000 DBE's participate in the program. However, as recent evidence demonstrates, there continues to be a compelling need for the DBE program.

The current program is narrowly tailored to allow States to set and refine goals for participation of disadvantaged businesses in Federally-assisted transportation contracts. These goals must be appropriate for the State's population. Further, the current program requires States to try and meet those goals by race-neutral means. It is only when race-neutral means fail to achieve sufficient DBE participation, that race-conscious means may be used.

Indeed, as recent data provided by the States have shown, the lasting effects of discrimination are such that the overwhelming majority of States must continue to use race-conscious means to try and achieve their participation goals. For example, my home state of Minnesota established a goal for 2002 of 10.3 percent DBE participation in Federally-assisted transportation construction contracts. Minnesota officials determined that only 2.6 percent of this goal could be achieved with race-neutral means and 7.7 percent would need to be met using race-conscious means. Despite its good-faith effort to achieve this self-imposed goal, Minnesota was only able to achieve 6.63 percent DBE participation.

Minnesota's experience demonstrates two important facts about the program. First, as courts throughout the country have found, the DBE program is truly one of setting goals; it is not a quota system. States must make a good-faith effort to achieve its goal. Second, the goal setting required by the DBE program is crucial to increasing participation of DBE's in Federally-assisted transportation contracts. In Minnesota state-funded transportation contracts, where there was no DBE goal established, DBE participation was only 4.42 percent.

By extending this program today, we specifically reaffirm the government's compelling interest in ensuring that States receiving Federal funds for transportation construction make a good faith effort to ensure participation by minority- and women-owned businesses in those construction projects.

Mr. Speaker, I urge my colleagues to support H.R. 3783.

HONORING SUSAN BOOTH FOR HER OUTSTANDING COMMITMENT TO PUBLIC SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many gathered to pay tribute to an outstanding member of our community, Susan Booth, as she is honored by the Devon Rotary and named a Paul Harris fellow. The Paul Harris fellow recognition was created in memory of Paul Harris, the founder of Rotary, as a way to show appreciation for contributions to the foundation's charitable and educational program. Every Paul Harris fellow receives a pin, medallion and a certificate when he or she becomes a fellow, identifying the recipient as an advocate of the foundation's goals of world peace and international understanding. The commitment and dedication that Susan has demonstrated is indeed a reflection of all that the Rotary stands for. It is wonderful to see her work so proudly recognized by her community.

Founder of the Archway Foundation, Susan has spent nearly 15 years collecting donations to feed and clothe homeless children in Romania. Inspired by a television program about Romanian orphans abandoned when communism collapsed, Susan, a railroad conductor on a commuter train between Connecticut and New York's Grand Central Station, switched to night shifts so that she could earn a master's degree in social work. Upon completing her degree, Susan went to Bucharest on a week's vacation in search of these Romanian orphans who were living in sewers and abandoned buildings. With only a short list of contacts, Susan was fortunate to find an individual who knew where to look. ''In that sewer, I found my life's work,'' she has said. Indeed, she has dedicated countless hours to her mission.

Operating out of her own home and a post office box, Susan collects clothing and donations and has been awarded hundreds of thousands in charitable grants. Through her hard work and the generosity of her contributors, Archway has been able to purchase two small homes in Romania as well as employ several Romanians. One of the homes is used as a soup kitchen from which volunteers take food out to hundreds of homeless children every week and provide groceries to squatter families who take refuge in abandoned buildings.

It is not often that you find an individual with such dedication and commitment. Susan's good work has touched the lives of thousands of needy children. More importantly, she has inspired countless numbers of people to donate their time and energy to provide one of life's most precious gifts: hope.

I am proud to stand today to join the Devon Rotary and the many family and friends who have gathered this evening in extending my sincere thanks and heart-felt congratulations to Susan Booth as she is named a Paul Harris fellow. Yours is a legacy that is sure to continue to inspire generations to come.

INDIA DISSOLVES PARLIAMENT: ELECTIONS COMING; MINORITY NATIONS SHOULD VOTE FOR FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. TOWNS. Mr. Speaker, I noticed the other day that India is dissolving its Parliament on February 6. They will be having new elections soon, perhaps as soon as March.

These elections, unlike ours, change faces, but don't seem to change policy. The repression of minorities continues no matter who wins. This repression has killed over 250,000 Sikhs since 1984, over 300,000 Christians in Nagaland since 1947, over 85,000 Kashmiri Muslims since 1988, and tens of thousands of other minorities. More than 52,000 Sikhs, as well as tens of thousands of other minorities, continue to be held as political prisoners. Yet India cites elections like the ones upcoming to show that it is a democracy.

That isn't very democratic for the minorities, is it, Mr. Speaker? As I have said before, the mere fact that they have the right to choose their oppressors doesn't mean they live in a democracy.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has issued an open letter to the Sikhs in Punjab on the elections urging the Sikhs in Punjab to reject all major parties and vote for candidates inclined to support the freedom of Khalistan, the Sikh homeland that declared its independence on October 7, 1987. That is the only way the Sikhs can survive. The Akali Dal is corrupt, he points out, and the Congress Party organized the June 1984 attack on the Golden Temple, the seat of Sikhism.

We can support this cause by stopping U.S. aid to India until human rights are fully observed for all people there and by declaring our support for a free and fair vote on the subject of independence for Khalistan, for Kashmir, for Nagalim, and for all the minority nations of South Asia.

Mr. Speaker, I would like to put the Council of Khalistan's open letter on the upcoming elections into the RECORD at this time.

COUNCIL OF KHALISTAN,
Washington, DC, February 4, 2004.

OPEN LETTER TO THE KHALSA PANTH

PARLIAMENT DISSOLVED; ELECTIONS COMING SIKHS MUST STOP SUPPORTING CORRUPT BADAL, WHO DIMINISHED IMAGE OF SIKH NATION ONLY IN A FREE KHALISTAN CAN SIKHS PROSPER AKALI LEADERSHIP CONTROLLED BY INDIAN GOVERNMENT

DEAR KHALSA PANTH: WAHEGURU JI KA KHALSA, WAHEGURU JI KI FATEH!

The Indian government has dissolved Parliament. New elections are coming, perhaps as soon as March. Elections under the Indian Constitution will not free the Sikh Nation. Use this opportunity, however, to elect committed, honest Sikhs who are committed to freeing Khalistan to Parliament. Do not support Badal or the Akalis. They are corrupt and have betrayed the Khalsa Panth. Not even a single Akali protested the unprecedented corruption of Badal. They have disgraced the name of the old Akalis who sacrificed their lives for the well being of the Sikh Nation.

The Guru gave sovereignty to the Sikh Nation. (''In Grieb Sikhin Ko Deon Patshahi.'') The Sikh Nation must achieve it. We always remember it by reciting every morning and evening, ''Raj Kare Ga Khalsa.'' Now is the time to act on it. Do we mean what we say every morning and evening?

The fire of freedom still burns strong and bright in the heart of the Sikh Nation. Last year Sikhs openly held seminars in Punjab on the subject of Khalistan. This is a very good sign and we salute the people who participated in these seminars. They are keeping the flame of freedom lit. Now I urge Sikhs to unite and take action to liberate our homeland, Punjab, Khalistan. It is time to start a Shantmai Morcha to liberate Khalistan from Indian occupation.

Never forget that the Akal Takht Sahib and Darbar Sahib are under the control of the Indian government, the same Indian government that has murdered over a quarter of a million Sikhs in the past twenty years. The Jathedar of the Akal Takht and the head granthi of Darbar Sahib toe the line that the Indian government tells them. They are not appointed by the Khalsa Panth. The SGPC, which appoints them, does not represent the Sikh Nation anymore. They have become the puppets of the Indian government and have lost credibility with the Sikh Nation. Otherwise they would behave like a real Jathedar, Jathedar Gurdev Singh Kaunke, rather than like Indian government puppet Jathedar Aroor Singh, who gave a Siropa to General Dyer for the massacre at Jalianawa Bagh. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

Yet the Akali Dal continues to support Badal, even though he was prosecuted and jailed for his corruption. According to India-West, the Punjab Vigilance Bureau carried out raids on Badal's properties for several months and filed a charge-sheet in a local court charging Mr. Badal with siphoning off Rs. 784 million, the equivalent of $17 million in U.S. money, during his five years as chief minister. The article says that Mr. Badal and his family hold assets of Rs. 43.26 billion (nearly $1 billion), most of which are located outside India. Half the population of India lives below the international poverty line. About 40 percent live on less than $2 per day.

The Badal government was the most corrupt one in Punjab's history. They sold jobs for a fixed fee. They came up with a new, dignified term for bribery: ''fee for service.'' If you didn't pay the fee, you didn't get the service. The Chief Minister's wife was so experienced that she could pick up a bag of money and tell how much money was in it. Parkash Singh Badal was a disaster for Punjab and a disgrace to the Sikh Nation. How can the Akali Dal, which is supposed to represent the interests of the Sikh Nation, continue to support him?

Badal's corruption brought Punjab to bankruptcy. He was bankrupt morally and religiously as well as bankrupting Punjab financially. It is time for new leadership that shows the moral fabric a Sikh is supposed to have. Badal has destroyed the moral fabric of the Sikh religion. What happened to the concept of fairness and honesty?

The Akalis who protest Badal's prosecution are morally degenerate. They are destroying the moral fabric of Sikhism as a religion and a society. They should be ashamed of themselves. In addition to stealing from the people of Punjab, Mr. Badal worked against the cause of Sikh freedom. Badal was under the complete control of his masters in New Delhi, the militant, fundamentalist Hindu nationalist BJP. He has a long record of betraying the Sikh Nation.

The Akali Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikh during June 1984 in Punjab. If Sikhs will not even protect the sanctity of the Golden Temple, how can the Sikh Nation survive as a nation?

The Akali Dal has lost all its credibility. The Badal government was so corrupt openly and no Akali leader would come forward and tell Badal and his wife to stop this unparalleled corruption. That is why the Akali Dal was defeated in the elections by the Congress Party. The Sikh Nation never can forgive or forget the attack on the Golden Temple. The Congress Party is the enemy of the Sikh Nation. Badal was so corrupt that the Sikhs had to vote for their enemy, the Congress Party, rather than Badal and his henchmen because there was no other party to vote for.

Because Sikhs are slaves in India, there is nobody to defend the Sikh interests internationally. Recently, an issue came up of the French banning the wearing of turbans in school. If Khalistan were free, the Sikh Nation could call the French Ambassador and tell him to stop this harassment of Sikhs. Our Ambassador to France would tell the French government the same thing: the turban is part of the Sikh religion and Sikhs should not be harassed.

Remember the words of Professor Darshan Singh, former Akal Takht Jathedar: ''If a Sikh is not a Khalistani, he is not a Sikh.'' Sikhs should vote only for candidates who are prepared to do so. Otherwise, you are just voting to condemn your children and grandchildren to continued slavery under brutal Brahmin theocratic rule.

The time to achieve our independence is now. India is not one country. It has 18 official languages. Soon Kashmir will be free from Indian occupation. Now America is involved in it. As L.K. Advani predicted, ''When Kashmir goes, India goes.'' We agree with him.

When I met President Bush on December 5, he personally told me, ''I am aware of the Sikh and Kashmiri problem and we stopped India and Pakistan from going to nuclear war.'' The Sikh diaspora has a moral responsibility to help the Sikh Nation to achieve its sovereignty by freeing Khalistan from Indian occupation.

The time has come to liberate our homeland. It is the only way that we can prevent further degenerations of the Sikh Nation like the Badal regime. Sikhs must claim their birthright by liberating Khalistan. Only by freeing Khalistan will we put an end to this corruption and restore control of Punjab and its assets to the people, to whom it rightfully belongs. A free Khalistan is a must for the survival of the Sikh nation and will provide an optimal environment for the Sikh Nation to progress to its optimum potential politically, religiously, and economically.

Panth Da Sewadar,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

HONORING JULIE DEMARIA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Ms. LOFGREN. Mr. Speaker, I rise today, to honor Julie DeMaria and her family, and the people of San Jose on the establishment of Operation Care and Comfort.

Operation Care and Comfort is a self-funded, all-volunteer organization whose sole purpose is to supply care packages to the men and women of our military serving oversees. Since last summer Julie rallied neighborhood volunteers and businesses to donate items, including T-shirts, pins, hats and food items to send in the care packages. Most importantly, hand written letters of support are included in each package to the troops, showing our gratitude, and support for their service to our country.

Because of Julie's efforts, the San Jose community has now shipped over 27,500 pounds of care packages to our troops and she is still going! Her devotion to her community and love for her country does not go unrecognized.

On behalf of the House of Representatives, I want to thank Julie DeMaria, her family, and all the volunteers in the San Jose Community involved in Operation Care and Comfort for their service to the United States.

REMEMBERING LUCILLE WESTBROOK

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. ROSS. Mr. Speaker, I would like to take this time to rise in honor of the life and lasting memory of Lucille Westbrook. Lucille, a fifth-generation Arkansan, was born in the small town of Nathan, attended Nashville public schools, and spent her life as an involved citizen, advancing issues dearest to her and worked to preserve the heritage of her community and state. She passed away Saturday, January 31, 2004, at the age of 86.

Described by those who knew her well as ''brilliant'' and ''beloved'', Lucille was a well known face and name to the citizens of Howard County. Early in her life, she worked for

the U.S. Army Corps of Engineers and later for Senator William J. Fulbright. Lucille remained active in Democratic politics, serving as an election official in Democratic primaries and general elections in Howard County.

She remained an active and influential member of the community through her volunteer service and civic activities. She was a charter member of the Mine Creek Chapter of the Daughters of the American Revolution, a Board member of the Nashville Cemetery Association, and a Board member and President of the Howard County Library System.

Lucille's thirst for knowledge led her to become the area's unofficial historian. In this capacity, she co-founded the Southwest Arkansas Regional Archives in Washington, Arkansas where she volunteered for 24 years, serving as Director of the Archives from 1990–2002. Other projects important to her included working to restore and preserve buildings in nearby Washington and completing a book about the Corinth area in Howard County.

I know the impact which individuals like Lucille can have on a small community. She continually made a priority of helping others learn more about their neighborhoods, communities and family heritages. In 1979, the Arkansas Historical Association recognized her work in preserving the role of history in our lives by establishing an annual $500 award, named in her honor, to the author of the best report on a topic in Arkansas history.

I extend my warmest sympathies to her brother Parker Westbrook of Nashville, her extended family, and the countless friends and individuals who knew and loved Lucille.

HONORING THE ACHIEVEMENTS OF LT. COLONEL PETE GANDY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the achievements of one of my constituents, who will soon be joining the ranks of the retired commissioned officers of the United States Air Force, Lt. Colonel Pete Gandy.

Colonel Gandy, a master navigator with 3,600 flying hours and a graduate of the Squadron Officers School and Air Command and Staff College, has served his country honorably and faithfully for the past thirty years.

Upon graduation through the ROTC program at Memphis State University, he was commissioned a Second Lieutenant in the Air Force. Colonel Gandy later received training as a navigator at Mather Air Force Base in California.

Throughout Colonel Gandy's career, he was assigned a multitude of important missions for the betterment of our country's security. His work history and past responsibilities have served as a testament of faith and trust that America has bestowed upon him.

While on active duty, he was assigned Chief of the Munitions Maintenance Division, 1st Strategic Air Division at Vandenburg AFB, California, where he was responsible for test launches for Minuteman III and Titan II ICBM re-entry vehicles. Colonel Gandy also served at Strategic Air Command Headquarters at Offutt AFB, Nebraska where he was involved with planning and installation of Minuteman III missiles at SAC bases in North Dakota.

After his training as a radar navigator, Colonel Gandy was assigned to a B–52 combat crew of the 5th Bomb Wing, Minot AFB, North Dakota. He served as an instructor and flight examiner with the Wing's Standardization and Evaluation Division during his ARC Light tour to U Tapao Air Base, Thailand and Anderson, AFB, Guam. Upon Colonel Gandy's return to the United States, he received orders to the Plans, Policy, and Programs Division at Headquarters SAC where he worked to increase our Nation's security.

While on inactive duty in the Tennessee Air National Guard as a C–130 navigator, he participated in numerous exercises and deployments to Europe, Central and South America, and Southwest Asia in support of Operations Just Cause and Desert Shield.

In July 1993 Colonel Gandy received a commission in the Louisiana State Guard, promoted to the rank of Colonel, and served as the Disaster Preparedness Liaison for the City of New Orleans. This assignment made him a key player with the state and the city to improve hurricane preparedness.

During his career he was awarded the Defense Service Medal, Air Force Commendation Medal, and the Air Medal for Meritorious Achievement, among others.

Much of his success was due to the total and unwavering support of his wife, Janice and two children David and Tricia.

On behalf of the United States Congress, I would like to recognize this brave airman for the example he has set for our country, and for Northwest Florida. I offer my sincere thanks for all that he has done for Northwest Florida and the United States of America.

TRIBUTE TO MARK MARCHUS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Mark Marchus and thank him for his many contributions to Routt County, Colorado. After 6 years of impeccable service to the Routt County Regional Building Department, Mark announced his impending retirement. He has done much to enhance his community, and I would like to take this opportunity to thank him for his service.

During his tenure with the Routt County Regional Building Department, Mark distinguished himself as an able and competent leader. He made the department more customer friendly, and was instrumental in developing a computer tracking system to aid contractors to monitor each step involved in receiving a building permit. He also implemented an interactive voice system that allows contractors to request building inspections until Midnight the day before. These technological improvements significantly improved the department's efficiency.

Mr. Speaker, it is a great privilege to honor Mark Marchus and wish him all the best as he steps down on April 30 from the Routt County Regional Building Department. He has dedicated his time and energy toward the betterment of the Routt county community and certainly deserves the praise and admiration of this body of Congress and this Nation. Mark, thank you for your dedicated service.

CONGRATULATING CHARLES FLACK UPON RECEIVING THE B'NAI B'RITH COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize my very good friend, Charles ''Rusty'' Flack, Jr., of Dallas, Pennsylvania, who received the Community Service Award from the Seligman J. Strauss Lodge No. 139 of the B'nai B'rith. Mr. Flack received the award on February 22, 2004 at the 58th annual Lincoln Day Dinner. I ask that my colleagues join me in congratulating Mr. Flack for this well-deserved honor and expressing our appreciation for the positive contributions he has made to Northeastern Pennsylvania as both a businessman and as a member of the community.

For nearly a quarter of a century, Mr. Flack has served as Chairman and CEO of Diamond Manufacturing Company, a West Wyoming-based company that employs 250 individuals and has grown to become North America's largest supplier of perforated metals. In 1998, the Greater Wilkes-Barre Chamber of Business and Industry bestowed upon Diamond Manufacturing Company its Small Business of the Year Award, and in 2001, Diamond Manufacturing earned the distinction of being one of the Best Places to Work in Pennsylvania. These achievements are especially noteworthy because Rusty and his brother Hal inherited Diamond Manufacturing under tragic circumstances when their father died suddenly at an early age. Although only in their twenties when they took over the business, Rusty and Hal have led Diamond not only to survive, but to thrive.

Mr. Speaker, I do not rise today merely to extol the success Mr. Flack has had as a businessman, though those accomplishments should not be dismissed. Despite the responsibilities any small business demands from its owner, Rusty has always remained involved in numerous civic, religious and educational endeavors and organizations. In each instance, he has performed with a commitment worthy of the award he is about to receive. I have called upon him myself on numerous occasions to seek his counsel and request his assistance in mediating difficult situations. The respect with which he is held within the community helped enormously in bringing adverse parties together.

Among his many civic activities, Mr. Flack currently serves as Chairman of the Wyoming Valley Health Care System, the largest employer in Luzerne County; as the treasurer of the Wyoming Seminary, a prominent K–12 preparatory school in Northeastern Pennsylvania; and as a trustee for the College of Misericordia, a leading institution of higher learning. As an active member of the Prince of Peace Episcopal Church in Dallas, Pennsylvania, Mr. Flack has sung in the choir, taught religion to young churchgoers, and served in the vestry as a senior warden.

Mr. Speaker, earning the esteem of the B'nai B'rith deserves this body's recognition because it is a widely respected organization dedicated to the community it shares with people of all faiths. It is a privilege for me to stand before the House of Representatives to honor an individual like Charles ''Rusty'' Flack, Jr. I offer my deepest congratulations to him on his becoming a recipient of a Community Service Award, and I urge my colleagues to join Seligman J. Strauss Lodge No. 139 and me in extending our gratitude and admiration to a remarkable citizen who has distinguished himself as a businessman and a civic leader.

KERRY STATEMENT CALLING SIKHS TERRORISTS A MISTAKE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. TOWNS. Mr. Speaker, as an American and a Democrat, it was not good news when I was informed by Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, that Senator JOHN KERRY, the frontrunner for my party's nomination for President, had made a speech in Oklahoma on January 31 in which he described the Sikhs as terrorists. This is a mistake on Senator KERRY's part and one I hope he will correct promptly.

I have been following South Asian affairs for some time now and I can tell you that Sikhs are committed to freedom. I have met members of the Sikh community here in the United States, which is half a million strong, and they are hardworking people who are dedicated to their families, their religion, America, and freedom for their Sikh brothers and sisters back home in Punjab, Khalistan.

The Indian government has been oppressing the Sikhs ever since independence. Shortly after India got its independence, the Indian government sent out a memo describing Sikhs as ''a criminal class'' and ordering police to take special measures to suppress them. This is shameful. Since 1984, India has murdered over 250,000 Sikhs, according to the Punjab State Magistracy and human-rights organizations. They hold over 52,000 political prisoners. Some have been in illegal custody without charge or trial for 20 years, Mr. Speaker. Two decades! Is that a democratic way to do things?

India's propaganda machine is working overtime to maintain this false picture of Sikhs as a ''criminal class'' devoted to terrorism. They have even hired two lobbying firms, expensive ones, to carry out this work. Unfortunately, it appears that they managed to misinform the Senator from Massachusetts on this matter. I am sure he will correct himself soon, and I urge him to do so.

In the meantime, Mr. Speaker, it is up to us to do what we can to press for democracy in the subcontinent. Cutting off India's aid would be a good start. This is one of the most effective ways to promote basic human rights for everyone in South Asia. Another very effective means would be to call on India to hold a free and fair vote on the question of independence, the democratic way. By doing this, we help bring the glow of freedom and the blessings of liberty to everyone in that troubled part of the world.

I also call on Senator KERRY to recognize the legitimate aspirations of the Sikhs and the others fighting to free themselves from the yoke of Indian oppression. That they are doing so by peaceful, democratic, nonviolent means shows that the Indian government's picture of them as terrorists is false. I await the Senator's correction.

Mr. Speaker, at this time I would like to add the Council of Khalistan's letter to Senator KERRY requesting a correction and repudiation of his statement to the RECORD so that people can see the real situation in South Asia.

COUNCIL OF KHALISTAN,
Washington, DC, February 11, 2004.

Senator JOHN F. KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: I am writing to you today on behalf of half a million Sikh Americans and over 25 million Sikhs worldwide to say that your remarks equating Sikhs with terrorists were offensive to the Sikh community. While giving a speech in Oklahoma, you referred to ''the Sikhs in India'' as an example of terrorism.

Sikhism is an independent, monotheistic, revealed religion, not a part of any other religion. Sikhs are distinctive by our religion, language, and culture from any other people on Earth.

Sikhs ruled Punjab from 1710 to 1716 and again from 1765 to 1849. Sikhs, Hindus, Muslims, and Christians all participated in the government. Sikhs are a separate nation and people.

At the time of India's independence, three nations were to receive sovereign power: the Muslims, who got Pakistan, the Hindus, who got India, and the Sikhs. Sikhs took their share with India on the solemn promise that Sikhs would enjoy ''the glow of freedom'' in Punjab and no law affecting Sikh rights would be passed without our consent. Instead, almost as soon as the ink was dry on India's independence, Nehru sent out a directive describing Sikhs as ''a criminal class'' and ordering police to take extraordinary measures against us.

Since June 1984, India has murdered over 250,000 Sikhs, according to figures compiled by the Punjab State Magistracy and human rights groups and published in the book The Politics of Genocide by Inderjit Singh Jaijee. A report from the Movement Against State Repression (MASR) shows that India admitted to holding 52,268 Sikhs as political prisoners. Some have been in illegal custody since 1984! Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. Indian forces carried out the March 2000 massacre in the village of Chithisinghpora, according to two independent investigations. Indian forces were caught red-handed trying to set fire to a Sikh Gurdwara and Sikh homes in a village in Kashmir. Sikh and Muslim villagers joined hands to stop them.

The book Soft Target, written by two Canadian journalists, Zuhair Kashmeri of the Toronto Globe and Mail and Brian McAndrew of the Toronto Star, shows conclusively that the Indian government blew up its own airliner in 1985, killing 329 innocent people, to blame it on the Sikhs and have an excuse for more repression.

Other minorities such as Christians and Muslims, among others, have also felt the lash of Indian repression. Over 300,000 Christians in Nagaland have been killed by the terrorist Indian regime. Nuns have been raped, priests have been murdered, churches have been burned, schools and prayer halls have been destroyed, all with impunity. A mob of militant Hindus affiliated with the parent organization of the ruling BJP murdered missionary Graham Staines and his two sons by burning them to death while they slept in their jeep, all the while chanting ''Victory to Hannuman,'' a Hindu god. India threw missionary Joseph Cooper from Pennsylvania out of the country after he was beaten so severely that he had to spend a week in the hospital. A Christian religious festival on the theme ''Jesus is the answer'' was broken up by police gunfire.

Almost two years ago, Muslims were massacred in Gujarat while police were ordered to stand by and do nothing, according to Indian newspaper reports. One newspaper quoted a policeman as saying that the Indian government planned the massacre in advance. This is an eerie parallel to the 1984 massacre of Sikhs in Delhi, in which police were locked in their barracks while the state-run radio and television called for more Sikh blood.

An Indian Cabinet minister was quoted as saying that everyone who lives in India must either be a Hindu or be subservient to Hindus. This kind of religious fanaticism as state policy is dangerous and anti-democratic. We would not want it in America; why should we support it in India?

On October 7, 1987, Sikhs declared their independence from India, naming their new country Khalistan. We are committed to liberating Khalistan by peaceful, democratic, nonviolent means. History shows that multinational states such as Austria-Hungary, the Soviet Union, and India are doomed to fall apart. We intend to see that this happens peacefully, in the manner of Czechoslovakia, not violently like Yugoslavia. Yet simply supporting a sovereign, independent Khalistan is what India calls terrorism.

The 20,000 Sikhs who were murdered in the June 1984 attack on the Golden Temple and 37 other Sikh Gurdwaras throughout Punjab were not terrorists. They were seeking refuge from the Indian government's tyranny. Yet the Indian government insists on describing them as ''terrorists,'' as if repeating it often enough will make it true.

Senator Kerry, we respectfully request that you apologize to the Sikh Nation and the Sikh community in the United States for your remark. I urge you to support measures to bring freedom to all the people of the subcontinent. Sikhs share the commitment to freedom you showed when you fought in Vietnam and in your service in public office. There was even a Sikh member of Congress in the late 1950s, Dalip Singh Saund of California. We look forward to working with you in the future to bring the blessings of liberty to everyone in the subcontinent.

If you would like any further information or would like to meet about these issues, please feel free to contact me.

Sincerely,

Dr. GURMIT SINGH AULAKH,
President, Council of Khalistan.

HONORING THE VIETNAMESE BHIKSHU BUDDHIST COUNCIL'S CEREMONIAL REMEMBRANCE OF MASTER MINH DANG QUANG

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Ms. LOFGREN. Mr. Speaker, I rise to recognize the San Jose Vietnamese Bhikshu Buddhist Council's annual remembrance of Buddhist Master Minh Dang Quang.

According to the Bhikshu Buddhist Council, Master Minh Dang Quang founded the indigenous Vietnamese Buddhist Order ''Tang Gia

Khat Si'', normally referred to in English as the Mendicant Buddhist Order, in Southern Vietnam. This order represents a unique combination of Theravada and Mahayana Buddhism. On the Second day of the Second month in the Year of the Horse (1954) during a time of political turmoil, Master Minh Dang Quang went missing and the Monks and Nuns of this order observe his disappearance each year as a religious ceremony.

According to the Bhikshu Buddhist Council, this year marks the 50th anniversary to celebrate the long-lasting work of Buddhist Master Minh Dang Quang and his founding of the Vietnamese Sakya Muni Dharma School of Buddhism. Although, Master Minh Dang Quang is not with us today, his followers continue their Master's teachings in Vietnam and all over the world.

I am pleased to know that in my City of San Jose, California, the Vietnamese Bhikshu Buddhist Council can freely meet, worship, and practice their faith without fear of persecution.

But that is not enough. We must demand that all Buddhists around the world, and others attempting to practice and worship their faith, are able do so freely without fear of persecution.

We must continue passing legislation like the Vietnam Human Rights Act to promote freedom and democracy in Vietnam and House Resolution 427 that praises the courageous leadership of the Unified Buddhist Church of Vietnam and the urgent need for religious freedom and related human rights in Vietnam.

We cannot sit idly by as the Vietnamese government continues to oppress its people while hiding behind the veil of free trade. On this special day, I recognize the 50th Anniversary of the remembrance of Buddhist Master Minh Dang Quang and reassert my commitment to fighting for human rights in Vietnam.

IN LASTING MEMORY OF DR. DONALD L. MILLER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. ROSS. Mr. Speaker, I would like to take this time to honor the life of Dr. Donald L. Miller. He lived a life devoted to the love, care and education of others and leaves a legacy carried on by the many lives he touched; either directly through personal relations or indirectly through his efforts to improve the quality of health care now available to Arkansans.

Dr. Miller was born in Little Rock, received his doctorate of medicine from the University of Arkansas for Medical Sciences, and spent nearly his entire life devoting energy and vision to the improvement of health care in Arkansas.

Dr. Miller was a member of numerous community, university, and professional committees and organizations including the American Medical Association, the American College of Physicians, and the First United Methodist Church. However, it was his work with Area Health Education Center programs that gained him the greatest notoriety. Dr. Miller served as an influential force in getting the program under way in the state and became Director of the Pine Bluff Area Health Education Center. As Director, he earned the esteem of his fellow members of the American College of Physicians, who would write that ''his greatest achievement has been the development of the most productive AHEC program in Arkansas.'' In 1995, they presented Dr. Miller with the Robert Shields Abernathy Award for Excellence in Internal Medicine in recognition of his achievements and sustained commitment to the program.

Under the vision and leadership of Dr. Miller, countless students as well as residents of internal medicine and family practice are more adequately trained in the various technical aspects of health care through the work of the Pine Bluff AHEC. As a result, many quality physicians have been attracted to the area where they now provide quality health care to the citizens of Southeast Arkansas. It is yet another indication of the broad impact Dr. Miller has had on his state, his community, and his fellow citizens.

My thoughts and prayers are with his wife, Peggy, and his daughters, Mollie, Sheila, and Karen. I extend my sincerest sympathies to them and can only hope that we find some solace in the lasting legacy of Donald Miller as his spirit lives on in each of us.

HONORING THE ACHIEVEMENTS OF LT. COL. ROBERT L. REINLIE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise today to pay tribute to Lt. Col. Robert L. Reinlie for his tireless fight for his fellow veterans.

Lt. Col. Reinlie and the late William O. ''Sam'' Schism engaged Col. George ''Bud'' Day, Medal of Honor recipient and former POW, as their attorney. By becoming a plaintiff in a 1996 lawsuit, Lt. Col. Reinlie challenged the United States government to honor healthcare commitments made to WWII/Korea era military retirees.

Lt. Col. Reinlie's extraordinary farsighted vision recognized the need for a plan to support his legal efforts. Lt. Col. Reinlie took it upon himself to begin organizing, what later became the Class Act Group.

With untiring and aggressive pursuit, Lt. Col. Reinlie's efforts were extended into a nationwide grass roots network that was instrumental in forging Congressional legislation favorable to military retirees. Lt. Col. Reinlie helped initiate this grass roots initiative through billboards, letter writing campaigns, demonstrations, phone and fax communication blitzes, meetings, marches, web sites, letters to editors, press releases, all geared to influencing Congressional attention. His dynamic and selfless leadership and commitment drove him to a presence in Class Act Group office spaces, even when extensive surgery was imminent and during extended rehabilitation.

His tireless dedication served as a contributing and encouraging factor for his attorney, Col. Day, and the legal fight to the United States Supreme Court. This fight led by Lt. Col. Reinlie was a major contributing factor to the military retiree medical benefit now referred to as TRICARE for Life and The Senior Pharmacy Program. The WWII/Korea era military retiree fight is not over and Lt. Col. Reinlie, at the young age of 82, is still in the battle to honor his fellow veterans.

Mr. Speaker, I, on behalf of the United States Congress, salute Lt. Col. Reinlie. With the encouragement and significant contribution from his wife Marilyn, he reflects a great credit upon himself, our Nation, and the courage of soldiers that gave us the freedom we enjoy today. I offer my sincere thanks for all that he has done for Northwest Florida and this great Nation.

TRIBUTE TO JOE ESPINOZA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. MCINNIS. Mr. Speaker, it is with profound sadness that I rise before you today to pay tribute to the life and memory of Joe Espinoza, who passed away recently at the age of ninety-two. Joe embodied the ideals of patriotism, integrity and love of family that we, as Americans, have come to expect from our public servants. As his family mourns the loss, I believe it is appropriate to remember Joe and pay tribute to his contributions to his city, state and country.

Joe began his service to this nation as a Marine in World War II, and following an honorable discharge, returned to Colorado where he and his wife, Melissa, opened their family restaurant and bar, El Patio. He entered a life of public service in 1978 when he was elected Mayor of San Luis, an office he held for three terms. During his tenure, Joe enjoyed the distinction of being the town's oldest mayor. He is survived by two sons, Josito and Abby; four daughters, Theresa, Margaret, Joetta, and Claudine; twenty-two grandchildren, thirty-one great-grandchildren, and one great-great grandchild.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the memory of Joe Espinoza. He was a beloved family man and public servant who also made numerous contributions to his community. The San Luis community and the State of Colorado will truly miss Joe, and my thoughts go out to his family during this difficult time of bereavement.

CHARLES ADONIZIO, JR. HONORED POSTHUMOUSLY BY PITTSTON SUNDAY DISPATCH

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to draw the attention of my colleagues in the U.S. House of Representatives to the life of my very good friend, the late Charles ''Cugsy'' Adonizio. On Sunday, February 8, 2004, the Pittston Sunday Dispatch honored his life with the Joseph Saporito Award for Lifetime of Service to Greater Pittston. A loving husband to Helen for 57 years and the father of six children, Charles Adonizio, Jr. passed away last October at the age of 88 years old.

The editor of the Sunday Dispatch, Ed Ackerman, recently wrote an excellent story outlining the life of this community-spirited man

who inspired so many in the Greater Pittston area of Northeastern Pennsylvania. I would like to reprint that article below.

JOSEPH SAPORITO LIFETIME OF SERVICE AWARD

If you knew ''Cugsy'' Adonizio you know he always cried when he was happy. He'd tell a funny story and inevitably his laughter turned to tears.

Such paradox tells the story of Cugsy's life. He was successful, yet humble, strict yet compassionate, powerful yet gentle.

In his later years, as he battled a heart condition, Cugsy became weak yet strong. He needed the assistance of a cane, but still walked a couple of miles every day. And while walking was difficult for him, swinging a golf club was not. He scored a hole-in-one at the age of 81.

And the paradox continues since his death on October 26 at 88 years old. ''In a funny way,'' his wife Helen says, ''he's more alive than ever. I talk to him all the time and, in his own way, I believe he answers me.''

Charles Adonizio Jr.—''Cugsy'' to most, just ''Cugs'' to his wife of 57 years—is today honored posthumously with the Joseph Saporito Award for Lifetime of Service to Greater Pittston.

He received a similar honor in 1979 when he was named Man of the Year by St. Michael's School for Boys. It was a fitting tribute for a man who dedicated a good part of his life to helping troubled youth.

As Chief Juvenile Probation Officer for Luzerne County from 1962 until his retirement in 1982, Cugsy earned a reputation as a compassionate disciplinarian. He was more concerned with rehabilitation than punishment. He saw a system that needed fixing and he set about to fix it.

Cugsy graduated from Pittston High School (later returning as school director) and Duquesne University, who since placed his name on their Who's Who list.

He served in the U.S. Navy during World War II and was a full lieutenant at the time of his discharge. He spent 33 months on active duty in the Pacific.

He organized the Wyoming Valley Naval Reserve and became its first commanding officer. He retired in 1955 as a Lieutenant Commander.

He was a Past Exalted Ruler of the Pittston Elks, Fourth Degree and Life Member of the Knights of Columbus, Past Commander of Fort Pittston Post V.F.W., and first President of the Our Lady of Mount Carmel Holy Name Society.

He and Helen are parents of six children: Judy Yanchek, Gloria Blandina, the late Mary Christine Thompson, Charles III, Jane Adonizio Lukas, and Dr. Patrick.

SIKHS PROTEST INDIAN REPUBLIC DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. TOWNS. Mr. Speaker, on January 26, India celebrated its Republic Day, the anniversary of the adoption of its Constitution. Now if it would only live by that constitution.

The Council of Khalistan organized a successful protest outside the Indian Embassy here in Washington. While India celebrated, minorities are being killed. India has murdered over 250,000 Sikhs since 1984, over 300,000 Christians in Nagaland, over 85,000 Kashmiri Muslims, and tens of thousands of other minorities. There are tens of thousands of political prisoners, according to Amnesty International. These include over 52,000 Sikhs, a study from the Movement Against State Repression showed. That doesn't sound like a republic to me.

People came to the protest from all over the East Coast. They chanted slogans like ''Khalistan Zindabad,'' ''Long live Khalistan,'' and many others. They educated the public about the repression of minorities in India while the attendees at the Ambassador's party celebrated India's freedom.

We salute India's freedom, but it is time that these benefits extended to everyone within its borders, not just the Brahmin elites and their friends. It is time for the repression to end and for the minorities to live in freedom too.

Mr. Speaker, this kind of repression is unacceptable in any country, but especially in one that proclaims itself democratic.

Perhaps they feel that this repression is necessary to hold the country together, since India is not a single nation but many nations thrown together under one banner, much like the Soviet Union or the Austro-Hungarian Empire. History shows that such nations cannot long survive.

Now I know you're wondering what America can do to help. We should uphold and support the principle of self-determination for all people. The right to self-determination is the cornerstone of democracy.

The time has come to end our aid to India so that all the people there can enjoy the glow of freedom. The best way to secure the blessings of liberty for everyone within India's artificial borders is to stop aiding the tyrants who oppress them with U.S. taxpayer dollars. The other thing that we must do, Mr. Speaker, perhaps equally important, is to take a stand for the essential right of self-determination by putting this Congress on record in support of a free and fair plebiscite with international monitoring on the question of independence for all the minority nations of the subcontinent. This will ensure them the opportunity to enjoy the full rights of free people.

Mr. Speaker, the Council of Khalistan issued an outstanding press release on its Republic Day protest. I would like to insert it into the RECORD at this time for the information of my colleagues and the public.

COUNCIL OF KHALISTAN,
Washington, DC, January 26, 2004.

SIKHS PROTEST INDIAN GENOCIDE ON REPUBLIC DAY

DEMAND FREEDOM FOR SIKH NATION OF KHALISTAN. NO DEMOCRACY FOR SIKHS, CHRISTIANS, MUSLIMS, OTHERS

Sikhs from around the East Coast demonstrated in Washington, D.C. today to protest the ongoing genocide against the Sikh Nation and other minorities by the Hindu fundamentalist, terrorist Government of India. They raised slogans of ''Khalistan Zindabad'', ''India out of Khalistan,'' ''2–4–6–8, India is a Fascist state,'' and other slogans.

India's Republic Day celebrates the day in 1950 when India adopted its Constitution. But what India calls ''Republic Day'' is Genocide Day for the minority peoples and nations of South Asia. The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 85,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.'' According to a study by the Movement Against State Repression, 52,268 Sikhs are being held in illegal detention as political prisoners without charge or trial. Some of them have been held since 1984!

''India is not a democracy for Sikhs, Muslims, Christians, and other minorities,'' said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the Sikh Nation's struggle for independence. ''The rights guaranteed in the Indian constitution are not enjoyed by non-Hindus,'' he said. ''While India celebrates, Sikhs and others are dying,'' he said. ''Is that something to celebrate?''

Christian missionary Joseph Cooper was expelled from India after a mob of militant Hindu nationalists allied with the Rashtriya Swayamsewak Sangh (RSS), a pro-Fascist organization that is the parent organization of the ruling BJP, beat him so severely he had to spend a week in the hospital. In 2002, 2,000 to 5,000 Muslims were attacked in Gujarat while police were ordered to stand aside, reminiscent of the 1984 Delhi massacres of Sikhs. Indian newspapers reported that the government planned the Gujarat massacre in advance.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. Ghotna has never been brought to trial for the Jathedar Kaunke murder. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra.

''It is good that American pressure has forced India and Pakistan to talk about Kashmir,'' said Dr. Aulakh. ''But the atrocities still continue. Khalistan, Kashmir, and all the nations of South Asia have the right to self-determination,'' he said. ''In a democracy, you cannot rule the people against their will.'' On October 7, 1987, the Sikh Nation declared its independence from India, naming its new country Khalistan. On December 5, Dr. Aulakh met President Bush. ''I am aware of the Sikh and Kashmiri problem,'' President Bush told him.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. India is ruled by Hindu theocrats whose agenda is ''Hindu, Hindi, Hindutva, Hindu Rashtra,'' or total Hindu domination of every facet of Indian life. An Indian Cabinet minister said that everyone who lives in India must be a Hindu or subservient to Hindus.

Sikhs ruled Punjab until 1849 when the British conquered the subcontinent. Sikhs were equal partners during the transfer of power from the British. The Muslim leader Jinnah got Pakistan, the Hindu leaders got India, but the Sikh leadership was fooled by the Hindu leadership promising that Sikhs would have ''the glow of freedom'' in Northwest India. The Sikhs took their share with India on that promise.

''Democracies don't commit genocide,'' Dr. Aulakh said. ''Only in a free and sovereign Khalistan will the Sikh Nation prosper. In a democracy, the right to self-determination is the sine qua non and India should allow a

plebiscite for the freedom of the Sikh Nation,'' he said. ''India should also allow self-determination in Christian Nagaland, Kashmir, Assam, and the other nations fighting for freedom to bring peace to South Asia.''

''As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not for Khalistan, he is not a Sikh','' Dr. Aulakh noted. ''We must continue to press for our God-given birthright of freedom,'' he said. ''Without political power, religions cannot flourish and nations perish.''

HONORING ESTHER MEDINA, EXECUTIVE DIRECTOR OF THE MEXICAN AMERICAN COMMUNITY SERVICES AGENCY, INC

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Ms. LOFGREN. Mr. Speaker, I rise to acknowledge the great contributions of Esther Medina, the executive director of the Mexican American Community Services Agency, Inc. (MACSA). Founded in 1964, MACSA has established itself as the leader in the Latino community in the area of advocacy, social justice, youth/family/senior services, implementation and operation of two charter schools and the development of affordable housing.

Esther Medina was hired as the executive director of MACSA in 1982. At that time, MACSA was on the verge of losing funding from the United Way and was put on a 3-month corrective action plan to prove fiscal solvency, stable management and leadership. At that time, the finances were in such disarray, MACSA had no money in its budget to operate. Esther was able to convince the United Way to allocate $27,000 to keep its doors open for 3 more months. Through Esther's efforts, she transformed MACSA from an organization with 1 full-time and 1 part-time employee, on the verge of having it's doors closed forever, to an organization with 120 employees and an annual operating budget of over seven million dollars as well as developing and owning it's current headquarter building, 2 acclaimed affordable housing projects for seniors, a full service 25,000 square foot multi-service youth center, a youth/teen intervention center, and 2 public charter high schools.

Esther Medina exemplifies the characteristics of a competent leader by being true to her values as a human being. The astounding success of MACSA is clearly attributable to her outstanding leadership.

IN LASTING MEMORY OF THOMAS MCRAE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. ROSS. Mr. Speaker, I would like to rise in honor of the life and legacy of Thomas McRae III. He was a loving father and husband, a statesman, a leader, a public servant, and a tireless advocate of helping the less fortunate. He recently passed away at the age of 65 at his family's home in Arkadelphia.

Tom McRae, who was deeply rooted in an affluent Arkansas political family, graduated from El Dorado High School in 1956, and went on to earn a History degree from the University of Arkansas and a law degree from the University of Arkansas Law School. Upon graduation, he volunteered to go to Nepal with the Peace Corps in 1964, a 2-year experience that would give him a new perspective on society and allow him to perform extensive social work on behalf of Nepalese villagers and farmers.

Tom became a household name in 1990 when he ran in the Democratic primaries against Governor Bill Clinton in the face of overwhelming odds. He finished a strong second in a field of six, proving that odds are no detriment to a steadfast spirit and determination to fight for the causes and ideals in which you believe. It was a fight he would continue years later by directing nonprofit programs in Mississippi and Kentucky, helping the rural poor get loans and find jobs.

Throughout his life, Tom distinguished himself through a sustained commitment to his ideals and his community. He devoted himself to uplifting society by helping those less fortunate. His character is an example of the values we, as parents, teachers, community members, and legislators, hope to instill in our next generation. Bill Clinton spoke for many of us when he said, ''I respected, admired and liked Tom McRae, and I will be forever grateful for the lifetime of service he gave to Arkansas.''

I extend my deepest sympathies to his wife, Christine, his children, Catherine and Thomas, as well as all of those who knew and loved him. Although he may no longer be with us, his spirit and his legacy live on in the examples he set and the many lives he touched.

TRIBUTE TO MARJORIE CLEMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. MCINNIS. Mr. Speaker, it is with profound sadness that I rise before you to recognize Marjorie Clement of Jefferson County, Colorado, who recently passed away at the age of 81. She was a stellar public servant who will be missed by many, and I think it appropriate that we remember her life before this body of Congress and this Nation today.

Marjorie was appointed Jefferson County Commissioner in 1981, and was elected to serve for two additional terms. An ardent supporter of preserving Colorado's open spaces, Marjorie worked tirelessly to preserve some of Colorado's most beautiful landscapes and vistas. Marjorie became the second woman elected to the Jefferson County Board of County Commissioners, and will be remembered as a great defender of the citizens in her community. In addition to her elected office, Marjorie also contributed to her community as a member of the Jefferson County Historical Commission and the Jefferson County Historical Society. Marjorie was an avid outdoorswoman, enjoying horseback riding, tennis, and skiing. She is survived by a daughter, Elizabeth Graham, a son, Lawrence Clement, five grandchildren, and a great-granddaughter.

Mr. Speaker, it is an honor to rise before this body of Congress and this Nation to pay tribute to the life of Marjorie Clement. Marjorie was a beloved woman who made a tremendous impact on her community through her many selfless years in public service. The Jefferson County community and the State of Colorado will truly miss her, and my thoughts go out to Marjorie's loved ones during this difficult time of bereavement.

COUNCIL OF KHALISTAN URGES SIKH ORGANIZATIONS TO TAKE STRONG STAND FOR FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. TOWNS. Mr. Speaker, recently, the French National Assembly enacted a law banning religious symbols such as ''conspicuous crosses,'' yarmulkes, Muslim headscarves, and Sikh turbans from schools. Many religious organizations spoke out against it, including many Sikh organizations. Belgium is thinking about such a law also.

The Council of Khalistan wrote a letter on February 11 noting that none of the other Sikh organizations mentioned the persecution of Sikhs in India or their struggle for freedom in their communications about this law. Yet a free and sovereign Sikh homeland, Khalistan, would have put the Sikhs in a much stronger position to protest these discriminatory and unfair rules.

The letter, brought to me by Dr. Gurmit Singh Aulakh, the tireless fighter for freedom in South Asia, calls on Sikh organizations to stand up to the repression by working for freedom for the Sikh people.

In my years of public service, I have had the privilege of knowing many Sikhs. They are hardworking people and they are very supportive of the cause of freedom. Yet the Indian government's response is to step up the repression in the name of Hindutva—total Hindu domination of every facet of life in the subcontinent. An Indian Cabinet minister even said that everyone who lives in India must either be a Hindu or be subservient to Hindus.

Over a quarter of a million Sikhs have been killed by the Indian government in the last 20 years, Mr. Speaker. More than 52,000 are political prisoners. Even one political prisoner is unacceptable, Mr. Speaker. Even one government murder is unacceptable, especially when no one is punished for it and especially when the country where it happens proudly proclaims its commitment to democratic values.

Over 200 years ago, Americans fought to achieve our independence from an overbearing British monarchy. Today, the Sikhs fight for their freedom by peaceful means, which the Indian government falsely describes as terrorist. We are the beacon of hope for the freedom-loving people of the world, Mr. Speaker. We owe it to them and to ourselves to help them if we can.

One way to help is to stop aid to India as long as these egregious human rights violations continue. Everyone is entitled to live in peace and freedom, to go to work and enjoy life with the family and friends. Yet minorities in India are unable to do that because militant Hindus aligned with the RSS, the parent organization of the ruling party, and the government itself in many cases commit terrible acts

of violence against Christians, Sikhs, Muslims, Dalits, Assamese, Bodos, Tamils, Manipuris, and other minorities. This is unacceptable and the hardworking taxpayers of our country should not be called upon to support it.

Another measure that we can take is to declare our strong support for freedom through a free and fair plebiscite on independence where it is sought. India is a multinational state and history shows that such states do not survive. By helping to ensure that democracy is allowed to work for the cause of freedom and self-determination, we can make sure that whatever changes occur in the subcontinent happen peacefully.

Mr. Speaker, I don't mean to be long-winded, so I will stop here and place the Council of Khalistan's excellent open letter into the RECORD.

COUNCIL OF KHALISTAN,
Washington, DC, February 11, 2004.

Open Letter to Sikh Organizations and Institutions:

AN APPEAL TO THE KHALSA PANTH

ONLY IN A FREE KHALISTAN CAN SIKHS PROSPER—EVERY SIKH MUST WORK TO LIBERATE KHALISTAN

DEAR KHALSA PANTH: Waheguru Ji Ka Khalsa, Waheguru Ji Ki Fateh!

Recently, France passed a law banning the wearing of turbans and other religious symbols such as yarmulkes, Muslim head scarves, and ''conspicuous crosses'' in schools. This is a major violation of religious rights. Belgium is considering a similar law. Sikhs must do whatever we can to protest this unfair, discriminatory action.

Because Sikhs are slaves in India, there is nobody to defend the Sikh interests internationally. Recently, an issue came up of the French banning the wearing of turbans in school. If Khalistan were free, the Sikh Nation could call the French Ambassador and tell him to stop this harassment of Sikhs. Our Ambassador to France would tell the French government the same thing: the turban is part of the Sikh religion and Sikhs should not be harassed.

When Khalistan is free, we will be in a much stronger position to fight such offenses against our religion. We will be able to exert influence that we cannot bring to bear now. This is just one more reason that the liberation of Khalistan is essential. Yet prominent Sikh organizations like the Sikh Council on Religion and Education (SCORE), SMART, the Sikh Coalition, and other organizations refuse to mention the oppression of the Sikhs by the Indian regime and the struggle to liberate Khalistan. They are more concerned about their positions than about the Sikh people. These organizations are heavily infiltrated and often controlled by operatives of the Indian government. We appreciate the British Sikh Federation, which continually promotes the cause of Sikh rights and freedom for Khalistan. These other organizations must promote the cause of Sikh freedom as well. Whenever they have the opportunity to communicate with the outside world, they should promote freedom and independence for Khalistan.

The Guru granted sovereignty to the Sikh Nation, saying ''In Grieb Sikhin Ko Deon Patshahi.'' The Sikh Nation must achieve its independence to fulfill the mandate of the Guru. We always remember it by reciting every morning and evening, ''Raj Kare Ga Khalsa.'' Now is the time to act on it. Do we mean what we say every morning and evening? I urge Sikhs to unite and take action to liberate our homeland, Punjab, Khalistan. It is time to start a Shantmai Morcha to liberate Khalistan from Indian occupation.

Never forget that the Akal Takht Sahib and Darbar Sahib are under the control of the Indian government, the same Indian government that has murdered over a quarter of a million Sikhs in the past twenty years. The Jathedar of the Akal Takht and the head granthi of Darbar Sahib toe the line that the Indian government tells them. They are not appointed by the Khalsa Panth. The SGPC also is controlled by the Indian government that has brutally murdered our people. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

The Indian government invaded and desecrated the Golden Temple and 125 other Sikh Gurdwaras throughout Punjab to murder Sant Bhindranwale and 20,000 other Sikhs during June 1984 in Punjab. If Sikhs will not even protect the sanctity of the Golden Temple, how can the Sikh Nation survive as a nation?

The Indian government has murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human rights groups. These figures were published in Inderjit Singh Jaijee's excellent book, The Politics of Genocide. According to the Movement Against State Repression (MASR), the Indian regime admitted to holding 52,268 Sikhs as political prisoners. They are being held without charge or trial, some of them since 1984!

How can a democratic state hold political prisoners? The regime has made over 50,000 Sikhs ''disappear'' by picking them up, torturing and murdering them, and then secretly cremating them, declaring them ''unidentified.'' Their bodies are not given to their families. The bodies of Jathedar Gurdev Singh Kaunke and Sardar Jaswant Singh Khalra, who were murdered by the police, were never given to their families.

Other minorities also feel the lash of Indian repression. India has killed over 300,000 Christians in Nagaland since 1947 and murdered priests, raped nuns, burned churches, and destroyed Christian schools and prayer halls. They expelled missionary Joseph Cooper from the country after militant Hindu nationalists beat him up so badly that he had to be in the hospital for a week. Missionary Graham Staines and his two young sons were burned to death while sleeping in their jeep by a mob of militant Hindus chanting ''Victory to Hannuman,'' a Hindu god. Since they were allied with the pro-Fascist RSS, the parent organization of the ruling BJP, they were able to commit this atrocity with impunity. Muslims were massacred in Gujarat while the police were under orders to stand aside and let the massacre occur, a frightening parallel to the 1984 Delhi massacres of Sikhs. A policeman told an Indian newspaper that the Gujarat massacre was planned in advance by the government.

This kind of treatment of its minorities only confirms the kind of country that India, is. It is a fundamentalist Hindu theocracy, not secular or democratic at all. Remember what Narinder Singh, a spokesman for the Golden Temple, told America's National Public Radio in 1997: ''The Indian government, they are always boasting that they are democratic, that they are secular. They have nothing to do with a secularism, nothing to do with a democracy. They just kill Sikhs just to please the majority.''

Remember the words of Professor Darshan Singh, former Jathedar of the Akal Takht: ''If a Sikh is not a Khalistani, he is not a Sikh.'' The time to achieve our independence is now. India is not one country. It is a polyglot empire thrown together under one roof for the administrative convenience of the British colonialists. It has 18 official languages. History shows that such countries are doomed to fall apart. India will collapse just like the AustroHungarian Empire, the Soviet Union, and other multinational states.

Soon Kashmir will be free from Indian occupation. Now America is involved in it. As L.K. Advani predicted, ''When Kashmir goes, India goes.'' We agree with him and we urge the Indian government to hold a free and fair plebiscite on the question of independence and to sit down with representatives of the Sikh Nation to negotiate the boundaries of a sovereign, independent Khalistan. We want to make sure that India's collapse happens peacefully like that of Czechoslovakia, not violently like the breakup of Yugoslavia. The essence of democracy is self-determination. It is time for India to act like the democracy it claims to be.

When I met President Bush on December 5, he personally told me, ''I am aware of the Sikh and Kashmiri problem and we stopped India and Pakistan from going to nuclear war.'' The Sikh diaspora has a moral responsibility to help the Sikh Nation to achieve its sovereignty by freeing Khalistan from Indian occupation.

The time has come to liberate our homeland. Sikhs must claim their birthright by liberating Khalistan. Only by freeing Khalistan will we put an end to this corruption and restore control of Punjab and its assets to the people, to whom it rightfully belongs. A free Khalistan is a must for the survival of the Sikh nation and will provide an optimal environment for the Sikh Nation to progress to its optimum potential politically, religiously, and economically.

Panth Da Sewadar,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

TRIBUTE TO CHARLES RICHARD BUTLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise before you to pay tribute to the life of a remarkable man from my district. Charles Richard Butler of Durango, Colorado passed away recently at the age of 80. Charles will always be remembered as a devoted family man and patriot, and I would like to ask my colleagues to please join me in recognizing his amazing life before this body of Congress and this Nation today.

Charles began his career serving his country in the Navy, and played an integral role in unloading landing craft tanks on Utah beach during the D-Day invasion. After his honorable discharge, he went on to graduate from the University of Colorado in Boulder with both his undergraduate and graduate degrees in geology. Throughout his 35-year career, Charles worked in a variety of geological capacities and was highly respected as an expert in his field. Charles will also be remembered for leading an adventurous life, having both mined the wilds of Alaska, and searched for gold in Mexico. He is survived by his daughter, Ann, his niece Sarah Sumner and her daughters Laura, Julia and Meredith; his brothers William, Howard, and David along with numerous nieces, nephews, grand nieces and grand nephews.

Mr. Speaker, it is an honor to rise before this body of Congress and this Nation to pay tribute to the inspiring life of Charles Richard Butler. He was a beloved family man who made a tremendous impact in the field of geology. The Durango community, and the State of Colorado will truly miss Charles, and my thoughts go out to his family during this difficult time of bereavement.

THE NECESSITY OF AN ENERGY BILL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from February 6, 2004, Omaha World-Herald.

While the energy bill conference report is obviously not perfect—it contains excesses and too much parochial pork-barrel—the legislation would provide many important improvements over the current situation. Among its beneficial provisions, the measure is designed to improve the nation's electricity transmission capacity and reliability. It also supports alternative power sources and promotes a cleaner environment. As the editorial indicates, the conference report can be improved in certain ways while retaining its beneficial provisions.

It is imperative for Congress to pass a sensible long-term energy policy which will help assure Americans of development of diverse, reliable, affordable energy sources with an emphasis on energy conservation. After years of inaction, this Member believes that it is absolutely essential to enact comprehensive energy legislation. It is overdue.

[From the Omaha World-Herald, Feb. 6, 2004]

THAWING ENERGY POLICY

Signs of movement are appearing in Congress' deadlock over a comprehensive energy bill.

The $31 billion bill passed the House but fell two votes shy of breaking a filibuster in the Senate last November. The bill was a mixed bag, containing needed electrical-grid improvements and tax breaks and incentives for alternative energy sources, including a doubling of the nation's ethanol production. But it also would have rolled back some air and water pollution standards and was bloated with more than $11 billion in tax breaks and favors to gain votes.

Among the objectionable provisions was liability protection for makers of the gasoline additive MTBE. That would shift to state and local governments the estimated $29 billion cost of cleaning groundwater contaminated by MTBE.

Pete Domenici, chairman of the Senate Energy Committee, said he'll drop that provision. Good. It's an outrageous provision, but killing it will need the agreement of the House, where it still has strong backing from Majority Leader Tom DeLay.

Also likely to be cut in negotiations is the bill's exorbitant cost—more than half of which was targeted to existing oil, gas, coal and nuclear power production.

The electric-grid and ethanol proposals, fortunately, appear likely to emerge in either a slimmed-down energy bill or as separate proposals.

But the energy bill had many other provisions aimed at making a start (a small one, but a start nonetheless) on setting a new course for the nation's energy policies: tax breaks for alternative-fuel vehicles; tax credits for consumer-level energy-efficiency measures; tax credits for power plant investments in clean coal technology.

These are the important provisions for Congress to safeguard as compromises are sought to pass this vital legislation. (The fact that compromises are finally being openly discussed, after a Republican-only conference committee cooked up the current bill behind closed doors, is a victory all its own for political debate.)

The chance to plot such a course change for the nation's energy policy is an opportunity not to be missed. We're glad to see it's now open to reasonable compromise.

RECOGNIZING DAVID RYAN CLOUSE

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize David Ryan Clouse of Hopkinsville, KY, for his selection as a student delegate to represent Kentucky at the 42nd Annual United States Senate Youth Program. Ryan was one of two students chosen to participate from the State of Kentucky for this prestigious honor. Selection as a delegate is an honor few receive. Students are required to be involved in student organizations, community activities and achieve academically.

Ryan has excelled in academics. He has served as an officer and member in the various organizations in his school. He participated in the Governor's Cup Program. He has been a valuable member of his schools soccer team, basketball team and tennis team. Ryan has been involved in his church and community.

Mr. Speaker, I am proud to represent David Ryan Clouse in my District. I extend my congratulations to him for his achievements, and I am proud to bring his accomplishments to the attention of this House.

TRIBUTE TO TOM O'KEEFE FOR 30 YEARS OF PROTECTING CALIFORNIANS FROM WILDFIRES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. LEWIS of California. Mr. Speaker, I want to pay tribute today to a dedicated public servant who for the past 30 years has devoted his life to protecting southern Californians from the danger of wildfires. I can say sincerely that many of my constituents owe their lives and homes to the hard work and leadership of Thomas O'Keefe, who is retiring as chief of the San Bernardino Unit of the California Department of Forestry and Fire Protection.

Tom O'Keefe began his career in public service in 1968 as a member of the United States Coast Guard, where he served aboard the Ice breaker Storis in Alaska.

After his 4 years in the Coast Guard, chief O'Keefe began his work for CDF on October 1, 1974 as a Fire Control Assistant in the Orange Ranger Unit. In 3 years, he was promoted to a Fire Apparatus Engineer and was assigned to the El Cerrito Forest Fire Station (FFS) in the Riverside Ranger Unit. He moved up to Fire Captain in August of 1981 and was assigned to Indian Wells and later to a Training Fire Captain position in the Riverside Ranger Unit Headquarters.

In April of 1986, Tom O'Keefe became Battalion Chief in the Riverside Training Section and three years later was made a field Battalion Chief in San Jacinto. Moving up quickly in the ranks, he was named a Division Chief in 1989, in charge of the Staff Services Division and later headed the Emergency Services Division for Riverside County. In October 1996, he was promoted to Deputy Chief of the Riverside Ranger Unit and was finally named Chief of the San Bernardino Ranger Unit in July 1999.

Mr. Speaker, the California Department of Forestry and Fire Protection is our statewide firefighting agency, and Chief O'Keefe has played an active role in many historic events, ranging from the Los Angeles riots to the Northridge earthquake. The agency is also charged with forestry management and fire prevention, and I am most grateful for Chief O'Keefe's efforts to deal with the terrible tree dieoff in the San Bernardino mountains.

On October 21, 2003 wildfires erupted throughout southern California. These fires were some of the most costly and devastating wildfires in the State's history. Two of these fires were located in San Bernardino County, and the Old Fire in my district destroyed more than 1,000 homes. Chief O'Keefe led the CDF in playing a central role as firefighters evacuated tens of thousands of residents, saved thousands of structures and protected and held the fire back from destroying the entire forest. Chief O'Keefe had already been selected to receive the Director's Leadership Award, but the recognition was especially deserved in light of his leadership and professionalism in the fires of 2003.

Thanks greatly to the efforts of Chief O'Keefe and the CDF, most of our mountain residents were able to return home after the fires. They have expressed their gratitude in many ways, and I thank him personally as we wish him well on his retirement.

Mr. Speaker, I ask that you and my colleagues join me in saluting this public servant, and sending him and his wife Nancy our best wishes.

RECOGNIZING DEREK SCOTT KING FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Derek Scott King, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 167, and in earning the most prestigious award of Eagle Scout.

Derek has been very active with his troop, participating in many scout activities. Over the years Derek has been involved with scouting, he has earned 33 merit badges and is a Firebuilder in the Tribe of Mic-O-Say. Derek

has also attended the National Scout Jamboree at Fort A.P. Hill in Virginia and the Junior Leader Training Conference at the Pony Express Council.

For his Eagle Scout project, Derek built a new sign for the Alta Vista Baptist Church.

Mr. Speaker, I proudly ask you to join me in commending Derek Scott King for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO FRUITA MONUMENT HIGH SCHOOL STUDENTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. MCINNIS. Mr. Speaker, it is my honor to rise before you today to pay tribute to the students of Fruita Monument High School who recently devoted their time and efforts toward improving the lives of others. Last year, 25 students joined the Committee for a Merry Christmas For All to construct, collect and distribute Christmas toys to needy children in Colorado. Their actions serve as a valuable model of community service, and I would like to ask my colleagues to join me in recognizing their tremendous contributions to the State of Colorado before this body of Congress and this nation.

The Committee for a Merry Christmas For All was established 17 years ago. Since the committee's beginning, the Grand Junction Free Press reports that ''Students have designed and constructed nearly 5,000 toys . . . and they've collected another nearly 6,000.'' This past year, under the tutelage of their teachers Ed Reid and Mel Crider, the students constructed and distributed a variety of toys. On the Saturday preceding Christmas, the students and their teachers met at Fruita Monument High School and distributed the collection of toys to children in need throughout the Grand Junction community. This is an amazing group of young citizens, and I am proud to highlight their amazing actions here on the floor of the House of Representatives.

Mr. Speaker, it is a high honor to rise before this body of Congress to pay tribute to each member of the Committee for a Merry Christmas For All. I would also like to thank their teachers Ed and Mel, who have dedicated their time and efforts to make this service possible. These efforts have brightened the lives of thousands of needy children in Colorado, and the State will forever remain grateful. It is my honor to offer my deepest gratitude and appreciation to the Committee and School, and I thank them for their service.

HONORING JAMES HUFF

HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. PICKERING. Mr. Speaker, this month James Huff retires—again. A mentor, a confidant, a family friend, and a counselor since before I ran for Congress, Jim represents the best Mississippi has to offer and will be irreplaceable on my staff.

Jim and Marilyn Huff reared two children and proudly claim 5 grandchildren. For 32 years he worked at the Masonite Corporation in Laurel. As operations manager at Masonite, he was one of the leading businessmen in Jones County, where I grew up and first appreciated his wisdom, wit, and integrity.

President George H. W. Bush put Jim's knowledge and expertise to work, appointing him Mississippi's state director of the Farmers Home Administration. Excelling as administrator and leader, Jim was next asked by President Bush to come to Washington DC and serve as the national administrator of the Rural Electrification Administration.

Years later, Jim's political knowledge of Mississippi and Washington DC benefited my work both in my first campaign for Congress and then as I worked to serve the constituents of Mississippi's Third District. Few freshman Congressmen could boast of such unique experience on staff. His guidance was exceptional; his advice, outstanding.

Jim continues to be a servant in his community. He is a leader at the Hebron Baptist Church where his abilities as a sunday school teacher and work as a deacon are well known and appreciated. Active in the Kiwanis Club, people in Jones County know they can come to Jim for advice and assistance during life's struggles.

The pages of Mississippi record a lifetime of public service and private engagement from Jim Huff. He will never fully retire. He may have more time now to work his cattle farm and relax at his favorite fishing hole, and more time to spend with his loving family.

When I think of Jim Huff, I think of honesty, service, humor, and experience. I thank him for his service to this office and to Mississippi. I join the rest of my staff in saying we will miss him, but I know I will see him often because he is more than a colleague and assistant. He is family and will remain near in my heart, constant in my thoughts, and always in my prayers.

HONORING RAHEEN TYSON HEIGHTER

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues an address that I delivered at the memorial service of Raheen Tyson Heighter, a fallen soldier from my district on November 11, 2003.

Raheen Tyson Heighter went to the Middle East willingly, sacrificed selflessly, and served proudly.

In the two and a quarter centuries of our nation's history, our country has faced seemingly insurmountable obstacles. But in generation after generation, Americans have risen to the occasion and met every challenge.

In the 18th century, our forefathers were able to beat back the greatest military superpower in the world to secure our independence. In the 19th century, Americans defeated the greatest injustice in the world—slavery. And in the 20th century, millions of patriots, in what has come to be known as America's greatest generation, defeated the greatest evil the world has ever known—the Nazis.

Raheen is part of a generation that faces a newer, but no less dangerous tyranny.

He is a child of Long Island. He went to this high school. In many ways, he is very much like the hundreds of thousands of other children in our community—with one remarkable exception.

Raheen was willing to make the ultimate sacrifice to secure the blessings of liberty for his countrymen, for our children, and for America's future.

By sacrificing himself for our way of life, Raheen, in the words of his mother, ''died an American hero.''

By fighting for a better world, Raheen, as the poet John Gillespie Magee, Jr. wrote, ''slipped the surly bonds of earth'' to ''touch the face of God.''

May his name be remembered throughout history, and may he serve as a source of strength and pride to American generations yet unborn.

HONORING PFC ARMANDO SORIANO

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. GREEN of Texas. Mr. Speaker, I rise today to extend my deepest sympathies to the family and friends of PFC Armando Soriano.

PFC Soriano was a constituent of the 29th District of Texas, and a true hero, who died on February 1, 2004, while serving his country in Haditha, Iraq.

Armando Soriano joined the Army 2 months after graduating from South Houston High School in 2002. Soriano was assigned to the howitzer battery, 3rd Squadron, 3rd Armored Cavalry Regiment, in Fort Carson, Colorado. His unit in Iraq was attached to the 82nd Airborne Division of Fort Bragg, North Carolina. His vehicle, traveling with another one on a supply route, slid off a road and rolled over during bad weather.

Armando Soriano leaves behind his two parents, Clotilde and Enrique, and 4 younger siblings.

I know his parents, family and friends are devastated by this loss, but they should be proud of the great man Armando Soriano had become and that he died a hero while serving his country.

His loss will be felt by all of South Houston, and I ask that you remember the Soriano family in your thoughts and prayers.

TRIBUTE TO DR. LAWRENCE T. GERATY PRESIDENT OF LA SIERRA UNIVERSITY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and c6ntributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Dr. Larry Geraty is one of these individuals. On Wednesday, February 25, 2004,

he will be honored at a surprise dinner for ten years of academic and community excellence.

Dr. Geraty grew up as a citizen of the world as part of a Seventh-day Adventist missionary family who lived and worked in China, Burma, Hong Kong, and Lebanon. Dr. Geraty received a rich educational experience from attending schools in China, Hong Kong, Lebanon, England, Germany, France, Israel, California, Maryland, Michigan, and Massachusetts. These experiences set him on a lifelong course committed to the values of diversity and education.

After completing his undergraduate degree at Pacific Union College, Dr. Geraty graduated from the Theological Seminary at Andrews University. He then served a short term as a pastor in Santa Ana, California. Later, Dr. Geraty joined the Andrews Theological Seminary faculty, he first went to Harvard University to study Hebrew Bible and biblical archaeology where he earned and received with distinction his Doctor of Philosophy degree.

Returning to Andrews Theological Seminary as Professor of Archaeology and History of Antiquity, Dr. Geraty distinguished himself as a teacher and scholar for the next 13 years, teaching also in Jamaica, Jordan, Trinidad, Costa Rica, Europe, and Australia, and directed a series of major archaeological expeditions to the Middle East. During this time he was also the curator of the Horn Archaeological Museum and founding Director of the Institute of Archaeology at Andrews University.

In his notable scholarly career, Dr. Geraty has received numerous honors, including a Fulbright Fellowship and served as advisor on archaeology to former Crown Prince Hassan of Jordan. Dr. Geraty also served as president of several scholarly societies; vice president of the American Center of Oriental Research in Amman, Jordan; lectured all over the world and contributed to numerous publications.

Adding to his teaching focus, in 1985 Dr. Geraty became president of Atlantic Union College in South Lancaster, Massachusetts where he earned the reputation as a progressive academic administrator. Since July 1993 Dr. Geraty has served as President and professor of archeology at La Sierra University in Riverside, California, where he has also become active in the community, serving currently on the boards of the Greater Riverside Chambers of Commerce, United Way of the Inland Valleys, The Employers Group, Metro Riverside International Cabinet, Mayor's Higher Education/Business Council, Raincross Club, Monday Morning Group, and the Riverside Youth Action Executive Policy Board.

In the year 2000, Dr. Geraty received the P. E. MacAllister Award for Excellence in Field Archeology from the American Schools of Oriental Research, and in 2001, the Charles Elliott Weniger Award for Excellence at Pacific Union College. On July 1, 2002, he began a three-year term as president of the American Schools of Oriental Research (ASOR), the premier organization for American archeologists working in the Middle East. From headquarters at Boston and Emory universities, he will supervise an annual scholarly convention, the publication of several scholarly books and journals, the accreditation of American archaeological projects in the Middle East and relate to research centers in Jerusalem, Amman, and Nicosia.

Dr. Geraty and his wife, Gillian, have a daughter in Colorado, a son in Michigan, and between them five grandchildren. Truly, one of Dr. Geraty's most impressive accomplishments has been his ability to remain active as an archaeologist and churchman while continuing to lead and direct a university which combines the religious values of a faith community, the educational ideals of a liberal arts college, and the research opportunities of a comprehensive university.

RECOGNIZING JOSEPH WILLIAM MICHAEL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Joseph William Michael, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 167, and in earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the years Joseph has been involved with scouting, he has earned 38 merit badges and is a Firebuilder in the Tribe of Mic-O-Say. He served on Cub Scout Camp staff for 5 years. Joseph has also attended the National Scout Jamboree at Fort A.P. Hill in Virginia and the Junior Leader Training Conference at the Pony Express Council.

For his Eagle Scout project, Joseph built a stadium canopy for the Winston High School baseball field.

Mr. Speaker, I proudly ask you to join me in commending Joseph William Michael for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO JOHN ELWAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. McINNIS. Mr. Speaker, it is truly a privilege to take this opportunity to pay tribute to John Elway, a remarkable individual and stellar athlete from the State of Colorado. John will be forever revered as one of the most outstanding quarterbacks to ever play in the National Football League. In recognition of his achievements and dedication to the sport, John was recently selected to enter into the Pro Football Hall of Fame. This prestigious honor is a true testament to his extraordinary leadership and commitment to excellence both on and off the field, and it is my honor to highlight his accomplishments before this body of Congress and this nation.

John captured the attention of sports enthusiasts worldwide throughout his impressive career. He began playing for the Denver Broncos in 1983, and went on to lead his team to five playoff appearances, five Superbowls, and two Superbowl victories. Upon his retirement in 1998, John had amassed more victories than any quarterback in the history of the NFL. As further testament to his career accomplishments, John was chosen to enter the Pro Football Hall of Fame on his first year of eligibility.

John is also well known as an active leader off the field, and has for many years, contributed his time and energies toward improving the lives of his fellow citizens. In 1987, John founded The Elway Foundation, an organization that has been instrumental in raising over $3 million to help eliminate child abuse. The money has been used to aid the Family Advocacy, Care, Education, Support organization and The Kempe Children's Center. John's dedication to his community truly serves as a valuable model of civic service to today's youth and young athletes.

Mr. Speaker, it is quite clear that John Elway is a person whose unparalleled dedication and hard work both led him to the top of his profession in the National Football League. The combination of his incredible talent and unrelenting passion for competition, combined with an unconquerable human spirit, has led to his selection as a member of the Pro Football Hall of Fame. It is my distinct pleasure to recognize his achievements before this body of Congress and this nation today, and I wish him all the best in his future endeavors. You have made your teammates, your fans, and the State of Colorado proud.

UNCLE ARTHUR AND ORVILLE WRIGHT

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. SIMMONS. Mr. Speaker, earlier this month the media reported that Rover and Opportunity were exploring the Martian surface. Mars is about 35 million miles from Earth, yet man can reach that alien world.

On December 17, 1903, at Kitty Hawk, North Carolina, an equally awe-inspiring event took place. It was there that Wilbur and Orville Wright gave birth to man's ability to fly by successfully testing the first powered, heavier-than-air craft that achieved sustained flight with a pilot aboard. The first flight was only 120 feet, far less than the distance to Mars, but that single event defined the 20th Century.

In the December 2003 issue of Aircraft Owners and Pilots Association Magazine, I learned, through an article written by my brother, Tom Simmons, that our family has a connection to the Wright Brothers. Our Great Uncle Arthur Ruhl was one of only six journalists in May 1908 to watch the Wright Brothers work with their aircraft at Kitty Hawk.

An article about what Uncle Arthur saw appeared in Colliers magazine on May 30, 1908. But this story doesn't end with Uncle Arthur's article. He sent a copy of his story to the Wright Brothers and Orville sent back a warm reply. Emboldened by the inventor's response, and his own curiosity, Uncle Arthur wrote back and asked if he could take a flight. Orville responded that they had so many requests they were limiting their passengers to Army officials.

Undaunted, Uncle Arthur continued his correspondence with Orville Wright, and by 1910 the Wright Brothers were exhibiting their aircraft because the public was paying to watch the flights. Who should be covering one of the

exhibitions for Colliers Weekly but Uncle Arthur. He was watching Orville Wright train one of his students when the inventor extended the long sought invitation.

Uncle Arthur found the adventure exhilarating. He wrote, ''It was now that we seemed, indeed, to be going like the wind—a wonderful sensation, like nothing else, so near to the earth, yet spurning it.''

I fly between Washington and my home in Connecticut just about every weekend. Today air travel does not inspire the awe described by Uncle Arthur. But it is an amazing thing—the ability to fly thousands of miles around the world in a matter of hours, or to set foot on a planet that our ancestors looked at every night with amazement and wonder.

I can now look at flight through the eyes of my Uncle Arthur; and I will probably never look at the trip between Washington and Connecticut so casually ever again.

[From the AOPA Pilot, Dec. 2003]

UP IN THE AIR WITH ORVILLE

(By Tom Simmons)

There are many ways to ''catch the flying bug.'' One of the the most common occurs when a pilot offers a nonpilot a ride in his airplane. If this ever happened to you (since you're reading AOPA Pilot today) chances are good that you said, ''You bet!'' Chances are also good that the pilot was certified by the FAA and his airplane was a certificated airframe.

So imagine, for a moment, the same situation but with slightly altered circumstances. Imagine that the pilot has never taken a flying lesson in his life and knows nothing about aerodynamics other than what he has taught himself through trial and error. Imagine that the airplane is home-built, the most recent in a succession of airframes built by this self taught pilot because he keeps modifying the control system and all his previous airplanes have been destroyed in flying accidents. And finally, imagine that the seat you are offered is a wooden chair bolted to the wing, without cockpit or cowling surrounding it, and not even a seat belt to hold you in place. Still interested?

I know of a man who said, ''You bet!'' under the exact circumstances I've just described. He was my great-uncle, Arthur Ruhl, a feature writer for Collier's Weekly in the early decades of the twentieth century. And the pilot who took him for his first thrill ride was Orville Wright.

The story begins in May 1908. The Wright brothers had returned to Kitty Hawk, North Carolina, to test a two-man machine built according to contract specifications for the Army Signal Corps. My great-uncle was one of six journalists watching surreptitiously from a stand of trees a half-mile away. At the time, the Wrights were still secretive about their invention and refused to fly in front of witnesses (which fueled doubts about their claims of successful flights) so the journalists stayed out of sight.

They watched two flights, including the first two-man flight the Wrights had ever attempted. As Uncle Arthur's article in the May 30 edition of Collier's describes it: ''A hundred yards away, the great bird swung to the right and swept grandly by, broadside on. Some cows grazing on the beach grass threw their heads upward, and whirling about, galloped away in terror ahead of the approaching machine. It swept on far above them indifferently, approached the sand hills three-quarters of a mile to the left, rose to them, soared over and down the other side.''

Uncle Arthur was clearly thrilled by what he saw. He sent a copy of his article, ''History at Kill Devil Hill,'' to the Wright brothers and received a warm reply from Orville. ''I thought your account of the maneuverings of the newspaper men at Kill Devil Hills the most interesting thing I have ever seen concerning our experiments,'' Orville wrote. Pretty high praise.

Perhaps it was these kind words from Orville that emboldened my uncle to make his next contact in September 1908. Orville was then in Washington, D.C., flying the acceptance trials for the Army, and on September 9 he had taken up his first passenger. Uncle Arthur wrote him and asked to be taken up for a flight. Orville's handwritten reply appears on Cosmos Club stationery.

Sep. 14, 1908.

My dear Mr. Ruhl: I have your letter, and I am sure it would give me great pleasure to take you up with me in our machine, but I have had so many requests that I hardly see how I can take you without giving offense to others. I am limiting the number of passengers to the Army officials at present. I am sorry that you were not able to remain to see some of the flights, but hope you may be able to come down again.

Very truly yours

Orville Wright

Strong winds prevented Orville from flying for several days. On September 17, his next flight after writing my uncle, Orville took Lt. Thomas Selfridge up as his passenger. One of the propellers separated, sliced a guy wire, and caused the machine to crash. Selfridge was killed.

A more timid man might have abandoned his hopes of flying right then and there. But not Arthur Ruhl. When Orville recovered from injuries sustained in the accident and returned to work in May 1909, he found a letter waiting for him. Uncle Arthur still wanted to take a flight. Orville again refused.

Orville wrote back: We shall not be able to make any flights before we go to Washington, and once we get to work there we shall have to devote every flight to teaching our pupils. Besides if we take one passenger we will be besieged with requests from people whom it will be almost impossible to refuse. You will readily see how much embarrassment it will make us if we begin to take passengers. It would give us pleasure to take you for a little spin, in recompense for the suffering you endured, on ''the firing line'' but we did not see how we can do it. We shall be glad to see you in Washington in you find it convenient to be there while we are at work on our government contract.

But that's not the end of the story. In 1910, the Wrights decided to enter the exhibition business. Americans weren't buying airplanes but they were paying to watch others fly them. So the real money in aviation was out on the flying circuit. In order to compete in as many events as possible, Orville started training pilots for the Wright brothers team. Instruction was conducted at Huffman Prairie, a hummocky pasture eight miles outside of Dayton. And once again, Arthur Ruhl was there to cover the story for Collier's Weekly.

For a nonpilot writing in 1910, Uncle Arthur's understanding of aerodynamics was impressive. In the Collier's article, he writes: ''One of the first things to learn, of course, is that the air isn't the simple homogeneous medium it seems to be. It boils and shifts and swirls as current fights tide, and the aeroplane is sailing, not across the stream, but through it.

''Take, for instance, this peaceful cow pasture on a bright June morning. The sky is an even blue and the solitary tree across the field seems drenched in slumbering sunshine. Yet, as a matter of fact, any one of many interesting things are happening near the tree. Maybe the air is streaking up from it as it would streak up a chimney flue, or swirling round it as water swirls around a rock, and if you are flying into the wind and at the tree, the wind may come pouring down over it and upon you like an invisible waterfall.''

Uncle Arthur also seems to have understood the Wrights' control system pretty well. ''The wings and vertical rudder work together in their machine. The same pull which depresses the left wing-tip and increases its angle of incidence—gives it a firmer grip on the air, so to say—lifts the right wing-tip and lightens its grip accordingly; at the same time the rear rudder turns to the right, thus tending to counteract the combined drag and lift of the wings and bring the machine back to an even keel.''

Uncle Arthur watched Orville train his students until the sun edged toward the horizon. ''And then he gave an invitation which had been sought ever since a baking spring morning two years ago, when six weary and tick-bitten corresponding rowed, waded, tramped, and crawled for several hours to a spot under Kill Devil Hill and there saw the Wright machine in successful flight across the Kitty Hawk sands. 'You're elected.' said Orville and I climbed in.

''The passengers's seat in the Wright machine is in the middle. THe engine is at his right, and the driver is at his left, so that the balance is the same whether an extra man is carried or not. You sit on a small wooden seat with a back, grasp one of the uprights with your right hand, and rest you feet on a cross-bar. Although not fastened in, one is pretty safely caged by a guy-wire, which passes diagonally across and close to one's chest.''

Thus seated, wearing a three-piece suit and jaunty cap, Uncle Arthur headed for the heavens.

''Curious and rather uncanny air trends strike the machine more or less continually as it flies. From the way it vibrates, from the little flapping pennant in front, most of all from an instinct which can only be acquired by experience, the veteran knows pretty well what is happening and how to meet it. But as the novice feels himself suddenly boosted up or dropped with a sensation much like that felt when an elevator suddenly drops or rises, he can only sit tight and trust the man beside him.

''And it was up here, about three hundred feet in the air, that Orville treated me to the only maneuver which a regular bird-man could, I suppose, have regarded as remotely in the nature of an adventure. For any one tired of life and listlessly seeking a new sensation, I can thoroughly recommend it. Just get the Wrights to take you up a few hundred feet, and then as you hand there above the abyss, like a lamb in a condor's claws, bring the great bird up standing and stiffly 'banked,' swing it around in a diameter of, say, two hundred feet.''

Imagine that. Uncle Arthur, sitting on a seat with no seat belt, up in the air for the first time in his life, flying at about the height of a 30-story building—and Orville puts the plane into a tight banked turn. I don't know how you would have felt and I'm not sure how I would have felt. But my great-uncle loved it! His article, titled ''Up in the Air With Orville,'' is filled with his joy from the experience.

''Thus we slid down, faster than ever now, with the wind blowing the tears out of our eyes; and just before touching ground came up with exquisite ease and went skimming round the field just tickling the weed tops. It was now that we seemed, indeed, to be going like the wind—a wonderful sensation, like nothing else, so near to the earth, yet spurning it. Twice around the filed we went, keeping an even distance from the ground, as if on an invisible track, and then Orville shut off the engine and we slid down upon the grass just as a duck on the wing slides into water.'' Wow.

Arthur Ruhl died in 1935 and his files were packed into boxes that went into storage for more than 60 years. I recently came into possession of his papers, which include both articles for Collier's, three letters from Orville Wright, and a note from Katherine Wright, the brothers' sister, thanking Arthur for some sweet peas he brought to dinner at the Wrights' home on Hawthorne Street in Dayton.

RECOGNIZING THE CLASS ACT GROUP GRASSROOTS CONFERENCE TO RESTORE THE BROKEN PROMISE OF MILITARY RETIREE HEALTH CARE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commend Col. George ''Bud'' Day and the members of the Class Act Group who have worked so hard to restore health care to America's military retirees. I salute them for their grassroots efforts that helped make Tricare for Life the law of the land, and I commend them for coming together on February 17, 2004, in Fort Walton Beach, Florida, to develop a strategy to convince Congress to make good on more of the broken promises. I especially appreciate their efforts to enact H.R. 3474, the Keep Our Promise to America's Military Retirees Act, a bipartisan bill that I was proud to introduce.

The purpose of the recent meeting takes on a greater urgency because we must prepare to honor a new generation of veterans who have been willing to make the ultimate sacrifice for our country in Iraq and Afghanistan. Our government must be accountable for the promises it makes to young men and women who are asked to serve our country in this way.

Generations of young men and women were recruited into the uniformed services with the promise that heath care would be there for them when they retired after serving a career in service. But while these career soldiers put their lives on the line for our country, the government did not keep its end of the contract. Finally, the Courts have laid to rest the matter of who is responsible for making good on those promises—the United States Congress.

The Class Act Group convention is in the best tradition of American democracy—they are joining together to petition their elected representatives to do the right thing and make good on promises the government made to our military retirees. As veterans, they have already set a good example for our young people by protecting our freedoms and rights. And by organizing this grassroots movement they are doing it again by exercising those freedoms and rights.

I send my congratulations to the Class Act Group for a job well done! I will work with CAG and anyone else who shares our goal, to see that Congress does Keep Our Promise to America's Military Retirees.

THE IMPORTANCE OF DUE PROCESS FOR JOSE PADILLA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. UDALL of Colorado. Mr. Speaker, the Supreme Court has agreed to hear two important cases regarding the balance between national security and the rights of American citizens. And in a February 24th editorial, the Rocky Mountain News clearly explains why we all have a stake in the outcome of the cases involving Yasr Hamdi and Jose Portillo.

While both evidently are American citizens now being held as unlawful combatants, their cases are not identical. As the editorial explains:

> Both men are citizens, but the incarceration of Hamdi seems less convincingly a civil-rights incursion than the incarceration of Padilla. While Hamdi deserves his day in court, grabbing a prisoner at the site of armed hostilities in a foreign country is a different matter from picking someone up at a domestic airport.

And, in the words of the editorial, here is the bottom line:

> The obvious issue with Padilla is that if the administration can stick him away as long as it likes without an indictment or court proceedings of any kind, why can't it do the same thing with any of us?

Mr. Speaker, that is exactly the point, and exactly why the Portillo case is so important. For the benefit of our colleagues, I am attaching the full text of the editorial.

[From the Rocky Mountain News, Feb. 24, 2004]

PADILLA DESERVES DUE PROCESS—STILL

Some argue the Bush administration was justified in arresting a U.S. citizen and holding him for two years without due process because, after all, he was in league with terrorists. The logical fallacy here is known as begging the question—you assume the conclusion in the proposition.

How can the administration know Jose Padilla was a terrorist intent on mass killings through use of a ''dirty'' bomb without due process? And if this can be proven, why doesn't the government initiate a trial?

The Supreme Court is now going to take on the question of whether the administration violated the Constitution in holding Padilla, arrested in Chicago after a trip abroad, and Yaser Hamdi, captured in a battlefield in Afghanistan. Both men are citizens, but the incarceration of Hamdi seems less convincingly a civil-rights incursion than the incarceration of Padilla. While Hamdi deserves his day in court, grabbing a prisoner at the site of armed hostilities in a foreign country is a different matter from picking someone up at a domestic airport.

The obvious issue with Padilla is that if the administration can stick him away as long as it likes without an indictment or court proceedings of any kind, why can't it do the same thing with any of us?

It's hard to see how the Supreme Court could side with the administration in the Padilla case, even if a few other presidents, most notably Abraham Lincoln during the Civil War, have gotten away with the suspension of due process. Moreover, there is language both in Article I of the Constitution and the Fifth Amendment that allows exceptions to due process protections when there is a public danger. We simply don't believe that language would be correctly applied to the Padilla situation.

SPEECH OF DR. ARCH BARRETT

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. SPRATT. Mr. Speaker, I rise to enter into the RECORD a speech given by a former staffer of the House Armed Services Committee, Arch Barrett. Arch is one of the most unassuming people I know, but was one of the most remarkable and able staffers I've met during my 20 years on Capitol Hill.

Arch had an undergraduate degree from both the West Point and Harvard, and later got his Ph.D. in political economy and government from Harvard. He entered the Air Force as a second lieutenant in 1957, saw plenty of action in Vietnam, and retired as a colonel in 1981. While in the Air Force, he received the Distinguished Flying Cross, Legion of Merit, Meritorious Service Medal, Air Medal with 12 oak leaf clusters, the Joint Service and Air Force Commendation Medals, and the Vietnam Service Medal.

As distinguished as his military record is, his greatest effect on the military came after he became a staffer for the House Armed Services Committee. If it were not for Arch Barrett, I do not believe Congress would have enacted the Goldwater-Nichols Act. Goldwater-Nichols forced the separate branches of the Armed Services to work cooperatively, and our forces would not be nearly as effective today had it not been for the Goldwater-Nichols Act. The Pentagon fought Goldwater-Nichols tooth and nail, and it took us about 4 years to actually pass the legislation. Whenever the Pentagon raised an objection, we sent Arch Barrett over and he'd argue with the naysayers until they ran out of objections and had to relent. It was a virtuoso performance by someone who had mastered the subject matter.

Arch Barrett is now a professor at the Navy Post-Graduate School in Monterrey, still serving his country. He gave the graduation address to the Naval Postgraduate School's Joint Professional Military Education Course in June 2003. In that speech, Arch of course downplayed his own role in establishing Goldwater-Nichols, but did recognize important contributions from several Members of Congress. One of those is a man I, like Arch Barrett, admire—my good friend and colleague from Missouri, the Ranking Democrat on the House Armed Services Committee, Ike Skelton.

I commend Arch's speech to all those with an interest in the founding of the Goldwater-Nichols legislation, and I am proud to enter it into the RECORD.

REFLECTIONS ON LEADERSHIP IN DEFENSE AND PROFESSIONAL MILITARY EDUCATION REFORM

(By Archie D. Barrett)

Sixteen years ago, in 1987, Congressman Les Aspin asked me whether there was an uncompleted task in the area of Defense Department restructuring that could be assigned to Representative Ike Skelton. Aspin was the chairman of the Committee on Armed Services of the U. S. House of Representatives. Skelton was a mid-level Democrat on the Committee who was intensely interested in improving the quality and performance of our Armed Forces. I was a member of Mr. Aspin's Committee staff.

At the time, the Pentagon was making little progress in implementing the education

provisions of the 1986 Goldwater-Nichols Act. The Act required a reassessment and revamping of professional military education to assure that it supported the new emphasis on joint military planning and operations. I suggested to Chairman Aspin that Rep. Skelton could provide a signal contribution to the improvement of the nation's armed forces if he could be persuaded to lead a congressional panel charged with bringing PME into line with the goals of the Goldwater-Nichols Act. Subsequently, Rep. Skelton seized on the opportunity and ultimately fathered the significant changes in Professional Military Education that have culminated in your presence here as JPME graduates at the Naval Postgraduate School.

My remarks today will be addressed to the leadership displayed by Rep. Skelton and two other individuals that eventually led to this gathering.

We usually think of a leader as someone who is in charge or who heads an organization. I for one barely qualify. My most extraordinary experience in that regard was leading aircraft on night combat missions in Southeast Asia during the Vietnam War. But the aircrews I commanded came together for only one mission and very little ''leadership'', as we usually think of it, was involved. On the other hand, many of you in the audience have been, or will be, called upon to lead in the traditional sense. You may rightly ask what I could convey to you on the subject. I certainly asked that question of myself when I began to contemplate this address.

My answer is that I have had the privilege of observing others use their ability, their positions, and their prestige to exert leadership on matters of great importance to our country. Basically, a leader influences other people to behave as he or she wishes. The leaders I will discuss influenced the behavior of hundreds of thousands of members of the armed forces, including you in this audience. It is because of my experience with those men that I can discuss aspects of leadership.

At about the time you graduates were attending high school, I retired from the Air Force and joined the staff of the Armed Services Committee. In February 1982, General David Jones, the nation's most senior military officer, testified that there were fundamental flaws in the structure of the highest military body in our Armed Forces, the Joint Chiefs of Staff—or JCS, as it is often called. He proposed that Congress legislate far-reaching changes.

Gen. Jones was chairman of the JCS. At the time, he was in his late '50s. He was a tall, dark haired, distinguished looking man in his Air Force uniform with the 4 stars on each shoulder.

The general charged that the JCS, a committee consisting of the chiefs of each service, had difficulty making decisions and providing advice to the President from an overall national defense perspective because each chief aggressively pursued the interests of his own service. Moreover, he claimed, the service chiefs had used their positions on the JCS to weaken the field commanders—the CINCs—whose mission it is to plan and conduct military operations. Each service chief wanted to keep as much control of his soldiers, sailors, airmen, or marines as possible. Each chief also sought to maximize his service's budget for tanks, planes, or ships regardless of the needs of the other services. It is no wonder, then, that when the services were called on to work together in military operations, their joint performance was often unsatisfactory.

Most of you in this room are accustomed to hearing of nothing but an unbroken string of military successes during your lifetime. Those of us who are older remember a much more uneven pattern of military performances. Jones could point to a whole string of flawed military operations to support his allegations.

In Vietnam, the JCS disregarded the principle of unity of command. There were two land chains of command and four air chains of command largely because of each service's sensitivity about placing its forces under the command of a general or admiral of another service.

In 1980, the services were unable to work together in an attempt to rescue American Embassy hostages in Iran. Two aircraft collided on the ground killing several servicemen and dooming the operation. The subsequent investigation revealed gaping disconnects among the services in training for the operation and, once again, flaws in the chain of command.

Going back to World War II, friendly fire from Navy ships shot down Army aircraft during the invasion of Sicily killing paratroopers and aircrews due to inadequate communications and coordination among the services.

Also, in World War II, the Army and the Navy divided the Pacific into two commands, one headed by Gen. MacArthur and the other by Admiral Nimitz, because they could not agree on a unified command structure. The result was a near disaster at Leyte Gulf that could have prolonged the war.

In 1983, a year after Gen. Jones first testified, 241 young servicemen were killed in a terrorist attack on a Marine barracks in Beirut. The investigation revealed glaring inadequacies in the military chain of command that wound its way from the Pentagon through Army, Air Force, and Navy flag officers to the Marine colonel and his unit on the ground.

In that same year, it took over 6000 U.S. troops to defeat 600 Cubans on Grenada. After action reports revealed that inadequate communications among the services hindered naval gunfire and air-to-ground support of the troops in combat.

These and other flawed military operations were not merely unfortunate incidents. As you well know, the price of substandard performance of our armed forces in war is paid in the lives of young Americans.

Obviously, General Jones was raising issues of fundamental importance to the American people. But why did the general voice his criticisms on Capitol Hill? Why did Jones not rely on his Commander-in-Chief to address the problems? One answer is that the administration was not interested. A more fundamental answer involves a fact many people do not realize. The Constitution makes the Congress, not the President, responsible for the organization of the nation's defense. The U. S. House of Representatives delegates oversight of that responsibility to the Committee on Armed Services, and further, to one of its subcommittees.

Representative Richard White, a Democrat from El Paso, was the chairman of the subcommittee responsible for overseeing defense organization in 1982. White was about 70. He was tall and slim. He was soft-spoken. His ruddy complexion reflected the time he had spent in the West Texas sun. His subcommittee focused primarily on investigations—defense contractor fraud, for example. Almost a quarter century had passed since Congress enacted major changes in defense organization. Understandably, Chairman White knew little about the subject. But he was acutely aware that he was responsible for that part of the Constitution that assigned defense organization to Congress.

In April, White convened hearings to determine whether Gen. Jones' criticisms were valid and to ascertain what action Congress should take. The hearings lasted until late July and covered over 1000 pages. The Reagan Administration strongly opposed reorganization. With few exceptions, the Pentagon witnesses opposed change. On the other hand, many witnesses who had previously served in the Pentagon or White House in high civilian positions sided with Jones. They emphasized that the Joint Chiefs of Staff, as constituted, simply did not and could not provide adequate military advice to the President due to the conflicting service interests that dominated the chiefs' thinking. A number of high-ranking retired military officers also agreed with Jones. Others strongly disagreed.

Mr. White presided over every hearing. Listening to the conflicting views of the witnesses soon provided him the education in defense organization issues that he lacked when the hearings began. He made himself an expert through his perseverance.

Only a few other congressmen, however, attended the hearings regularly. Focusing on defense organization is about as exciting as watching paint dry. Moreover, with the Pentagon leadership and the President adamantly opposed to changes, few legislators felt that the investment of their time would be worth the effort.

At the conclusion of the hearings, Chairman White introduced a bill to reorganize the Joint Chiefs of Staff. He had decided that Jones was right. White's subcommittee approved his bill with few changes. One Congressman stated that he did not know much about the complicated issues addressed in the bill. He could confidently support the bill, he said, because Chairman White had presided over the lengthy hearings and was an expert who knew what must be done.

White presented his bill to the full Committee on Armed Services in August. The Committee approved it and referred it to the House of Representatives. In the fall, with Chairman White leading the debate, the House passed the bill and referred it to the Senate. In December, Mr. White persuaded Senator Tower, a fellow Texan, to hold a hearing on his bill before the Senate Armed Services Committee.

That is the end of my story about Rep. White. Soon after the December hearing Congress adjourned and White's bill died, as do all bills that have not been enacted at the end of each Congress. There was no time for the Senate to consider the legislation. Moreover, Mr. White disappeared from Capitol Hill at the same time. You see, he had long ago decided to retire and did not run for reelection even though he would have had no trouble winning another term. Interestingly, by that time General Jones had also retired. He continued to push for reorganization, however.

RECOGNIZING BETHANY SMITH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Bethany Smith, a very dedicated and enthusiastic member of my Washington, D.C., congressional staff.

Bethany has served my office for 7 months, as well as serving as a staffer and intern for Congressman PETE SESSIONS. As our office scheduler, she has established a passion for working on the Hill. Bethany holds dear the people she has worked with as a Hill staffer.

My office and I greatly value Bethany's hard work and commitment. Constituents have

grown to know her attention to detail, knowledge of many issues, and personal touch that should not go unrecognized. Her dedication to the Sixth District of Missouri has shown through over the past few months, which is evident by the appreciation of all she works with.

It is unfortunate for countless people that Bethany will be leaving the House of Representatives, as she has left her unique stamp on many. I, as well as my office, wish Bethany the very best in her future career with Senator KAY BAILEY HUTCHINSON.

Mr. Speaker, I proudly ask you to join me in commending Bethany Smith for her many important contributions to myself, my staff, all those she has worked with on the Hill, and for all those she has served. She will be missed by many.

REGARDING THE NEBRASKA STATE EDUCATION ASSOCIATION

HON. TOM OSBORNE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. OSBORNE. Mr. Speaker, I rise today to acknowledge the tremendously positive contributions of teachers across the state of Nebraska. Our teachers are hard-working, dedicated public servants who serve on the front lines of our society. I have worked extensively with the Nebraska State Education Association (NSEA) as well as the National Education Association (NEA). I have worked closely with the NSEA and its educator-members and the NEA here in Washington on many issues of mutual concern. Teaching is the most important job in the world. Our teachers deserve our appreciation and respect.

PENINSULA SINAI CONGREGATION'S 36TH ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. LANTOS. Mr. Speaker, I am honored to pay tribute to the Peninsula Sinai Congregation on the occasion of its 36th Anniversary. From its humble beginnings the Peninsula Sinai Congregation has grown to include 252 member families in Foster City, California, located in my Congressional District and has become an integral part of the community's social and moral fabric.

In 1967, four pioneers organized the first meeting of the Peninsula Sinai Congregation in a San Mateo church. As the population of the congregation increased it was forced to move, first to the Peninsula JCC and later to its own facility in Foster City, California in 1979. At that time there was one small building that included an education wing comprised of four classrooms, a kitchen and the Col. David J. Reina Memorial Library. Five years later the facility was expanded to include a sanctuary/social hall and as well as administrative offices. Finally in May 2000, the Congregation completed a substantial remodeling, which included the creation of a dedicated sanctuary, a lounge, a full catering kitchen as well as additional classrooms and an expansion of the library.

Mr. Speaker, from four pioneers the Sinai Peninsula Congregation is now a full service religious center, providing a Jewish education for its members from cradle to grave. In addition to Hebrew school programs for children in grades 3–10, the Congregation has a very active Adult education program. This program includes ''How to'' instruction about rituals and holidays, as well as Adult Bar and Bat Mitzvah opportunities for adult members who had not yet experienced this celebrated rite of passage.

Mr. Speaker, the Peninsula Sinai Congregation also hosts an annual Chen Shapira Memorial Concert as its major fundraiser for the Chen Shapira Jewish Culture Fund. This fund is named after the late Chen Hayim Shapira who was born in Israel but emigrated to San Francisco in 1965, and dedicated his life to broadening Jewish education and promoting Jewish and Israeli music and culture in the Bay Area. Although Mr. Shapira passed away in 2000, this fund continues his work by supporting positive Jewish cultural awareness.

Mr. Speaker, in the Jewish tradition the number 18, called ''chai,'' is considered lucky, and since 36 is 18 doubled, the number 36 is known as ''double chai'' is also considered lucky. Therefore, on the celebration of the Peninsula Sinai Congregation's double chai anniversary, I urge all of my colleagues to join me in congratulating the Peninsula Sinai Congregation on its extraordinary growth and wish the congregation continued successes in the future.

IMPROVING THE COMMUNITY SERVICES BLOCK GRANT OF 2003

SPEECH OF

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3030) to amend the Community Service Block Grant Act to provide for quality improvements:

Mr. EDWARDS. Mr. Chairman, I would like to further extend my remarks from the Debate on H.R. 3030 on February 4 2004. In my remarks on H.R. 3030, Mr. BOEHNER and I discussed portions of the 1972 debate addressing the 702 exemption of Title VII of the 1964 Civil Rights Act. The following provides more in-depth explanations of Senator Ervin and Senator Allen's comments in 1972 regarding this issue. Please insert these comments at the end of my remarks or appropriate place regarding this debate.

I believe it is important to consider the rest of the 1972 legislative history on the amendment to the 702 exemption of Title VII of the 1964 Civil Rights Act and to discuss the comments of the lead proponents of the 1972 amendment to the 702 exemption of Title VII of the Civil Rights Act, Senators Sam Ervin (D-NC) and James Allen (D-AL). You will find that these senators rallied support for broadening this exemption by citing examples of religious institutions that they said did not receive federal financial aid, but were supported by private funds. It underscores my point about the difference between discrimination with private funds and discrimination with taxpayer funds.

I recommend for the House's consideration an article that will be published soon entitled, Religion-based Employment Decisions and Federally Funded Jobs: Congressional Debate, Law and Policy, written by Melissa Rogers, Visiting Professor of Religion and Public Policy at Wake Forest University. Rogers is former executive director of the Pew Forum on Religion and Public Life and former general counsel of the Baptist Joint Committee, and she has spent a lot of time working on this issue.

Rogers writes: ''It is true . . . that [Senators Ervin and Allen, the prime proponents of the 1972 amendment to the 702 exemption of Title VII] considered an institution-wide exemption for religious organizations from Title VII to be crucial to religious autonomy and freedom. It is often recalled, for example, that Senator Ervin repeatedly said that his amendment was designed 'to take the political hands of Caesar off of the institutions of God, where they have no place to be.'

''But what has not been recalled,'' Rogers notes, ''is that, in his argument for allowing religious organizations to make religion-based employment decisions institution-wide, Senator Ervin repeatedly used an example of a religious institution from his home state that, as he stressed, '[was] not supported in any respect by the Federal Government,' but by religious adherents.''

Specifically, Senator Ervin said the following:

> ''We have a college in North Carolina known as Davidson College that is affiliated with the Southern Presbyterian Church. Davidson College is supported by the fees of its students and by the voluntary contributions of people interested in its activities. It is not supported in any respect by the Federal Government . . .
>
> This college was founded and is controlled by people who believe in giving a Christian education to the students of the institution . . . [It has] a regulation, which says that any person who is chosen to be a full professor at the institution shall be a member of an Evangelical Christian Church . . .''

Senator Ervin then asked Senator Allen, his colleague and supporter: Is there ''anything immoral or ought [there] to be anything illegal in people who support a college devoted to giving a Christian education taking steps to assure that the youth who attend it should be instructed on any subject, whether religious or nonreligious, by teachers who are members of a Christian church?'' And, in response to a question later in the debate, Ervin emphasized again that Davidson College was ''supported by fees of the students and voluntary gifts of people who believe in giving the kind of education this institution gives.''

Senator Allen echoed this argument in his own statements. He commented: ''Under our system of religious freedom, which would be violated by this EEOC bill, religious organizations have seen fit to use their own resources to establish church schools at every level of education—elementary, secondary, and institutions of higher education. They did so because they wanted youth taught in a religious atmosphere and by Christian instructors.'' Senator Allen also quoted Senator Ervin stating: '' '[I]f the members of the Presbyterian Church, or the members of the Catholic

Church, or the members of the Lutheran Church, or the members of any other religious body see fit to establish, through their own resources, an institution of learning for the instruction of youth, and they want the youth of that institution to be taught by persons they regard as Christian professors, even in nonreligious subjects such as mathematics or trigonometry or philosophy, they should have the unqualified right to do that.' ''

Accordingly, Professor Rogers concludes: ''The 1972 legislative history reveals that the lead sponsors of the 702 amendment rallied support for their amendments by offering examples of religious institutions that they said did not receive government financial aid, but were supported with private funds. Far from supporting [religious discrimination in publicly funded jobs], this evidence cuts directly against it. Thus, any suggestion that the 1972 legislative history offers support for allowing religious organizations to make religion-based employment decisions with regard to government-funded positions is simply incorrect.''

So, if those most interested in this amendment to the 1964 Civil Rights Act would go back and look at the debate, he or she would find that Senators Ervin and Allen were rallying support for broadening the 702 exemption by referring to religious institutions that they said were supported with private money.

But we are not talking about those kinds of situations today. Instead, we are talking about the people's money, the American tax dollar, and I think there is a huge difference there.

75TH ANNIVERSARY OF THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Ms. PELOSI. Mr. Speaker, congratulations to the League of United Latin American Citizens on 75 years of outstanding service. Your work has improved the lives of millions of Hispanic Americans and has benefited our entire country.

Seventy-five years ago, the founders of the League of United Latin American Citizens, better known as LULAC, joined together to establish an organization that would become the largest, oldest and most successful Hispanic civil rights and service organization in the United States. Since its inception on February 17, 1919, in Corpus Christi, Texas, LULAC has championed the cause of Hispanic Americans in education, employment, economic development and civil rights.

LULAC has developed a comprehensive set of nationwide programs fostering educational attainment, job training, housing, scholarships, citizenship, and voter registration. Its members throughout the Nation have developed a tremendous track record advancing the prosperity and civil rights of the Hispanic population of the United States. LULAC's legislative platform promotes humanitarian relief for immigrants, increased educational opportunities for our youth, and equal treatment for all Hispanics in the United States and its territories, including the Commonwealth of Puerto Rico.

This year the League of United Latin American Citizens will celebrate 75 years of community service to increase educational opportunities and improve the quality of life for Hispanic Americans. I am proud to join my colleagues in the Congressional Hispanic Caucus, the LULAC membership, and Americans across the country in commending LULAC on 75 years of service and the great contributions LULAC has made to our country.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. BEREUTER. Mr. Speaker, on February 3, 2004, this Member unavoidably missed Roll Call vote No. 14 on H.J. Res. 84, a resolution honoring former President Ronald Reagan on the occasion of his 93rd birthday. Had this Member been present, this Member would have voted ''aye.''

TRIBUTE TO RUSSELL J. RICE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor the achievements of Russell J. Rice, Chief of Police for the city of Placentia, California, who is retiring after 30 years of exemplary service.

Chief Rice's leadership and impressive record of academic career and civic involvement has earned the admiration and respect of all those who have had the privilege of working with him. He was named P.O.S.T. Command College, Outstanding Student for Academic Achievement, Class 18, 1994; City of Placentia, Employee of the Year, 1986; Placentia Police Officer's Association, Officer of the Year, 1985; and Disabled American Veterans, Outstanding Police Officer, 1984 and 1985.

I would like to congratulate Chief Rice on these many accomplishments and sincerely thank him for his ongoing commitment to the community, which he has served so admirably.

TRIBUTE TO BARRY HIRSCHFELD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. McINNIS. Mr. Speaker, it is my honor to rise before this body of Congress and this nation to pay tribute to the Hirschfeld family's impressive tradition of business excellence and philanthropy in Colorado. For over three generations, the Hirschfeld's have dedicated their time and efforts toward improving their Denver community. In acknowledgment of the family's many contributions, Barry Hirschfeld, his father Edward, and grandfather A.B. were recently inducted into the Colorado Business Hall of Fame.

The Hirschfeld legacy began when A.B. founded the A.B. Hirschfeld Press Company in 1907 by printing business cards with a hand press. It has grown to one of the largest printing companies in the area, employing 150 members of the community, and boasts annual earnings of $23 million. The Hirschfeld's entrepreneurial spirit guided them into a number of other prominent business ventures. A.B.'s love for sports resulted in his co-ownership of the Denver Broncos and Denver Bears. Edward's interest in telecommunications led him to start a local television station, and he was instrumental in helping to bring cable television to Denver through Mile High Cable. Barry, the current president of Hirschfeld Press, took an early interest in telecommunications as well, starting a car phone company in 1984, and has pursued various real estate interests throughout the Denver region.

The Hirschfeld family is also well known for their philanthropic endeavors. A.B. served on no less than fifty civic organizations during his life, and founded the Denver Housing Authority, which has worked to help low-income families. Edward actively participated in numerous Jewish and social organizations, was a co-founder of the Hundred Club of Denver, and served as board chairman of Mile High United Way. Today, Barry and his wife Arlene tirelessly devote their efforts to numerous community activities and charitable organizations, such as the Boettcher Foundation and aiding in the creation of the Scientific & Cultural Facilities District.

Mr. Speaker, the drive the Hirschfeld family has shown in their business and charitable activities have made them true civic leaders in their community. For nearly a century, the Hirschfeld family has left an indelible mark of excellence on the City of Denver and the State of Colorado. It is my privilege to extend my sincere congratulations to the Hirschfeld's on their induction into the Colorado Business Hall of Fame.

RECOGNIZING KENNETH E. LEE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kenneth E. Lee, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 167, and in earning the most prestigious award of Eagle Scout.

Kenneth has been very active with his troop, participating in many scout activities. Over the years Kenneth has been involved with scouting, he has earned 39 merit badges and is a Firebuilder in the Tribe of Mic-O-Say. He served on Cub Scout Camp staff for 5 years. Kenneth has also attended the National Scout Jamboree at Fort A.P. Hill in Virginia and the Junior Leader Training Conference at the Pony Express Council.

For his Eagle Scout project, Kenneth built a handicap ramp for the Winston United Methodist Church.

Mr. Speaker, I proudly ask you to join me in commending Kenneth E. Lee for his accomplishments with the Boy Scouts of America

and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING UNC TV MANAGER TOM HOWE

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. PRICE of North Carolina. Mr. Speaker, I rise to acknowledge the contributions of one of North Carolina's most tenacious and visionary leaders: Tom Howe.

Many North Carolinians might not recognize Tom's name, but they surely have seen his work. Tom is the Director and General Manager of UNC-TV, our state's highly respected public television network. Last month, he received the Governors' Award for Lifetime Achievement from the Nashville/Midsouth Chapter of the National Academy of Television Arts and Sciences. This prestigious Emmy award is given annually to recognize an ''outstanding industry leader,'' a designation that fits Tom perfectly.

For more than a decade, Tom has presided over our state's 11-station public television network, bringing us comprehensive coverage of public affairs and a deepened understanding of North Carolina's past, present, and future.

I have had the privilege of working with Tom in the policy arena. He fought a courageous and somewhat lonely battle for years for equitable treatment for UNC–TV and other systems similarly situated from the Corporation for Public Broadcasting and the Public Broadcasting System. The successful resolution of this matter is still yielding benefits and will for years to come. More recently, Tom has spoken out effectively on the preservation of localism and community standards on our airwaves in the context of the Federal Communications Commission's decision on media concentration.

Tom has been ahead of the curve in television's digital conversion, anticipating industry trends and leading the way in innovative technology. Not only has he beaten the FCC deadline for digital conversion, he has also brought 4-channel multicasting to UNC-TV, ensuring even greater coverage and enhanced educational opportunities for viewers. His dedication and persistence have ensured that UNC-TV continues to be an exemplary network, both in terms of the technology he utilizes and the programs he broadcasts.

Tom Howe knows television, and he uses the power of the medium to effect positive change: to inform, to educate, and to bring viewers the kind of meaningful programming that is increasingly hard to find. I congratulate him for this well-deserved award, and I thank him for his commitment and leadership.

HONORING DAVID E. SCHAFFER

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to recognize a most distinguished public servant, Mr. David E. Schaffer, Senior Counsel on the Transportation Committee's Aviation Subcommittee. Mr. Schaffer is retiring after twenty-six years of Federal service, including the past 20 years with the Committee. His unmatched knowledge in the field of aviation, as well as his engaging personality, will be sorely missed in the halls of Congress. David's work stands as a prime example of the good that can be accomplished through public service. The American people have been quite fortunate to have Mr. Schaffer's expertise and guidance throughout his career. Every single aviation law passed in the last two decades is marked with David's creative ideas and approaches. As an attachment to my remarks, a list of all aviation laws passed during David's tenure is included.

David's ability to work with people on both sides of the aisle serves as a major reason for the overwhelming bipartisan support aviation legislation has gathered over the last twenty years. His evenhanded and steady demeanor, as well as his thoughtful approach to a matter ensures that all ideas are heard, and that every opinion is considered. The relationships that David has cultivated among both government and industry officials has allowed for a free exchange of ideas on a wide variety of issues. Such exchanges have helped foster the growth of our nation's aviation industry. He has earned an immeasurable amount of respect from everyone with whom he has worked, including Members of Congress, staff, and those in the transportation community.

David began his career in public service in 1978, when he joined the Office of General Counsel of the Civil Aeronautics Board as an attorney, specializing in rules, legislation, and litigation involving small community air service, international air service, consumer protection, and charters. In 1984, he began work with the Aviation Subcommittee as an Assistant Minority Counsel, becoming the Chief Minority Counsel in 1992, and Majority Counsel in 1995. Throughout his tenure with the Aviation Subcommittee, he has been involved in all aspects of aviation legislation, including safety, security, airline competition, international air service, the Airport Improvement Program, air traffic control modernization, Federal Aviation Administration reform, and oversight of the Federal Aviation Administration, Transportation Security Administration, and the National Transportation Safety Board.

David's leadership proved critical in the weeks following the events of September 11, 2001. His experience played an essential role in creating the Aviation and Transportation Security Act, which helped restore confidence to the flying public. In a most precarious time for our nation, we were extremely fortunate to have someone like David Schaffer assisting us. Most recently, his assistance led to the successful passage of Vision 100, the FAA Reauthorization Act, which will have a lasting effect on the aviation industry for years to come.

Mr. Speaker, I ask all of my colleagues to join me in celebrating the retirement of David Schaffer, and wish him well in whatever venture he seeks next. I would also like to offer an extended note of gratitude on behalf of the previous Chairmen of the Transportation Committee and Aviation Subcommittee whom David has served with great distinction. We wish you good luck and again say thank you for all you have done for both the Congress as well as the American people.

AVIATION LAWS PASSED DURING DAVID SCHAFFER'S TENURE

108th Congress

H.R. 2115, Vision 100—Century of Aviation Reauthorization Act

S. 579, National Transportation Safety Board Reauthorization Act of 2003

107th Congress

H.R. 2926, Air Transportation Safety and System Stabilization Act

S. 1447, Aviation and Transportation Security Act

106th Congress

H.R. 1000, Wendell H. Ford Aviation Investment and Reform Act for the 21st Century

S. 2440, Airport Security Improvement Act of 2000

105th Congress

H.R. 2476, To amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers.

H.R. 2626, To make clarifications to the Pilot Records Improvement Act of 1996, and for other purposes.

H.R. 2843, Aviation Medical Assistance Act of 1998

104th Congress

H.R. 3159, National Transportation Safety Board Amendments of 1996

H.R. 3539, Federal Aviation Authorization Act of 1996

103rd Congress

H.R. 904, To amend the Airport and Airway Safety, Capacity, Noise Improvement, and Inter-nodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

H.R. 2440, Independent Safety Board Act Amendments of 1994

H.R. 2739, Federal Aviation Administration Authorization Act of 1994

S. 1458, General Aviation Revitalization Authorization Act of 1994

102nd Congress

H.R. 5481, FAA Civil Penalty Administrative Assessment Act of 1992

H.R. 6168, Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992

101st Congress

H.R. 968, Noise Reduction Reimbursement Act of 1989

H.R. 5732, Aviation Security Improvement Act of 1990

H.R. 3671, To amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program.

H.R. 5131, To amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program, and for other purposes.

100th Congress

H.R. 2310, Airport and Airway Improvement Amendments of 1987

S. 623, Independent Safety Board Act Amendments of 1987

S. 1628, An original bill to extend the Aviation Insurance Program for 5 years

99th Congress

S. 2703, Air Carrier Access Act of 1986

98th Congress

H.R. 5297, Civil Aeronautics Board Sunset Act of 1984

S. 197, A bill to direct the Secretary of the Department of Transportation to conduct an independent study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations, and for other purposes.

S. 1146, Aviation Drug-Trafficking Control Act

INTRODUCING THE BELARUS FREEDOM ACT OF 2004

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. PAUL. Mr. Speaker, I rise today to introduce the Belarus Freedom Act of 2004. This bill will graduate Belarus from the requirements of the Jackson-Vanik statute and thereby establish permanent normal trade relations with that country.

The Jackson-Vanik amendment was adopted in 1974, during a time when the U.S.S.R. was imposing enormous ''education repayment fees'' on anyone seeking to emigrate from that country. The statute was designed to prevent temporary restoration of an already suspended ''most favored nation'' treatment unless its freedom of emigration requirement is complied with. After the break-up of the U.S.S.R., the successor countries found themselves subject to Jackson-Vanik—meaning that they had to prove yearly that they allowed free emigration in order to enjoy normal trade relations with the United States. Several former Soviet republics have already been permanently graduated from Jackson-Vanik, and several others are in the process of being graduated. Belarus has gained a presidential waiver for every year since 1992, indicating its ongoing compliance with the requirements. Therefore it is time to recognize the passing of the Soviet era and move on toward better trade relations with Belarus.

Though some have tried to read additional requirements into the original amendment, Jackson-Vanik is in reality solely about freedom of emigration. And, as I have stated, Belarus has attained a Presidential waiver every year since 1992.

Time and time again we see that peaceful trade and good relations with other countries does much more to foster democratization and liberalization than sanctions, diplomatic expulsions, and accusations. Our Founding Fathers recognized this when they cautioned against foreign entanglements and counseled instead free trade and friendly relations with all countries who seek the same.

I hope my colleagues will join with me as cosponsors of this bill and support further constructive relations with the Republic of Belarus.

HONORING MR. MARK SIMONI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the United States Coast Guard Auxiliary to honor Mr. Mark Simoni, 9th District Rear Commodore of the United States Coast Guard Auxiliary, for his hard work and dedication to promoting recreational boating safety within the Great Lakes and the Saginaw Bay. On February 21, 2004, the United States Coast Guard Auxiliary, Flint Flotilla 15–02, will gather to honor Mr. Simoni during the ''Change of Watch'' awards ceremony to be held in my hometown of Flint, Michigan at Mario's Restaurant.

Mark Simoni was born in Flint, Michigan, on December 19, 1952. He graduated from Grand Blanc High School in 1971, and upon completion he attended the University of Michigan and Northwestern University. In 1991 Mark became a member of the United States Coast Guard Auxiliary-Saginaw 15–05. Mark has unselfishly given of his time and resources to ensure the safety of boaters and families. His commitment to the U.S. Coast Guard team mission led him to hold elected offices such as Flotilla Commander-Saginaw 15–05, Division 15 Captain from 2002–2003, and Vice Captain from 2000–2001. Mark has also held staff positions on the Flotilla, Division, District/Region and National level. Recently (2004) Mark was promoted to 9th District Region Rear Commodore of the United States Coast Guard Auxiliary. Mark has volunteered countless hours in the areas of Public Education, Vessel Safety Checks, Safety Patrols, Search and Rescue, Maritime Security and Environmental Protection. A fine example of loyalty is when he used his personal watercraft to patrol the Great Lakes along with other auxiliarists to ensure that Michigan waterways were secure after the September 11, 2001 World Trade Center tragedy. Mark has proven himself worthy of his new title as 9th District Region Rear Commodore. This new position will allow him the opportunity to provide administrative and supervisory support to the Flotillas and Divisions within his district.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in congratulating Mr. Mark Simoni on his promotion and also in honoring him for his past deeds. He has and continues to serve his country with enthusiasm and steadfastness. I wish him all the best in the future.

BLACK EAGLE WINS GRAMMY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to Black Eagle, the winner of the 2004 Grammy for Best Native American Music Album. This drum group from Jemez Pueblo draws upon the rich history of the Native American Powwow for musical inspiration. Their fifteen years of performing has developed a deep and broad following across the country. It is my great honor to congratulate them for this win.

Black Eagle formed in 1989 after group leader Malcolm Yepa attended a powwow in Lame Deer, Montana. He became enamored with the singing and drum playing being performed and upon returning to Jemez Pueblo, Malcolm and his brother David Yepa Jr. formed Black Eagle. Cousins who had heard of Malcolm's experience were eager to join and the group soon consisted of twenty-one members.

After learning popular songs by listening to the recordings from other drum groups, Black Eagle began performing at local powwows. Their music coalesced into a definitive sound as they gained experience and soon the group was drawing wide recognition. Touring across the country during the next few years brought encounters with several others in the same musical vein, including fellow drum group, Black Lodge of White Swan, Washington.

It was at this time, after speaking with Black Lodge, that Black Eagle began writing and performing original music written by members of the group. Making the music even more exceptional was the fact that it was written, and performed, in the Towa language, the dialect of the Jemez Pueblo. Such a project had never been done before, and release of their freshman album, titled, ''Volume I,'' brought wide praise.

The production of music by Black Eagle continued unabated. ''Vol. II,'' the group's second album, was quickly followed by, ''Soaring High'' and ''Star Child.'' By 2001, when they released their fifth album, ''Life Goes On,'' Black Eagle had gained a wide following through extensive touring and word-of-mouth. This fifth work however, would be the work that gave Black Eagle national prominence and critical acclaim. A collection of round dance and hand drum songs, ''Life Goes On,'' garnered a Grammy nomination under the ''Best Native American Music Album'' category.

While the 2002 awards ceremony did not bring a win for the group, Black Eagle was bolstered by the nomination and in March of 2003, they released, ''Flying Free.'' This sixth work utilized new technology to create a ''live'' recording sound in the studio and also bridged Native American music history when bells used on legendary group XIT's albums were played by Black Eagle.

''Flying Free'' was nominated, and won, the 2004 Grammy for ''Best Native American Music Album.'' Black Eagle's roots, which reside deep within the Jemez culture, are reflected on the album. Jemez Pueblo has a very long history in the great State of New Mexico, and continues to this day to preserve its cultural, spiritual and traditional customs. Events at the Pueblo, including feast days, dances, and arts and crafts shows, are still the primary responsibility of several members of the group.

Going from a single teenager captivated by the music of his people to a familial, rooted award-winning group, Malcolm Yepa and Black Eagle are to be applauded for their musical achievements, commended for their loyalty to the history of the powwow, and wished the very best in their future aspirations.

KOOTENAI VALLEY RESOURCE INITIATIVE

HON. C.L. ''BUTCH'' OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. OTTER. Mr. Speaker, I rise today to bring to the attention of the House a shining example of our great experiment in democracy. The Kootenai Valley Resource Initiative came to life in 2001, the result of collaboration between the Boundary County Board of Commissioners, the City of Bonners Ferry, and the Kootenai Tribe of Idaho. The mission of the KVRI is to act as a locally based effort to improve coordination, integration, and implementation of existing local, state, and federal programs that can effectively maintain, enhance,

and restore the social, cultural, economic, and natural resource bases in their community. Mr. Speaker, after personally viewing this group in action, I am happy to report this is a successful endeavor.

The KVRI membership consists of private citizens and landowners, local governments, federal and state agencies, an environmental advocacy group, and Indian Nation, and representatives of business and industry within the lower Kootenai basin of Idaho. The Initiative is a sign of tremendous change in Boundary County. It signals a move from combat to collaboration and should serve as a model for other communities around the country with severe contention over natural resource issues. The members of the KVRI work hard to find areas of common concern with which they, as a community, can pursue solutions to challenges such as fisheries recovery, flood flow elevations, TMDL planning, and the development of a wetland conservation strategy.

Mr. Speaker, the collaborative spirit of the KVRI, and its members' determination to find common sense solutions that move the community forward, should serve as an inspiration to us all. I would like to thank the Kootenai Valley Resource Initiative for demonstrating how this great experiment in democracy is supposed to function.

TRIBUTE TO MAYOR JOHN BENNETT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of former Grand Junction Mayor John Bennett, who after a long battle with an illness, passed away at the age of sixty-six. John was a true American patriot, and a beloved friend and colleague to many in his Colorado community. In his years spent in public service, John embodied the ideals of integrity and courage that we, as Americans, have come to expect. As his family and community mourn his passing, I believe it is appropriate to recognize the life of this exceptional man, and his many contributions to his community, state and country.

Mayor Bennett lived an immensely rich and full life, always holding firm to his beliefs in serving his community and country. He spent over twenty years defending this Nation, serving in the Air Force and the Army, where he earned a reputation as a solid and dependable leader. After his retirement, John continued to feel a call to service and dedicated his efforts toward improving the lives of his Grand Junction community. He served as a member of the Grand Junction City Council, and was elected mayor in 1988, where he was known for his judiciousness and problem-solving skills.

Mr. Speaker, we are all at a great loss because of Mayor Bennett's passing, but can be comforted in knowing he helped make Grand Junction a better place for future generations. I would like to extend my heartfelt sorrow to his wife of over twenty years, Barbara, and his loving children, Tammy, Vicki, and William. Mayor Bennett's selfless dedication to Grand Junction, the State of Colorado, and the United States has helped ensure a promising future for our great country and I am deeply honored to bring his life to the attention of this body of Congress. I am proud to have known such a great man who enriched the lives of his family, community, and Nation.

HONORING BERNICE FELDMAN MAYERS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. DEUTSCH. Mr. Speaker, today I rise to commemorate the contributions of Bernice Feldman Mayers of Dallas, Texas, and am pleased to be joined in this tribute by my colleague, Representative WEXLER of Florida. Mrs. Mayers was not only a dedicated teacher of special-needs students, but shares the distinction of being related to two members of the South Florida delegation—Congressman WEXLER and myself. She leaves behind a wonderful legacy of warmth, dedication and caring.

Born in the Bronx, New York, Mrs. Mayers moved with her family to Dallas, Texas, at the age of five. She graduated from Forest Avenue High School at the age of 15 and received her bachelor's degree in social work from the University of Oklahoma at the age of 19. Following graduation, Mrs. Mayers began to volunteer for a number of organizations including the City of Hope, a cancer research center. Mrs. Mayers also served as the president of the Dallas Chapter, where she coordinated the first ever cancer research study in the Dallas area.

After receiving her master's degree in special education from Texas Women's University in 1967, Mrs. Mayers began her teaching career with Sam Houston Junior High School. She served as the head of the school's special education department, well-known as a fierce advocate for students with special needs. Mrs. Mayers retired in 1992, but she continued to work as both a substitute teacher and as a Hebrew teacher at Congregation Beth Torah. She also committed her energies to Forest Avenue Alumni Association and the Tom C. Gooch Elementary School in Dallas.

Mrs. Mayers is survived by her husband, two sons, four grandchildren and numerous friends and extended family, all who will miss her greatly.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1467–S1530

Measures Introduced: Eight bills were introduced, as follows: S. 2103–2110. **Page S1518**

Measures Passed:

Commemoration of the Birth of Constantino Brumidi: Senate agreed to H. Con. Res. 264, authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi. **Page S1529**

Printing of History of the United States Capitol: Senate agreed to H. Con. Res. 358, authorizing the printing of ''History of the United States Capitol'' as a House document. **Page S1529**

Permitting the Use of the Capitol Rotunda: Senate agreed to H. Con. Res. 359, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. **Page S1529**

Healthy Mothers and Healthy Babies Access to Care Act: Senate continued consideration of the motion to proceed to consideration of S. 2061, to improve women's health access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services. **Pages S1467–S1506**

During consideration of this measure today, Senate also took the following action:

By 48 yeas to 45 nays (Vote No. 15), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S1506**

Subsequently, the motion to proceed to consideration of the bill was withdrawn.

Protection of Lawful Commerce in Arms Act Agreement: A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of S. 1805, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, with a vote on the motion to invoke cloture on the motion to proceed to consideration of the bill to occur at 10:30 a.m. **Page S1529**

Measures Read First Time: **Page S1517**

Executive Communications: **Pages S1517–18**

Additional Cosponsors: **Pages S1518–20**

Statements on Introduced Bills/Resolutions: **Pages S1520–28**

Additional Statements: **Page S1517**

Notices of Hearings/Meetings: **Page S1528**

Authority for Committees to Meet: **Pages S1528–29**

Privilege of the Floor: **Page S1529**

Record Votes: One record vote was taken today. (Total—15) **Page S1506**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:45 p.m., until 9:30 a.m., on Wednesday, February 25, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1529–30.)

Committee Meetings

(Committees not listed did not meet)

MAD COW DISEASE

Committee on Appropriations: Committee concluded a hearing to examine the federal government's response to bovine spongiform encephalopathy (mad cow disease), focusing on how the finding of BSE has affected cattle and beef markets and what the short-term outlook is for these markets in coming months, including the Administration's efforts to normalize trade in certain U.S. export markets, and the development of a national animal identification program, after receiving testimony from Elsa A. Murano, Under Secretary for Food Safety, Keith J. Collins, Chief Economist, and Ron DeHaven, Deputy Administrator for Veterinary Services, Animal and

Plant Health Inspection Service, all of the Department of Agriculture; Lester Crawford, Deputy Commissioner, Food and Drug Administration, Julie Louise Gerberding, Director, Centers for Disease Control and Prevention, and Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, all of the Department of Health and Human Services; and Dennis C. Wolff, Pennsylvania Department of Agriculture, Harrisburg.

GOVERNMENT SPONSORED ENTERPRISES

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine proposals for improving the regulation of the housing-related government sponsored enterprises (GSEs), specifically the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), and the Federal Home Loan Banks (FHLBs), and a proposal for the GSE regulator with certain authority, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

INTERNET VOICE SERVICES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine Internet voice services and the role of the Federal Communications Commission to facilitate the growth and development of voice-over-Internet-protocol, after receiving testimony from Senator Alexander; Michael K. Powell, Chairman, Federal Communications Commission; Jeffrey Citron, Vonage Holdings Corporation, Edison, New Jersey; Glen A. Britt, Time Warner Cable, Stamford, Connecticut; Glen F. Post, CenturyTel Incorporated, Monroe, Louisiana; Stan Wise, Georgia Public Service Commission, Atlanta, on behalf of the National Association of Regulatory Utility Commissioners; and Kevin Werbach, Supernova Group LLC, Villanova, Pennsylvania.

NATION'S ELECTRICITY

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the current state of the nation's electricity transmission grid, focusing on the reliability of the bulk electric systems in North America, and the recommendations of the North American Reliability Council (NERC) to prevent and mitigate future blackouts, after receiving testimony from James W. Glotfelty, Director, Office of Electric Transmission and Distribution and U.S. Director of the Power System Outage Task Force, Department of Energy; Michehl R. Gent, North American Electric Reliability Council, Princeton, New Jersey; Phillip G. Harris, PJM Interconnection, L.L.C., Norristown, Pennsylvania; James P. Torgerson, Midwest Independent Transmission System Operator, Indianapolis, Indiana; and Louise McCarren, Western Energy Coordinating Council, Salt Lake City, Utah.

HAITI

Committee on Foreign Relations: Committee met in closed session to receive a briefing on Haiti's political crisis from Roger Noriega, Assistant Secretary of State for Western Hemisphere Affairs.

MIDDLE EAST

Committee on Foreign Relations: Committee concluded a hearing to examine rethinking the road map regarding the Middle East, focusing on psychological obstacles to diplomacy, the 1967 ceasefire lines, Israeli settlements in the Gaza Strip, and Palestinian political reform, after receiving testimony from Henry A. Kissinger, former Secretary of State, Dennis Ross, Washington Institute for Near East Policy, Robert Malley, International Crisis Group, and Martin Indyk, Brookings Institution, all of Washington, D.C.

U.S. POSTAL SERVICE WORKFORCE REFORM

Committee on Governmental Affairs: Committee concluded a hearing to examine the Report of the President's Commission on the United States Postal Service, focusing on the Commission's workforce recommendations, including performance-based compensation systems, collective bargaining for pension and retiree health benefits, and funding of accrued military service retirement benefits for postal employees covered by the Civil Service Retirement System, after receiving testimony from Dan G. Blair, Deputy Director, Office of Personnel Management; William H. Young, National Association of Letter Carriers, William Burrus, American Postal Workers Union (AFL–CIO), and John F. Hegarty, National Postal Mail Handlers Union, all of Washington, D.C.; and Dale A. Holton, National Rural Letter Carriers' Association, Alexandria, Virginia.

CYBERTERRORISM IN THE 21ST CENTURY

Committee on the Judiciary: Subcommittee on Terrorism, Technology, and Homeland Security concluded a hearing to examine the current threat of cyberterrorism, focusing on federal, state and local efforts to secure information networks, after receiving testimony from John G. Malcolm, Deputy Assistant Attorney General, and Keith Lourdeau, Deputy Assistant Director, Cyber Division, Federal Bureau of Investigation, both of the Department of Justice; Amit Yoran, Director, National Cyber Security Division, Department of Homeland Security; Howard A. Schmidt, eBay Incorporated, San Jose, California; and Dan Verton, Burke, Virginia.

NATIONAL SECURITY THREATS

Select Committee on Intelligence: Committee concluded a hearing to examine current and future worldwide threats to the national security of the United States, focusing on global terrorism, Russia's nuclear weapons stockpile, chemical and biological weapons, missiles, information operations, and international crime, after receiving testimony George J. Tenet, Director, Central Intelligence Agency; Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice; and Vice Admiral Lowell E. Jacoby, U.S. Navy, Director, Defense Intelligence Agency.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

PREDATORY LENDING

Special Committee on Aging: Committee concluded a hearing to examine federal and state government protection of older Americans from predatory financial lenders, including the usefulness of consumer education, counseling, and disclosures as a deterrence, after receiving testimony from David G. Wood, Director, Financial Markets and Community Investment, General Accounting Office; John C. Weicher, Assistant Secretary of Housing and Urban Development for Housing-Federal Housing Commissioner; Howard Beales, Director, Bureau of Consumer Protection, Federal Trade Commission; Gavin M. Gee, Idaho Department of Finance, Boise; Lavada E. DeSalles, American Association of Retired Persons, Washington, D.C.; and Veronica Harding, Philadelphia, Pennsylvania.

House of Representatives

Chamber Action

Measures Introduced: 9 public bills, H.R. 3817–3825; and 7 resolutions, H. Con. Res. 364–366, and H. Res. 530–533 were introduced.

Pages H574–75

Additional Cosponsors: Pages H575–76

Reports Filed: Reports were filed today as follows:

Filed on February 18, H. Con. Res. 189, celebrating the 50th anniversary of the International Geophysical Year (IGY) and supporting an International Geophysical Year–2 (IGY–2) in 2007–08, amended (H. Rept. 108–422);

Filed on February 18, H.R. 1292, to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, amended (H. Rept. 108–423);

H.R. 2707, to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service, amended (H. Rept. 108–424, Pt. 1);

H.R. 2391, to amend title 35, United States Code, to promote research among universities, the public sector, and private enterprise, amended (H. Rept. 108–425);

H.R. 3036, to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, amended (H. Rept. 108–426); and

H. Res. 529, providing for consideration of H.R. 1997, to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder (H. Rept. 108–427). Page H574

Speaker: Read a letter from the Speaker wherein he appointed Representative Leach to act as Speaker pro tempore for today. Page H517

Chaplain: The prayer was offered today by Bishop Alfred A. Owens, Jr., Greater Mt. Calvary Holy Church in Washington, DC. Page H517

Journal: Agreed to the Speaker's approval of the Journal of Wednesday, February 11, 2004 by a yea-and-nay vote of 381 yeas to 32 nays, Roll No. 25.

Pages H527–528

Suspensions: The House agreed to suspend the rules and pass the following measures:

Salt Cedar and Russian Olive Control Demonstration Act: H.R. 2707, amended, to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service, by

a ⅔ yea-and-nay vote of 367 yeas to 40 nays, Roll No. 26; **Pages H520–23, H529–30**

Agreed to amend the title so as to read: a bill to provide for an assessment of the extent of the invasion of Salt Cedar and Russian Olive on lands in the Western United States and efforts to date to control such invasion on public and private lands, including tribal lands, to establish a demonstration program to address the invasion of Salt Cedar and Russian Olive, and for other purposes. **Page H530**

Southwest Forest Health and Wildfire Prevention Act of 2003: H.R. 2696, amended, 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; and **Pages H523–26**

Providing for the conveyance of land in Douglas County, Oregon: S. 714, to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, by a ⅔ yea-and-nay vote of 397 yeas with none voting "nay", Roll No. 27. **Pages H526–27, H530**

Recess: The House recessed at 3 p.m. and reconvened at 6:33 p.m. **Page H527**

GAO Human Capital Reform Act of 2003: Agreed that it shall be in order at any time without intervention of any point of order to consider H.R. 2751, to provide new human capital flexibilities with respect to the GAO; that the bill shall be considered as read for amendment; that the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill shall be considered as adopted; that all points of order against the bill, as amended, are waived; and the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, and (2) one motion to recommit with or without instructions. **Page H527**

Member Sworn—6th District of Kentucky: Representative-elect A.B. "Ben" Chandler presented himself in the well of the House and was administered the oath of office by the Speaker. Earlier, read a letter from the Clerk transmitting a copy of the original Certificate of Election received from the Honorable Trey Grayson, Secretary of State, Commonwealth of Kentucky, indicating that, on examination of the Official Abstracts of Votes on file in that office for the special election held on February 17, 2004, the Honorable A.B. "Ben" Chandler was duly elected Representative in Congress for the Sixth Congressional District, Commonwealth of Kentucky. **Page H528**

Senate Message: Message received from the Senate today appears on page H517.

Senate Referral: S. 1786 was referred to the Committees on Education and the Workforce, Energy and Commerce, and Ways and Means. **Page H562**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings today. There were no quorum calls. **Pages H528, H529–30, and H530**

Adjournment: The House met at 2:00 p.m. and adjourned at 12:00 a.m.

Committee Meetings

FEDERAL EMPLOYEES—NEED FOR DENTAL AND VISION BENEFITS

Committee on Government Reform: Subcommittee on Civil Service and Agency Organization held an oversight hearing entitled "We'd Like to See You Smile: The Need for Dental and Vision Benefits for Federal Employees (H.R. 3751)." Testimony was heard from Abby Block, Deputy Associate Director, OPM; and public witnesses.

U.S. AND THE IRAQI MARSHLANDS: AN ENVIRONMENTAL RESPONSE

Committee on International Relations: Subcommittee on the Middle East and Central Asia held a hearing on United States and the Iraqi Marshlands: An Environmental Response. Testimony was heard from the following officials of the Bureau for Asia and the Near East, AID, Department of State: Gordon West, Acting Assistant Administrator, and John Wilson, Senior Environmental Officer; and public witnesses.

OVERSIGHT—SATELLITE HOME VIEWER IMPROVEMENT ACT REAUTHORIZATION

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing entitled "Reauthorization of the Satellite Home Viewer Improvement Act." Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress; and public witnesses.

UNBORN VICTIMS OF VIOLENCE ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing two hours of debate in the House on H.R. 1997, Unborn Victims of Violence Act of 2004, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that the bill shall be considered as read for amendment. The rule provides that the amendment in the nature of

a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying the resolution, shall be considered as adopted. The rule provides for consideration of the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Lofgren or her designee, which shall be considered as read and shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in part B of the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Chabot and Lofgren.

WORLD-WIDE THREATS

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on World-wide Threats. Testimony was heard from departmental witnesses.

Joint Meetings

DISABLED AMERICAN VETERANS

Joint Hearing: Senate Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs to examine certain legislative recommendations and concerns of wartime service-connected disabled veterans, after receiving testimony from Alan W. Bowers, Disabled American Veterans, Cold Spring, Kentucky.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 25, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on District of Columbia, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the government of the District of Columbia, 9:30 a.m., SD–138.

Committee on Armed Services: Subcommittee on Personnel, to hold hearings to examine policies and programs for preventing and responding to incidents of sexual assault in the armed services, 9:30 a.m., SH–216.

Subcommittee on Strategic Forces, to hold hearings to examine the Department of Energy's Office of Environmental Management, Office of Future Liabilities, and Office of Legacy Management, relating to the defense authorization request for fiscal year 2005, 2:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine current investigations and regulatory actions regarding the mutual fund industry, focusing on understanding the fund industry from the investor's perspective, 10 a.m., SD–538.

Full Committee, to continue hearings to examine proposals for improving the regulation of the housing government sponsored enterprises, 2:30 p.m., SD–538.

Committee on the Budget: to hold hearings to examine the President's proposed homeland security budget request for fiscal year 2005, 10 a.m., SD–106.

Committee on Commerce, Science, and Transportation: to hold hearings to examine processor quotas, 9:30 a.m., SR–253.

Committee on Foreign Relations: business meeting to consider United Nations Convention on the Law of the Sea, with Annexes, done at Montego Bay, December 10, 1982 (the "Convention"), and the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, with Annex, adopted at New York, July 28, 1994 (the "Agreement"), and signed by the United States, subject to ratification, on July 29, 1994 (Treaty Doc. 103–39), following 10:30 a.m. floor vote, S–116, Capitol.

Full Committee, to hold hearings to examine the Japanese tax treaty and the Sri Lanka tax protocol, 9:30 a.m., SD–419.

Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine USAID contracting policies, 3:30 p.m., SD–419.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold joint hearings with the House Committee on Government Reform Subcommittee on Civil Service and Agency Reorganization, to examine the key to homeland security relating to the new human resources system, 10 a.m., 2154 RHOB.

Committee on Indian Affairs: to hold hearings to examine the President's fiscal year 2005 budget request, 9:30 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine the nomination of Roger T. Benitez, to be United States District Judge for the Southern District of California, 10 a.m., SD–226.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Secretary of Agriculture, 9:30 a.m., 2362A Rayburn.

Subcommittee on Defense, executive, on CIA, 10 a.m., H–405 Capitol.

Subcommittee on Interior and Related Agencies, on Secretary of Interior, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on SSA, 10:15 a.m., and on Corporation for Public Broadcasting, 11:20 a.m., 2358 Rayburn.

Subcommittee on Legislative, on House of Representatives, 2:30 p.m., on GPO, 3:30 p.m., on GAO, 4 p.m., and on Library of Congress, 4:30 p.m., H–140 Capitol.

Subcommittee on Military Construction, on Quality of Life, 9:30 a.m., and on Quality of Life in the Military with Spouses, 1:30 p.m., B–300 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on Office of Science and Technology Policy, 10 a.m., on Arlington Cemetery, 11 a.m., on Consumer Product Commission, 1 p.m., and on Council on Environmental Quality, 2 p.m., H–143 Capitol.

Committee on Armed Services, hearing on the Fiscal Year 2005 National Defense Authorization budget request of the Department of the Army, 10 a.m., and to mark up H. Res. 499, requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame, 6 p.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on the Fiscal Year 2005 National Defense Authorization budget request: Status of the Space Programs, 2 p.m., 2212 Rayburn.

Subcommittee on Total Force, hearing on the Department of Defense force health protection and surveillance efforts for service members deployed to Operation Enduring Freedom and Operation Iraqi Freedom, 2 p.m., 2118 Rayburn.

Committee on the Budget, hearing on The Economic Outlook and Current Fiscal Issues, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, hearing entitled ''Strengthening Pension Security for All Americans: Are Workers Prepared for a Safe and Secure Retirement?'' 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, to mark up the following: the United States Olympic Committee Reform Act; and the Consumer Access to Information Act of 2004, 10 a.m., 2123 Rayburn.

Committee on Financial Services, to consider the following: H.R. 2179, Securities Fraud Deterrence and Investor Restitution Act of 2003; to consider the Committee's Views and Estimates on the Budget proposed for Fiscal Year 2005 for submission to the Committee on the Budget; and pending Committee business, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing entitled ''How to Improve Regulatory Accounting: Costs, Benefits, and Impacts of Federal Regulations—Part II,'' 10 a.m., 2247 Rayburn.

Subcommittee on Human Rights and Wellness, hearing on ''Investigation Into Health Care Disparities in the United States Pacific Island Territories,'' 2 p.m., 2154 Rayburn.

Committee on International Relations, to mark up the following: H. Res. 499, Requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame; H.R. 3782, Counter-Terrorist and Narco-Terrorist Rewards Program Act; H.R. 854, Belarus Democracy Act of 2003; The Microenterprise Results and Accountability Act of 2004; a resolution urging passage of a resolution addressing human rights abuses in People's Republic of China at the 60th Session of the United Nations Commission on Human Rights, and calling upon the Government of People's Republic of China to respect and protect human rights; H. Con. Res. 15, Commending India on its celebration of Republic Day; H. Res. 526, Expressing the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred on December 26, 2003 in Bam, Iran; and a resolution to recognize more than 5 decades of strategic, partnership between the United States and the people of the Marshall Islands in the pursuit of international peace and security, 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up H. Res. 499, Requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled ''Funding for Immigration in the President's 2005 Budget,'' 3 p.m., 2141 Rayburn.

Committee on Resources, oversight hearing on An Examination of the Potential for a Delegate from the Commonwealth of the Northern Mariana Islands, 10:30 a.m., 1324 Longworth.

Subcommittee on Water and Power, oversight hearing on the Proposed Fiscal Year 2005 Budgets for the Bureau of Reclamation, the U.S. Geological Survey and Power Marketing Administrations, 2 p.m., 1334 Longworth.

Committee on Science, hearing on The Conflict Between Science and Security in Visa Policy: Status and Next Steps, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, to consider Committee's Budget Views and Estimates for Fiscal Year 2005 for submission to the Committee on the Budget, 1:30 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: the Committee's Budget Views and Estimates for Fiscal Year 2005 for submission to the Committee on the Budget; GSA Fiscal Year 2004 Leasing Resolutions; H.R. 2523, to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the ''Tomochichi United States Courthouse;'' H.R. 2538, to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the ''Wilkie D. Ferguson, Jr., United States Courthouse;'' H.R. 3147, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building;'' H.R. 3462, to designate

the headquarters building of the Department of Education in Washington D.C., as the Lyndon Baines Johnson Federal Building; and other pending business, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, to consider the Committee's Views and Estimates on the Budget proposed for Fiscal Year 2005 for submission to the Committee on the Budget, 2:15 p.m., 334 Cannon.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism and Homeland Security, executive, hearing on IC Analytical Capabilities and Information Sharing, 2 p.m., H–405 Capitol.

Select Committee on Homeland Security, Subcommittee on Cybersecurity, Science and Research Development, hearing entitled ''Homeland Security Science and Technology Budget Hearing for Fiscal Year 2005, 1 p.m., 2325 Rayburn.''

Joint Meetings: Senate Committee on Governmental Affairs, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold joint hearings with the House Committee on Government Reform Subcommittee on Civil Service and Agency Reorganization, to examine the key to homeland security relating to the new human resources system, 10 a.m., 2154 RHOB.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, February 25

Senate Chamber

Program for Wednesday: Senate will resume consideration of the motion to proceed to consideration of S. 1805, Protection of Lawful Commerce in Arms Act, with a vote on the motion to invoke cloture on the motion to proceed to consideration of the bill to occur at 10:30 a.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, February 25

House Chamber

Program for Wednesday: Consideration of suspensions:

(1) H. Con. Res. 287, Recognizing and honoring the life of Raul Julia, his dedication to ending world hunger, and his great contributions to the Latino community and the performing arts; and

(2) H.R. 3690, Barber Conable Post Office Building Designation Act.

Consideration of H.R. 2751, GAO Human Capital Reform Act of 2003.

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