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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 21, 2004.

I hereby appoint the Honorable MARK STEVEN KIRK to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend James Patterson, Pastor Emeritus, Lakewood United Methodist Church, Erie, Pennsylvania, offered the following prayer:

God of our fathers, grant that we may greet this day's duties and responsibilities with a constant remembrance of the great traditions that make this hallowed place echo with debate, compromise, and eternal guidance.

May the realization of Your presence guide all of our decisions. Be with us in our silence and in our speech, in our haste and in our leisure, in our companionship, and in our solitude.

May the freshness of this morning and the weariness of the evening crown all with the desire to help Your people, our folks at home, as well as the strangers in other States and territories.

May we give them and You our very best, so that some day we may hear Your words, ''Well done, good and faithful servant.'' Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PITTS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 1914. An act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 2768. An act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

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

S. 2700. An act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 17, 2004, and for other purposes.

The message also announced that pursuant to Public Law 96–114, as amended, the Chair, on behalf of the Majority Leader, appoints the following individuals to the Congressional Award Board:

Kelly Didawick, of Virginia and
Michael Carozza of Maryland.

The message also announced that the Secretary be directed to return to the House of Representatives (H.R. 4766) entitled ''An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes'', in compliance with a request of the House for the return thereof.

WHAT HAPPENED TO THOSE DOCUMENTS?

(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, at a time when our national security is of paramount importance, President Clinton laughed when asked what he thought about his former National Security Adviser stealing and losing highly classified national terrorism documents. But this is no trifling matter.

The documents were codeword secret, the most highly guarded secrets we have. One or more copies of a memo, an analysis of the Clinton administration's antiterror efforts around the millennium, are still missing.

In the highest levels of the Clinton administration, terrorism may have been a laughing matter. We know now it is not. This is a serious breach of security. This is the guy who served as a senior adviser to the Kerry campaign and wants a top spot in the Kerry administration.

We should question Senator KERRY's judgment for placing him in a key position in his campaign.

Fox News reported that he hid the documents in his socks ''inadvertently.''

Whether or not that is true, this whole thing stinks.

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ADMINISTRATION NEEDS TO GET SERIOUS ABOUT HOMELAND SECURITY FUNDING

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

Mrs. MALONEY. Mr. Speaker, no one talks a better game than the Department of Homeland Security. But beyond the bluster, there is reason to feel deeply insecure about this administration's efforts to protect America.

Although we hear a great deal about the war on terror, no competent general in any war would leave his home defenses with so many holes. Every line of critical homeland defense is underfunded and unprepared for an attack on American soil, and we are going in the wrong direction.

Unbelievably, the administration essentially froze homeland security spending in 2003. The President's budget cut port security grant funding by 63 percent, cut first responder funding within the Department of Homeland Security by 15 percent, and provided no dedicated funding whatsoever for rail security or protecting chemical plants and nuclear power plants.

My question is, when is this administration going to get serious about funding homeland security.

HOUSE KILLS OPTIONS RULE SHIFT

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

Mr. STEARNS. Mr. Speaker, yesterday the House voted to block a rule that would require companies to count stock options against their profits. Now, Federal Reserve Chairman Greenspan, a proponent of mandatory expensing and the Financial Accounting Standards Board proposal, told a Senate hearing yesterday that he would be most concerned if Congress intervened. Of the rule-making board, he said, I think they do a good job. It is a tough job. But the House yesterday intervened.

Advocates of mandatory expensing include Securities and Exchange Commissioner and Chairman William Donaldson, the billionaire investor, Warren Buffett and all four big accounting firms. The FASB proposal answered the call for accurate financial statements that came from a string of corporate scandals starting with Enron.

Mr. Speaker, who could be against that? Just allow stock options to be expensed. We could allow exceptions for start-up companies, especially in the high-tech area, but instead Congress, here in the House yesterday, blocked a rule to count stock options.

I hope the Senate will not pass this legislation.

ATTACK THE DEFICIT

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

Ms. BERKLEY. Mr. Speaker, Republican leadership still does not grasp the importance of reducing our Nation's deficits. Instead, they continue to focus on misplaced priorities.

Our Nation faces record deficits, and we ought to tackle the real problems that deficits pose. Deficits put a strain on the economy. They threaten Social Security and force families to bear the burden of our Nation's debt.

Over the next 6 years, Nevada families will pay on average more than $20,000 out of their own pockets to help cover the cost of the national debt. Instead of dealing with this, the Republican leaders have chosen this week to focus on legislation that would erode the separation of powers by removing Federal court jurisdictions to review challenges to the Defense of Marriage Act.

It is incomprehensible to me that Republican leaders have deemed this the pressing issue when millions of Americans have no health insurance, we still have not passed a transportation bill, and our deficits are skyrocketing out of control.

Let us focus on what is really important to American families, attack rising deficits with sensible approaches and let us let all of this extraneous nonsense go by the wayside where it belongs.

PRESCRIPTION DRUG CARD HELPING SENIORS

(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, I rise today to sing the praises of the Medicare-approved prescription drug card. Seniors are now saving up to 20 percent off brand-name prescriptions, 40 percent off generics and 60 percent off mail order prescriptions.

In addition, America's poorest seniors can sign up to receive an additional $1,200 credit for their prescriptions over the next year and a half. For those lower-income seniors, savings can be as high as 86 percent off what they are paying before the card.

Now that seniors are receiving these savings, Democrats have realized they cannot claim that the cards do not help. America's poorest seniors are getting cash subsidies for their medications, so now the Democrats have taken a new approach to their mediscare tactics.

Since they know the cards are beneficial, they are now saying that they are too confusing. Well, if seniors will call the 1–800–MEDICARE number and have their prescription bottles handy, give them your ZIP code, what prescriptions you are currently taking, the name of each drug, the dose, how often you take the drug, and the cost of the drug, you will be able to receive information that will immediately be of assistance.

RICH GET RICHER, POOR GET POORER

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

Mr. EMANUEL. Mr. Speaker, two headlines speak volumes about the economic conditions of the middle class in America today: Sunday's New York Times headline, ''Hourly Pay is Not Keeping Pace With Price Rises''; yesterday's Wall Street Journal, ''So Far, Economic Recovery Tilts to the Highest Income Americans.'' And for the middle class we have a wage and benefit recession.

These headlines show that there is two-track economy, one for the very wealthy who are doing well, and one for the middle class who are struggling to keep pace with their middle-class dreams and providing for their children.

What we have today is a $500 billion deficit all financed because we are trying to wage three wars with three tax cuts and showing it cannot be done.

Republicans have chosen to put off addressing America's health care crisis, rising tuition costs, stagnant wages, and the ever-elusive retirement security.

As corporate profits boom in America by 16 percent, America's middle class are feeling squeezed by stagnant wages and rising health care costs. While sales of BMWs and at Neiman-Marcus are rising, same store sales at Target and Wal-Mart are stagnant.

With a record like this, only this administration would wave the banner, ''Mission Accomplished'' above the economy. It is time to put that banner back where it came from.

NO HONEST MISTAKE

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

Mrs. MILLER of Michigan. Mr. Speaker, it is absolutely amazing that since the revelations about Sandy Berger, who was National Security Adviser for President Clinton and has been the Kerry Campaign's senior policy adviser, since these revelations that Sandy Berger had removed classified documents at the National Archives, that my colleagues on the other side of the aisle have been so dismissive of this gross violation of our national security.

I can only imagine the howls from the other side of the aisle if allegations were made against Condoleezza Rice, that she had stuffed documents, classified documents in her socks and removed them from the Archives and that some of the documents were still missing.

I am sure we would hear accusations of a cover-up, a vast conspiracy.

No, we are hearing none of that from my colleagues on the other side of the aisle. Instead, what do we hear? They say it was a mistake, an honest mistake, more innocent than it looks. We certainly do not hear any calls for investigations.

Well, I am both shocked and appalled by these reports, and I am calling for the appropriate House committee to investigate. The American people deserve to know.

FAILED REPUBLICAN ECONOMIC PLAN

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

Mr. TANNER. Mr. Speaker, it has been 1,168 days since President Bush and the Republican Party embarked on their economic plan for our country. During that time the national debt has increased by $1,636,400,551,909.99.

According to the Web site for the Bureau of the Public Debt at the U.S. Department of Treasury, yesterday the Nation's outstanding privately held debt was $4,228,487,022,143.12. Foreign holdings, debt held by foreign governments and others, not Americans, now total $1.5 trillion. This is an increase of $740 billion since January 2001 and is now 41 percent of all privately held debt.

□ 1015

PROGRESS IN IRAQ REPORTED IN THE NEW YORK TIMES

(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, yesterday's New York Times front page surprisingly detailed some of the progress being made daily in Iraq. The article described dozens of small-scale construction initiatives or microprojects that have been under way throughout Iraq. This includes digging wells to supply water to hundreds in small towns and helping to restore historic sites that are essential to the local culture.

This is only a grudging glimpse of the good news that has been taking place in Iraq since the American military and coalition forces liberated the nation from Saddam Hussein's tyrannical regime. I have seen firsthand the positive progress being made in Iraq to build a civil society which fights terrorist training to protect Iraqi and American families.

I am encouraged that media outlets, such as the New York Times that for too long ignored the good news in Iraq in favor of police-blotter journalism, are now showing limited signs of balanced reporting.

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

HONORING STUDENTS AROUND NEW YORK CITY WHO PARTICIPATED IN CONSTITUTION EDUCATION AND ENGAGEMENT PROJECT

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

Mr. WEINER. Mr. Speaker, I rise to pay tribute to the over 100 students from around New York City who participated this year in the Constitution Education Engagement Project. The CEEP program, of which Carl Bonomo is the founder and Dorothy McCloskey is the director, takes secondary school students from around New York City and asks them to have hearings, discussion and debates and arrive at a piece of legislation for this Congress to consider.

This year, the winner was from the Wadleigh Secondary School. Their piece of legislation, which addresses the inequities in education funding, I will be introducing in the RECORD following these remarks, as well as the list of students who participated to make this project such a success.

The legislation that they have come up with addresses problems that affect over 41 States in the United States, and that is the inequity between funding among different school districts. In New York State alone, $17,000 is spent per student in one district compared to $6,000 per student in others.

Since 1973, 45 different States have had to address the inequities in school funding. The students at the Wadleigh Secondary School are among our brightest and best. They are members of the CEEP program, which seeks to address the problems we have in our country through the legislative process.

I hope this House joins in paying tribute to their successes.

FEDERAL MARRIAGE AMENDMENT

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

Mr. RYUN of Kansas. Mr. Speaker, I rise today to address the proposed Federal marriage amendment to the U.S. Constitution.

Marriage for thousands of years has been between one man and one woman. This body passed the Defense of Marriage Act, along with 38 State legislatures. Yet in recent years, courts and other government authorities have actually worked against these efforts to protect marriage.

Today, because of local government authorities, homosexual couples are able to be married in certain States and cities in our country. It will not be long until a couple will try to force another State to recognize this marriage; and sooner or later, they will find a Federal judge who will side with them.

Congress must take a stand now against these efforts to thwart the will of Congress, State legislatures, and the American people. Thus far, Federal law has not stopped courts from ruling in favor of these illegal unions. Organizations have challenged DOMA in arenas that further remove the decision-making process from the general public and their elected representatives, barring the majority of Americans from being heard during the process.

We should support efforts to block Federal judges from overriding DOMA, but only the Federal marriage amendment can protect the American people's will from being silenced once and for all.

OVERTIME PAY REGULATIONS

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

Ms. WATSON. Mr. Speaker, on August 23, President Bush's new overtime pay take-away rules will go into effect. These rules will slash wages for over 6 million Americans.

Since 2001, this administration has passively stood by while Americans lost their jobs and unemployment benefits; but here in Congress, we have a duty to fight for the safety and security of workers who need overtime wages to pay their bills and make ends meet.

If these rules go forward, the outcome will be disastrous for working families who depend on the income from overtime wages in order to live. Hardworking mothers and fathers in my hometown of Los Angeles will see their workplace more than their homes, their bosses more than their families as they are forced to work longer hours for less pay.

Mr. Speaker, it is outrageous for Congress to deny overtime pay to the nurses, policemen, secretaries and every other person who works for a living, while the administration rewards millionaires and big corporations with tax breaks. Slashing overtime wages is another example of this administration's disregard for the well-being of the middle class.

INVESTIGATION OF SANDY BERGER

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

Mr. HOEKSTRA. Mr. Speaker, President Clinton's National Security Adviser, Sandy Berger, has admitted to removing highly classified terrorism documents from a secure room during preparations for the September 11 Commission hearings.

According to reports, Mr. Berger knowingly, and this is an arrogant, total disregard of the law, knowingly removed handwritten notes he had made while reading classified documents by sticking them in his jacket and pants. He also removed several classified documents. Some of these documents were discarded by Mr. Berger and are still missing.

The missing documents are highly classified reports on the Clinton administration's handling of al Qaeda terror threats during the December 1999 millennium celebrations. They included critical assessments of the U.S. response to terrorist threats, as well as identification of vulnerabilities at U.S. airports and seaports.

Removing highly classified anti-terrorism information from a secure area is extremely dangerous, and misplacing such information is absolutely inexcusable.

Mr. Berger has attributed his actions to sloppiness. A person in Mr. Berger's position does know better than to do something so irresponsible, and he should be well aware of the serious consequences.

The Justice Department is currently conducting a criminal investigation. We should render Mr. Berger the benefit of the doubt, but these admitted actions have the potential of undermining U.S. national security and damaging the integrity of the September 11 Commission.

BUSH ADMINISTRATION SMEAR CAMPAIGN

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

Mr. McDERMOTT. Mr. Speaker, well, here we go again. Anytime the heat is on the Republicans, the Bush administration, they leak something out and try and smear somebody.

The 9/11 Commission report is coming out tomorrow, and just 3 days before it they bring up something that has been investigated for 9 months. They leak it out of the Justice Department.

Now, even conservative reporters like Norm Ornstein and David Gurgin have said they are enormously skeptical about this whole thing. David Gurgin said it is suspicious.

It is not suspicious. It is what they always do. Whenever there is something coming up, they find a way to leak out something like against Ms. Gorelick on the 9/11 Commission. They never wanted the commission, and now it is going to come out and say bad things about them. So they are going to smear all the people around it as quickly as possible.

That is a standard operating position for these people, and it is despicable. Why do they not let the Justice Department do the report? It was 9 long months ago it started. Let them bring it out when there is going to be an indictment.

We will do the same for the gentleman from Texas (Mr. DELAY), and we will do the same for all the Members on the Republican side who want to raise these kinds of issues. Why do we not wait until the people in the Justice Department make the decision?

FINAL OVERTIME RULES

(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, on their policy of liquidating overtime pay as we know it, the Republican majority should end their covert sabotage and come out of the closet. The right to overtime pay is a fundamental right guaranteed for the past 66 years by the Fair Labor Standards Act. For 6 million or more American workers, however, that right will expire in exactly 1 month's time.

On August 23, a Bush administration rule will be implemented to strip hard-working Americans, including certain police officers, nurses, preschool teachers and many others, of rightfully earned overtime pay. Republicans must admit their war on overtime. Come out of the closet.

The House Republican leadership is now refusing to bring the fiscal year 2005 Labor-HHS appropriations to the floor. The Republicans fear the truth and power of a Democratic amendment to reverse this Bush rule and protect workers' rights to overtime pay. The Republicans are afraid to expose their unjust policy to the voters.

Under the Bush economic plan which favors the haves and have-mores, an increasing number of American workers have had to rely on overtime wages simply to pay their electricity bill or their monthly mortgage.

But overtime for working families is also an issue of fundamental fairness. In Iraq, 90 percent of the frontline soldiers are the children of these working families. Mandating that employees work extra hours without adequate pay is a betrayal of the trust of the families of our heroes.

Vote ''yes'' on overtime pay. Bring it to the floor today.

THE MAJORITY'S NEW STRATEGY

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

Mr. ANDREWS. Mr. Speaker, 6 million Americans are about to lose their right to overtime protection, police officers, firefighters, preschool teachers; and I believe that a majority of this House is ready to vote against that proposal and is ready to restrain that proposal from becoming law.

I have, Mr. Speaker, to commend the majority because they have found a new way to subvert the will of the majority. On two occasions what the majority has done is permit a proposition to come to the floor, lose, as they did in the case of the Medicare vote, lose as they did in the case of protecting civil rights under an amendment to the PATRIOT Act, and then fix the result after they have lost.

This time they have come up with a new strategy. Because the majority knows it will lose this vote on overtime, they are prohibiting the vote from coming to the floor in the first place.

If the Labor-HHS appropriations bill were reported out of committee and brought to this floor, this House would get a chance to work its will and defeat this proposal that will deny 6 million Americans the right to overtime.

I say, Mr. Speaker, to the majority, bring it to the floor. Let the House work its will. Let the majority protect the rights of 6 million Americans.

THE CRISIS IN THE SUDAN

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

Ms. SCHAKOWSKY. Mr. Speaker, I come to the floor today with a sense of urgency to call on my colleagues to act now, before we adjourn, upon the crisis that is developing more and worsening every day in the Sudan.

Over 1 million Sudanese have been displaced and 30,000 have been killed so far in Darfur, and we understand that a minimum of 1,000 people a day are dying, being killed. Women and girls are being systematically raped and brutalized by thugs who have been reported to sing with glee as they inflict pain and humiliation beyond belief.

I stand here today not only as a Member of the United States House of Representatives but as a Jew, as part of a people who are still haunted by the killing of 6 million during World War II, while there were people in the world who knew what was happening, and as a grandmother who does not want to face my grandchildren who say to me, Grandma, you were in the Congress when people were killed in a genocide in the Sudan, what did you do. That is a question we all have to ask ourselves.

We should pass a resolution today before we leave this Congress that we will act, not just talk about it.

WHEN THE HEAT IS ON, BUSH TEAM USES NATIONAL SECURITY INFORMATION FOR POLITICAL COVER

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

Mr. PALLONE. Mr. Speaker, just 3 days prior to the release of the 9/11 Commission report critical of the Bush administration's lack of attention on terrorism, a 7-month-old FBI investigation of former National Security Adviser Sandy Berger was leaked to the media. The timing of the leak is sort of curious.

Previously, the Bush team has used national security information and memos to disparage 9/11 Commission members who they did not like. Now, tomorrow, the 9/11 Commission is preparing to release their report, and we know it will be bad for the Bush administration. We know we were not as safe as we should have been on September 11, and we still mourn the thousands who died that day.

The Bush administration opposed the creation of the commission. They

fought against giving the commission enough time to complete its work and tried to limit the documents the commission could see.

President Bush and Vice President CHENEY sought to limit any questions they received from the commission and National Security Adviser Condoleezza Rice tried to avoid testifying publicly at all.

Now, the commission's report is done and the questions it raises are, Are we as safe as we should be today? How much progress have we made in correcting homeland security deficiencies?

Unfortunately, the Bush administration has a lot of work left to be done.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 4837, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 732 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 732

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except: section 129. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. KIRK). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, last night the Committee on Rules met and granted an open rule for H.R. 4837, the Fiscal Year 2005 Military Construction Appropriations Act.

The United States military is clearly the best in the world, and the young men and women in our Army, Navy, Air Force, and Marines are thoroughly dedicated and patriotic professionals, the best our Nation has to offer.

And we are asking a lot of our military today. Our military personnel on active duty know that they may well be deployed overseas and perhaps on dangerous missions; so we want to provide a quality of life for themselves and their families that will allow them to serve, knowing that their families will be taken care of with good housing and good health care.

H.R. 4837 recognizes the dedication and commitment of our troops by providing for their most basic needs: improved military facilities, including housing and medical facilities.

Mr. Speaker, we must honor the most basic commitments we have made to the men and women of our Armed Forces. We must ensure a reasonable quality of life to recruit and retain the best and the brightest for America's fighting forces, and most importantly, we must do all in our power to ensure a strong, able, dedicated American military so this Nation will be ever vigilant, ever prepared.

H.R. 4837 provides nearly $1.1 billion for troop housing and $190 million for hospital and medical facilities for the troops and their families. Military families also have a tremendous need for quality child care, especially single parents and families in which one or both parents may face lengthy deployments. To help meet this need, the bill provides $26 million for child development centers.

This bill is more than just a signal to our soldiers, sailors, airmen, and Marines that this Nation recognizes their sacrifices. It is a means by which we meet our commitment to providing them decent quality of life, and this will sustain the commitment and professionalism of America's all-volunteer armed services and the families that support them. We owe them a great debt of gratitude.

While our men and women in uniform have swiftly engaged our enemies abroad, they face increasingly complex personal and professional challenges here at home. We must do more to take care of those who are putting their lives on the line to defend our freedom and for their families that support them. So I urge my colleagues to support this rule and to support the conference report.

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

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

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

Mr. FROST. Mr. Speaker, I thank the gentlewoman for yielding me the customary 30 minutes.

Last night the Committee on Rules met to report a rule for the Military Construction Appropriations bill for 2005. The bill has wide bipartisan support. It provides sufficient funding for America's military construction needs and includes funding to improve facilities and family housing on reserve and active duty installations around the world. The bill also includes a provision that protects the most successful military housing project in history, the Military Housing Privatization Initiative.

Under this program, the Federal Government creates public-private partnerships to construct and renovate military family housing. The current state of military housing is a disgrace. It is often old and dilapidated. Under this program, quality homes for our troops and their families are constructed more affordably and more quickly. It is estimated that the government saves 10 to 15 percent over the life of the project, and military families receive improved homes in one-tenth of the time it will have taken using old methods of family housing construction.

When the program started in 1996, it was tied to a cap of $850 million in government investment. The Department of Defense will reach this cap in November. The Military Construction bill contains a provision to raise the cap and ensure that the most successful military housing program ever will be able to continue.

And herein lies the problem, Mr. Speaker. The rule that we are considering today puts this program in danger. It allows a point of order on the section of the bill raising the cap on the Privatization Initiative that would allow it to be completely stripped from the bill. If that happens, the program would be unable to continue past November of this year, and almost 50,000 military families would pay the price and continue to live in substandard housing.

I made a motion last night in the Committee on Rules to protect this section of the bill so that it could not be stripped out, but it was defeated on a party-line vote. I just do not understand that, Mr. Speaker, because perhaps more than anything else in this bill, this provision will help raise the quality of life for our troops and their families.

Perhaps worst of all is the fact that this is the only provision in the Military Construction bill that can be stripped out on a point of order. I think that shows real disregard and disrespect for our soldiers, and, quite frankly, Mr. Speaker, I find it disgraceful. We in this House are constantly talking about the need to support our troops, and yet when the time comes to actually vote on a substantive issue that could really help our fighting men and women and their families, some

Members of this House are not following through.

I, for one, am proud to support our troops. As a Nation, we continue to ask more and more of them, especially in this time of war and uncertainty. Our brave soldiers and their families deserve to live in quality housing, not slums. It should be their right, not their privilege; and that is why today I will attempt to defeat the previous question. If the previous question is defeated, I will offer an amendment to protect the military housing cap in the bill from being stripped out on a point of order.

Mr. Speaker, the chairman of the Committee on Armed Services, the chairman of the Committee on Appropriations, countless military families and military organizations, and the President of the United States—let me repeat that, and the President of the United States, all support raising this cap. This House should too. America's troops and their families deserve to have our unconditional support as they continue to fight the war on terror. Vote ''no'' on the previous question and vote ''no'' on the rule.

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

Mrs. MYRICK. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise in opposition to this rule, and I do so without disrespect at all to the gentlewoman. She is a very valuable Member of this Congress and a friend and someone who has worked hard to make sure that when we write budgets, when we determine spending priorities, that we adhere to them. And that is why I rise in opposition to this rule.

This bill breaches the spending limit made under the budget. There will be people who come to the floor today who will claim that the only issue today is military housing when, in fact, the issue today is an $800-plus billion budget from which we can find many puts and many takes in order to adjust priorities here and adjust priorities there in order to make sure all priorities fit within a budget.

How does this process work? The Committee on Appropriations, appropriately and in a way that we all appreciate, filed their bill meeting what is called the 302(b) number for military construction, meaning that it fit within the budget when the committee process began. But there were amendments that were made in order to increase the amount of spending over the budget and over the amount that was prioritized.

Why was that done? It was done for political purposes. It was done to make points because, as everyone knows, in the Department of Defense authorization bill, the cap that we will be talking about today for military housing was lifted. So it is being taken care of. It is being taken care of in the authorization process, which is the appropriate way to handle it, the appropriate direction to take, and a way that does not bust the budget and allows all of us to do this within a responsible process.

This Military Construction bill breaches the allocations that the Committee on Appropriations established for the Subcommittee on Military Construction by $1.2 billion as a result; that is 10 percent of the allocation. We are not just busting this by a couple of bucks here. We are not just saying it is okay to go over by a little. I mean, there have already been three bills that have left the House floor as appropriations that busted their allocations, three bills that we voted on on the floor here, that were sent to the other body, that busted the budget.

So it does happen. It does happen by a few hundred thousand here, hundred million there, but rarely have we ever seen the chutzpa of coming to the floor with a bill that busts it by over 10 percent of the allocation.

How does the Committee on Appropriations usually deal with this? Very typically, very routinely, the Committee on Appropriations comes to the floor and they make an adjustment to their 302(b) allocations. In fact, they can even make an adjustment to a bill that has already left, and they have done that in the past. And in fact, as I understand it today, they will make adjustments to their 302(b) allocations in order to make the three bills that left here, busting the budget, fit, something that they routinely do currently and totally within their jurisdiction and something that we, as fiscal hawks and people that want to make sure that we adhere to the budget, appreciate.

The chairman of the Committee on Appropriations has never brought a bill to this floor that busted the budget. Unfortunately, today this rule would allow that to happen. And that is why I rise in opposition, because we should not allow that to happen.

Military housing is an effective program, so important that I am disappointed that the Committee on Appropriations did not offset the additional cost with a spending reduction in other bills from lower-priority items, which is fully within their jurisdiction. Do they mean to tell me there is nothing else within any of the 13 appropriation bills that are lower priority than the military housing for our families who are fighting to defend our freedom? Nothing? Absolutely nothing? We cannot look for anything?

Just waive the rules, and not only waive the budget and the budget rules, but to do so almost 2 weeks after we had a debate on this floor saying the budget process is broken, we have got to come up with new rules. Why do we have to come up with new rules if we break the rules that we already have? Why do we adhere to the rules that we already have? Such as we write a budget, we allow the Committee on Appropriations to make their allocations within the discretionary accounts. They make that decision and bring bills to the floor to fit within that budget so that in final analysis we are able to stay within that budget overall and not increase the deficit and not borrow more money and not add to the national debt.

But we will continue to hear today that this is an important program and it needs our support. And it does need our support and it already has our support because it is moving through in the Department of Defense authorization.

The House should not be in a position of having to take up this bill. Under section 302(f) of the Congressional Budget Act, it is not in order for the House to even consider a measure that breaches the 302(b) allocation, Mr. Speaker. It is not even in order to consider this bill. And there are all sorts of mechanisms available to the Committee on Appropriations prior to bringing this bill to the floor, to make their adjustments to ensure that this bill meets its allocation.

The purpose of this rule is not to put a burden on enforcing the budget on the committee while it is moving the bill. Nevertheless, in a dramatic lapse of what I would call parliamentary responsibility and budget discipline, the rule waives this point of order. The rule shifts the burden for bringing the bill into compliance with the resolution away from the committee that is responsible, away from the Committee on Appropriations that we ask to make the tough decisions, to make the tough political decisions when they are political, like this one will have to be because people will make political points about this, about people not caring, about people not supporting, about people not wanting our military families to live in decent housing.

□ 1045

Well, there is not a Member of this body, not a Member of this body on either side, who should be accused of that or who would suggest that the men and women who serve in our military, who fight for freedom, should live in sub-quality housing. That is why we have the program. That is why the Department of Defense authorization lifts the cap and works to ensure that our men and women in the military have the ability to do just that.

Faced with the choice, and it is an unfortunate choice that I believe we are faced with today, of enforcing the budget resolution or supporting this rule, I believe it is my job as the chairman of the Committee on the Budget to enforce the budget; to listen to the men and women in the military who think their choice is more important than all sorts of choices that have been made and are going to be made in subsequent appropriation bills, number one, and also listen to the unbelievable amount, it should not be unbelievable,

it is actually believable to me, but the growing chorus of people across this country that say you in Congress spend too much money. Set your priorities. Determine what is important. Support our military families, and find something that is not quite as high a priority to cut out of the budget, to postpone until next year, to eliminate entirely.

The waste, fraud and abuse that is going on in this budget, that is going on in this government, that goes on as a result of what we continue to perpetuate without making those tough choices, is what we have to come through. Are the choices tough? Of course they are tough. But remember 2 weeks ago when we had that budget debate; when everybody said please, take away those tough choices for me. Come up with new rules that have commissions, outside commissions, to make these decisions. Or let us do something so that I do not have to make these tough choices, so I do not have to choose between military families and waste within other Departments of the government.

I know what my choice is. My choice is let us eliminate the waste. My choice is let us support those families, just like everybody else here on the floor would choose.

Instead, unfortunately, what happens today is we have a bill that comes to the floor that not only busts the overall budget, but busts its total allocation for this bill alone by 10 percent. That is irresponsible to our military families, and that is irresponsible to the fiscal integrity of this government.

We should not adopt this rule. If it is adopted, I will move to strike this provision. I ask for people to vote in opposition to this rule.

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

Will the chairman of the Committee on the Budget please remain for a question? Will the gentleman from Iowa (Mr. NUSSLE) please remain for a question? I do not think he meant to intentionally misstate a fact.

I would point out that the authorization bill lifts the cap for 2006. It does not lift it for 2005. In fact, the administration has asked for the $500 million.

I do not think the gentleman intentionally meant to misstate the fact, but he did make a misstatement of fact on the floor.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I think that the speech we just heard indeed does illustrate rather dramatically the difference in priorities between most of us on this side of the aisle and many others on that side of the aisle.

What is before us is this: we routinely see Members of both parties in this House talk about the need for shared sacrifice, and we routinely see Members of both political parties posing for political holy pictures because they both profess to be so concerned about the welfare of our soldiers who are fighting our wars on behalf of our national interest. But this rule walks away blatantly—it walks away from our obligation to those military families who are the backbone of our military efforts, whether in Iraq or other places around the world.

Now, the bill as it was reported by the Committee on Appropriations at the request of the gentleman from Texas (Mr. EDWARDS), who is the primary mover on this issue, included a provision which allowed the Military Housing Privatization Program to continue to operate. That is important, because 160,000 military families right now live in sub-standard housing, and the provision in this bill to raise the cap on that program would have helped 50,000 of those military families to wind up living in decent housing. This rule will allow a single Member of this House to knock out that provision.

So here we are in the middle of a war. We talk about shared sacrifice, but in the end, how does that shared sacrifice really apply? To some folks in the military, those folks are asked to do their duty not just once, but twice. Some of them have already done one tour in Iraq. Now they are being called upon to do it again. Meanwhile, the rest of us in the country can sit back and ''sacrifice'' by accepting our tax cuts.

Now, the gentleman who just spoke, the chairman of the Committee on the Budget, produced a budget resolution which sacrificed virtually every national priority to his preference that we provide supersized tax cuts to people who make $1 million a year. So the budget resolution which that gentleman brought to the floor guaranteed that we were going to be able to give $90,000 tax cuts to people who make $1 million a year.

Where did the money come from? By squeezing on military housing, by squeezing on aid to education, by squeezing on health research at NIH, by squeezing on law enforcement funding.

The gentleman has very frankly stated his priorities, and I congratulate him for his honesty. I do not think much of his judgment, however, because if we were to follow his judgment and if we vote for this rule, that gentleman will be allowed to strike this provision on military housing.

If we follow this rule, if we allow this rule to pass, we will be in a situation where one Member of the House can exercise his personal preferences and knock out the provision that the Committee on Appropriations, on a bipartisan basis, put in this bill, to try to provide some help to the people who are doing the most to support the national policies of this country, and that is military families. I think that the result of this rule would be shameful.

Now, frankly, I was surprised when I heard the gentleman from Iowa oppose the rule, because this rule is here because of his pressure on the Committee on Rules. But, Mr. Speaker, now as I think about it, I finally realize what the game is. The gentleman from Iowa wanted the Committee on Rules to do the dirty work. He wanted them to directly eliminate that provision, rather than having to take the personal heat by standing up and knocking out that provision on a point of order.

Well, I would suggest the way to correct this problem is to vote down this rule, to vote down the previous question so that we can bring to the House a bill which protects this provision. The rule provided waivers for all kinds of other provisions in the bill. Why did it exempt from that protection military families who need our help the most?

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I would announce to my colleagues, especially on the Committee on Appropriations, that I intend to vote for this rule. But there is one part of the rule that I do not like. I wish that the rule would have protected language relative to military housing.

I am really proud of the Committee on Appropriations and the Congress, because we have done an awful lot for the members of our military services, as we should; and there is a lot more that needs to be done. There are some 24,000 military families anxiously awaiting for this bill to pass so that they can get in line to receive one of those new housing projects.

Some of our military families live in great housing that has been produced through this public-private venture system and at a very low cost to the government, I might say. For every dollar it costs the government, there is $11 of private money invested, and these kids have great places to live. But there are at least 24,000 of our servicemen today who still do not have a decent place to live, and that is what this bill seeks to create and to fix housing for them.

The amendment that is in question does not appropriate any money. I do not see why the budget chairman is so exercised. We did not appropriate any additional money. The amendment that was offered by the gentleman from Michigan (Chairman KNOLLENBERG) and by the ranking member, the gentleman from Texas (Mr. EDWARDS), was strictly to raise the limit on the amount of money the government could enter into with the contractors. We did not appropriate a single additional dollar; and we did not need to, because of the great way this program works.

The chairman of the Committee on the Budget also said, why do this? It has already been done.

That is not true. It has not been done. The authorizing committee would like to do it, but they face the

same budgetary constraints that we face—not dollars, not money being spent by the Federal Government, just to raise the limit on the amount of money that the Federal Government can enter into contracts with private contractors.

It was suggested that we should have made changes in the budget process, and I agree with that. Let me tell you what one of the changes ought to be: the Chairman of the Committee on the Budget is basing his position on scoring by CBO, the Congressional Budget Office. I would like to base mine on OMB, the Office of Management and Budget.

OMB likes this provision, and they say that it is not going to cost any more money. The Administration in their Statement of Administration Policy, and the President, strongly support the provision that we are talking about. They say OMB would not score any additional cost to this provision because it does not increase the amount of budget authority available to the Department of Defense.

So, yes, we need budget process reform. We need to have the people that are scoring our appropriations bills reading from the same page. You cannot have CBO scoring something one way and OMB scoring it another way. That is one of the process changes that we need to make and that we will offer at a later date.

Mr. Speaker, this is important to our kids that serve in the military. As I said, we have done a lot for them, and we sent them to war. Most of the people that are concerned about this budget situation voted to send them to war. And when you go to the hospitals, as I do on a regular basis, to visit the kids, they want to get better, they want to get back to the fight, but they also want to know, if someone is taking care of their family. Are they going to live in decent housing? Are they going to have enough money to buy food for the kids, and things like this.

We owe these kids decent places to live. If we are going to send them to war, we owe them a quality of life that is better than so many of them are living today.

So we have a lot of work to do. The Committee on Appropriations, I believe, has made a great step forward in this bill by adding this language to allow the Department of Defense to increase the amount of authority that they would give to the private-public venture that provides housing for our military families.

There is a lot more that we have to do for these kids. They are paying a lot. The sacrifice is great, the separation from family, the facing of an enemy that is not even known in most cases, the problems they are facing in trying to secure America and our interests against terrorism and the terrorists who would threaten our very way of life. We owe them a lot more than we are doing for them now.

MILITARY HOUSING PRIVATIZATION

The Military Housing Privatization Initiative was started in 1996. This program has successfully converted, 62,000 units and I have seen most of them. The program is extremely popular with military families who are clamoring to get out of the rat traps and into new homes.

The program is extremely fiscally conservative. Every $1 of federal money leverages $11 of private investment.

The provision in the Military Construction bill enhances the privatization program. Without it, the Department of Defense will have to forgo the creation of 24,000 additional homes.

This provision simply raises the cap on the amount the Federal Government can contribute to the program. It does not appropriate one single additional dime for the program. The administration strongly supports this provision. Let me read from the Statement of Administration Policy on the bill. I quote, "The administration strongly supports the provision that would increase the military housing privatization cap from $850 million to $1.35 billion. This increase will improve the quality of life of our military families." OMB estimates that if this cap is not lifted the program will shut down in November of this year.

For 6 years CBO scored this provision the same as OMB. For some reason, this year they have changed their position. Their explanation is long and exceedingly complex. OMB disagrees totally with this interpretation. If there ever is a case to be made for directed scorekeeping, this is it.

I am extremely disappointed that this provision was not protected by the rule and will probably be struck by a point of order. It has been said we will fix it later—why wait—now is better than later.

FACT SHEET

Military Housing Privatization Initiative (MHPI) began in 1996. As of February 2004, DOD privatized over 55,000 units through 27 projects—the current plan is for 171,000 units, probably more.

DOD projects that it will privatize over 43,000 units in FY 2005. Of these, DOD estimates that 24,000 units are threatened by the cap.

Affected installations include Fort Drum (2,272 units), Fort Bliss (2,752 units), Eglin AFB (2,155 units), McGuire AFB/Fort Dix (2,592 units).

DOD estimates that about half of current housing inventory is still inadequate (too small, inferior to current design standards, etc.).

Secretary of Defense has established goal of eliminating inadequate housing inventory by 2007 (with exception of four Air Force installations by 2008 and Air Force overseas by 2009). This goal is impossible without MHPI.

Average ratio of private to Federal dollars is 11:1.

Privatization is undertaken only where housing market and life cycle analysis indicate that it is the best option. DOD will still rely primarily on existing housing market to meet service members' needs.

□ 1100

The least we can do is give our military servicemen a nice place to live, for them and their families.

Mr. FROST. Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, this rule is a slap in the face to America's military families. They have a right to be outraged, and they will be when they find out what happens on the House floor today.

This rule says to our military families, many of them who have loved ones serving in Iraq and Afghanistan, that the House Republican leadership has made tax cuts for Members of Congress this year a higher priority than better housing for military families.

With this rule, we put at risk the most important military housing program in American history, the public-private initiative. To do so any time would be wrong. To do so during a time of war is unconscionable.

The gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. DELAY) owe our military families and all who respect them an answer to one question: Why is it that you can support just 2 months ago on this House Floor a $69 billion tax break that benefits Members of Congress, but today, we cannot afford to continue our military housing program for 50,000 military families?

Perhaps the answer was given by the gentleman from Texas (Mr. DELAY) in his speech to bankers in March of 2003, just 1 week before the Iraqi war began, when he said this: "Nothing is more important in the face of war than cutting taxes." Nothing is more important in the face of war than cutting taxes.

I would like to invite the gentleman from Texas (Mr. DELAY) and the gentleman from Illinois (Mr. HASTERT) to Fort Hood in my district, which has sent nearly 40,000 Army soldiers to Iraq this year alone, to explain why they can bring to the House Floor 2 months ago a bill that cut taxes for Members of Congress making $157,000-plus a year, but they cannot find a way today to protect the most important military housing program ever for service men and women making $20,000 and $30,000 a year. Where is the fairness in that?

Is cutting taxes for Members of Congress while freezing military housing improvements for our troops the leadership's new definition of shared sacrifice during time of war? If so, it is a flawed definition.

Have our military families not sacrificed enough already? Why should 50,000 military families in 22 States now have to sacrifice their dream of better military housing so we can help pay for a self-serving tax cut for Members of Congress?

What is happening today on this floor is an insult to the incredible sacrifices made by our service men and women.

Oh, and how times have changed for the worst. Instead of President Franklin Roosevelt asking all Americans to sacrifice after Pearl Harbor, the House leadership, in the midst of our war on terrorism, is saying with its words and its deeds that nothing is more important in the face of war than cutting taxes.

We are going to hear a lot of excuses today. We are going to hear that technicalities prevent us from preventing a

freeze on the most important military housing program ever. Baloney. The House Committee on Rules, with one phone call from the Speaker, could have done what it has done repeatedly in this Congress on 25 occasions: protect an important provision in this bill from a technical point of order. Unbelievably, unbelievably, that call was not made.

Unfortunately, the same House leadership that told the Committee on Rules to bring a tax cut, helping Members of Congress, to the floor 2 months ago, could not make that phone call to protect military families today. We will hear a lot of excuses about how, well, there are other ways to solve the military housing program crisis. Well, that is exactly what they are, excuses.

Those same Committee on the Budget members failed to solve this problem in the Committee on the Budget. Then they failed to work with the Committee on Armed Services to solve the problem for fiscal year 2005 in the Committee on Armed Services bill. That was two strikes. Now, when the Committee on Appropriations is trying to solve the problem in a bipartisan way and support our military families, these same folks want to prohibit us from doing so. Three strikes, and they are out.

Sadly, though, the people who will be left out in the cold are not Members of Congress who pretend to be fiscal hawks when it comes to funding military housing improvements, but turned into fiscal doves when it came to passing a $69 billion tax break that put money in our pockets. These same people will be leaving 50,000 military families in 22 States out in the cold.

We will hear excuses that military families will just have to wait for Members of Congress to have our 5-week vacation in July and August, and maybe the same House leaders we have who have ignored this housing crisis for the last 6 months will find a way to solve the problem, after campaign trips in August and beach vacations.

I would suggest that leaders in Congress who found the time to rename dozens of post offices this year and schedule tax cuts, votes on tax cuts for Members of Congress like me, maybe they should find the time to solve the military housing crisis now, before they go on vacation, before they make their dozens of campaign stops and fund-raising events in the month ahead. When it comes to solving a serious military housing crisis, the House Republican leadership has been AWOL.

Fortunately, there have been many Members such as the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. HUNTER) and others who have tried to come together to do the right thing.

Let me be clear. I am not asking the House Republican leadership, the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. DELAY) to put themselves today in harm's way like so many of the soldiers from Fort Hood in my district are in Iraq today. However, in all due respect, I would hope the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. DELAY) would support our troops by saying that, Do my colleagues know what? The military housing crisis should be solved before, not after, we take our 5-week August vacation.

Perhaps a little bit of shared sacrifice during a time of war is not too much to ask for our military families who have already made incredible sacrifices on behalf of the American family. After all, despite the statement of the gentleman from Texas (Mr. DELAY) that nothing is more important in the face of war than tax cuts, the vast majority of Americans would agree that there is something far more important than tax cuts, and especially tax cuts for Members of Congress during a time of war. It would be more important to support our troops and to support their loved ones, their families, to allow them to live in decent housing while they are giving up so much for our country.

Finally, Mr. Speaker, let me finish with this. There are moments when support for our military families ought to be more important than loyalty, blind loyalty to the House Speaker and the majority leader. I would suggest today is one of those times. During a time of war on terrorism, let us send a bipartisan vote and a message to our military families by saying, we are not going to go away on vacation in August until we solve the military housing crisis; and that, yes, the House leadership is not perfect, and today it is wrong to bring a rule to this floor that would help one person defeat the most important military housing program in American history.

The vote is what really counts, not our speeches today, and the vote will say this: What is more important, loyalty to the House Republican leadership or loyalty to the military men and women who are making such tremendous sacrifices on behalf of all Americans?

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

It is obviously political season, and when it is politically convenient, deficits are a huge problem on the other side of the aisle, but they are not willing to make any sacrifices in any other areas to be fiscally responsible to all of our citizens.

There is no one in this House who does not support our troops and wants to see more military housing. But I really feel that today, in this debate I am listening to, our troops are being used as a pawn, and that is very disturbing to me. Yes, this is an agenda of our President, but I would also like to remind the other side that tax cuts were also a priority of our President.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise in very reluctant support of this rule. I am eager to see this bill move forward. It is my bill. It is our committee's bill. But I am disappointed in one particular aspect of this rule.

The rule does not protect section 129 of the bill from a point of order. Section 129 raises the cap on the military family housing privatization program. This provision does not appropriate one dime in any new money; it merely increases the authorization level in order to allow fiscal year 2005 projects to proceed.

The chairman of the Committee on the Budget referenced the defense authorization bill. It does not even touch on 2005. It talks about 2006. This money, if the cap is not removed, is going to disappear by about November.

Unfortunately, CBO has decided that this provision should be scored. Its rationale for doing so is a little strange and thoroughly unconvincing. The crucial point is this: If the developer cannot service the debt on a project, the Federal Government is not on the hook. This has been stated over and over. There is no backing of any kind for the developer's private debt.

The bottom line is that this is a bookkeeping dispute with CBO, nothing more. But because of the decision of the CBO, this provision is vulnerable to a point of order, and I was hoping that this rule would waive that point of order.

By the way, CBO and OMB scored this the same way since 1996, but this year CBO decided to change it. Nothing in the program has changed, but CBO decided to change the scoring.

The housing privatization program is an enormously successful and popular program. I cannot think of a single person, including the chairman of the Committee on the Budget himself, who has expressed opposition to this program. The administration put out a statement on the bill that strongly, strongly supports the provision. They do not agree with CBO's scoring.

Earlier this year, my subcommittee heard from military spouses who testified to the positive difference that this program made in their lives. Let me just quote from one spouse, Mrs. Susan Sinclair of Fort Rucker, Alabama.

''Thank you for your efforts to improve our housing. The Residential Communities Initiative, RCI, has made many of our government neighborhoods look like civilian communities. My neighbor received a letter from her daughter stating that Camp Humphreys, Korea,'' we are talking about Korea now, ''had the best housing in the Army. What a change. As many of you know from my testimony 3 years ago, when my husband and I were stationed in Camp Humphreys, we lived in a condemned Quonset hut.''

By the way, that still exists around the world, around this country in many ways, too.

''This new housing is a testament to your committee's desire to improve the quality of life of our soldiers and their families. I want you to know how much we appreciate your efforts.'' By the way, we have many of those.

Mr. Speaker, we have heard positive comments like this all the way up to the Joint Chiefs level. I really want to identify, too, with the comments of the gentleman from Florida (Chairman YOUNG), because I think he had some very, very significant points.

I have personally seen this housing program and many members of this subcommittee have done so as well, and they have done some great work. Some new communities have been built, and this is a vast improvement.

So with that, Mr. Speaker, I again say that I will support this rule, but only with serious reservations.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, there is absolutely no way I can support this rule.

Last night, the Republican leadership of this House once again turned its back on military families trying to find a decent place to live. On bill after bill after bill, this Republican majority has chosen to waive all points of order, but on this bill, the Speaker and the majority leader refused to protect the Military Housing Privatization Initiative provision in the Military Construction bill from a point of order, despite the support of the President of the United States and the chairman of the Committee on Armed Services.

The leadership's decision dooms the important military housing provision, and it is wrong; and it is wrong particularly in a time of war.

The housing initiative is a public-private partnership that allows developers and property managers to build or renovate homes for use by military personnel. It is extremely successful. In fact, it has already provided decent housing to more than 60,000 military families, exceeding all expectations. If adequately funded, this initiative will enable the military to eliminate nearly all inadequate units within the U.S. by 2008.

Unfortunately, the law establishing the initiative limits total Federal spending on this program.

□ 1115

This limit will be reached by this November, effectively sounding the death knell for the expectations of 50,000 military families at 27 military bases in 22 States who are desperately waiting for these homes over the next 2 years.

Now, faced with this housing catastrophe, the gentleman from Michigan (Chairman KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS), with the bipartisan support of their committee, increased the MHPI cap by $500 million, the amount needed this year to continue upgrading and building military housing under this program.

Mr. Speaker, it is the practice of the Republican leadership in the Committee on Rules to allow points of order to be raised if the chairman of the authorizing committee objects to the inclusion of any provision legislating on an appropriations bill. The chairman of the Committee on Rules consistently explains this whenever Democrats on the Committee on Rules ask why a rule does not protect a certain provision. Yet in this case, the chairman of the Committee on Armed Services, the authorizing committee, supports raising the MHPI cap in this bill.

Not only that, the President of the United States supports the raising of the cap in this bill; but the Republican leadership, despite all their rhetoric about supporting our troops, has once again turned their backs on our troops and their families.

Mr. Speaker, this is one of those defining moments. If Members of this House want to support our troops and their families, then they will reject this rule. If Members of this House want their actions to match their rhetoric, then they will reject this rule. Each year I have watched the gentleman from Michigan (Chairman KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS) do their best for our military personnel and their families with one of the most inadequate allocations in the budget. This year they tackled the difficult challenge of providing decent housing for our military families around the country. They did the right thing in this bill and in return only ask for protection for this important provision, and what they got from the Republican leadership was a slap in the face.

I urge my colleagues to defeat the previous question, support our troops, and support the families of our troops.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Chairman HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Generally speaking, the authorizing committee, the Committee on Armed Services in this case, would be heavily attending this particular debate to object to the appropriators making policy on an appropriations bill. In this case, we are not doing that. We do strongly support raising this cap, and the reason we want to do that is because for over the last several years, we have played by the rules. We have done everything, I think, according to the rules. We have engaged with the Committee on the Budget, and the chairman of the Committee on the Budget is a very fine individual and has worked hard and diligently with us over the last many years to put together good defense budgets, as has the Republican leadership. We have got a very good package this year; but the one thing we have not been able to accomplish is to raise this cap, and at risk right now are some 24,000 units.

Now, I would just implore the Committee on the Budget and their very distinguished leader, the gentleman from Iowa (Mr. NUSSLE), to work with us on this one. Let us pull together on this one. This is one time when the authorizers are willing to not protect their turf, because things do not come wrapped in neat packages; and this is one of those times when we are going to have to make a package that is a little bit different from the standard package. That means doing everything with very vigilant protection of turf by authorizers during the appropriations process.

We support this, and in the end we have got lots of folks that are serving in theatre right now. Quality of life is still a major, major issue with our military families; and we have seized on this new method, this privatization of vastly increasing that quality of life. In the interest of doing that, we are willing to give up this piece of turf at this time and go forward with this fix on this very difficult problem so that we can get more military housing for our military families, and I would just implore the Committee on the Budget to hang with us on this one. Let us all pull together, let us get this thing through, and I would hope that no one objects when it gets to the appropriate point in the debate.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

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

Mr. Speaker, about 2,500 military families at Fort Bliss, Texas, which is in my district, are planning, or were planning, to live in new, improved homes thanks to the military housing privatization plan that is scheduled, or was scheduled, to start this year.

However, because of this rule, this rule will prevent these families and thousands of others across the country from receiving the same improved housing they desperately need and they deserve. The Residential Communities Initiative, RCI, is a Military Housing Privatization Initiative that aims to eliminate inadequate housing on Army bases by 2007.

I want to thank my friend, the gentleman from Texas (Mr. EDWARDS), and the gentleman from Michigan (Chairman KNOLLENBERG) who have worked very hard to support our troops and to get a provision in the MILCON appropriations bill to increase the cap for the MHPI program.

But this irresponsible rule would effectively strip that provision from the bill. So today I want to ask and urge my colleagues to vote against this rule so that military families across the country can receive improved housing that they so desperately need and so much deserve. At a time when our men and women in uniform and their families are sacrificing so much for our Nation, this, I think, is the very least we can do.

And I want to remind all of you, all of you, my colleagues, that it is not enough to say that we support our troops. It is not enough to say that our troops are performing professionally. It is not enough to say that our troops are performing heroically and then turn around and shaft their families by eliminating this critically needed military housing initiative.

Our troops, their families, and America are watching what we do here today. If you vote for this rule, you are voting against our military families. Let us reject this rule and put our money where our mouths have been. Let us not just talk the talk time and time again on this floor, but it is time to walk the walk. Support our military families. They are watching what we do, and they will hold those responsible accountable, as they should.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I rise in very reluctant support of this rule and with great concern about the provision that would permit an objection to be offered to the military housing provisions in the bill. Mr. Speaker, much has been said about this provision already, and I would just add this, that many of us, all Members of Congress, work to support the men and women who sign up on a volunteer basis to be members of the armed services. When they sign up, we spend millions and billions of dollars on training, recruitment, trying to make sure that the all-volunteer force remains a professional force, and that depends on retention. If we do not have the men and women who volunteer to join the service and who we spend billions of dollars to train, if they do not decide to stay in the military forces, then our all-volunteer force cannot work.

The quality-of-life issues become extremely important, and one of the most important quality of life issues is housing. Currently, we are behind in providing housing for our military families. If we increased our military construction budget by $1 billion a year for 20 years, we would catch up. Obviously, we cannot afford to increase our military construction budget by $1 billion a year for 20 years to do that catchup.

However, if DOD invests $500 million and leverages the balance of what we need to provide housing through this military construction program, we will be able to solve this problem in a relatively short period of time. The program is working. It has proven to be successful, and to remove the legislative cap in fiscal year 2005 is extremely important. We on the authorization committee have provided a provision to increase it in 2006, but to skip a year, which puts us that much further behind. And, therefore, I would urge the chairman of the Committee on the Budget, who has indicated that he is going to raise this objection, not to do so.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, this is not brain surgery. I for myself will vote against this rule, because to vote otherwise would be to vote against the wonderful troops and their families. I just cannot do that.

Let me explain. At the start of fiscal year 2004, the services reported that almost half of the military families' houses were inadequate. We know that they deserve better. The Military Housing Privatization Initiative has an innovative way to address the problem, and when we started the program we made sure it would work.

I am speaking for the troops and their families, and everybody ought to listen today as we speak. Nothing is more important than those young people, those young families that we are charged with raising and supporting. It is more than having a bumper sticker on your car that says, ''Support the troops.'' Right here today by voting against this rule that does away with the opportunity for a clear shot at additional housing is most important.

So what we have to do is to allow this rule to be put back, that we have the opportunity to submit, as the committees intended to do but could not do for the year 2005, all because of the CBO scoring.

We need not go into the complexities of the rule. We need not go into how it was drafted or the point of order that many of us are fearful will be raised. It boils down to whether we support the troops, not just by a bumper sticker, but whether we support them with our votes, because they deserve it so much.

Mrs. MYRICK. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

As the chairman of the Committee on Armed Services Subcommittee on Total Force, I just wanted to rise and associate myself, really, with the comments of all of us who have stood up and talked about the importance of our military housing program. It has been a money saver. I think, frankly, Mr. Speaker, the problem is less with the rule than any Member who may exercise the authority given under the rule. If, in fact, this bill goes forward and no one stands to rise in objection, this program that needs to go forward is a taxpayer savings; and most importantly, as everyone has said, placing our military family in much better and much more attractive housing is the right thing to do.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I have great respect for my colleague, the gentleman from Iowa (Mr. NUSSLE), and I understand the position he has taken; but let me suggest that this is a case where an exception should be made and to explain why, let me go quickly through the history of this program.

The Military Housing Privatization Program was established in 1996 and 1997. OMB established how the program should be scored, how it would reflect the cost to the government.

From 1997 until and through this year, OMB has stood by that methodology. If we follow that methodology, we would not be having this debate. In 1996, the committee established a cap of $850 million to make sure that the program worked as intended, and the program has worked as intended. It has exceeded the expectations.

□ 1130

The cap, $850 million cap, was based on OMB's method of scoring. And, once again, if we used that method of scoring, we would have no problem today.

In 2002, we asked OMB and DOD to reaffirm the methodology, and OMB and DOD came back and reaffirmed the methodology. CBO only changed its notion of how these scorings should be done in this year, midstream.

November of this year, the cap we set several years ago will be reached. In the Committee on Armed Services we abided by this fact, and using the revised CBO scoring, we provided an offset of $6.5 billion. The problem is, that will not kick until 2006. Over 2005 and 2006, the DOD has planned to build 50,000 units. If we cannot do what the bill does today, or would do today, that will leave 24,000 military families out in the cold because of an arcane scoring difference between OMB and CBO.

Let me simply say in conclusion, we are not calling for free-lancing. We are not calling for some pull-it-out-of-the-sky number. We are simply saying we will stick with the scoring this program has used since its inception, still used by OMB, as opposed to having CBO's scoring. If we do that, we do not have a problem here.

There is no need for a point of order. The bill should be passed as is. But the rule, if it does not protect that provision, should be voted down.

Mrs. MYRICK. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, one very important part of this debate that we have not gotten to: Most Members of the House support this provision for family housing. The President of the United States supports this provision for family housing. The members of our military who are fighting in Iraq and Afghanistan and other places support this provision for family housing. But if we do not pass the rule, if we shoot the rule down, then nothing happens, including family housing.

If, in fact, the rule passes and we get to the bill, maybe we can prevail upon everyone not to raise that point of order so that they do not appear to be the Grinch that stole Christmas from our military families.

Mr. FROST. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. KIRK). The gentleman from Texas (Mr. FROST) has 4 minutes remaining. The gentlewoman from North Carolina (Mrs. MYRICK) has 3 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, this is a disgrace. I have served on the Subcommittee on Defense of the Committee on Appropriations for 26 years, the Subcommittee on Military Construction for 18 years.

The administration, the Department of Defense, the House Committee on Armed Services, the House Committee on Appropriations and the Subcommittee on Military Construction all support raising this provision. The Committee on the Budget is coming in here and prevailed on the House leadership.

Now, I have heard a lot of rhetoric in this Presidential Campaign about certain votes in the other body where people did not vote for a certain supplemental appropriation for our troops. I want to say it very clearly. The American people are going to judge the majority party here today. If they go out here and vote for this rule that allows this provision to be stricken, they are voting against the men and women in the military of our country. It is simply that clear.

I have always believed this House would always rise up in a bipartisan way and get the job done, when it counted, for our men and women in the field. This will be one of the few times in my 28 years in this House where that does not happen because of the Committee on the Budget and the CBO.

OMB supports this. DOD supports it. The President, the Secretary of Defense, the gentleman from California (Mr. HUNTER), the gentleman from Florida (Mr. YOUNG). Come on. Let us support this bill.

Let us override the Committee on the Budget.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I appreciate my Republican colleagues who genuinely supported improving military housing. But today the only vote that counts is a ''no'' vote against the rule, a rule that would allow one Member of this House to put on freeze during a time of war the most important military housing program in American history.

Let there be no surprise for anyone who votes for this rule that if our colleague, the gentleman from Iowa (Mr. NUSSLE), were to use his prerogative under this rule to kill this housing program, then, in effect, regardless of the good intentions, a ''yes'' vote for this rule is a ''no'' vote for better housing for tens of thousands of military families, even families who have loved ones serving in Iraq and Afghanistan.

Let us rise above loyalty to the House Speaker and to the majority leader. Let us once say together during time of war on a bipartisan basis, we are going to do what is right. And if that means voting against a dictate from the Speaker's office on how to vote for this rule so that we can join together to improve housing for military families, then that is the right thing to do.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

If I understand what is going on on the other side during the last 30 minutes, several Republican Members, the gentleman from California (Mr. HUNTER), the gentleman from New Jersey (Mr. SAXTON), basically urged the gentleman from Iowa (Mr. NUSSLE) not to shoot the wounded. They have basically urged him not to try and strike this provision by objecting to it as a violation of the Rules.

What we want to do, of course, is take the gun out of the gentleman from Iowa's (Mr. NUSSLE) hand by protecting this provision so that he will not be able to shoot the wounded.

Mr. Speaker, I will call for a ''no'' vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will protect the section of the bill that raises the cap on the Military Housing Privatization Program and ensures that more of our troops and their families will be able to live in good housing.

I offered this same amendment in the Committee on Rules last night, where it was defeated on a straight party-line vote.

Mr. Speaker, I have served in Congress for 26 years now. In all those years, I have thought that one thing that both sides of the aisle could agree on was our support for our troops and making sure that their needs will always be addressed. I guess what I thought was wrong.

Now we will be able to go forward. If we defeat the previous question, then we will be able to offer it. We will be able to protect this provision, and this bill will be able to be voted on. A vote against the previous question is the only way you protect our troops and the only way you protect the military housing provision in this bill.

If we succeed on the previous question, then there will be a vote on the rule with our protection of that provision, and this bill can be brought to the floor.

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

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

Mr. EDWARDS. Could I ask the gentleman to make it clear now to all House Members?

What the gentleman from Texas (Mr. FROST) has said is that if we defeat the previous question, then we can bring back the Military Construction appropriations bill today and pass it out of this House today in a way that protects this vitally important military housing improvement program. Is that correct? We were not talking about a 1-week or 2-week delay.

Mr. FROST. That is correct.

Again, vote ''no'' on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

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

There was no objection.

The SPEAKER pro tempore. The gentleman's time has expired.

Mrs. MYRICK. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, to close.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

It has been just a few weeks since we memorialized Ronald Reagan. His body was lying here in state in the Rotunda, and we had people on both sides of the aisle talk about the legacy of Ronald Reagan. And one of the things that Ronald Reagan succeeded in doing was getting both sides of the aisle to talk about deficit spending and fiscal responsibility.

I think it is very important for us to note that as we deal with this issue, everyone else, everyone else on both sides of the aisle, along with the leadership, supports the Ronald Reagan vision of ensuring that we have a defense capability that is second to none; ensuring that, as my friend, the gentleman from New Jersey (Mr. SAXTON) said earlier, we have the opportunity for an incentive for people to maintain their service in the military.

What does that mean? It means ensuring that we take care of families and provide that housing.

My friend, the gentleman from Washington (Mr. DICKS) is absolutely right that there is strong bipartisan consensus on that. But there is also a responsibility that we have here to live within our budget. It is wrong to make the claim that it is impossible to deal with the issue of family housing if we all of a sudden do not do exactly what my friend, the gentleman from Dallas, Texas (Mr. FROST) is arguing.

I believe that we are in a position now where we can be fiscally responsible. At the same time, we can comply with the rules of the House, and we can ensure that we deal with this very important issue of housing for our men and women in uniform.

Mr. Speaker, I believe that the appropriate thing for us to do is to move ahead, support the previous question; support this rule; allow us to, in a fiscally responsible way, deal with what obviously is a challenging situation.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 732: RULE FOR H.R. 4837, FY05 MILITARY CONSTRUCTION APPROPRIATIONS

In the resolution strike the following: ''except: section 129''

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. FROST. 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.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 730 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 730

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, House Resolution 730 is a rule that provides for the consideration of the conference report for H.R. 2443, the Coast Guard and Maritime Transportation Act of 2004. This is a standard rule for a conference report providing for 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Transportation and the Infrastructure.

The legislation before us authorizes over $8 billion for the Coast Guard, including a commitment to 45,500 active duty personnel in fiscal years 2004 and 2005. This is extremely important legislation to strengthen the Coast Guard in its ever-increasing role of defense of our homeland.

This bill makes a new commitment to the long-term effectiveness of the Coast Guard. The Department of Homeland Security has called on the Coast Guard to be the defender of American ports while at the same time sending needed resources, soldiers and vessels to the battles against terrorism far away.

I am pleased to highlight the Integrated Deepwater Acquisition Program. This program provides the needed capital to carry out effective acquisition of the cutters, computer equipment and other resources that the Coast Guard so desperately needs. The Deepwater System has not received the funding outlined in 1998, but this bill makes up for the delay. The conference report authorizes over $1 billion for the program, accelerating the Deepwater System 5 years ahead of the original 20-year completion time line.

The Coast Guard is particularly important to the community and constituents that I am honored to represent in south Florida. The Coast Guard Integrated Support Command in Miami is essential to the safety and security of residents. The Coast Guard in south Florida coordinates integrated plans aimed at hurricane safety, recreational boater safety and, obviously, protection of our coastline.

The conference report before us was signed by every member of the conference. It is a good bill, essential really to our continued commitment to the security and safety of all citizens and residents of the United States.

I would like to thank the gentleman from Florida (Mr. YOUNG), the gentleman from New Jersey (Mr. LOBIONDO), as well as the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from California (Mr. FILNER) for their important work.

I urge my colleagues to support both the rule and the underlying legislation.

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

□ 1145

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague, my friend from south Florida (Mr. LINCOLN DIAZ-BALART), for yielding me the time.

While the two of us, my colleague and I, may have ideological differences from time to time, we are united in our support for the Coast Guard and the sometimes thankless work that they do every day to protect the ports and shores in our home State of Florida, as well as throughout this Nation.

Mr. Speaker, I rise today in support of the conference report to the Coast Guard Reauthorization Act.

As my colleague from the majority previously mentioned, the conference report authorizes nearly $8.2 billion in fiscal year 2005 for the Coast Guard. This amount is $169 million more than originally approved by the House last October and more than $400 million above what was approved by the other body. These increases are clear indications of this body's commitment to the Coast Guard's pressing needs.

The conference report also includes $1.5 billion for the Coast Guard's acquisitions, construction and improvements account, a $550 million increase above what was requested. This increase is to be used by the Coast Guard to improve its Integrated Deepwater System, as well as assist the Coast Guard to reduce the list of unfunded shore facilities that has grown significantly over the past 5 years.

Furthermore, the conference report increases the number of commissioned officers and includes significant authorizations which will assist the Coast Guard to better meet our port and maritime security needs.

The Department of Homeland Security is also directed in the conference report to provide Congress with reports regarding joint operational centers for port security and port compliance with security standards.

I mention these two reports because of the great work that is being done in my home county, Broward County, at Port Everglades. There are few ports in the country as innovative as Port Everglades when it comes to security. The Port of Palm Beach, located in the district I represent, has also made significant security improvement as a direct result of the port security grant authorized by this conference report.

Mr. Speaker, the Coast Guard is responsible for patrolling the more than 12,400 miles of coastline in the United States. Nearly 2,000 of these miles are located in mine and my colleague's, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), home State of Florida where the Coast Guard plays an integral role in patrolling our shores and protecting our citizens. The increase in funding provided in the underlying legislation for this important grant of the United States Armed Forces serves as a statement about the role of the Coast Guard in our global war on terrorism.

Reports have shown that America's ports remain susceptible to attack and infiltration by America's enemies. In the last year alone, south Florida's three major ports handled more than 13.2 million tons of cargo. In all, well over 1.5 million shipping containers were processed by south Florida longshoremen during the last year.

Certainly, these statistics highlight the pressing need to increase the number of Customs agents working in America's ports, but they also suggest that the roles of the Coast Guard and Federal Maritime Commission in protecting our ports are greater than ever.

Mr. Speaker, when Congress created the Department of Homeland Security,

it recommitted itself to the security of America. The conference report for the Coast Guard Authorization Act is an extension of that commitment.

I urge my colleagues to support the underlying conference report.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on this resolution that is very important and urge my colleagues to vote favorably on the underlying legislation as well.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KIRK). Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on H. Res. 732, by the yeas and nays;

Adoption of H. Res. 732, if ordered;

H. Res. 723, by the yeas and nays; and

H.R. 4608, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 4837, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on House Resolution 732 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 217, nays 197, not voting 20, as follows:

[Roll No. 400]

YEAS—217

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

NAYS—197

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

NOT VOTING—20

Bell
Carson (IN)
Collins
Deutsch
Ferguson
Frank (MA)
Gordon
Isakson
Istook
King (NY)
Lynch
Majette
Mollohan
Oxley
Pitts
Price (NC)
Quinn
Saxton
Souder
Strickland

□ 1216

Mr. UDALL of New Mexico changed his vote from ''yea'' to ''nay.''

Mr. SHAYS changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 211, not voting 11, as follows:

[Roll No. 401]

AYES—212

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)

Keller
Kelly
Kennedy (MN)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—211

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

NOT VOTING—11

Carson (IN)
Collins
Deutsch
Ferguson
Isakson
Istook
King (NY)
Majette
Quinn
Saxton
Strickland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes to vote.

□ 1232

Mr. PORTER changed his vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 35TH ANNIVERSARY OF APOLLO 11 LUNAR LANDING

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 723.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HALL) that the House suspend the rules and agree to the resolution, H. Res. 723, 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 416, nays 0, not voting 17, as follows:

[Roll No. 402]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
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)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
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
Stark
Stearns
Stenholm
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
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Carson (IN)
Collins
Deutsch
Dingell
Ferguson
Isakson
Istook
Jones (NC)
King (NY)
Majette
Meeks (NY)
Quinn
Rangel
Ros-Lehtinen
Saxton
Strickland
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1241

So (two thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BOB MICHEL DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4608.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4608, 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 407, nays 0, not voting 26, as follows:

[Roll No. 403]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
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)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
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
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
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
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Carson (IN)
Clyburn
Cole
Collins
Culberson
DeLauro
Deutsch
Ferguson
Gilchrest
Isakson
Istook
Jones (NC)
King (NY)
Majette
McHugh
Meeks (NY)
Napolitano
Pickering
Quinn
Rangel
Ros-Lehtinen
Saxton
Strickland
Tauzin
Waters
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised there are 2 minutes to vote.

□ 1248

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SAXTON. Mr. Speaker, today, I missed rollcall votes Nos. 400 through 403. The reason being that I had a prescheduled meeting with the Secretary of Defense at the same time the votes were taking place.

However, had I been present, I would have voted in the following fashion: Vote No. 400, "yea"; Vote No. 401, "yea"; Vote No. 402, "yea"; and Vote No. 403, "yea."

PERSONAL EXPLANATION

Ms. SOLIS. Mr. Speaker, on July 20, 2004, on rollcall No. 397 regarding H.R. 3574, I inadvertently voted ''yea,'' but meant to vote ''nay.''

GENERAL LEAVE

Mr. KNOLLENBERG. 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. 4837, and that I may include tabular material on the same.

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

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 732 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4837.

□ 1247

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KNOLLENBERG).

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

Mr. Chairman, I rise to present the fiscal year 2005 military construction appropriations bill, which was reported out of the full committee on appropriations on July 9 by voice vote.

Let me at the beginning thank all of the people who contributed to this bill, the subcommittee staff, and my ranking member, the gentleman from Texas (Mr. EDWARDS). I want to also call attention to some of the staff who did remarkable work to bring this bill forward: Carol Murphy, Walter Hearne, Eric Elsmo, Mary Arnold and, of course, Tom Forhan on the minority side.

The ultimate purpose of this bill is to support our service men and women by providing a quality of life commensurate with the sacrifices they are called upon to make. I want to thank each Member again of the subcommittee, because they did contribute greatly via, in some cases, CODELs to look at some of the housing, for example, around the country and around the world. I thank them for their hard work and support, and certainly I add to it again the gentleman from Texas (Mr. EDWARDS), who has been a strong and vocal supporter of our men and women in the service for years.

The bill totals $10 billion, which is $162 million above the fiscal year 2004 enacted level and $450 million above the President's request. The bill also contains a general provision related to housing privatization that CBO scores as additional budget authority. I will get to that shortly. But let me emphasize that $10.003 billion is what the bill appropriates, and not a penny more.

Mr. Chairman, we are at war. Many will argue that in such a time as this, when so many of our servicemembers and their families are making great sacrifices, that this bill does not provide enough. In one respect, they are right. There is no question we could do more if we had more. But I think this bill does a lot of good things and provides our active, Guard, and Reserve servicemembers with critically needed infrastructure to meet their mission goals, and it improves housing and community facilities for their families.

That being said, I want to draw some attention now to the highlights of this bill. Within the total amount of $10 billion, the bill provides $5.3 billion for military construction, including $1.1 billion for troop barracks; $833 million for the Guard and Reserve component and other facilities such as schools, fitness centers, and child development centers.

The bill also provides $1.6 billion for family housing construction, including funding for about 18 to 24 privatization projects, depending upon the cost of those projects; $2.5 billion for family housing operations and maintenance; $246 million for costs related to past BRAC rounds; and $166 million for the NATO Security Investment Program.

In addition, the bill fully funds overseas military construction; it fully funds the chemical demilitarization construction program; it provides the requested funds for projects associated with new weapons systems, including the Army Stryker vehicle, the F–22 Raptor fighter jet, and the C–17 Globemaster cargo plane; and provides much needed funding for the Navy to continue replacing inadequate pier infrastructure.

Now I want to say a word or two about the family housing privatization program.

Mr. Chairman, a limitation on budget authority was placed on the program when it was first authorized in 1996. This $850 million cap was put in as a safeguard for what was then a new and untested program, a pilot program, if you will. Eight years later, the program has become one of the most successful programs we have ever had for improving the quality of life and morale of our troops and families.

This cap will be reached before the end of this year; and if action is not taken to increase the limitation in fiscal year 2005, progress on replacing substandard homes will be seriously hampered. Unfortunately, we have run into a scoring issue with the CBO, which has complicated the solving of this problem.

To my colleagues who are concerned about the impact that the provision would have on our budget deficit, I want to say this, and I may have to repeat this: this provision does not appropriate any new money. None. All the money that is needed to support privatization is already contained within the bill. All this provision does is raise the authorization to allow the program to continue. Not a single dime more will be drawn from the Treasury as a result of this provision.

The committee, frankly, disagrees with the new approach that CBO has decided to take to score the program. It does not reflect the reality of the program. To me, since the provision spends no new money, scoring is like building a bridge where there is no water.

Mr. Chairman, this is truly a vital program. To endanger it because of some bookkeeping disagreement would be unwise. I personally have seen the homes being built because of the program, and I have talked to military spouses about how their lives have improved because of this program. You might be interested in knowing twice the percentage of families that are in the military service are married as compared to, say, during the Vietnam War. This is a good program, it is a bipartisan program, and it is a necessary program.

CBO's rationale for how it scores this program is complex, convoluted, and unfounded. Every Member of Congress that I have talked to strongly supports this program, and I mean every Member. Every witness that testified before the subcommittee supports this program, including the Joint Chiefs and the military spouses. The chairman of the Committee on Armed Services supports this program. Even the administration, the White House, and the Department of Defense strongly support the provision and submitted statements to the committee that it would not result in any, any additional cost to the Federal Government. I have not heard from one single person that does not support this program.

If the housing privatization cap is not raised, then 16 projects covering 23 installations spanning 13 States will be affected in fiscal year 2005. The affected projects include major installations in California, Florida, New Jersey, New York, North Carolina, South Carolina, Texas, and Virginia. A significant number of Members on both sides of the aisle will feel the impact on their military constituents.

Mr. Chairman, I ask my colleagues for their support of this bill.

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

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

Mr. Chairman, I first want to commend the gentleman from Michigan (Chairman KNOLLENBERG) for his dedication to improving the quality of life for our military families. His commitment is genuine, and his work on this bill has been thorough and fair, along with the work of his staff. At every step of the way, the gentleman from Michigan (Chairman KNOLLENBERG) has put the interests of our service men and women above all other interests. I commend him for that, and he deserves our thanks and respect for that.

Given what I believe is an inadequate allocation for this subcommittee, a 1.6 percent increase in military construction funds during a time of war, an allocation that is nearly a half a billion dollars below what we spent on military construction before the Iraqi war began 2 years ago, given all of that, the gentleman from Michigan (Mr. KNOLLENBERG), the subcommittee, and I have worked together to try to maximize the use of these inadequate tax dollars to benefit our troops, and that is why I intend to vote for this bill.

I am also pleased that we have been able to address, as long as no Member of the House objects to it, what could have been a terrible injustice to our military families. Eight years ago, we began a new approach to military housing. We combined Federal dollars with the strengths and resources of the private sector to create public-private partnerships to improve military housing.

This innovative program is saving taxpayers billions of dollars and dramatically improving housing for our military families. Housing that would have taken 50 years to build under the old system is now being done in one-tenth of that time, in 5 years. Through this public-private partnership, we are providing military families with housing that they can be proud of, and certainly they deserve no less.

Unfortunately, the Congressional Budget Office changed the scoring on this process. In my opinion, they erroneously are scoring dollars that businesses borrow to help build these new homes, even though the Federal Government is not responsible for those dollars. OMB disagrees with CBO's approach, and so do I.

Had we, in this committee, on a bipartisan basis under the leadership of the gentleman from Michigan (Chairman KNOLLENBERG) not raised the cap on the public-private military housing program, new housing projects would have come to a halt this November, just a few months away, shutting out over 24,000 military families from new houses in fiscal year 2005 and then delaying an additional 25,000 or so, for an impact on almost 50,000 military families in the next 2 years. That would have sent a terrible message to our military families during a time of war. It is also a good reason for no Member to object on a procedural basis, a technical point, against this amendment.

As a member of the Committee on the Budget, I would point out that I made an effort this spring to solve this problem. The Committee on the Budget refused to solve the problem. I then talked to members of the Committee on the Budget and urged them to meet and work with the Committee on Armed Services to address the problem. The Committee on Armed Services did address it for fiscal year 2006, but did not do it for 2005. Had we failed to act in this subcommittee on this bill, it would have been the third strike. Instead, this subcommittee took the responsibility on a bipartisan basis to address this housing crisis.

Mr. Chairman, I want to commend the gentleman from Michigan (Chairman KNOLLENBERG) once again for his strong efforts on this particular important issue. It also could not have been done without the strong leadership of the gentleman from Florida (Chairman YOUNG) and the Committee on Appropriations and its subcommittee staffs.

If any Member of this House who objects to the increase in the cap on military housing and the directed scoring allows that to happen, let me explain clearly, Mr. Chairman, what the impact will be. Tens of thousands of military families that are planning right now on having new housing built starting next year will have those promises broken, those promises dashed, even families who have loved ones fighting in Iraq and Afghanistan.

□ 1300

If we do that, it would be a grave injustice to men and women and families who are making incredible sacrifices on behalf of our children.

Considering the fact that the Committee on Rules allows protection against technical points of order every week in this Congress, on a regular basis, for unimportant issues as well as important issues, surely if there was ever a reason to put the interests of military families above the interests of technical points of order, today should be the day, and better housing for those families should be the reason.

Mr. Chairman, I would be remiss not to mention my disappointment concerning the overall funding level in this bill. Our Nation is at war. Our service men and women are risking their lives in Iraq, Afghanistan, and throughout the world. Military families are making great, great personal sacrifices for the American family. Yet, this bill spends $420 million less on military construction than we spent prior to the Iraqi war. So Congress, in effect, is asking for more from our troops and military families, while spending less on military construction. That does not make sense.

It does not pass the fairness test because it means we are shortchanging military housing, day care centers, training ranges, and military work facilities. That is not right.

If we can make significant new commitments to defense spending and highway spending and countless other programs, why can we not provide more than a 1.6 percent increase in military construction, which is so important to our troops' quality of life and their training and working conditions, especially during a time of war?

In March of last year, as American troops were making the final plans to commence the war in Iraq, the majority leader, the gentleman from Texas (Mr. DELAY) spoke to bankers and said this: ''Nothing is more important in the face of war than cutting taxes.'' In all due respect to the gentleman from Texas (Mr. DELAY), that flawed ideology would be hard to explain to the nearly 400,000 Army soldiers I represent at Fort Hood, Texas, nearly 40,000 soldiers who have been asked to serve in Iraq just this year. It would be hard to explain to their spouses and children who have to worry every day whether their loved ones will ever return home.

I believe most Americans, as they did after Pearl Harbor would say, you know what? Supporting our troops and their families during a time of war is far more important than tax cuts, especially if some of those tax cuts benefit Members of Congress, like us. Unfortunately, the inadequate allocation in this bill reflects the ideology of the gentleman from Texas (Mr. DELAY) rather than the quintessential American value of shared sacrifice during a time of war.

By increasing defense construction spending by only 1.6 percent, not even enough to keep up with inflation, in effect, in that way, it is a real cut in military construction and quality-of-life programs. It spends $420 million, as I said, less than we spent 2 years ago before the Iraq war even began, and even $900 million less in this bill that the administration, the Bush administration, said was needed for military construction just 12 months ago.

If anyone thinks this allocation was not decided by the gentleman from Michigan (Mr. KNOLLENBERG) or me or this committee, but was decided by a higher pay grade in this House leadership, if anyone thinks this allocation we had to deal with is adequate, let me remind them of some of the facts provided by the Department of Defense: Number one, 39,000 Army families live in inadequate housing; number two, 34,000 Army barracks do not meet even basic Department of Defense standards; number three, 16,000 Navy and Marine Corps families live in inadequate housing; number four, 31,000 Air Force families live in inadequate housing; number five, 70 percent of Army facilities are C–3 or C–4, which means mission impaired; number six, 66 percent, two-thirds, of Air Force facilities are C–3 or C–4, again meaning that the mission of those facilities could be impaired.

Just a month ago, the House voted for a new $69 billion tax break that will not help our military families, but it will just happen to provide a $1,000 tax credit to Members of Congress such as myself for every child that we have. So I will receive a $2,000 tax credit as a result of that bill that the House voted for, over my objection, 2 months ago.

Now, how can we look today in the faces of our service men and women, look them in the eye and say, last month we could afford to pass a $69 billion child tax credit that applies to people making between $110,000 and $250,000 a year, but today, we cannot even afford 5 percent of that amount to provide a decent increase in military construction funding for military families making $20,000 and $30,000 a year. I just do not see the fairness in that.

Every one of us, Mr. Chairman, Democrat and Republican alike, genuinely respects the service and sacrifices of our troops and their families. No one, no one should doubt that. But I strongly believe that it is time that our budget priorities in Congress should better reflect that respect. Our service men and women deserve no less.

Despite the objections I have to the underfunding of this, despite my concern that perhaps a Member of Congress, for whatever reason, well-intentioned or not, might strike an amendment that would literally freeze the most important military housing program ever, because of the strong leadership of the gentleman from Michigan (Mr. KNOLLENBERG), because of the bipartisan way in which he worked this bill, because of his deep commitment and our committee's work to spend an inadequate amount of dollars as efficiently as we possibly could, I intend to vote for this legislation.

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

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER), who is also a member of the subcommittee.

Ms. GRANGER. Mr. Chairman, I rise in strong support of this important bill that provides for our military and their families. First, I want to commend the gentleman from Michigan (Chairman Knollenberg) for putting together a great bill, and I also want to commend the ranking member, the gentleman from Texas (Mr. EDWARDS) for his work on the bill.

The military construction bill for fiscal year 2005 provides just over $10 billion for construction at our military bases here at home and overseas, and also for important family housing projects and quality-of-life initiatives at our military installations. Among other things, the bill provides funding for new barracks, medical and dental facilities, and fitness centers and child development centers for our troops and their families. The bill also provides funding for construction projects that support major weapons programs like the F/A–22 Raptor and the Joint Strike Fighter.

I strongly support the inclusion of the provision in this bill to raise the cap on the Military Family Housing Privatization Initiative. If we do not raise this cap, this privatization initiative will come to a halt in November of this year and jeopardize projects to build or renovate 50,000 housing units for our military families. This program is simply the best way to improve housing for our troops and their families.

Additionally, the bill includes several important construction projects for Naval Air Station/joint Reserve Base, Fort Worth, in my district.

It is absolutely essential that we pass this bill to support our military men and women and their families during this time of war. Again, I thank the chairman for his great work on this bill.

Mr. EDWARDS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR), a very effective and hard-working member of the Subcommittee on Military Construction.

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank the gentleman from Michigan (Chairman KNOLLENBERG) for his leadership on this bill.

We have just had a long debate on this military housing issue, and I think what is missing in it is a little bit of understanding of what it is all about.

Several years ago, Congress authorized that instead of designing military housing, instead of funding and building it, essentially putting up taxpayers' money and then going out to bid and building it to a military plan, we decided why not allow the private sector to build this housing, build it more like the housing that is in the communities, higher quality housing, and build it to the standards that are normally found in the private sector in housing; and this was called the RCI, Residential Community Initiative. It has been a very effective program because we do not have to put up taxpayer money to do it.

Through that, what we have found is that the private sector rushed in and put together these consortiums of developers and have done a job that is more attractive than anything we could have done under the old sort of public-military housing concept.

And the soldiers and the wives of the soldiers are very, very interested. In fact, they came to our committee and said of all of the issues affecting the military, of all of the issues affecting families in the military, the number one issue was adequate housing. Not surprisingly, it is probably the same question on the private side. And they applauded us for addressing the issue, but they asked us to make sure that we do not get stuck in these internal budget rules.

What we are talking about is an internal rule. It is our own rule, we can waive it if we want to, and that is the issue. We should be waiving it. Why should we be waiving it? Because we do not have to put up the money; the private sector does it. Why should we waive it? Because it is all about investment. It is the ounce of prevention that is worth a pound of cure. What is the investment in? It is in quality homes built to code standards in the community, the highest standards we have ever had in this country. It is built to the kind of quality that the housewives and soldiers, the men and women in uniform like.

And what does it do? It helps us, one, go out and recruit people, and we are in an all-voluntary military. We cannot force them to join. They want to join, and part of it is the benefit package that is offered to you while you are in the military, including the housing.

The second is, once you get in, if you are assigned to bases that have the inadequate housing that the gentleman from Texas (Mr. EDWARDS) talked about, and there is a lot of it out there, people living in Quonset huts, we should not allow that. If these were local homes, they would be shut down by the building inspectors, yet we allow military families to live in them when the private sector can build new homes. So we need to do that for retention.

Once we have these well-trained people in the military, we want them to stay. One of the biggest attractions of staying is you get to live in a quality community.

So this internal budget rule makes no sense, and I hope that nobody raises an objection.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. CRENSHAW), who is a member of the subcommittee as well.

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

I rise in strong support of this legislation for a lot of reasons. Most important, I think, is that of all of the bills that we pass that relate to defense, this is the only piece of legislation whose main theme is the betterment of the lives of the men and women who wear our uniform; and it does it primarily in the area of housing in terms of their quality of life.

For too long, we have put the priority in terms of the weapons systems, in terms of the tanks that they drove, and for the first time in modern history, we are now saying that quality of life, living conditions are very, very important to our men and women.

So in this bill we spend over $1 billion of new money to provide for that kind of housing, and we do it in creative, innovative ways, something like a Ship-to-Shore program.

Right now, our sailors, when they are at sea being deployed, they live in very cramped situations, and that is a real sacrifice that they make, and it is part of the sacrifice they make overall. But when they come back to their home port, it is inexcusable that they have to continue to live on these ships in these cramped conditions, and that is what the Ship-to-Shore program helps to solve. It gives them a place to live on their base, more living room, a better way to live; and that is important.

Then we have heard a lot of discussion about housing privatization. This is revolutionary, and it is crazy that somebody has decided that when the Federal Government spends no money whatsoever that somehow, that is counted against Federal spending. So we have this new program that is innovative, creative, where the private sector comes in, builds new housing, takes the kinds of risks that they ought to take because they know it is going to be a profitable situation. So we have that as well.

Most of all, this bill recognizes the most important asset we have are our men and women in uniform, and this goes a long way towards providing a better quality of life for all of them. I urge the adoption of this legislation.

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

Mr. Chairman, again, I applaud this subcommittee for addressing a very serious crisis in military housing that will occur just a few months from now if we do not include the language that was added in the amendment.

To be specific about it, let me just say to my colleagues, Mr. Chairman, some of the families and the numbers of families, the different locations of military installations that will be affected if a Member of the House were to raise a point of order against this housing measure that we added: In New York at Fort Drum, 2,272 families would have their new housing put on hold. I believe Fort Drum has played an important role in the Iraqi war.

□ 1315

In Pennsylvania, 316 families at the Carlisle Barracks would have their new

housing put on hold. At Fort Bliss in Texas, 2,776 families would have their housing put on hold. At Eglin Air Force Base in Florida, 2,739 military families would see the promise of new housing for them broken. At Lackland Air Force Base in Texas, 914 families would lose the promise of new housing. At Langley in Virginia, the State of Virginia, 1,268 families would have their new housing denied them.

Sheppard Air Force Base, 1,288 families in Texas would lose that improved housing. New Jersey, 2,415 at McGuire Air Force Base in Fort Dix. Those are not numbers. That is 2,415 military families making sacrifices for our country who would see their housing dreams go down the tubes.

Let us look at Florida, Georgia and South Carolina, the Southeast and Eastern Navy projects: 6,076 families would have a ''no'' said to them in regard to new housing. How about Twentynine Palms in California, 1,382 families. Well, let us look at Camp Lejeune. Obviously they have made tremendous sacrifices, those machines, that installation as part of our war on terrorism; 3,516 of those families would be told no. Congress could afford to vote in the month of May for a $69 billion tax cut that gave Members of Congress a tax break, but we cannot afford to give you new housing this year during time of war; we have got to put a freeze on your new housing.

Well, let us go down to Georgia. People at Fort Benning have made tremendous sacrifices for our country. They would actually lose 4,055 new military housing under the freeze if any Member of this House objects to the amendment we put in the bill.

At Fort Benning, actually they would not lose it this year. They are planning on getting their new housing next year. They have been told they will not even get their new housing next year, because that will have to be pushed back a year because of the freeze that would occur on military housing this year. Fort Knox, Kentucky, would be in that similar situation. Their new housing for 3,380 military housing would be pushed back a year if any Member objects to what we did on a bipartisan basis in this committee.

Finally, Mr. Chairman, I want to just say the Military Officers Association of America, the Association of the United States Army, the Air Force Association, the National Military Family Association have all written letters asking this House on a bipartisan basis to protect the increase in the cap for military housing so we can show respect to our military families during time of war, not just with our words and our rhetoric but with our deeds and better housing.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the committee.

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

Mr. Chairman, I rise in strong support of this military construction appropriations bill and would like to commend the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS) for their good work on this legislation.

I would also like to voice my specific support for those provisions of this bill which continue the critical ongoing renovation of military housing. In my district in northern New Jersey, the Army through its Residential Communities Initiative has selected a developer to privatize and revitalize military housing at Picatinny Arsenal. Looking at the larger RCI program, Picatinny's participation is relatively small. We have approximately 113 affected families, but the refurbishment of their houses and homes will have a deep impact on their quality of life. For them this debate and the chairman's leadership has indeed a very human face. These military families care about leaky roofs, substandard plumbing, and ancient electrical wiring.

Mr. Chairman, we in Congress can do several things to support our young fighting men and women who serve our country with such dedication, because literally we are a Nation at war. We can make sure they have adequate pay and benefits. In this regard, we have made significant progress in recent years. We can also ensure that their retirement benefits meet their needs when their service is over. Again, we continue to work to improve veterans programs, but we can and must work to improve the day-to-day quality of life that they have. In this regard, there are few things more important to military personnel than where they live and the quality of the roof over their heads.

This legislation contains important provisions which will allow the continued revitalization of military housing. I would urge the Committee on the Budget to allow this program to continue and to support the bill as it was drafted.

Mr. EDWARDS. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. DICKS), a tremendous leader in this Congress on defense issues and an important member of the Committee on Appropriations Subcommittee on Military Construction.

Mr. DICKS. Mr. Chairman, we did not have much time on the rule to discuss this issue on the cap on family housing, and I want to first of all congratulate the chairman (Mr. KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS) for working together in a very bipartisan basis in our committee. The chairman could not have done more to help bring this provision to the floor of the House. We all regret, and I think it was a mistake in judgment for the Committee on Rules, to make a decision to not protect this provision, and this provision which raised by $500 million the cap on family housing was sought by the administration.

Each of the services testified before our subcommittee. The Secretary of Defense and his people supported it. The White House supported it. OMB supported it. The chairman of the Committee on Armed Services supported it. Of course our distinguished chairman of the Committee on Appropriations Subcommittee on Military Construction and the chairman of the Committee on Appropriations also supported it. And we are going to make a decision based on an arcane rule coming out of CBO that is in conflict with OMB.

Now, my view in this situation, if I were in the majority party and the administration wanted this done, I would be trying to find a way to make it happen; and this is a big problem, because there are, I think, about a dozen projects.

Here are the projects that will not go forward this year if the gentleman from Iowa (Mr. NUSSLE) has his way: Fort Drum, New York; Dover Air Force Base, Delaware; Shaw Air Force Base, South Carolina; Cannon Air Force Base, New Mexico; Fort Monmouth/Picatinny Arsenal, New Jersey; Carlisle Barracks, Pennsylvania; Fort Bliss, Texas; White Sands Missile Range, New Mexico; Altus Air Force Base, Oklahoma; Eglin/Hurlburt Air Force Base, Florida; Lackland Air Force Base, Texas; Langley Air Force Base, Virginia; Sheppard Air Force Base, Texas; Tinker Air Force Base, Oklahoma; McGuire Air Force Base/Fort Dix, New Jersey; MCAGCC Twentynine Palms, California; MCSA Kansas City, Missouri; Camp Lejeune/MCB Cherry Point, North Carolina; Stewart Army Subpost.

Those projects will all be delayed because of this decision; and as has been suggested, we are in a time of war. We are in a war on terrorism, a war in Iraq, a war in Afghanistan. We have our troops deployed all over the world.

The one thing the people who are deploying say and their spouses say is one thing we really would like to see an improvement in, in the services, is military housing; and we have worked at Fort Lewis. I have a major project out there that is going forward. It is one of the greatest successes. We can get more housing, new housing and more restored housing faster under this public-private sector project; and usually the majority party is thrilled about public-private projects.

In this case, this decision will adversely affect the quality of life of men and women serving in the military and their families, and this is over an arcane budget rule. To me, the insistence on striking this out is one of the worst mistakes I think we have made around here in a long time.

One thing I have always been proud of, this House has always been able to rise above partisan or short-term considerations and work towards a bipartisan cooperation on defense. Let us not ruin that today.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman

from Virginia (Mr. GOODE), who is a member of the subcommittee.

Mr. GOODE. Mr. Chairman, I too want to salute our Chair, the gentleman from Michigan (Mr. KNOLLENBERG), and the ranking member, the gentleman from Texas (Mr. EDWARDS). I agree with them. I do not agree with CBO as other speakers have so indicated. I agree with OMB, I agree with the President, and I agree with our subcommittee on this issue of caps. I cannot understand how CBO scores it as it does.

Let me mention briefly the impact in Virginia. An additional 39 units are planned for privatization in fiscal year 2006 and 2007. This includes 22 projects in 16 different States. In Virginia at Langley Air Force Base, we are talking about 1,400 units. I can tell you the quality of life of those at Langley would be significantly enhanced if this could go forward.

One gentleman on the other side said we have got to find a way to make it happen. I believe the best thing to do is vote for this bill, send it forward. This is just part of the process through which Military Construction will go before it is finally adopted by both the House and the Senate and signed by the President.

So I would urge a ''yes'' vote, go forward with the process, and I think positive things will happen throughout that process.

Mr. EDWARDS. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me time.

I, too, was saddened by the decision of the House Republican leadership, so ably articulated by my friend, the gentleman from Texas (Mr. EDWARDS); and I appreciate the service you are doing for our servicemen and -women, training the spotlight on this.

But I would like to speak briefly, if I could, Mr. Chairman, to a specific area. Historically, I have come before this subcommittee talking about the problems of military cleanup. I did not this time, because I appreciated what the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS), the members of the committee, were faced with. And I think they have done a good job under difficult circumstances, trying to put a little bit of money into the BRAC cleanup; but I would like to serve notice that I am hopeful that this is the last time that we place this low degree of priority.

I appreciate the imperative that you are facing, but we have a long-term time bomb, literally, that is ticking. The presence of unexploded ordnance and other contaminants on transferred military property limits our use of hundreds of thousands of acres of closed military bases from prime real estate to scenic open space. That is one of the reasons why we have such great apprehension about the BRAC process that is working its way forward. People are afraid that they are going to be left with a toxic white elephant.

And, indeed, the BRAC situation is just the tip of the iceberg, because we have between 10 and 50 million polluted acres; and at the rate of the spending that we are embarked upon now under the MILCON and the Department of Defense, we are going to take in the neighborhood of 300 years or more to clean up this responsibility that will be skyrocketing in costs over time. And these things get worse as the explosives, as the military equipment deteriorates, polluting groundwater, migrating to the surface. This is a problem that we cannot continue to sweep under the rug.

The Federal Government should be leading by example, cleaning up after itself, making sure we are not leaving an expensive, toxic legacy for the future.

Last but not least, this subcommittee can help by providing more leadership with local communities to provide a framework to the cleanup. I have been impressed with what happened in the State of California, recognizing that long-term operation of military installations must involve a partnership between the State, the local, the Federal Government; in some areas, tribal authorities.

□ 1330

I would hope that we could work together in a cooperative fashion with these other entities to be able to have a framework that will promote the clean-up because, ultimately, not only will this improve the quality of life of our military families, it will hasten the day that we solve this problem, saving billions of long-term dollars.

Mr. KNOLLENBERG. Mr. Chairman, I yield 8 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me time.

I thank the gentleman for having produced an excellent bill with limited funds available; and I appreciate the gentleman from Texas (Mr. EDWARDS), the ranking member, for his partnership in making this a very good bill. It is a good bill.

We are focusing on one part of the bill, and I think that is appropriate. We should focus on that one part of the bill, but all of the items included in this appropriations bill for military construction are needed. They are cost effective and they are very good projects. But the one that we are vitally concerned about today, the one that we fear might have a point of order raised against it, is the military family housing issue.

I have not found anybody, Mr. Chairman, that is opposed to doing what we want to do. We want to provide decent housing for the members of our military and their families. We do not want a soldier or a Marine to be in Iraq or Afghanistan and have in the back of his mind that his family is living in a rat-trap condition back home. That soldier, that Marine, has to be paying full attention to the mission and to accomplishing the mission, and also to providing some protection for himself or herself while they do this mission.

Congress needs to be totally supportive of the troops; and Congress has done a really good job. I am proud to say that we have identified, just during this year alone, many areas where the government is not taking proper care of military members and their families, and we are fixing them.

And, Mr. Chairman, we ought to do that. We need to fix these issues. We need to provide what our troops need and we need to protect them while they are doing it. And we need to have their families have a quality of life while they are out fighting that war. They do not need to be worried about what conditions the folks are living in back home.

The reason we need to do this is because this Congress voted to send them to the war. Now, maybe everybody did not vote for it, but most of us did, and we have an obligation to the men and women who protect this Nation and protect our national interests, wherever they might be, and who are on the front line in the war against terrorism and the threats of terrorists. A world that is controlled by terrorists or their threats of violence is not acceptable, and I do not know of anyone who would disagree with that except the terrorists.

This Congress has stepped up to the plate before, and we need to step up to the plate today. I am not exactly sure what the issue is on military family housing. Everybody is for it, but there are some who want to strike it from this bill and do it at a later time. What I cannot understand is, if we are going to do it at a later time, why not do it now?

There may be some other bills that could solve this same problem, but this bill is here and fixes it today. Some other bill that might solve this problem of family housing for the military, but it may not have to pass. This bill has to pass. Before this Congress can leave its business, this bill and all of the other appropriations bills have to pass.

That is an interesting point. A lot of folks do not understand that. Appropriations bills have to pass because if they do not, the government shuts down. Now, who wants to shut down the government? I do not know of anybody who wants to shut down the government. There may be some.

But this bill has to pass, and that is why we ought to solve the problem of military housing for families in this bill today, while we are here on the floor of the House of Representatives.

Now, there is a scoring issue. We have had many bills come to the floor where the Committee on the Budget

could have raised points of order—issues like the farm bill that exceeded the budget resolution; like the Medicare reform bill, where costs far exceeded the estimate; and this afternoon we are going to consider a highway program that exceeds the authorizing committee allocation by $400 million. And I have heard nothing about raising points of order on those bills.

I have not heard anyone from the Committee on the Budget state a concern about those bills. No points of order were raised against the farm bill or against the Medicare reform bill. It is my understanding that none are going to be raised against the highway bill today. That may change now that we put a little pressure on the issue, but as of this morning that was not intended.

But, for years, OMB and CBO have scored the military housing program the same way, 6 years. But for some reason, all of a sudden, CBO decided to score it differently. I do not know why. Maybe there is some good reason, but if there is, I do not know what it is.

I want to take just a couple of minutes to read what the President of the United States thinks about this provision in the appropriations bill. He supports this very strongly, as do most of the Members of this House and the Senate, and the Joint Chiefs of Staff, and the chiefs of the services. They all support it. But you know who really supports it? The military troops who are defending our Nation support this because it gives their families some quality of life.

I am quoting now from the letter from the Administration. ''The administration strongly supports the provision that would increase the military housing privatization cap from $850 million to $1.35 billion. This increase will help improve the quality of life of our military families. Furthermore, without this increase, the current limit would be reached by November of 2004 and the program would be over. OMB would not score any additional costs to this provision because it does not increase the amount of budget authority available to the Department of Defense.'' And it goes on for about five more sentences expressing strong support for this provision and, expressing no concern whatsoever for the scoring.

I just think that it is so important to those Americans serving in our military, doing whatever they are asked to do, going wherever they are asked to go, making whatever sacrifice they must make. If we cannot today, in this bill that must pass, take care of their concerns for the way their families have to live, shame on us. But I would tell you that of the 435 Members of this House, I will bet if this was put to an up or down vote, there probably would not be five votes against it.

It is just too bad that a procedural situation, that is not even consistent, can derail this extremely important issue.

Let us not shoot Santa Claus on the floor of the House today.

Mr. EDWARDS. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for his eloquent comments.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ), a senior and respected member of the Committee on Armed Services.

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

Mr. ORTIZ. Mr. Chairman, I agree with the gentleman from Florida (Mr. YOUNG) that this bill has some good items in the bill, but I think that the heart of the bill was in housing. And I do not know whether we have thought about what are we going to do with reenlistments? How are we going to do with retainment?

The first time the young men and women enlist in the military they enlist on their own. Once they serve 2, 3 years in the military, then they marry. Then the second time they are going to reenlist, they reenlist their families. That is why this bill, the family housing portion of this military construction bill, was the very center of this bill.

The idea was born about private-public housing in my district in Kingsville because we saw the need to free loose some of the moneys for other purposes, and this is where this came about. In Kingsville, Texas, this idea was born, and we have been able to save millions and millions and millions of dollars.

I am concerned about whether we are going to be able to retain these young men and women if we do not provide adequate housing for their wives, for their children.

I have four military bases in my district. Thank God that we do not have a seriousness yet in housing. But right before 9/11, the gentleman from Pennsylvania (Mr. WELDON) and myself, we visited 25 bases in 4 days. I hope that some of the Members have been with us to see the deplorable conditions of the housing that we have throughout this Nation.

I think that we are beginning to see retention numbers coming down. We are going to be able to see within the next few months that reenlistment will come down.

Mr. KNOLLENBERG. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 8½ minutes remaining. The gentleman from Texas (Mr. EDWARDS) has 3½ minutes remaining.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, and a member of this subcommittee.

Mr. WALSH. Mr. Chairman, I would like to thank the gentleman from Michigan (Mr. KNOLLENBERG) for the remarkable work product that he has provided to us.

The subcommittee worked very hard to meet the needs of our military. This is our highest priority, and this bill comes in $450 million above the President's budget request. It supports our active duty forces. It supports our Guard and Reserve. It is building housing, hospitals, schools, public safety and, most importantly, our national security. It is improving our bases.

Personally, in my home, the district in central New York, the Air National Guard base, not 5 years ago, the commandant came through and said, This is one of the sorriest looking bases I have ever seen.

These are soldiers who fought in the Gulf War, who have flown air CAP in Iraq, both north and south, some of the most dangerous duty of any of our soldiers in the country. And what we have done through this bill, through the gentleman from Michigan's (Mr. KNOLLENBERG) leadership, is made that one of the finest looking bases in America to make sure that our troops have the very best facilities and equipment and quality of life that this Nation can afford.

I also rise in strong support of the gentleman from Michigan's (Mr. KNOLLENBERG) manager's amendment regarding raising the cap on privatization of military housing. This provision has outlived its usefulness. The provision was put in place to make sure this program worked. Well, the jury is in. The program works. It works so well that we now need to continue it. And this cap is no longer needed to provide insurance that the program works. It does work. It works better than most.

Our soldiers and their families are benefiting. They deserve good, quality housing and they need it. Let us raise the cap. Let us build more housing and let us support the bill.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. HOBSON) who was previously the chairman of this committee for 4 years.

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

Mr. HOBSON. Mr. Chairman, I can think of no bill more important than this bill, especially at this time. And I want to thank the committee on both sides for doing great work on this.

The quality of life for our troops is very important. Their ability to come home and live in appropriate housing is of the highest need.

□ 1345

When I was the chairman of the Military Construction Appropriations Subcommittee, we began in earnest to do the privatization of housing on our bases because we realized that we did not have enough money to build housing under the old MILCON way.

I can tell my colleagues that as we go around and visit the bases today where we have gotten these programs going, people are thrilled at the quality of the housing that is now there.

I think CBO has done a very great disservice to this country in not understanding how these deals are put together. These deals are put together at no risk for the most part to the Federal Government. There is only a couple who have a BRAC guarantee. All the rest of them are a simple, leaseback proposition with no guarantee by the Federal Government.

So let us take a base that has been done. Let us go to Fort Hood, Texas. If we go to Fort Hood, Texas, we have a company that has built this housing, and they have agreed that they will provide this housing to the military; and the military has said we will rent it, we will rent it from you, but if it at some time Fort Hood does not need the housing, the government does not pay for it. The risk of the private financing on this is in the private sector, not to the Federal Government; and I do not think CBO understands that. We do not have to pay for it, if we do not need it.

That is the best deal for the taxpayer. That is the best deal for the troops. He is getting housing that he is entitled to, that is the same type of housing if he were in the private sector, and that is the kind of housing our troops are entitled to; and we are giving it to them.

I urge the support for this bill and to keep this provision in this bill.

Mr. EDWARDS. Mr. Chairman, I yield myself 2 minutes.

I would just like to go back to the issue of the military housing program that is being protected in this bill unless a Member of the House objects to it.

I want, Mr. Chairman, all Members and all those watching to understand what is going to happen if anyone objects. First of all, 24,000 servicemen and -women and their families will have a promise broken to them. A promise to provide them with new housing is a show of respect for the tremendous sacrifices they are making for our country and the American family.

Secondly, and this I do not think has been discussed, while the present bill provides a 1.6 percent increase over military construction spending compared to a year ago, not even enough to keep up with inflation, the fact is that many of those dollars being appropriated in this bill will be prohibited from being spent if one Member of this House stands up and objects to our having solved the military housing cap problem.

So, in effect, you are not only saying, no, you are not only going to break the promise to 24,000 military families across this country; you are actually saying that in a time of war it is okay with you if the effect of your action is to actually cut military construction funding this year compared to last year because literally millions and millions of dollars that look like they are being appropriated will be nothing but an illusion, nothing but a false promise to our servicemen and -women, 40,000 of whom live in my district, nearly 20,000 of whom are in Iraq today.

No, Mr. Chairman. When our troops are asked to go into combat, they do not have an option of saying I will take care of that later. That is called AWOL.

Well, today, let us as Members of Congress not go AWOL when we have an opportunity to step up to the plate, and right now, not a week from now, not a month from now, not some false promise, let us vote now to support our military men and women and the better housing they deserve.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON), who is a member of the subcommittee.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me time, and I appreciate the time and wanted to stand in support of the chairman's mark on this important bill.

We have been working in the Subcommittee on Military Construction for many years to get this housing privatization project going. To date, we have got about 60,000 houses that are under this program. It has been a huge success. Yet we have something like 160-odd thousand to go. That would be our goal. That would give us about 70 percent of the existing housing units. Big step.

It has been a very, very positive program from Fort Meade to Fort Stewart. Here is a quote that one of the soldiers in our area at Fort Stewart actually wrote us: ''There is a maintenance manager here at Fort Stewart, who is undoubtedly the best I have seen in my 20 years in the military. He is responsible for Marne Homes. He is personable, kind, and most of all a man of his word. If he says he'll fix something, he will fix it and he will fix it fast. He'll fix the root of a problem and not just put a Band-Aid on it. I feel better'' and perhaps this is the key sentence, ''I feel better going to Iraq in a few months knowing he will be here to take care of my family.''

That is a strong statement for our soldiers back home, and yet what is the problem here? We have two scoring agencies. One is the Congressional Budget Office. One is the Office of Management and Budget. And this year, for some reason, the CBO, the Congressional Budget Office, changed the way they want to score this.

In essence, what they did is they charged all the money up front. It is the equivalent of going to a soldier and saying, instead of your annual pay being scored on a 1-year basis, we are going to multiply it by the 20 years you are going to serve in the military and we are going to score your pay against you for the whole 20 years. That is what the Congressional Budget Office did. That does not make any sense, but the Office of Management and Budget did not change its scoring. The program has not changed, nor has the committee position changed.

So we should not change as Members of the House. We need to stand with our military. The manager's amendment has fixed this problem for right now. We have got good bipartisan support on it, and we need to move forward on this bill.

So, Mr. Chairman, there are a lot of things that already have been said, which I would like to repeat in my own words, but I am sure my fellow Members of Congress would not mind if I spoke for a little less period of time; but I just want to say that this is what we need to do for our soldiers.

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

Mr. KINGSTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentleman on his statement; and when he is right, he is really right. I thank him.

Mr. KINGSTON. I appreciate that. Thanks.

The CHAIRMAN. The Chair will advise that each side has 1½ minutes remaining.

Mr. EDWARDS. Mr. Chairman, I yield myself the remaining 1½ minutes.

This subcommittee worked on a genuine bipartisan basis to provide a better quality of life for military families. It worked on a bipartisan basis to address a looming crisis in military housing. Now the moment has come for us to decide if we want to support our troops, including troops in combat, with our rhetoric and with our hearts and with our deeds.

With all due respect to our hearts and our intentions and our goodwill, what matters to the 40,000 soldiers I have the privilege to represent at Fort Hood, Texas, is what Congress does with its deeds. Our responsibility today should be to say that in a time of war, it is of the utmost national priority and responsibility to take care of our military families who are sacrificing so much for all of us.

We need to pass this subcommittee bill as it was drafted and passed out of subcommittee, now out of full committee. We need to pass this bill on a bipartisan basis; and for that reason, I ask my colleagues not only to support this bill but to ask all of their colleagues not to be the one person in this House who stops the most important housing program ever for our military.

Finally, Mr. Chairman, I would ask one question to any Member who would have the gall to stand up and strike out this issue, and that is, 2 months ago, how did you vote on the $69 billion tax cut which included tax breaks for Members of Congress?

Mr. KNOLLENBERG. Mr. Chairman, I yield myself the remaining time.

I believe my colleagues can tell from the input that has been brought forward this afternoon and the contributions from everybody that everyone here feels very strongly about this issue, extremely strongly. In fact, I think about the work that this subcommittee has done. We have always striven to do things in a fashion that

represents actually what ends up being a bipartisan effort, but we actually do not seek that necessarily. It is just that what we are doing is for the common good of our military, and it seems to be appropriate then that it all works out in our favor.

This, I believe, is a fair bill. It is a good bill. We worked with some monetary restrictions. That is something that has to happen over here. It happens all the time.

The other thing I would say, this is, as the chairman has mentioned, a must-pass bill. We cannot think about it and talk about it, but it has got to pass. It is one of the requirements of this committee.

So I would simply say that this, with input that we have got, with the feeling being 100 percent in terms of supporting this measure, that we are in a position to carry out what it is that the troops want. They deserve better housing. This bill promises better housing; and in fact, it does something about the inadequate housing, too, that has become a major problem because the goal of the military is to get those inadequate housing situations out of the picture by 2007. To crimp this, it would simply crimp what we are trying to do here.

So I would urge everybody to support this bill. It is a good bill, and I thank everybody.

Mr. BEREUTER. Mr. Chairman, this Member certainly is pleased that H.R. 4837 provides appropriations for a very important project in Nebraska's 1st Congressional District. The bill includes $614,000 for a national guard and reserve center headquarters building at Lincoln Airbase, Nebraska. This is the second year that this Member has requested this funding for this necessary project. This Member would like to thank the distinguished Chairman of the Appropriations Subcommittee on Military Construction (Mr. KNOLLENBERG) and the distinguished Ranking Member (Mr. EDWARDS) for their assistance in this important matter.

These funds will be used to complete the design process associated with the construction of a new headquarters and emergency operating center for the Nebraska Army National Guard. This existing headquarters facility must be relocated due to the new Antelope Valley highway/flood control infrastructure project in the city of Lincoln, Nebraska.

While this project was included in the Department of Defense's (DoD) FY2009 future Year Defense Plan (FYDP), it needs to be accelerated due to the unanticipatedly expeditious progress on the Antelope Valley Freeway and Flood Control project, which will very soon necessitate the abandonment of the current headquarters. It appears that the National Guard Bureau agrees, since initial design funding was allocated last year from existing funds, even though it was not authorized or appropriated.

The new facility will house the Joint Forces Headquarters, the Army National Guard Emergency Operating Center, the 24th Medical Company, the 105th Personnel Service Detachment, the Nebraska State Patrol dispatch and communications systems and the Nebraska Emergency Management Agency. Building a multipurpose facility on an existing military installation increases security for all of the components. Furthermore, housing several Federal, State and local agencies in one facility allows the Department of Defense to save scarce military construction funds. Also, bringing those various components within close proximity will facilitate better coordination among the agencies on issues of national and homeland security. Indeed, it is critically important to enhance these relationships in the current post-September 11th environment. This appropriation will allow this important project to move forward.

In addition, this Member is pleased that $497,000 in design funds is appropriated in H.R. 4837 for a critically important runway repair at Offutt Air Force Base, which is immediately contiguous to the 1st Congressional District of Nebraska. This repair project has been championed by the distinguished gentleman from Nebraska (Mr. TERRY), who represents Offutt, with this Member, and the two U.S. Senators from Nebraska.

Mr. Chairman, in closing, this Member urges his colleagues to support H.R. 4837.

Mr. BISHOP of Georgia. Mr. Chairman, let me first take this opportunity to express my sincere appreciation for the leadership shown by my chairman, Mr. KNOLLENBERG, and my ranking member, Mr. EDWARDS, on the housing privatization issue. I would also like to commend the leadership shown by Chairman YOUNG, and Ranking Member OBEY on this important issue as well.

As a member of the House Appropriations Subcommittee on Military Construction, I know of no other issue which is more important to our military and their families than housing. There is no other issue which has more of an impact on the quality of life of the men and women serving in the military than housing. This year we heard witness after witness testify before our subcommittee—each describing the lack of adequate housing as ''the'' major quality of life issue facing the military.

Mr. Chairman, I am proud to have two major military facilities—Ft. Benning and the Marine Corps Logistics Base in Albany, Georgia, in my district. However, just as important, I represent thousands of other military personnel who work at Moody Air Force Base and Warner Robbins Air Force Base, both of which are now adjacent to my district.

Unfortunately, according to the Department of the Army's installation status report for fiscal year 2004, approximately 71 percent of the Army's residential quarters located in the United States require some level of improvement or replacement, in order to meet the department's own adequacy standards. If you read literally, this means that seven (7) out of every ten (10) housing units located at our Army installations here in the United States do not meet the current standards for adequacy.

I am particularly concerned about the housing situation at Ft. Benning. According to the most recent data available, it is my understanding that approximately ninety percent (90%) of the family housing at Fort Benning is classified as substandard. Fortunately, Ft. Benning is scheduled to be one of the first bases to participate in the upcoming round of privatization.

Ft. Benning is scheduled to construct 4,055 much-needed family housing units. An additional 872 units are planned in FY 05 for Ft. Gordon, in Georgia as well. Unfortunately, Mr. Chairman, if the point of order is sustained against the language in the bill extending the program and we do not raise the cap, the program could be in jeopardy of stalling after November of this year.

That means that the units planned for Ft. Benning and Ft. Gordon in Georgia could be in jeopardy of not moving forward but not just in Georgia. Other bases, including Ft. Riley and Leavenworth in Kansas, West Point in New York, Ft. Rucker in Alabama, Ft. Knox in Kentucky, Ft. Jackson in South Carolina—all are just a few of the facilities which would be in jeopardy for the upcoming round of privatization.

It is important that my colleagues have an appreciation of the practical effects of not acting to increase the cap. Thousands of our officers and enlisted personnel will continue to reside in inadequate family housing. Our national goal of privatizing military housing will not be accomplished. In addition, the existing inventory of housing facilities will continue to deteriorate, resulting in even billions of dollars of more costs for maintenance and operations. Finally, each of the services, particularly the Army, will be unable to meet its goal of eliminating all inadequate family housing by 2007.

Not meeting this goal will further adversely affect the health, safety and quality of life of the soldiers, sailors, airmen, marines and their families occupying these units. Privatization will provide new construction and revitalization of the existing inventory at a more rapid rate than current procedures and funding limits will permit. Privatization will also provide renovated or new quarters for our military and their families, which is comparable to housing of a similar size and quality as would be available in the local economy.

It is critical that our fighting men and women, and their families, have the best quality of life we can offer them. Their sacrifices are too great. This investment is such a small cost given what they are giving to us—putting their lives on the line—day in and day out. A decent place to live is small cost in return for their service to America. We owe them so much more.

Mr. Chairman, housing is at the core of providing a decent quality of life, and I urge the House to allow a lifting of the cap on housing privatization.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to express my severe disappointment of the military housing provisions in H.R. 4837 the Military Construction Appropriations for fiscal year 2005. While this legislation as a whole will support important military construction projects, it is absolutely shameful that Members of this body would seek to block lifting the cap on military housing privatization in this legislation. It is clear from the facts, which were agreed to by the Appropriations Committee, that if we do not take action now in regards to lifting the cap, then we will experience a crisis in military housing. I want to thank the ranking member from the subcommittee Representative CHET EDWARDS for all his work and dedication on the issue of military construction specifically his determination to do justice to our Nation's military families by lifting the cap on military housing privatization. It is because of his tremendous effort that the Appropriations Committee as a whole agreed that this cap must be lifted in this legislation. Again, I will say that it is shameful that we would try to undo this bipartisan effort in order to maintain a cap that can

only hinder military families from finding affordable and quality housing.

By not lifting the cap on military housing privatization we will in effect stop developers and property managers from building and renovating homes that are used by military personnel. Not lifting the cap in this legislation will affect 50,000 military families. Since its establishment in 1996, the Military Housing Privatization Initiative has been the most successful military housing program ever. In less than 10 years it has already helped over 60,000 military families, and would help an additional 50,000 military families at 27 military installations in 22 States if the cap is lifted. Under the Military Housing Privatization Initiative, the Government creates public-private partnerships to construct, renovate, and maintain military family housing. Not only has the program provided better housing for military families more quickly, this innovative military housing program has actually saved billions of taxpayer dollars. The Government saves up to 10–15 percent over the life of the project and military families are receiving improved homes in one-tenth of the time it would take using old methods of family housing construction. I find it repulsive that at a time when we are asking so much from our military families that we would try to undermine such a necessary program. It is imperative that we keep our promises to provide better and more affordable housing for our soldiers and their families. If we do not lift the cap in this legislation then a great deal of military home construction will be put on hold and many of the hopes of our brave military families will be put on hold as well.

Many efforts have been made to lift the cap on military housing privatization, first in the Budget Committee and then in the House Defense Authorization bill, however it is vital that we lift this cap now because it is just plain wrong to compromise good and affordable housing for our military families. This provision was supported on a bipartisan basis when it came through the Appropriations Committee; it is also supported by the Bush administration and a large number of organizations including: the Military Officers Association of America, the Association of the U.S. Army, the Air Force Association, and the National Military Families Association. I believe it must be clear to the entire body the need to lift this harmful cap now. The true of the matter is that our men and women of the military have always been ready when called upon and their families have always stood by courageously. How can we now turn our backs on them by compromising a tremendously successful program?

I would also like to stress my dismay that funding for existing military family housing will be $231 million less than the current level. These funds are used for maintenance and repair, furnishings, management, services, utilities, leasing, interest, mortgage insurance, and miscellaneous expenses of already existing family housing units. In 2001, the Department of Defense estimated that 180,000, 60 percent, of the 300,000 housing units it operates were substandard. While I applaud the committee's commitment to the goal of eliminating inadequate housing by fiscal year 2007, we must take significant steps to address this problem now. Clearly, by cutting hundreds of millions of dollars from the funds used to maintain existing family units, this will only magnify the problem. Again, we turn our backs on our military families when we compromise funding that is used specifically to improve their living conditions.

Again, I want to thank Ranking Member EDWARDS for his valiant efforts on this legislation under difficult conditions. It is truly disgraceful that there are those in this body who seek to undo the ranking member's work to craft an effective and bipartisan piece of legislation. It is also truly unfortunate that this appropriation had to be stretched so tight because of the administration's insistence on large tax cuts for the wealthiest Americans. Once again, we see how these reckless policies have led us to restrict funding to groups of Americans who are in need of it. In this case it is our military families who will have to suffer because tax cuts for the rich apparently trump any other consideration. Even though I have always worked against these reckless tax policies I want to apologize to our military families because as Members of Congress we have failed them, even though they have never failed us. It is my sincere hope that by next year's Military Construction Appropriations we will be able to do real justice for the sacrifice made by our military families.

The CHAIRMAN. All time for general debate has expired.

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

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

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

The CHAIRMAN. Does the gentleman ask for a recorded vote?

Mr. NUSSLE. Mr. Chairman, I demand a recorded vote, and I withdraw my point of order.

The CHAIRMAN. The Chair will count for a recorded vote.

Mr. NUSSLE. Mr. Chairman, well, then, I insist on my point of order.

The CHAIRMAN. A quorum is not required to adopt a motion for the Committee to rise. The Chair will advise it takes 25 to support the request for a recorded vote. An insufficient number having risen, the request is denied; and the motion is adopted by voice vote and the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to House Resolution 730, I call up the conference report on the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 730, the conference report is considered read.

(For conference report and statement, see proceedings of the House of July 20, 2004 at page H 6022.)

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

□ 1400

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

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of the conference report on H.R. 2443, the Coast Guard Authorization and Maritime Transportation Act of 2004.

This conference report is the result of a very bipartisan effort. I notice this is a word being used often today on this floor, but I want to compliment especially the committee I serve on. It was worked out with the subcommittee chairman, the gentleman from New Jersey (Mr. LOBIONDO), the ranking members from the full committee and the subcommittee, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from California (Mr. FILNER), and all of the conferees; and it deserves the support of all Members.

As this body's only licensed mariner and elected Member for all of Alaska, I am extremely interested in making sure the Coast Guard has the tools necessary to carry out its many varied missions. This bill gives the Coast Guard the resources and authorities necessary to protect the safety and security of lives and property on U.S. waters.

H.R. 2443 authorizes $8.2 billion to support activities of the Coast Guard for fiscal year 2005 and includes a number of provisions which will result in a safer, more effective system of maritime transportation.

My State of Alaska contains nearly one-third of the Nation's exclusive economic zone, the Nation's largest fishery, and significant cruise ship and oil tanker traffic. Therefore, I am concerned about the ability of the Coast Guard to carry out its traditional search, fisheries law enforcement, and vessel inspection missions.

Mr. Speaker, all of us recognize the exceptional work performed by the Coast Guard, often under dangerous conditions and circumstances. I urge all of my colleagues to support the conference report.

Mr. Speaker, I would like to recognize Mr. John Rayfield and Mr. Mark Zachares for their hard work, and thank the staff on both the Senate and House side. The staff has worked very hard to ensure this has been done correctly.

Again, may I stress, I hope we can do the same thing on the highway bill as we have done on this bill, and through a bipartisan effort, achieve our goal.

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

Mr. FILNER. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Minnesota (Mr. OBERSTAR).

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

There was no objection.

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

Mr. Speaker, I thank the gentleman from Alaska (Chairman YOUNG) for his remarks, and certainly the subcommittee chairman, the gentleman from New Jersey (Mr. LOBIONDO), and the ranking member from Minnesota (Mr. OBERSTAR). I would say to the gentleman from Alaska, maybe we should ask unanimous consent to substitute the highway bill for this conference report!

Mr. Speaker, I rise today with Chairman YOUNG to strongly support the conference report for H.R. 2443, the Coast Guard Authorization and Maritime Transportation Act of 2004.

This legislation is the culmination of our work in this Congress in examining the Coast Guard missions, with particular emphasis on the funding for the Maritime Transportation Security Act of 2002 and their new homeland security missions.

The bill authorizes over $8.2 billion for Coast Guard operations for fiscal year 2005. We believe this will be sufficient funding for the Coast Guard to carry out their many missions, including homeland security, search and rescue, marine safety, drug and migrant interdiction and law enforcement, which includes $5.4 billion for Coast Guard operating expenses, $1.5 billion for acquisition and construction projects, $24.2 million for research and development, and $19.65 million for alteration of bridges.

In particular, I am pleased that the conferees recommended that the Coast Guard should lease additional helicopters to establish a helicopter interdiction tactical squadron, HITRON, armored on the West Coast. Since their establishment in Jacksonville, Florida, the East Coast HITRON squadron has stopped over $4 billion in illegal drugs from entering the United States. Deployment of a HITRON squadron on the West Coast will help stem the flow of illegal narcotics through the eastern Pacific Ocean.

There is sufficient authorized funding in this bill for the Coast Guard to lease the helicopters required for this deployment. If one were to look at this using a cost-benefit analysis, the $39 million we spend to lease and deploy an armored HITRON squadron on the West Coast will stop drugs valued at more than 20 times that amount.

It is my strong view that the Coast Guard must increase existing airborne use of force assets for port security and drug interdiction. The lease option for these aircraft is already in place. The lease provides antiterrorist and anti-drug coverage for the next 3 to 5 years while providing flexibility for the Coast Guard to engage in a competition to select a permanent multimission Cutter helicopter to meet the post-9/11 challenge. When these multimission helicopters are deployed, the HITRON helicopters can be returned to the manufacturer at the option of the Coast Guard.

We make a number of other substantive changes in the law, including providing critical skill training bonuses for enlisted members, providing legal authority to build new housing for Coast Guard and military personnel, extending the International Safety Management Code to all vessels operating in U.S. waters, and requiring electronic charts on ships to help prevent accidents such as the 1989 accident of the *Exxon Valdez* when they lost their way in Prince William Sound in Alaska. We also extend the oil spill response plans to cargo ships entering U.S. ports, not just tankers.

I thank the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG); the chairman of the subcommittee, the gentleman from New Jersey (Mr. LOBIONDO); and the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR) for their bipartisan effort to put the bill together.

Mr. Speaker, I strongly urge my colleagues to support the passage of the bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee, who has done an outstanding job on this legislation.

Mr. LOBIONDO. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership of the full committee and this conference. I also want to thank the ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from California (Mr. FILNER), as well as all of the conferees of the House and Senate.

Mr. Speaker, I too rise in strong support of the conference report on the Coast Guard Maritime Transportation Act. The conference report authorizes funding and personnel numbers for the Coast Guard and includes a number of other measures that will improve both the operational capability of the Coast Guard and the safety of our maritime transportation system.

This conference report also includes important provisions designed to build upon the work we did in the Maritime Transportation Security Act of 2001 to strengthen security at our ports.

H.R. 2443 includes language to clarify that members of the Coast Guard may make arrests for violations of Federal law while conducting security operations at our port facilities, to direct the Coast Guard to conduct vulnerability assessments of any waters adjacent to nuclear power plants to help ensure we are properly prepared for a waterborne threat to these facilities, and to authorize a new program to fund pilot projects that will test promising new technologies that could improve security at our ports.

I am particularly pleased that the other body has agreed with Members of the House regarding the need to accelerate Coast Guard's asset recapitalization program known as Operation Deepwater. This report authorizes a funding level of $1.1 billion for fiscal year 2005. This level of funding puts us on track to accelerate Deepwater's completion date to February 1, 2006, 5 years earlier than originally planned.

The effective accomplishment of the Coast Guard's national and homeland security missions, as well as its ability to sustain the level of performance of traditional missions, is predicated upon having a required funding level to replace its aging and rapidly failing assets sooner than the 20-year projected plan.

The need to accelerate is compelling. Over 20 110-foot patrol boats underwent emergency dry dock for breached hulls this past year, and the rest of the fleet is in immediate need of repair for structural corrosion. Over the past year, the HH–65 helicopters have suffered more than 125 in-flight main engine power losses, robbing the asset of its ability to hover and placing the lives of its crew, passengers and those below in grave danger.

These failures are increasing maintenance costs and are resulting in the direct loss of over 600 patrol days annually, severely affecting readiness and diminishing the service's ability to respond to terrorist threats and conduct its other vital missions.

I firmly believe that, as authorizers, it is our job to set goals and priorities for the service. The accelerated replacement of these assets is one of the Coast Guard's highest priorities. I commend my colleagues for their support of this critical issue and encourage our appropriators to work towards the goals we have established in this report.

We all praise the work of the men and women of the Coast Guard almost on a daily basis. We have seen the incredible footage of the videos of the rescues that they have made. We hear of their heroism on a day-in-and-day-out basis. While it is very nice to say thank you in words, we need to show it in deeds, so we are providing the men

and women of the Coast Guard the assets that they so dramatically need to complete their mission.

Finally, I would like to thank the staff on both sides for their tremendous work, particularly John Rayfield, Eric Nagel, Marsha Canter from our subcommittee, as well as Liz Megginson from the full committee, and John Cullather from the staff of the gentleman from Minnesota (Mr. OBERSTAR) for their efforts. I urge all Members to support this legislation.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

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

Mr. Speaker, I rise today in strong support of the conference report for H.R. 2443, the Coast Guard and Maritime Transportation Act of 2004. I would like to commend the members of the Subcommittee on Coast Guard and Maritime Transportation and all of the conferees for the great job they did on this bill.

My interest in this bill stems from the work I do on the Committee on Homeland Security and the strong need that we have to bolster the security at our Nation's ports. I am thankful that the conferees included the gentleman from California (Mr. COX) and the gentleman from California (Mr. THOMPSON) on that committee. The traditional and homeland security missions of the Coast Guard must both be supported, and I think this bill addresses both of those areas well.

One provision requires the Department of Homeland Security to develop a long-range vessel tracking system. A true global, satellite-based tracking system that will give the Coast Guard worldwide maritime domain awareness. When we have the ability to track ships on their entire ocean voyage, we will be able to target the ships that exhibit atypical or erratic behavior as well as to ensure their safety throughout the journey.

The technology and infrastructure needed for such a tracking system is already available and in place, and I hope to see it will be used within months of passage of this legislation. I had previously introduced legislation addressing that important issue, and I am glad to see it is included in this bill. Tracking vessels is an important part of overall maritime intelligence.

The bill also requires the Department of Homeland Security to report to Congress on the maritime intelligence plan required by the Maritime Transportation Security Act.

Container security is another key provision in the bill which requires DHS to update Congress on container security technology, empty container inspection, cargo targeting and the deployment of radiation portal monitors at seaports.

Finally, this bill gives the Department of Homeland Security continued authority to issue port security grants and accelerates the Deepwater program implementation.

This bill will make the Coast Guard stronger and our Nation's ports more secure. I urge my colleagues to vote to pass this legislation.

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

Mr. FILNER. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. STUPAK).

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

Mr. Speaker, I would like to thank the gentleman from Alaska (Chairman YOUNG) for his support in including my provision in this bill that calls for the timely review and adjustment of pilotage rates by the United States Coast Guard; and of course, special thanks to the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for his continued efforts to advocate for the just treatments of our American maritime pilots.

Unfortunately for American maritime pilots, the review has been far from timely, and a permanent adjustment flat out has not happened. Last fall, during floor debate on this bill, I engaged in a colloquy with the gentleman from Minnesota (Mr. OBERSTAR) to raise the issue that no permanent rate adjustment for pilots had been made. At that time, I was vexed at how the Coast Guard, whose responsibility it is to set the rates that American pilots charge shipping companies for pilotage services, let the 2003 shipping season come and go without issuing a permanent rate adjustment.

The Great Lakes pilotage system performs critical safety and environmental functions for the Great Lakes. And not only that, it also requires by law that every vessel entering the Great Lakes has a maritime pilot on board. It does not make sense to underfund a pilotage system which is crucial to the largest freshwater body in the world, yet the Coast Guard failed to complete a permanent, full rate adjustment at all last year. At the end of last year, the Coast Guard finally did issue an interim rule which provided only a partial rate adjustment.

In a letter I received from the Commandant earlier this year, I was advised that a supplemental rule scheduled to be published in February was going to be delayed until May.

Mr. Speaker, Members, you might further understand my utter disbelief and complete frustration that a supplemental rule is still not out yet, and there are signs now it will not be out until October and maybe later.

□ 1415

Remember, the supplemental rule will not change the rate. It will just trigger another round of public comment.

Every day that goes by is another day that pilots are not getting the pay that they not only deserve but are entitled to. This is contrary to the Coast Guard's promise of last year to adjust the current pilot system funded at 1997 levels. This is particularly disturbing because the Coast Guard regulations require rates to be reviewed and adjusted on an annual basis. Setting rates to 1997 levels will inevitably result in the fraying of the Great Lakes pilotage system.

Foreign shipping companies and their agents in the United States have urged the Coast Guard to delay and reduce the proposed rate increase. This is not surprising because foreign shipping companies have an economic interest in reducing these rates, which they pay. However, it is the Coast Guard that by law bears the responsibility for ensuring that rate reviews and adjustments are completed in a timely manner and reflect the formula set out in detail in the agency's own regulations. It is simply not acceptable for the Coast Guard to have repeatedly missed its own deadlines of a rate adjustment. Such delays will only continue to subject the Coast Guard to the charge that it is placing the economic interests of foreign shipping companies ahead of the environmental protection and marine safety of the Great Lakes.

It is unbelievable to me that it is actually possible that another shipping season will come and go without a permanent adjustment. After having written five letters in the last year requesting a prompt establishment of a permanent Great Lakes maritime pilotage rate, that is five times we have written, enough is enough; and I believe we need to call on GAO to investigate this issue.

Again, I exhort the Coast Guard to follow its own rules and implement a full pilotage rate adjustment on the Great Lakes now. The pilots in my congressional district bordering Lakes Michigan, Superior, and Huron as well as pilots throughout the Great Lakes have waited long enough for the Coast Guard's empty promise to come to fruition.

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

Mr. STUPAK. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I greatly appreciate the gentleman's statement which has laid out very clearly the problem that we face on the Great Lakes. This is really a Great Lakes issue. It does not affect the rest of the Nation. The saltwater ports all have different regimes for pilotage. But this is not a new problem that the gentleman has laid out and detailed in a very clear manner. This goes back to the 1960s when we had a pilotage administration that was separate from the Coast Guard. It was run by a private sector, that is, a nonmilitary, non-Coast Guard, entity. And that was a failure. They did not manage the three pilotage districts, either in effectiveness in getting pilots when and where they were needed or in managing the pay.

Then the pilotage administration was absorbed from the Department of Transportation into the Coast Guard. For a while that worked, but the Coast Guard had a retired captain running the program, and he would on weekends be off at his farm in Virginia when they needed pilots to be assigned out of the reserves to guide ocean-going vessels into Great Lakes ports. That was unacceptable. We thought we had that fixed for a while. It was taken out of the Coast Guard, and now it is back in the Coast Guard again.

This is not acceptable for ocean shipping that enters the Great Lakes at a cost of as much as $15,000 a day when there are delays, when there is an inadequate reserve of pilots to guide the vessels. The gentleman has put his finger on it. The language that the gentleman offered on the floor which the chairman agreed to accept, which I accepted and which is in this bill, will hopefully prod the process along. But that is not good enough. We need to scrub this whole process from top to bottom, have an independent review of it, and find a better way to deal with pilotage. It is unacceptable that the Coast Guard has not resolved it, the Department of Transportation has not resolved it, and that the Department of Homeland Security got their hands in this mess when they have nothing to do with it and the whole pilotage rule was sent over to Homeland Security.

I see the chairman nodding his amusement over this mess which we knew was going to happen when the Coast Guard was taken out of the DOT and put over in Homeland Security. This is one of the fallouts of that whole mess. We have got to have this thing straightened out.

I pledge to the gentleman, with the support of our chairman who is a riverboat captain himself and knows how important it is to have good pilots, we will get this thing done and we will work with the gentleman from New Jersey (Mr. LOBIONDO). We will get this straightened out because it has to be done.

Mr. STUPAK. I thank the ranking member, and I think the chairman for his help and support.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, continuing along with the concerns that the gentleman from Minnesota expressed, I have another matter to bring to the Members' attention that perhaps both the Chair and our ranking member with their experience can be of assistance. I am here to ask for help in remedying a situation on the Great Lakes that I have just been made aware of.

I received a letter today, as a matter of fact, from the Port of Cleveland raising serious concerns with a marine pilotage shortage that is causing shipping delays on the Great Lakes. Federal law and Coast Guard regulations require all ocean-going commercial ships to employ a marine pilot on board when navigating the Great Lakes. For reasons unknown, one of the pilotage associations has had trouble fulfilling its mission. This is beginning to create shipping delays. Since the beginning of this year, according to a study that has been provided to me, there have been over 582 hours of shipping delays according to the American Great Lakes Port Association and the St. Lawrence Seaway Development Corporation. A French cruise ship company has already ceased operations in the Great Lakes and other shipping companies are rumored to be wary of continued operations in the Great Lakes.

While I fully realize the Coast Guard must place a priority on safety and lifesaving, the Coast Guard can stop these delays. Since the Coast Guard regulates the pilot associations, I believe the Coast Guard must ensure that shipping delays are avoided when reasonably possible.

I ask the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from California (Mr. FILNER) to work with me to explore this issue and to make sure that the Coast Guard is taking all necessary steps to avoid unnecessary shipping delays without impacting safety. To make this easier, I have provided both the chairman and the ranking member a list of delays and several letters of correspondence between the interested parties.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for bringing this to our attention. I was unaware of this problem. I do appreciate his suggestions. We will look into it.

Concerning the previous conversation, in this legislation there is a provision in the bill to tell the Coast Guard to get off their you-know-what and get busy and finish that problem that the gentleman from Michigan was talking about, and we are going to take care of that.

With respect to the gentleman from Ohio's issue, I now will be contacting the pilots association to find out what is the problem. I was reading with dismay the amount of delays that did occur because there were no pilots available. I cannot quite understand that myself because these are fine-paying jobs; and very honestly, the revenue is quite attractive. I am anticipating my career, and I am really shocked. Maybe there is a place for me, after all, if I get out of this position. I will be working with the gentleman very closely to see if we can do it.

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

Mr. KUCINICH. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Alaska for his observations. The gentleman's point and information is accurate, but the reason they are having difficulty getting pilots is for 2 years, pilots have been paid at the rate of a mate. The chairman of the committee knows very well what that means. A pilot ought to be paid better than the pay for a mate, and that pay has stayed there for 2 years and the Coast Guard has failed to act. And so the pilots are saying, We are out of here. They are quitting. You cannot bring a seasoned pilot on board with one season's experience. You are going to run that ship aground.

Because the Coast Guard has failed to act, because the pay has not been adjusted and the pilots are feeling abused, they are walking. What is happening is it is costing more for every piece of goods that comes into the Great Lakes. Every item that comes in on those vessels is taking longer, costing more than it would otherwise cost to be delivered to customers, and that means that our Great Lakes St. Lawrence system is less efficient and less competitive. That is not right. That is not fair. The Coast Guard needs to get this thing done and done quickly and fairly and equitably. If they are not going to do it, then we need to find another way to run this operation.

Mr. KUCINICH. I want to thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Alaska (Mr. YOUNG), the gentleman from New Jersey (Mr. LOBIONDO), and the gentleman from California (Mr. FILNER) for their attention to this. The Port of Cleveland is essential to the economy of our region in northeastern Ohio. Their knowledge and cooperation is much appreciated here.

Mr. FILNER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, Americans have always counted on the Coast Guard to enforce maritime law, to secure our waterways and ports, to rescue those in distress, and to intercept illegal drugs. In this new century, however, we are going to need to count on them even more. In the Iraqi theater, the Coast Guard is protecting key ports and oil platforms and helping speed the delivery of relief supplies to those in need.

This year, Petty Officer Third Class Nathan Bruckenthal became the first member of the Coast Guard to die in battle since Vietnam. His bravery and sacrifice shines a light on the often overlooked sacrifices made by our Coast Guard. When I spoke to Nathan's father, he said simply, ''My son served his country.'' Mr. Speaker, he did serve, and sacrifice.

We have to keep Nathan and his family in our prayers, in our budgets, and keep the Coast Guard the very best in the world. The Coast Guard is always ready to defend our Nation and rescue those in trouble. Now it is our turn. I urge my colleagues to support this conference report and to give the Coast

Guard the funds that it needs to meet the national security challenges of the 21st century in honor of the Bruckenthal family which served and sacrificed.

Mr. YOUNG of Alaska. Mr. Speaker, I yield the balance of my debate time to the gentleman from New Jersey (Mr. LOBIONDO) and, pending that, I ask unanimous consent that the gentleman be permitted to control the time.

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

There was no objection.

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

Mr. FILNER. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I thank the gentleman from California (Mr. FILNER) for yielding me this time to speak on this legislation. I rise today to support America's Coast Guard, and that is why I intend to support the conference report for H.R. 2443, the Coast Guard Authorization Act.

I represent Maryland's Second Congressional District, which includes both the Port of Baltimore and the Coast Guard Yard. So while I applaud attempts to provide adequate funding for the Coast Guard and its mission to protect America's shorelines, I am disappointed that this conference report does not provide any language to protect the critical role and mission that the Baltimore Coast Guard Yard serves.

The Baltimore Coast Guard Yard is a unique and indispensable asset to this Nation and the Coast Guard itself. For over a century it has served as the service's sole ship construction and major repair facility. It is an essential part of the Coast Guard's core of industrial support base and supplier of depot-level services.

In the wake of the September 11 attack on America and the intensity of the national Coast Guard homeland security response, the yard capabilities and skill allowed the Coast Guard to sustain critical readiness for the fleet and our Nation. The yard plays a unique and indispensable role in both our homeland security and homeland defense priorities.

For example, it supported efforts in Iraq and Afghanistan through a joint Department of Defense and Coast Guard project. Engineers and tradesmen designed, tested, and constructed the custom shipping cradles needed to transport the 110 patrol boats needed in Iraq. The yard also answered an urgent request from the U.S. Army and Marine Corps to quickly repair over a dozen old-style bridge erection boats. These boats were refurbished and shipped to Iraq, allowing bridges to be built over the inland rivers permitting the transportation of personnel and supplies.

It is my understanding that the core logistics of the yard are being threatened, and I am deeply troubled by the absence of language in the conference report to protect the Coast Guard Yard's mission. This is an incredibly important issue to the security of our country. Protecting the yard and its shipbuilding and repair facilities is critical to all Americans.

I urge my colleagues to consider the tradition of excellent service the Baltimore Coast Guard Yard has provided in the defense of the Nation for over a century. The dedicated and skilled craftsmen working at the yard today are among this country's greatest assets protecting our way of life.

□ 1430

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in support of the Coast Guard and Maritime Transportation Act.

It has been almost 3 years since the September 11 terrorist attacks, and we still do not have sufficiently detailed information about what enters our ports. We know that approximately 6 million shipping containers enter the United States each year, but we do not know what all these containers contain nor do we know what it would cost to inspect all of these containers.

We also know that approximately 6- to 7,000 ships enter the United States each year, but that figure refers mainly to deep-draft vessels. How many smaller ships, or break bulk vessels, enter our ports? We do not really know.

When this bill was considered in the Committee on Transportation and Infrastructure last year, I offered an amendment that was accepted by committee, asking the Coast Guard to do a study. I wanted to know a complete breakdown of the number and types of containers and ships that enter the United States each year. I also wanted to know the cost that would be incurred if we were to inspect adequately all of these containers and ships.

Once we understand the different elements of what enters our ports, we can establish a better baseline on what we are currently spending on port security. More importantly, we will have a better understanding of how we can improve port security and the cost that will be entailed with each type of improvement.

I am pleased that this port security study provision has been included in the final conference report that is before us today, along with additional reporting requirements regarding container security inserted by the Senate.

This is a good bill that will authorize appropriations for the Coast Guard. It has good provisions that will enable us to get a better handle on proper security in our ports, and I urge my colleagues to support its adoption.

Mr. FILNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time and for his splendid management of the bill on our side.

I compliment the gentleman from New Jersey (Mr. LOBIONDO) for his steadfast dedication to the purposes of the Coast Guard and his distinguished leadership of the subcommittee on this matter and other Coast Guard-related matters, and the gentleman from Alaska (Mr. YOUNG) for the steadfast support that we had in adhering to the principles of the committee as expressed by the House and passage of our version of the Coast Guard reauthorization.

This is a very happy day for the committee and for the Coast Guard. It is the first time in 2 years, in fact a little bit more than that, that actually we are on the point of passing a Coast Guard reauthorization bill in the normal legislative course of business. It had to be done in the appropriations process last year, Mr. Speaker, because although the House did its work, passed the bill, the other body could not come to a resolution on the matter, and we never even got to conference.

But this year, congratulations on both sides. The Coast Guard will have its charter spelled out legislatively as we need to do.

We make a number of improvements, a significant increase in personnel for the Coast Guard. The former Merchant Marine and Fisheries Committee was one of my first two committee assignments along with, then, Public Works when I was elected in 1974; and the personnel allocated to the Coast Guard in 1975 was listed at 39,000. It remained at that level for the next 30 years, and only recently have we begun to raise the number of personnel for the Coast Guard, while all along adding new responsibilities to the Coast Guard.

Congress so loved the Coast Guard and so admired the work it could do that it laid on 27 new authorities and responsibilities for the Coast Guard to carry out without adding the personnel to do the job, and only in the last 8 years, 9 years have we begun the Blue Water program and the program of adding extended endurance helicopters and fixed-wing aircraft and surface vessels and high-endurance, high-speed vessels to combat the illegal drug trade and immigration trade in the Caribbean and on the coastal waterways of the United States.

This legislation takes us significantly forward. We authorize Coast Guard to set hours of service limits for personnel working on towing vessels to avoid the kind of tragedies that occurred at South Padre Island. We require all commercial vessels to have electronic charts beginning in 2007.

We authorize establishment of a National Maritime Enhancement Institute on the Great Lakes to study maritime transportation needs on the Great Lakes, and full safety inspection of towing vessels.

We require the Coast Guard to set standards for adequate amounts of potable water on commercial vessels. After many years of studying this issue, we are finally going to deal with it.

And we extend the authority of ships operating on the Great Lakes to dispose of dry bulk cargo residue in accordance with standards already set by the Coast Guard for at least a decade.

The only disappointment I have with this legislation, and it is a major one, is that we did not come to a resolution of security issues along the lines that the committee agreed upon, the House voted on, and the motion to instruct conferees was passed with an overwhelming vote in this body, and that was to deal with security plans for foreign-flag vessels entering U.S. ports.

We passed the affectionately known Port Security Act, known properly as the Maritime Transportation Security Act of 2002. The gentleman from Alaska (Chairman YOUNG) and I were at the White House for the signing of this bill, along with Members of the other body. We all patted each other on the back. There was not enough money in that bill on the one hand to carry out the intentions of the legislation, but there was very good and very strong language in that legislation to protect U.S. ports.

''An owner or operator of a vessel . . . shall prepare and submit to the Secretary a security plan for the vessel . . . for deterring a transportation security incident to the maximum extent practicable.''

It goes on to say, ''A vessel or facility for which a plan is required to be submitted to the Secretary under this subsection may not operate after July 1, 2004 unless, A, the plan has been approved by the Secretary; and, B, the vessel or facility is operating in compliance with the plan.''

Well, that seems, on the face of it, very clear language, a very clear directive to the Coast Guard, but hardly was the ink dry when they went to the International Maritime Association and negotiated something quite different and issued regulations saying that instead of reviewing foreign vessel security plans, the Coast Guard will simply accept the security certificates issued by the flag state or by a security organization approved by the flag state under which that vessel operates.

Many ships coming into U.S. harbors operate from a flag state country that we know as ''flag states of convenience'' or ''flags of convenience,'' those great seafaring nations of Panama, Malta, Cyprus. Cyprus may have been a seafaring nation B.C., but not in recent times. And under the Coast Guard regulations, the agency would have to accept approvals from these countries or their security organizations. Those countries do not inspire a great deal of security confidence in me or other observers of the security scene.

So we came back with the House bill to strengthen that language, make it clear what we intended; and the other body had a little different version. We tried mightily to come to an agreement. When we could not, the conferees agreed to delete language in both bills and leave current law standing.

That outcome and this conference report, Mr. Speaker, should not be construed as endorsing the Coast Guard's regulations. They are inconsistent with current law. Current law states very clearly that foreign vessels must have their security plans approved by the Secretary of the department in which the Coast Guard is operating. And those regulations are not in compliance, and they should be revised, not only not in compliance but not providing adequate security.

Under these regulations, this is what can and will and is happening. A foreign vessel enters U.S. waters. Under Coast Guard regulations, the Coast Guard will not examine the vessel's security plan unless there is clear evidence that the crew has insufficient knowledge of the security plans and procedures. And even if the Coast Guard finds that the crew does not have sufficient knowledge about security, regulations do not allow the Coast Guard to look at these areas of the security plan for that vessel, identifying restricted areas on the vessel and measures to prevent unauthorized access to those areas, procedures for responding to security threats or breaches of security, procedures for responding to security instructions of the flag state under which that vessel is operating.

Duties of shipboard personnel assigned security responsibilities and of other shipboard personnel on security aspects of their duties.

Procedures to ensure the inspection, testing, calibration, and maintenance of any security equipment on board the vessel.

Identification of the location where the ship's security alter activation point is located.

Procedures, instructions, and guidance on the use of the ship security alert system.

And yet, the Administration wants us to believe that under this system ships would be secure. This is not the type of security that we need. This is not what the law currently requires. The Coast Guard's regulations must be revised to comply with the law.

Apart from this difficult security issue, H.R. 2443 makes many substantive improvements to maritime safety and the quality of life for the men and women who serve in the Coast Guard.

I thank Chairman YOUNG, Subcommittee Chairman LOBIONDO, and Subcommittee Ranking Member FILNER for the cooperation and teamwork in successfully concluding this Conference.

Mr. Speaker, I urge my colleagues to support adoption of this conference report.

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

I would like to thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from California (Mr. FILNER), the gentleman from Alaska (Mr. YOUNG), and everyone aforementioned for their support in bringing this conference report to the floor.

I would like just to put a human face on it for a minute, that this is really about the men and women of the Coast Guard who are out there every day doing such a heroic job both here and abroad.

For those who think that the Coast Guard is only here on our shores, recently there was a Coast Guard helicopter crew that was in theater in Iraq. One of those engine failures that I talked about earlier was experienced. The captain of the helicopter really had a tremendous challenge on his hands when he had an engine failure and had to decide whether to set the helicopter down in Syria or do a hard landing on the deck.

We can just let our minds wonder a little bit about what it would have been like to have one of our Coast Guard helicopters having to set down in Syria and the implications of that. We can all see that that is not a good scenario.

He very heroically put the helicopter down without any injuries to himself, the crew, or damage to the helicopter. But it is symptomatic of why we have to make sure that they have the resources necessary. This authorization bill will be a critical, but first step in getting us to that point.

So I would urge all my colleagues to continue to understand the tremendous mission that the Coast Guard has undertaken, the tremendous job that they do day in and day out. I ask everyone to please support this legislation.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H.R. 2443. I want to thank the chairmen and ranking members for all their hard work. The Coast Guard is an integral part of our Nation's homeland security efforts.

I want to mention that I am a strong supporter of the Deepwater program that is replacing a number of aging vessels with new, high tech ships that I have no doubt will serve the Coast Guard and the American people very well.

Most of all, I want to thank my colleagues on the Transportation Committee for retaining and broadening language regarding security assessments at nuclear facilities. When the House debated its version of this bill, I offered and the chairs and ranking members generously accepted, an amendment to study the vulnerability of the Indian Point Nuclear power plant in Westchester County New York.

I am very pleased that during negotiations with the Senate on the final bill, this version was expanded to include all nuclear facilities that are adjacent to navigable waters.

We have a responsibility to ensure that our Nation is safe. We know that Al Qaeda has plans for our nuclear facilities. This assessment will help us in Congress and the Administration to better plan for protecting and preventing an attack that may be attempted.

I urge all my colleagues to vote ''yes'' on this important legislation.

Mr. SIMMONS. Mr. Speaker, I rise today to strongly support the conference report on H.R. 2443, the Coast Guard and Maritime Transportation Act, a bill to reauthorize Coast Guard operations for fiscal year 2005.

I thank Chairman DON YOUNG and FRANK LOBIONDO, and Ranking Member JIM OBERSTAR for their hard work and leadership on behalf of our Coast Guard men and women. And

I thank my colleagues and fellow conferees for working with me to authorize the establishment of a National Coast Guard Museum in New London, Connecticut—where the Service first came ashore and established the Coast Guard Academy.

In 2001, I became one of the founding members of the National Coast Guard Museum Association. Our goal was to fund and construct the museum in New London. The seven-member board included our chairman, James Coleman, Jr., Connecticut State Senator Cathy Cook, Rear Adm. Richard Larrabee, USCG (ret.), Cmdr. Don Chapman, USCG (ret.), Richard Grahn and John Johnson. These civic-minded individuals dedicated their time and talent to make this project work.

Connecticut's two Senators CHRISTOPHER DODD and JOSEPH LIEBERMAN, also supported this project and I thank them for their input and support. I am proud to have been part of the effort, which we anticipate will be completed with full support of the community.

The bill appropriately directs the Coast Guard Commandant to establish the museum in New London at, or in close proximity to, the Academy. This will ensure that future cadets, commissioned officers, warrants and petty officers attending the leadership school at the Coast Guard Academy will benefit from the collection and programs of the new museum.

The people of Connecticut and the New London area are proud of their Coast Guard and maritime heritage, and eager to support the new museum. I am confident that local leaders will support this effort and be diligent in securing a suitable location for the museum.

The Coast Guard is our major force in maritime safety and law enforcement, an integral part of our national defense, and an important member of our New London community. It is right to honor the service and sacrifice of the men and women in the Coast Guard by establishing this museum, and it is fitting to locate the facility in New London.

A National Coast Guard Museum will be a place to honor, preserve and share the story of our beloved "Coasties." It is the proud story of brave men and women who live and serve by their motto—Semper Paratus. Always Ready.

Mr. Speaker, today this body is ready to say thank you. More than 70 museums across the country celebrate our military services, and H.R. 2443 pays a long overdue tribute to the Coast Guard in establishing the first museum dedicated to this Service. I am gratified to have the support of my colleagues in passing this bill.

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

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the conference.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. FILNER. 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, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. LoBIONDO. 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 conference report for H.R. 2443.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

□ 1445

TAX SIMPLIFICATION FOR AMERICA'S JOB CREATORS ACT OF 2004

Mr. PORTMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4840) to amend the Internal Revenue Code of 1986 to simplify the taxation of businesses.

The Clerk read as follows:

H.R. 4840

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 "Tax Simplification for America's Job Creators Act of 2004".

SEC. 2. 2-YEAR EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESS.

Subsections (b), (c), and (d) of section 179 of the Internal Revenue Code of 1986 are each amended by striking "2006" each place it appears and inserting "2008".

SEC. 3. INDEXING OF GROSS RECEIPTS TEST FOR CASH METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT OF GROSS RECEIPTS TEST.—In the case of any taxable year beginning in a calendar year after 2003, the $5,000,000 dollar amount in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

(b) CONFORMING AMENDMENTS.—

(1) Section 448(b)(3) of such Code is amended by striking "$5,000,000" both places it appears in the heading and text.

(2) Section 448(c) of such Code is amended by striking "$5,000,000" in the heading and the first place it appears in paragraph (1) thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 4. SIMPLIFICATION THROUGH ELIMINATION OF INOPERATIVE PROVISIONS.

(a) IN GENERAL.—

(1) GENERAL BUSINESS CREDITS.—Subsection (d) of section 38 of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(2) CARRYBACK AND CARRYFORWARD OF UNUSED CREDITS.—Subsection (d) of section 39 of such Code is amended by striking paragraphs (1) through (8) and by redesignating paragraphs (9) and (10) as paragraphs (1) and (2), respectively.

(3) ADJUSTMENTS BASED ON ADJUSTED CURRENT EARNINGS.—Clause (ii) of section 56(g)(4)(F) of such Code is amended by striking "In the case of any taxable year beginning after December 31, 1992, clause" and inserting "Clause".

(4) ITEMS OF TAX PREFERENCE; DEPLETION.—Paragraph (1) of section 57(a) of such Code is amended by striking "Effective with respect to taxable years beginning after December 31, 1992, this" and inserting "This".

(5) INTANGIBLE DRILLING COSTS.—

(A) Clause (i) of section 57(a)(2)(E) of such Code is amended by striking "In the case of any taxable year beginning after December 31, 1992, this" and inserting "This".

(B) Clause (ii) of section 57(a)(2)(E) of such Code is amended by striking "(30 percent in the case of taxable years beginning in 1993)".

(6) GREAT PLAINS CONSERVATION PROGRAM.—Section 126(a) of such Code is amended by striking paragraph (6) and by redesignating paragraphs (7), (8), (9), and (10) as paragraphs (6), (7), (8), and (9), respectively.

(7) TREBLE DAMAGE PAYMENTS UNDER THE ANTITRUST LAW.—Section 162(g) of such Code is amended by striking the last sentence.

(8) CHARITABLE, ETC., CONTRIBUTIONS AND GIFTS.—Section 170 of such Code is amended by striking subsection (k).

(9) NET OPERATING LOSS CARRYBACKS AND CARRYOVERS.—

(A) Section 172 of such Code is amended—

(i) by striking subparagraph (D) of subsection (b)(1) and by redesignating subparagraphs (E), (F), (G), and (H) as subparagraphs (D), (E), (F), and (G), respectively,

(ii) by striking "ending after August 2, 1989" in subsection (b)(1)(D)(i)(II) (as redesignated by clause (i)),

(iii) by striking "subparagraph (F)" in subsection (b)(1)(G) (as redesignated by clause (i)) and inserting "subparagraph (E)",

(iv) by striking subsection (g), and

(v) by striking subparagraph (F) of subsection (h)(2).

(B) Section 172(h)(4) of such Code is amended by striking "subsection (b)(1)(E)" each place it appears and inserting "subsection (b)(1)(D)".

(C) Section 172(i)(3) of such Code is amended by striking "subsection (b)(1)(G)" each place it appears and inserting "subsection (b)(1)(F)".

(D) Section 172(j) of such Code is amended by striking "subsection (b)(1)(H)" each place it appears and inserting "subsection (b)(1)(G)".

(E) Section 172 of such Code, as amended by subparagraphs (A) through (D) of this paragraph, is amended—

(i) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively,

(ii) by striking "subsection (h)" each place it appears and inserting "subsection (g)", and

(iii) by striking "subsection (i)" each place it appears and inserting "subsection (h)".

(10) RESEARCH AND EXPERIMENTAL EXPENDITURES.—Subparagraph (A) of section 174(a)(2) of such Code is amended to read as follows:

"(A) WITHOUT CONSENT.—A taxpayer may, without the consent of the Secretary, adopt the method provided in this subsection for his first taxable year for which expenditures

described in paragraph (1) are paid or incurred.''.

(11) AMORTIZATION OF CERTAIN RESEARCH AND EXPERIMENTAL EXPENDITURES.—Paragraph (2) of section 174(b) of such Code is amended by striking ''beginning after December 31, 1953''.

(12) SOIL AND WATER CONSERVATION EXPENDITURES.—Paragraph (1) of section 175(d) of such Code is amended to read as follows:

''(1) WITHOUT CONSENT.—A taxpayer may, without the consent of the Secretary, adopt the method provided in this section for the taxpayer's first taxable year for which expenditures described in subsection (a) are paid or incurred.''.

(13) ACTIVITIES NOT ENGAGED IN FOR PROFIT.—Section 183(e)(1) of such Code is amended by striking the last sentence.

(14) DIVIDENDS RECEIVED ON CERTAIN PREFERRED STOCK; AND DIVIDENDS PAID ON CERTAIN PREFERRED STOCK OF PUBLIC UTILITIES.—

(A) Sections 244 and 247 of such Code are hereby repealed, and the table of sections for part VIII of subchapter B of chapter 1 of such Code is amended by striking the items relating to sections 244 and 247.

(B) Paragraph (5) of section 172(d) of such Code is amended to read as follows:

''(5) COMPUTATION OF DEDUCTION FOR DIVIDENDS RECEIVED.—The deductions allowed by section 243 (relating to dividends received by corporations) and 245 (relating to dividends received from certain foreign corporations) shall be computed without regard to section 246(b) (relating to limitation on aggregate amount of deductions).''.

(C) Paragraph (1) of section 243(c) of such Code is amended to read as follows:

''(1) IN GENERAL.—In the case of any dividend received from a 20-percent owned corporation, subsection (a)(1) shall be applied by substituting '80 percent' for '70 percent'.''.

(D) Section 243(d) of such Code is amended by striking paragraph (4).

(E) Section 246 of such Code is amended—

(i) by striking '', 244,'' in subsection (a)(1),

(ii) in subsection (b)(1)—

(I) by striking ''sections 243(a)(1), and 244(a),'' the first place it appears and inserting ''section 243(a)(1)'',

(II) by striking ''244(a),'' the second place it appears, and

(III) by striking ''subsection (a) or (b) of section 245, and 247,'' and inserting ''and subsection (a) or (b) of section 245,'', and

(iii) by striking '', 244,'' in subsection (c)(1).

(F) Section 246A of such Code is amended by striking '', 244,'' both places it appears in subsections (a) and (e).

(G) Sections 263(g)(2)(B)(iii), 277(a), 301(e)(2), 469(e)(4), 512(a)(3)(A), subparagraphs (A), (C), and (D) of section 805(a)(4), 805(b)(5), 812(e)(2)(A), 815(c)(2)(A)(iii), 832(b)(5), 833(b)(3)(E), and 1059(b)(2)(B) of such Code are each amended by striking '', 244,'' each place it appears.

(H) Section 1244(c)(2)(C) of such Code is amended by striking ''244,''.

(I) Section 805(a)(4)(B) of such Code is amended by striking '', 244(a),'' each place it appears.

(J) Section 810(c)(2)(B) of such Code is amended by striking ''244 (relating to dividends on certain preferred stock of public utilities),''.

(15) ORGANIZATION EXPENSES.—Section 248(c) of such Code is amended by striking ''beginning after December 31, 1953,'' and by striking the last sentence.

(16) AMOUNT OF GAIN WHERE LOSS PREVIOUSLY DISALLOWED.—Section 267(d) of such Code is amended by striking ''(or by reason of section 24(b) of the Internal Revenue Code of 1939)'' in paragraph (1), by striking ''after December 31, 1953,'' in paragraph (2), by striking the second sentence, and by striking ''or by reason of section 118 of the Internal Revenue Code of 1939'' in the last sentence.

(17) ACQUISITIONS MADE TO EVADE OR AVOID INCOME TAX.—Paragraphs (1) and (2) of section 269(a) of such Code are each amended by striking ''or acquired on or after October 8, 1940,''.

(18) INTEREST ON INDEBTEDNESS INCURRED BY CORPORATIONS TO ACQUIRE STOCK OR ASSETS OF ANOTHER CORPORATION.—Section 279 of such Code is amended—

(A) by striking ''after December 31, 1967,'' in subsection (a)(2),

(B) by striking ''after October 9, 1969,'' in subsection (b), and

(C) by striking ''after October 9, 1969, and'' in subsection (d)(5).

(19) SPECIAL RULES RELATING TO CORPORATE PREFERENCE ITEMS.—Paragraph (4) of section 291(a) of such Code is amended by striking ''In the case of taxable years beginning after December 31, 1984, section'' and inserting ''Section''.

(20) TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS.—Section 409 of such Code is amended by striking subsection (q).

(21) FUNDING STANDARDS.—Section 412(m)(4) of such Code is amended—

(A) by striking ''the applicable percentage'' in subparagraph (A) and inserting ''25 percent'', and

(B) by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(22) RETIREE HEALTH ACCOUNTS.—Section 420 of such Code is amended—

(A) by striking paragraph (4) of subsection (b) and by redesignating paragraph (5) as paragraph (4), and

(B) by amending paragraph (2) of subsection (c) to read as follows:

''(2) REQUIREMENTS RELATING TO PENSION BENEFITS ACCRUING BEFORE TRANSFER.—The requirements of this paragraph are met if the plan provides that the accrued pension benefits of any participant or beneficiary under the plan become nonforfeitable in the same manner which would be required if the plan had terminated immediately before the qualified transfer (or in the case of a participant who separated during the 1-year period ending on the date of the transfer, immediately before such separation).''.

(23) EMPLOYEE STOCK PURCHASE PLANS.—Section 423(a) of such Code is amended by striking ''after December 31, 1963,''.

(24) LIMITATION ON DEDUCTIONS FOR CERTAIN FARMING.—

(A) Section 464 of such Code is amended by striking ''any farming syndicate (as defined in subsection (c))'' both places it appears in subsections (a) and (b) and inserting ''any taxpayer to whom subsection (d) applies''.

(B)(i) Subsection (c) of section 464 of such Code is hereby moved to the end of section 461 and redesignated as subsection (j).

(ii) Such subsection (j) of such Code is amended—

(I) by striking ''For purposes of this section'' in paragraph (1) and inserting ''For purposes of subsection (i)(4)'', and

(II) by adding at the end the following new paragraphs:

''(3) FARMING.—For purposes of this subsection, the term 'farming' has the meaning given to such term by section 464(e).

''(4) LIMITED ENTREPRENEUR.—For purposes of this subsection, the term 'limited entrepreneur' means a person who—

''(A) has an interest in an enterprise other than as a limited partner, and

''(B) does not actively participate in the management of such enterprise.''

(iii) Paragraph (4) of section 461(i) of such Code is amended by striking ''section 464(c)'' and inserting ''subsection (j)''.

(C) Section 464 of such Code is amended—

(i) by striking subsections (e) and (g) and redesignating subsections (d) and (f) as subsections (c) and (d), respectively, and

(ii) by adding at the end the following new subsection:

''(e) FARMING.—For purposes of this section, the term 'farming' means the cultivation of land or the raising or harvesting of any agricultural or horticultural commodity including the raising, shearing, feeding, caring for, training, and management of animals. For purposes of the preceding sentence, trees (other than trees bearing fruit or nuts) shall not be treated as an agricultural or horticultural commodity.''

(D) Subsection (d) of section 464 of such Code, as redesignated by subparagraph (C), is amended—

(i) by striking paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively, and

(ii) by striking ''SUBSECTIONS (a) AND (b) TO APPLY TO'' in the subsection heading.

(E) Subparagraph (A) of section 58(a)(2) of such Code is amended by striking ''section 464(c)'' and inserting ''section 461(j)''.

(25) DEDUCTIONS LIMITED TO AMOUNT AT RISK.—Paragraph (3) of section 465(c) of such Code is amended by striking ''In the case of taxable years beginning after December 31, 1978, this'' and inserting ''This''.

(26) NUCLEAR DECOMMISSIONING COSTS.—Section 468A(e)(2) of such Code is amended—

(A) by striking ''at the rate set forth in subparagraph (B)'' in subparagraph (A) and inserting ''at the rate of 20 percent'', and

(B) by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(27) PASSIVE ACTIVITY LOSSES AND CREDITS LIMITED.—

(A) Section 469 of such Code is amended by striking subsection (m).

(B) Subsection (b) of section 58 of such Code is amended by adding ''and'' at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(28) ADJUSTMENTS REQUIRED BY CHANGES IN METHOD OF ACCOUNTING.—Section 481(b)(3) of such Code is amended by striking subparagraph (C).

(29) EXEMPTION FROM TAX ON CORPORATIONS, CERTAIN TRUSTS, ETC.—Section 501 of such Code is amended by striking subsection (q).

(30) REQUIREMENTS FOR EXEMPTION.—

(A) Section 503(a)(1) of such Code is amended to read as follows:

''(1) GENERAL RULE.—An organization described in paragraph (17) or (18) of section 501(c) or described in section 401(a) and referred to in section 4975(g)(2) or (3) shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction.''.

(B) Paragraph (2) of section 503(a) of such Code is amended by striking ''described in section 501(c)(17) or (18) or paragraph (a)(1)(B)'' and inserting ''described in paragraph (1)''.

(C) Subsection (c) of section 503 of such Code is amended by striking ''described in section 501(c)(17) or (18) or subsection (a)(1)(B)'' and inserting ''described in subsection (a)(1)''.

(31) INSURANCE COMPANY TAXABLE INCOME.—

(A) Section 832(e) of such Code is amended by striking ''of taxable years beginning after December 31, 1966,''.

(B) Section 832(e)(6) of such Code is amended by striking ''In the case of any taxable year beginning after December 31, 1970, the'' and inserting ''The''.

(32) PROPERTY ON WHICH LESSEE HAS MADE IMPROVEMENTS.—Section 1019 of such Code is amended by striking the last sentence.

(33) INVOLUNTARY CONVERSION.—Section 1033 of such Code is amended by striking subsection (j) and by redesignating subsection (k) as subsection (j).

(34) PROPERTY ACQUIRED DURING AFFILIATION.—Section 1051 of such Code is hereby repealed, and the table of sections for part IV of subchapter O of chapter 1 is amended by striking the item relating to section 1051.

(35) HOLDING PERIOD OF PROPERTY.—

(A) Paragraph (5) of section 1223 of such Code is amended by striking ''(or under so much of section 1052(c) as refers to section 113(a)(23) of the Internal Revenue Code of 1939)''.

(B) Paragraph (7) of section 1223 of such Code is amended by striking the last sentence.

(C) Paragraph (9) of section 1223 of such Code is repealed.

(36) PROPERTY USED IN THE TRADE OR BUSINESS AND INVOLUNTARY CONVERSIONS.—Subparagraph (A) of section 1231(c)(2) of such Code is amended by striking ''beginning after December 31, 1981''.

(37) SALE OR EXCHANGE OF PATENTS.—Section 1235 of such Code is amended—

(A) by striking subsection (c) and by redesignating subsections (d) and (e) as subsections (c) and (d), respectively, and

(B) by striking ''subsection (d)'' in subsection (b) and inserting ''subsection (c)''.

(38) DEALERS IN SECURITIES.—Subsection (b) of section 1236 of such Code is amended by striking ''after November 19, 1951,''.

(39) SALE OF PATENTS.—Subsection (a) of section 1249 of such Code is amended by striking ''after December 31, 1962,''.

(40) GAIN FROM DISPOSITION OF FARM LAND.—Paragraph (1) of section 1252(a) of such Code is amended by striking ''after December 31, 1969,'' both places it appears.

(41) TREATMENT OF AMOUNTS RECEIVED ON RETIREMENT OR SALE OR EXCHANGE OF DEBT INSTRUMENTS.—Subsection (c) of section 1271 of such Code is amended to read as follows:

''(c) SPECIAL RULE FOR CERTAIN OBLIGATIONS WITH RESPECT TO WHICH ORIGINAL ISSUE DISCOUNT NOT CURRENTLY INCLUDIBLE.—

''(1) IN GENERAL.—On the sale or exchange of debt instruments issued by a government or political subdivision thereof after December 31, 1954, and before July 2, 1982, or by a corporation after December 31, 1954, and on or before May 27, 1969, any gain realized which does not exceed—

''(A) an amount equal to the original issue discount, or

''(B) if at the time of original issue there was no intention to call the debt instrument before maturity, an amount which bears the same ratio to the original issue discount as the number of complete months that the debt instrument was held by the taxpayer bears to the number of complete months from the date of original issue to the date of maturity,

shall be considered as ordinary income.

''(2) SUBSECTION (a)(2)(A) NOT TO APPLY.—Subsection (a)(2)(A) shall not apply to any debt instrument referred to in subparagraph (A) of this paragraph.

''(3) CROSS REFERENCE.—

''For current inclusion of original issue discount, see section 1272.''.

(42) AMOUNT AND METHOD OF ADJUSTMENT.—Section 1314 of such Code is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(43) ELECTION; REVOCATION; TERMINATION.—Clause (iii) of section 1362(d)(3) of such Code is amended by striking ''unless'' and all that follows and inserting ''unless the corporation was an S corporation for such taxable year.''.

(44) AFFILIATED GROUP DEFINED.—Subparagraph (A) of section 1504(a)(3) of such Code is amended by striking ''for a taxable year which includes any period after December 31, 1984'' in clause (i) and by striking ''in a taxable year beginning after December 31, 1984'' in clause (ii).

(45) DISALLOWANCE OF THE BENEFITS OF THE GRADUATED CORPORATE RATES AND ACCUMULATED EARNINGS CREDIT.—

(A) Subsection (a) of section 1551 of such Code is amended—

(i) by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(ii) by striking ''after June 12, 1963,'' each place it appears.

(B) Section 1551(b) of such Code is amended—

(i) by striking ''or (2)'' in paragraph (1), and

(ii) by striking ''(a)(3)'' in paragraph (2) and inserting ''(a)(2)''.

(46) DEFINITION OF WAGES.—

(A) Section 3121(b) of such Code is amended by striking paragraph (17).

(B) Section 210(a) of the Social Security Act is amended by striking paragraph (17).

(47) CREDITS AGAINST TAX.—

(A) Paragraph (4) of section 3302(f) of such Code is amended—

(i) by striking ''subsection—'' and all that follows through ''(A) IN GENERAL.—The'' and inserting ''subsection, the,

(ii) by striking subparagraph (B),

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and

(iv) by moving the text of such subparagraphs (as so redesignated) 2 ems to the left.

(B) Paragraph (5) of section 3302(f) of such Code is amended by striking subparagraph (D) and by redesignating subparagraph (E) as subparagraph (D).

(48) DOMESTIC SERVICE EMPLOYMENT TAXES.—Section 3510(b) of such Code is amended by striking paragraph (4).

(49) TAX ON FUEL USED IN COMMERCIAL TRANSPORTATION ON INLAND WATERWAYS.—Section 4042(b)(2)(A) of such Code is amended to read as follows:

''(A) The Inland Waterways Trust Fund financing rate is 20 cents per gallon.''.

(50) TRANSPORTATION BY AIR.—Section 4261(e) of such Code is amended—

(A) in paragraph (1) by striking subparagraph (C), and

(B) by striking paragraph (5).

(51) TAXES ON FAILURE TO DISTRIBUTE INCOME.—

(A) Paragraph (2) of section 4942(f) of such Code is amended by striking the semicolon at the end of subparagraph (B) and inserting '', and'', by striking ''; and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(B) Subsection (g) of section 4942 of such Code is amended—

(i) by striking ''For all taxable years beginning on or after January 1, 1975, subject'' in paragraph (2)(A) and inserting ''Subject'', and

(ii) by striking paragraph (4).

(C) Section 4942(i)(2) of such Code is amended by striking ''beginning after December 31, 1969, and''.

(52) TAXES ON TAXABLE EXPENDITURES.—Section 4945(f) of such Code is amended by striking ''(excluding therefrom any preceding taxable year which begins before January 1, 1970)''.

(53) RETURNS.—Subsection (a) of section 6039D of such Code is amended by striking ''beginning after December 31, 1984,''.

(54) INFORMATION RETURNS.—Subsection (c) of section 6060 of such Code is amended by striking ''year'' and all that follows and inserting ''year.''.

(55) CANAL ZONE.—Subparagraph (A) of section 6103(b)(5) of such Code is amended by striking ''the Canal Zone,''.

(56) ABATEMENTS.—Section 6404(f) of such Code is amended by striking paragraph (3).

(57) FAILURE BY CORPORATION TO PAY ESTIMATED INCOME TAX.—Clause (i) of section 6655(g)(4)(A) of such Code is amended by striking ''(or the corresponding provisions of prior law)''.

(58) MERCHANT MARINE CAPITAL CONSTRUCTION FUNDS.—Paragraph (4) of section 7518(g) of such Code is amended by striking ''any nonqualified withdrawal'' and all that follows through ''shall be determined'' and inserting ''any nonqualified withdrawal shall be determined''.

(59) VALUATION TABLES.—

(A) Subsection (c) of section 7520 of such Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(B) Paragraph (2) of section 7520(c) of such Code, as so redesignated, is amended—

(i) by striking ''Not later than December 31, 1989, the'' and inserting ''The'', and

(ii) by striking ''thereafter'' in the last sentence thereof.

(60) ADMINISTRATION AND COLLECTION OF TAXES IN POSSESSIONS.—Section 7651 of such Code is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(61) DEFINITION OF EMPLOYEE.—Section 7701(a)(20) of such Code is amended by striking ''chapter 21'' and all that follows and inserting ''chapter 21.''.

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—Except as otherwise provided in paragraph (2), the amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) SAVINGS PROVISION.—If—

(A) any provision amended or repealed by subsection (a) applied to—

(i) any transaction occurring before the date of the enactment of this Act,

(ii) any property acquired before such date of enactment, or

(iii) any item of income, loss, deduction, or credit taken into account before such date of enactment, and

(B) the treatment of such transaction, property, or item under such provision would (without regard to the amendments made by subsection (a)) affect the liability for tax for periods ending after such date of enactment,

nothing in the amendments made by subsection (a) shall be construed to affect the treatment of such transaction, property, or item for purposes of determining liability for tax for periods ending after such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Texas (Mr. SANDLIN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. PORTMAN).

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

Mr. Speaker, Americans are frustrated. They are frustrated with their current Tax Code, and they should be. The mountains of documents that they face are complicated, confusing, and sometimes contradictory. The effects of this complex code, by the way, are more than just frustration for those of us who are taxpayers. They include decreased levels of voluntary compliance, people cannot figure out the code and they are less likely to comply with it;

increased costs, of course, for the entire taxpayer system; reduced perception of fairness in the Federal tax system; and, of course, increased difficulties at the Internal Revenue Service as they try to administer this unwieldy code. Clearly, we need to make our Tax Code more user friendly, and we should take every opportunity to do so.

Over the last few years, we have done that in some cases, for instance, the expansion of the 10 percent tax bracket, and taking literally millions of taxpayers off the Internal Revenue Code altogether.

But today, Mr. Speaker, I would like to commend my colleague, the gentleman from Illinois (Mr. CRANE), for legislation that he has brought to the floor showing his commitment to tax simplification, and particularly focusing on the needs of our small businesses.

H.R. 4840, which is before the House today, the Tax Simplification For America's Job Creators Act, provides provisions that will provide tax relief and simplification for small businesses and small business owners as they plan for the economy, which is now growing.

First, the bill will extend the $100,000 expensing amount provided under what is called section 179 of the Internal Revenue Code. This is an extremely important incentive which was included in the President's 2003 tax relief bill, the Jobs Growth and Tax Relief Reconciliation Act.

It allows small businesses to deduct up to $100,000 immediately, to write that off, not depreciate it over time, as compared to $25,000, which was in law before the 2003 tax relief act. This is for new equipment up to 2006. Therefore, we want to expand that, we want to extend the legislation into 2006 and 2007, and the legislation offered by the gentleman from Illinois (Mr. CRANE) does that.

It also expands the definition of who qualifies. Before 2003, those companies who qualified were those that had $200,000 or less of capital purchases per year. We doubled that to $400,000 of capital purchases per year, making this provision something that is more usable for more small businesses.

Expensing, of course, allows small businesses to recover the cost of their investment immediately rather than writing it off over time and rather than requiring them to keep extensive records and track those deductions over several years. This helps reduce the cost of capital, which helps to expand plant and equipment. It also makes it simpler and less costly, less complicated for our small businesses to be able to comply with our Tax Code.

Again, today's bill will provide yet another vehicle that we can use to try to enact this important small business priority that has already passed the House in some other forms, and I commend the gentleman from Illinois (Chairman CRANE) for it.

Second, his bill also begins adjusting an important standard which affects small businesses' ability to use the cash accounting system. The cash accounting method is simpler, and it provides under this legislation to convert from the current $5 million threshold to $10 million. So we are expanding the amount that can be indexed for inflation, so that more and more small businesses are not forced into using the accrual method each year.

It is important to understand that forcing businesses into the accrual accounting method has real consequences for smaller companies. Not only must they begin calculating taxes using a different accounting method; they must actually pay tax on the difference in income as measured by the accrual and the cash methods. The bill before us rectifies this situation by indexing the limit so inflation will not force more and more small businesses into the accrual method.

This does not change the $5 million threshold. Mr. Speaker, I correct myself. Rather, it indexes that going forward to inflation to be able to increase that amount. This change will provide $120 million in tax relief to smaller businesses during the coming decade.

Finally, the bill eliminates a number of outdated references in the code. These are so-called ''deadwood provisions.'' This is also very important both because these deadwood provisions that have been identified by the Joint Tax Committee, by the Treasury Department, by others in their reports are important to get out of the code because they do not need to be in it, do not make any sense; but it also creates confusion at the IRS and confusion among taxpayers and has created downstream problems that are difficult to address.

H.R. 4840, in the end, Mr. Speaker, will cut taxes by approximately $1.2 billion for our small businesses, and that figure is over the next decade.

The bill is well within our House-passed budget, and I believe it is very worthy of our support as an important simplification method. I urge my colleagues to support this legislation to help our small businesses, our job creators, our risk takers, who are out there ensuring that this economic recovery continues, and continues strongly.

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

Mr. SANDLIN. Mr. Speaker, I yield myself as much time as I may consume.

I thank my friend from Ohio for his work on this bill. Mr. Speaker, I rise today in support of tax simplification. There can be little doubt that taxpaying individuals and American businesses, particularly small businesses, spend far too much time, not just preparing their tax returns and paying their taxes, but in even figuring out just how to file or which forms to fill out, what tax preferences they qualify for, what they can deduct, and what elections they should make to best serve the interests of the business, its employees, and themselves.

On top of that is the anxiety that many small business owners experience when confronting the daunting complexity of the Tax Code and trying to make sound business and tax planning decisions with the prospect of taking a wrong turn in a numbing maze that makes tax lawyers and accountants shudder. Such complexity is both unnecessary and unhealthy, Mr. Speaker, for small business and our Nation's economy.

So, Mr. Speaker, I wholeheartedly support meaningful efforts to reform our tax system and to reduce an extreme burden on our small businesses and individuals and to ensure efficiency.

Moreover, I am pleased to rise in support of the legislation introduced by the gentleman from Illinois (Mr. CRANE). I am pleased to be a cosponsor of the legislation that somewhat eases the burden borne by America's small businesses, truly the engine that drives our economy.

Mr. Speaker, at a very modest cost, H.R. 4840 provides two valuable benefits to our Nation's small businesses.

First, the bill extends enhanced section 179 expensing for small businesses for 2 years. Last year Congress passed and President Bush signed into law legislation that increased the amount of equipment that small businesses may expense from $25,000 annually to $100,000 annually. The 2003 law also increased the phase-out range from $200,000 of capital expenditures to $400,000, significantly expanding the number of small businesses that qualify for section 179 expensing. Both amounts are indexed for inflation.

The bill the House considers today extends these improvements to section 179 for 2 additional years through 2007, thereby providing much-needed relief as our economy continues to recover and to grow.

Second, H.R. 4840 eases the accounting burden on small businesses by preserving the cash accounting method for more small businesses. Generally, under current law, businesses with $5 million or more in gross receipts must switch from the cash method of accounting to the accrual method. The bill offered by the gentleman from Illinois (Mr. CRANE) preserves the value of the $5 million limit by indexing it for inflation so that more small businesses will not be forced to use the more complicated accrual method.

Finally, but less directly beneficial, H.R. 4840 cleans up the Tax Code by eliminating outdated, rarely used and unnecessary provisions of the code. Repealing these deadwood provisions certainly has the effect of reducing clutter in our code, but its practical effects and benefits to small business are somewhat limited.

Mr. Speaker, H.R. 4840 is a fine bill. It is a good first step, and I am proud to support it. However, this Congress needs to do more to relieve the burden borne by America's small businessmen and -women and individuals.

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

Mr. PORTMAN. Mr. Speaker, I appreciate the comments of my colleague from Texas. I agree with them.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. CRANE), the author of this legislation on tax simplification.

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

Mr. CRANE. Mr. Speaker, I thank my distinguished colleague from the Committee on Ways and Means, the gentleman from Ohio (Mr. PORTMAN), for yielding this time to me and for helping me in getting this bill explained and passed.

Mr. Speaker, I rise in strong support of H.R. 4840, the legislation I have introduced that will simplify the Tax Code for small businesses.

Nearly seven in 10 new jobs are created by small businesses, which are the backbone of our economy. The Tax Simplification For America's Job Creators Act helps small businesses in three ways:

First, it extends section 179, small business expensing, for 2 years, through 2007. This provision allows small businesses to immediately deduct the cost of up to $100,000 in expenditures for new equipment. Failure to extend this provision will result in an effective tax increase of about $1 billion on small businesses seeking to make critical investments that expand their businesses and create jobs.

Second, my legislation will allow small businesses to take advantage of the cash method of accounting. Under current law, subchapter C corporations cannot use cash accounting, which allows them to deduct expenses in the year paid and report income in the year received, if their gross receipts exceed $5 million. H.R. 4840 indexes the $5 million threshold for inflation, which ensures that more small businesses are not forced to use the more complex, costly, and time-consuming accrual method of accounting. This provision saves business taxpayers roughly $120 million.

Third, H.R. 4840 eliminates from the Tax Code a number of dead-letter provisions, which serve no purpose other than to clutter an already overly complex set of laws.

My constituents tell me that passage of this legislation will mean more jobs and increased economic growth in the Chicagoland area. I am also pleased that some of the Nation's leading small business associations, including the National Federation of Independent Businesses, the NFIB, the U.S. Chamber of Commerce, and the Associated Builders and Contractors, strongly support the bill.

Mr. Speaker, my legislation is not a panacea for small business. The government can only do so much. As always, it is the hard work and ingenuity of the American people that lead to expanded growth, job creation, and prosperity. However, taxpayers with business income pay about 55 percent of all income taxes. This bipartisan legislation will not only simplify the Tax Code; but by returning over $1 billion to business taxpayers, it will also let our job creators know that Congress means business when it comes to lowering their tax burden. It is the least we can do.

While I am extraordinarily pleased that we are acting today on much-needed simplification for small business, I want to take a moment to mention the need for greater simplification in the tax laws. I, for one, intend to be dogged in my pursuit of this goal.

To give one example, I have long championed an effort for many years to address a complex and unfair provision in the consolidated return rules. These rules were enacted so that corporate groups could pay tax on the net income of all their affiliated companies. Generally, the rules accomplish this goal, unless one of the affiliated corporations in the group is a life insurance company.

Twenty Members of the Committee on Ways and Means have cosponsored legislation I have introduced, H.R. 2228, that reforms the consolidated returns to address this inequity. Similar legislation passed both the House and Senate in 1999 as part of a larger tax bill that, unfortunately, was vetoed by President Clinton. I would expect that with the appropriate amount of effort, this legislation, as well as other meritorious simplification, can and will be enacted in the near future.

Finally, Mr. Speaker, to continue on the theme of tax simplification, in 2002, the IRS issued Revenue Procedure 2002–28 to allow subchapter S corporations to use cash accounting if their gross receipts do not exceed $10 million. That ruling provided useful clarification for taxpayers. I believe the service should go one step further and make this guidance a formal regulation so that in the future America's small business owners can rely on a simple method of accounting.

Mr. Speaker, I include for the RECORD a copy of the NFIB's petition to the IRS asking for a final rule to address this issue.

NFIB LEGAL FOUNDATION,
Washington, DC, July 20, 2004.

PETITION FOR RULEMAKING BEFORE THE INTERNAL REVENUE SERVICE

Hon. MARK W. EVERSON,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR MR. COMMISSIONER: The National Federation of Independent Business Legal Foundation (''NFIB Legal Foundation'') submits this petition to the Internal Revenue Service (IRS) pursuant to 5 U.S.C. §553(e) of the Administrative Procedure Act, 5 U.S.C. §§551 et seq. Petitioners request a rulemaking to incorporate Revenue Procedure 2002–28, with three requested modifications, into a formal regulation. Pursuant to 5 U.S.C. §555(e), petitioners request prompt consideration and response to this petition.

The NFIB Legal Foundation, a 501(c)(3) public interest law firm, is the legal arm of the National Federation of Independent Business (NFIB), which is the nation's oldest and largest organization dedicated to representing the interests of small-business owners throughout all 50 states. The approximately 600,000 members of NFIB own a wide variety of America's independent businesses from restaurants to hardware stores to bowling alleys.

REVENUE PROCEDURE 2002–28

Revenue Procedure 2002–28 allows qualifying small business taxpayers with gross receipts of less than $10 million to use the cash receipts and disbursements method of accounting. This relieves qualifying small businesses from the more complex inventory and accrual method of accounting. Revenue Procedure 2002–28 also provides for qualifying businesses to obtain automatic consent to change from accrual accounting to cash accounting.

THE PROPOSED REGULATION—INCORPORATION OF REVENUE PROCEDURE 2002–28 INTO A FINAL RULE.

Petitioner requests that the IRS convert Revenue Procedure 2002–28 into a formal regulation. A formal rule would provide stability and prevent long-term confusion and wide-ranging interpretations of the current revenue procedure. While there are numerous revenue procedures that have been in effect for many years, nothing prevents a subsequent administration from modifying or withdrawing a revenue procedure. Incorporation into a formal regulation would make the components and intent of Revenue Procedure 2002–28 a more permanent fixture of the tax law thereby maintaining a predictable environment in which small businesses may operate.

FURTHER CHANGES ARE NEEDED IN A FINAL RULE

Petitioner applauds the IRS Small Business/Self-Employed Division's outreach to small business owners on this matter. In doing so, Revenue Procedure 2002–28 addressed many small business owners' concerns and provided much needed tax simplification for many taxpayers. Nevertheless, there are some outstanding issues that Petitioner would like to see incorporated into a final rule.

1. Provide one-year grace period to adjust income ratio or change accounting method

Section 4(.01) of Revenue Procedure 2002–28 allows a qualifying small business taxpayer to use a cash method of accounting for all of its trade or business if ''the taxpayer reasonably determines that its principal business activity is the provision of services, including the provision of property incident to those services.'' A taxpayer may determine its principal business activity using either (1) the gross receipts for its prior taxable year, or (2) the average annual gross receipts for its three most recent prior taxable years.

We support the inclusion of the three-year average test in Revenue Procedure 2002–28 for determining if a small business qualifies for use of cash accounting methods. By using a three-year average, qualifying businesses can maintain their customary cash accounting methods if, in one year, their service-to-produce income ratio changes to 55/45 rather than 60/40. Revenue Procedure 2002–28 addresses this issue in Example 6 by showing that a business with 57% of its income from services still qualifies for the cash accounting method. This practice is both practical and fair, and petitioner requests that the procedure and examples used in Revenue Procedure 2002–28 are incorporated into a regulation.

In addition, however, we request that a business should not be forced to immediately switch from cash accounting to accrual accounting when the business' principal business activity income ratio falls below the 60/

40 threshold percentage provided in the Revenue Procedure examples. Instead, businesses should be provided a one-year grace period to either adjust their income ratios or to change accounting methods. Allowing such a grace period would enhance stability and certainty for small business taxpayers by providing them with an opportunity to avoid having to switch from cash to accrual accounting from one year to the next.

2. Provide notice of changes to NAICS

Revenue Procedure 2002–28 applies to qualifying taxpayers who fit within the $1 million to $10 million gross receipts threshold. Businesses qualify if they derived their largest percentage of gross receipts in the prior tax year from an activity other than one in the following North American Industry Classification System (NAICS) codes: mining activities within NAICS codes 211 and 212, including oil and gas extraction; manufacturing within NAICS codes 31–33; wholesale trades within NAICS code 42; retail trade within NAICS codes 44 and 45; and information industries within NAICS codes 5111 and 5122, including newspaper, periodical, book, and database publishers and sound recording. The cash accounting method does not apply to farming businesses or those prohibited from using cash accounting by IRC Sec. 448.

Changes made to NAICS codes could obviously impact the ability of a business to qualify for the cash accounting method under Revenue Procedure 2002–28. The IRS should provide some form of notification to affected businesses when NAICS codes are changed, to ensure that business taxpayers remain aware of the impact on their accounting procedures.

3. Provide one-year grace period to businesses affected by changes to NAICS

Petitioner also requests that the IRS provide businesses affected by changes to the NAICS codes a one-year grace period to switch their accounting systems from cash accounting to accrual accounting. A grace period would provide business taxpayers time to adjust their business practices and change their accounting procedures.

AUTHORITY OF THE COMMISSIONER

The enhanced sense of permanence associated with a formal regulation as described above would provide certainty and stability for thousands of small businesses nationwide, allowing the business owners to do what they do best—run the businesses that are the backbone of our economy. Federal law provides ample authority to grant this petition and issue the requested final rule.

Respectfully submitted this 20th day of July 2004,

KAREN R. HARNED, Esq.,
Executive Director.

□ 1500

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

We appreciate the efforts of the gentleman from Illinois (Mr. CRANE) and clearly, there is a need for tax simplification. Today, the IRS now prints more than 1,000 publications, forms, and instruction booklets, and while the Tax Code was a mere 500 pages in 1913, financial publisher CCH says its Standard Federal Tax Reporter, which is the guidance for tax preparers, has grown to more than 60,000 pages today. The cost to individuals and business in America of the complexity of our code are staggering.

More than $100 billion a year in accounting fees and the value of taxpayers' time to complete their returns, according to Joel Slemrod of the University of Michigan, are used up each year. This is roughly equivalent to what our Nation spends to operate the Departments of Education, Homeland Security, and the Department of State each year. According to the IRS, small business owners are required to devote 60 hours, almost 8 full work days each year, to prepare their taxes.

While the bill we debate today is a good piece of legislation, it will not do enough to reduce this burden, and we must do more, working together.

Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. MCDERMOTT.)

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

Mr. MCDERMOTT. Mr. Speaker, we are getting close to election again. The gentleman from Texas (Mr. DELAY) Congress says it is time for simplifying the Tax Code. But, Mr. Speaker, my colleagues know that ''tax simplification'' is just the term the Republicans use to start talking about the need for a flat tax or a sales tax. Every year at this time it comes up.

The Committee on Ways and Means had a host of hearings about this same issue in the mid-1990s under Chairman Archer. At one point during the hearings in 1995, the chairman said he was convinced that the Tax Code needed to go to a flat tax. He even said he was going to introduce legislation to do it. But, after all the hearings and all of the rhetoric, he never even introduced a bill.

Mr. Speaker, we can do two things with money: We can save it or we can spend it. Now, rich people have more to save than do poor people. If all that we do is impose taxes when people spend money, then poor people are going to spend the larger share of their paycheck on taxes than rich people are. I mean, anybody knows that. Poor people spend every dime of every paycheck; rich people spend some and then they put a whole bunch in the bank or in the stock market or in something else. A system based on consumption taxes hardly is fair at all.

Legislation has been introduced in the past to convert our tax regime to one that relies solely on consumption taxes. The gentleman from Georgia (Mr. LINDER) has introduced legislation to abolish the IRS, abolish it, and force the Federal Government to rely on a national sales tax, a proposal that the majority leader supports. This proposal would be a boon to the wealthy elite. His proposal would tax all purchases on goods and services in our economy, including food, health care, home rents, and new home purchases.

The Joint Committee on Taxation did an analysis of the Linder proposal. The study indicated that in order for the bill to be revenue neutral over 10 years, the estimated national sales tax rate would be between 36 and 57 percent. In other words, the price of blood transfusions, prescription drugs, and a pair of sneakers would increase between 37 and 57 percent. Does that sound fair to my colleagues?

How do we sell this proposal to simplify tax structure to the baby boomers of this country who are about to go onto a fixed income? We have this big bulge of people who are just about, in 2008, going to start going onto Social Security. You cannot, and that is why they call it tax simplification. It sounds like a good idea.

The Health Insurance Association of America states that one of the consequences of a flat tax bill is likely to be a rapid increase in the number of people without private health insurance coverage. One economist estimated that there would be 8 million more people without health benefits if a flat tax proposal were enacted.

James Poterba, an economist at MIT, estimated that eliminating the current tax law benefits for purchasing homes could result in a 17 percent decline in the value of the U.S. housing market.

Now, what about the payroll taxes? A flat tax proposal may eliminate the deduction that employers pay for their payroll taxes, amounting to a massive tax increase on businesses of all sizes.

The American public is not naive, Mr. Speaker. They know that when it is election time and the Republicans start talking about tax simplification, it really means they want a flat tax. If you just give us one more chance, we did not simplify it over the last 10 years that we have been in control. Give us another chance and we will get our flat tax in.

Now, when are they going to be honest about these goals for the people? When are they going to be honest and tell the American people that the Tax Code has only become more complex since they controlled the Congress and its tax-writing committees. They have 105 more days to run this charade, but it is coming. There is going to be a change, and not in the Tax Code, but in who runs this House.

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

I appreciate my friend from Washington's discussion on general tax relief. I suppose at the end he would say he supports this legislation before us because it is not a flat tax, it is not a sales tax, it is not even a fundamental reform. Rather, it is simplification and good, common-sense simplification at that, this one focused on small businesses. The next piece of legislation we will take up focuses more on individuals.

But it is hard to defend the current code. Again, my friend from Texas talked earlier about the compliance costs and referenced Professor Joel Slemrod's reports from the University of Michigan. I think the number is somewhere between 50 and 100 billion now. That is the consensus number; 85 seems to be the one most people are using. Mr. Speaker, $85 billion a year in compliance costs, and over 3 billion compliance hours.

Another interesting statistic is that every year now, tax compliance accounts for about 80 percent of the paperwork burden of the Federal Government. So we do need to do something.

Today is not the silver bullet, but it is a start. It is going into the current code and changing some unfair aspects of the code; in the case of section 179, helping businesses to be able to not just write off their purchases more quickly for equipment, but also to be able to reduce their compliance costs, because they do not have to keep those depreciation schedules over time.

It also takes out some deadwood provisions which come from the Joint Committee on Taxation recommendations, as well as Treasury Department recommendations, which say that these provisions of the code that have not been removed over time, and it must be done by statute by the way, not only cause confusion and complexity, but actually cause some taxpayers to make mistakes that then cause tremendous cost to the tax system over time.

This legislation also again helps some smaller businesses to be able to take advantage of cash accounting rather than the accrual method, which is a complexity. Therefore, this is a simplification as well.

So I appreciate the gentleman's comments, and what I would say is what we are doing today is, we are taking a very responsible step towards simplification. We are not providing again for the silver bullet. We need to continue to work on that, as we will every year, and I know as we are going forward in this Congress, should we be here on this congressional floor next year talking about these issues, hopefully we will have a more fundamental reform that we can agree on on a bipartisan basis, as we will agree today, I believe, on a bipartisan basis, on these simplifications.

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

Mr. SANDLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I want to thank the gentleman for yielding me a couple more minutes. After listening to the gentleman from Ohio (Mr. PORTMAN), I always can think of things to say.

The gentleman tells us that this bill, that I am probably for it; the gentleman is right. This is nothing. This bill does not do anything except do what the gentleman told us he was not going to do. The gentleman said he was going to make the expensing for a while and then stop it. Now my Republican colleagues are making it permanent. It is just one more of those things.

But the real point here is, you say this is a start. It is not much. It is a start on the way to what?

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

Mr. PORTMAN. Mr. Speaker, I appreciate the gentleman yielding.

I certainly never heard anybody say that section 179 expensing was temporary. What we said was that the bonus depreciation provision was temporary. Section 179, on our side, we have always intended to be permanent and we would certainly hope that it will be made permanent.

What we are doing today is, we are extending it for 2 more years, in 2006 and 2007, that is as compared to bonus depreciation, which was meant as a stimulus, just to correct the gentleman on those two depreciation provisions.

Mr. MCDERMOTT. Mr. Speaker, reclaiming my time, does the gentleman realize he just put everybody to sleep, who is watching this, with that stuff? You guys come out here to pass a bill because you cannot get through the military construction bill, and this is nonsense.

Every time we have had, since 1994 we have Archer talk about simplification, we had the majority leader, Mr. Armey, who campaigned against the tax system and said he was going to rip it out by the roots and have a flat tax. I mean, we have been hearing this stuff, and today we have this little bitty thing, and it does not do any harm, really; it does not do any good, really.

I mean, surely everybody would like to have their taxes cut, whoever they are, but the real issue is the working people of this country. They are paying payroll taxes, and nobody is talking about them. Nobody is talking about the fact that we took the tax structure and gave the bulk of the benefits to people above $1 million, or above $100,000, for that matter. Nobody is talking about that. Why do my Republican colleagues not talk about what you are doing for people on the bottom?

In India they ran a campaign and they said that "India is shining." That was the theme of the campaign in India. And the Congress Party ran one with a symbol that said, "The hand of Congress is with the common man." And, lo and behold, in spite of an 8.2 percent growth rate in India, they threw out the "India is shining" because it was not shining on the people at the bottom.

And you people have got to understand that. You can keep doing this kind of stuff and telling people, we are going to simplify, we are going to simplify. They do not believe you. They do not believe you. They have watched what you did for 10 years. So you can say it as many times as you want, but they have to figure out their taxes, and they know that it is not simplification.

So I know it is election time, and I appreciate that you have control of the Committee on Rules and can bring this kind of stuff out, but it is not making it any better for the common man in this country.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume just to respond to my friend from Washington.

For him to say, this does not matter and does not help anybody, I hope he will talk to the small business people in the State of Washington as well as in the State of Ohio that I represent. This does help them.

I was with one of those small business people today talking about section 179 expensing and the importance of being able to plan. And he was absolutely delighted that this Congress is going to pass, once again, legislation to be sure that he can plan for being able to immediately write off not $25,000 a year, but $100,000 a year of new purchases in equipment. This is extremely important.

If the gentleman chooses to vote "no," that is his right, but for him to say it does not affect anybody, I think is inaccurate. That is not to mention the other provisions the gentleman from Illinois (Mr. CRANE) talked about, which are also important to small businesses.

To say that this is a bill that does not matter and that it is just something that we do around election time, I think, is not consistent with the fact that in 2003, this same legislation was passed by this Congress. We could not do it for as long a period of time as we wanted to, frankly, because of our friends on the other side of the aisle who did not believe that this legislation should be made permanent.

We would like to make it permanent. It is extremely important to our small business community. It is extremely important to the risk-takers, to the entrepreneurs, who, after all, are creating most of the jobs out there right now. And I would hope that on a bipartisan basis we could at least agree to these simplifications.

We can have the debate later as to whether the gentleman would like to defend the current code and continue to have, again, 3 billion hours a year in compliance costs, $85 billion a year in expenses related to compliance; or whether we do want to look at more fundamental reforms. That would be more controversial and they will need, again, the same kind of bipartisan work that has gone into this legislation here.

But at a minimum, let us at least go into the current code and make some responsible changes to make it simpler for small businesses, which is this legislation before us.

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

Mr. SANDLIN. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. EMANUEL).

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

It is interesting, to my colleague, the gentleman from Ohio, in the last 3½ years, while they have been in control, they have had 326 changes to the Tax Code, adding 10,000 pages to the Tax Code. So in his effort today at simplification, let us have a rendezvous

with the record: 10,000 new pages to the Tax Code and addendums.

□ 1515

That has been your record; and if you are in the business of being a tax lawyer, a tax accountant, there is a treasure chest out here in George Bush and the Republican majority's Tax Code. For middle-class families, it has become more complicated, burdensome, and unfair; and the complexity of this Tax Code directly relates to the inequities in this Tax Code. And that is what has happened to our middle-class families as we have shifted more and more of the tax burden onto work and people who work for a living rather than people who open up dividend checks for a living.

Let us see what has happened in the last couple of years to typical families. It now takes since 1994, since you have been in the majority, 7½ hours longer to fill out the tax form. Thanks for the contribution to simplification.

The child tax credits now on the code have five different breaks for families and children, each with a different definition. Now, I have three kids, and I will tell them there is only one definition for a child. We do not need five definitions for what a child is, but their Tax Code has done wonders in complicating the code.

Education tax credits, with a child in college, parents have to choose between two nonrefundable tax credits, the Hope or the Lifetime Learning, all the while in complicated forms that are long and duplicative. But guess what? If you are a corporation and you are filling out the Export-Import Bank loan, a page and a half. A kid filling out the FAFSA form trying to get a Pell grant, 108 questions. Now, what makes a corporation more important to America's future than that child? That corporation on average gets $200 million. That child gets $2,500. That child is as important to America's future, and it should be easier to get a college loan than it is to get an Export-Import loan agreement.

Increased tax preparation costs: as middle-class families struggle with the wage and benefit recession, costs for gasoline and food are going up. The last thing they need to deal with is tax preparation costs. Since 1995, 15 more million Americans have needed to hire a professional tax preparer to deal with the Tax Code and its increased complexity. The average cost is between $100 and $150. It can be a full day's pay for millions of Americans. If someone is an attorney or an accountant in the tax business, the Bush Tax Code is like Christmas every year. The abusive tax shelters used by corporations and the wealthy have increased exponentially in the last few years as the burden on middle-class families have grown increasingly.

The tax gap that is underreported by corporations and wealthy individuals is nearly $311 billion. Underreporting accounted for $249 billion. And that is the majority's refusal to work on this and crack down on this. Even their Treasury Department has asked for new enhancements in the laws.

Tax shelters have a corrosive effect, stacking the deck against ordinary taxpayers. While the special interests win shelters, loopholes, middle-class families have to play by the rules and are buried under a crushing burden by the IRS. The public's distaste for the current Tax Code is a direct result of the inequity.

And now they want towards election time this holy picture by passing this legislation. I will vote for it. It is their first step after adding 10,000 pages to the code and 326 changes to trying to do something for simplification.

I have offered my own piece of legislation to simplify family credit that condenses the child tax credit, the earned income tax credit and the dependent care into a single credit. It takes 200 pages down to 12 questions. It puts the Tax Code on behalf of work, on behalf of middle-class families trying to raise their children, and gives the same energy to those families that you have given to the wealthy and special interest in this country; and that is where we should put the Tax Code on behalf of the working families of our country.

Tax reform is more than a fiscal issue. It is also about our priorities. Our tax system should respect the values and the interests of the middle-class families.

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

I would remind my colleague from Illinois that some of the very issues that he raises are currently under consideration by the Congress, including the definition of a child. As he may know, I have introduced legislation to consolidate those definitions into one definition that is currently in the child tax credit conference between the House and the Senate. I fully expect he will have the opportunity to vote on that legislation in this Republican-controlled Chamber, if not this week, then in September; and that will be a major simplification.

I would also remind the gentleman that this complication of the Tax Code, which I agree with him on, is not just the province of one administration. I can remember when he was in the Clinton administration working on the Hope credit, working on the Lifetime Learning credit, working on many other ways to use the Tax Code to achieve social purposes which further complicated the code dramatically; and I would remind him that one of the pillars of the Bush administration tax relief was not just lowering rates for everybody, which is a simplification, not just lowering rates on capital gains which is a simplification, lowering rates on dividend which is a simplification, but also extending this 10 percent tax bracket.

That has focused exactly on the taxpayers that my colleagues are talking about. Lower-income taxpayers they say have got no benefit. Their benefit is total simplification, because 3 or 4 million Americans who are lower-income Americans now are no longer on the tax roles at all. They do not have to look over their shoulder at the IRS because they are off the Federal tax rolls. They pay no income tax at all, and that is simplification that George Bush put through this House and that most of us voted for on this side of the aisle.

With regard to EITC, I would remind my friend that we have actually, in the 2001 bill, streamlined the EITC, not as much as I would like, as we know, because we have talked about that; but their income tax credit has actually in this administration under this Congress been simplified.

So just to put a little bit of clarity around it and some perspective, today we are talking about section 179. We are talking about the expensing, the need to simplify that. I would remind him that the bonus depreciation provision that his colleague from Washington talked about as being temporary, that was also a simplification and simplification not just for small businesses but for all businesses.

So we have done our part in terms of making the code more complicated, both parties over the years; but if he looks back at the record over this Congress and over this administration, there are a number of items which have been very positive in terms of simplification, the most important of which is to take people off the rolls altogether, not having to worry about income taxes and the legislation before us today, again, bringing us back to where we are, taking us from the abstract to the practical.

We have an opportunity on a bipartisan basis to make some sensible changes to our Tax Code, to make it simpler for small businesses to comply with taxes. These are the risks takers. These are the people we want to help, and I commend my colleague from Illinois for bringing this legislation to the floor today.

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

Mr. SANDLIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I do want to acknowledge one thing. The gentleman is right. We use the Tax Code to let middle-class families afford college education and lifetime learning so they can go back to community colleges, and the gentleman has used the Tax Code to ensure that people who want to buy Hummers get a tax deduction. The gentleman has used the Tax Code to ensure that a corporate executive gets only $300 for using a plane; and, yet, his corporation writes $30,000 off for using a corporate jet. Which is it, $30,000 that the taxpayers have to pick up, or $300 that the CEO gets to deduct from their taxes?

The gentleman is right. We have had our differences in how we have used the

Tax Code, one for higher education and access to college education, and another for corporate executives who want to discount their corporate jet use. So when it comes to complexity, I am glad that the gentleman is still working on simplification; but since 1995, they have been in control, and they have had many opportunities to reduce and simplify the code; and they have made it more complicated, more difficult for middle-class families, while they have alleviated the burden for the wealthy and the special interests in this town.

Mr. SANDLIN. Mr. Speaker, I yield myself as much time as I consume.

In 1996, then-Speaker Newt Gingrich stated the Tax Code over the years has become increasingly politicized and is seen less as a simple tool for raising revenues than as an instrument for social and economic engineering, exponentially increasing the complexity of the code.

The current system is indefensible. Clearly, the small business community in America has been subject to more tax law complexity year after year. For example, the Small Business Job Protection Act of 1996 makes 657 Tax Code changes which expanded the Tax Code by more than 50 pages. The Jobs and Growth Tax Relief Act of 2003 made 51 Tax Code changes and expanded the Tax Code by 12 pages. The IRS estimates that the average taxpayer with self-employed status has the greatest compliance burden in terms of preparation, 59 hours. And this is about 10 hours longer than in 1994.

Even the House-passed version of the FSC/ETI bill from this year has 109 tax changes. This will encompass at least 200 additional Tax Code lines and at least 50 new pages of statutory language and footnotes.

Mr. Speaker, America's small businesses are the engine powering the largest, most robust and most innovative economy in the world. They deserve a more meaningful effort by this Congress to ensure that valuable time and resources are better invested in the success of their business and not wasted in preparation of returns and to make sure that our business people, entrepreneurs, are not raked over the coals by a Tax Code that requires a lawyer, a CPA and a computer programmer to understand it. We can and must do better by our small business men and women and individuals in this country.

Mr. Speaker, again, I am proud to support and cosponsor this fabulous piece of legislation. I urge my colleagues to join with me in casting a vote for small business owners and their employees across this Nation. At the same time, however, I am hopeful that this legislation is the beginning of meaningful reform and not the end of the line.

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

Mr. PORTMAN. Mr. Speaker, I think this has been a helpful debate to talk about the need for simplification. I am glad to see some of my colleagues on the other side of the aisle are agreeing with us with regard to this underlying legislation with regard to small businesses but also with the need to simplify our code. We have taken steps to simplify, and we need to continue to do that.

It is on the heels of major tax relief in 2001, 2002, and 2003 this administration inherited a failing economy, moving into recession. Then the tragedy of 9/11, the shock of the corporate scandals, the stock market boom busting, a lot of challenges to our economy. And our first focus was economic recovery; and, therefore, the stimulus and the economic recovery tax legislation provided needed tax relief to small businesses, to families, and to individuals around this country.

Now we are focused on that, as well as simplification; and it is very important given the fact that we do have an increasingly complex Tax Code and that the burden of compliance with that code is greater and greater, that we on a bipartisan basis focus on this compliance cost and, therefore, on simplifying the code.

Before us today we have a great piece of legislation. It is not the silver bullet, does not do it all; but it helps and it tells small businesses that if they want to go out there and buy new equipment to be able to expand their plant, to hire new people, to keep this economy moving, we are adding jobs, we have economic growth that is the best we have had in 20 years in this country, that we will enable them to write off $100,000 worth of new purchases rather than $25,000 worth of new purchases.

We are telling them that businesses that are a little bit smaller than the very smallest businesses would be able to take advantage of this as well by being sure that the definition of what businesses can qualify is expanded.

Now, this is good legislation. We are also telling small businesses they can use the cash accounting method, which saves them money, which saves them complexity in not having to hire accountants and additional professionals, rather than going to the accrual method. So we are saying we are going to index that to inflation to help small businesses. And, finally, we are saying that our Tax Code has too many provisions that are no longer relevant, deadwood provisions that cause complexity and confusion. We are going to get rid of those provisions in the code, particularly as they affect small businesses.

So, again, I commend my colleague from Illinois for bringing this legislation before us today. This is the first step in a long march towards simplifying our Tax Code, and I would hope that we will have support across the board on a bipartisan basis for this legislation.

Mr. BARRETT of South Carolina. Mr. Speaker, I rise in strong support of H.R. 4840 which encourages investment and simplifies bookkeeping and tax reporting requirements for small business owners. This legislation will not only allow small businesses to continue to expense $100,000 instead of dropping back down to $25,000, but will also allow more small businesses to be eligible.

We should be encouraging small businesses to buy technology, machinery, and other equipment so they can expand their businesses and in turn create more jobs. H.R. 4840 removes some of the redtape that increases the cost of doing business.

Mr. Speaker, it is the private sector, the small businesses throughout the Nation that create jobs, wealth and innovation. In fact, small businesses are responsible for creating two out of every three net new jobs.

Low taxes and sensible regulations are essential to helping the 25 million small businesses in America; that's why I urge my colleagues to vote in favor of H.R. 4840.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. PORTMAN) that the House suspend the rules and pass the bill, H.R. 4840.

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. SANDLIN. 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.

TAX SIMPLIFICATION FOR AMERICANS ACT OF 2004

Mr. PORTMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4841) to amend the Internal Revenue Code of 1986 to simplify certain tax rules for individuals, as amended.

The Clerk read as follows:

H.R. 4841

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 ''Tax Simplification for Americans Act of 2004''.

SEC. 2. HEAD OF HOUSEHOLD FILING STATUS CHANGED TO SINGLE HEAD OF HOUSEHOLD.

(a) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking ''head of a household'' each place it appears and inserting ''single head of household'':

(1) Subsection (b) of section 1.

(2) Paragraphs (1) and (3) of section 2(b).

(3) The table in section 25B(b).

(4) Clause (iii) of section 151(c)(6)(B).

(5) Clauses (ii) and (iii) of section 151(d)(3)(C).

(6) Subparagraph (A) of section 6012(a)(1).

(b) OTHER CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 63(c)(2) of such Code is amended by striking ''head of household'' and inserting ''single head of household''.

(2) Section 1 of such Code is amended—

(A) in the heading for subsection (b) by inserting ''SINGLE'' before ''HEADS'' ,

(B) in subsection (c) by inserting ''single'' before ''head'', and

(C) in the heading of subsection (c) by inserting ''SINGLE'' before ''HEADS''.

(3) The heading for section 2(b) of such Code is amended to read as follows: ''DEFINITION OF SINGLE HEAD OF HOUSEHOLD''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 3. EXPANDED AVAILABILITY OF 1040EZ AND 1040A.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7529. DOLLAR THRESHOLD FOR THE USE OF FORMS 1040EZ AND 1040A.

''(a) IN GENERAL.—An individual shall not be ineligible to use Form 1040EZ and Form 1040A for filing individual income tax returns on the basis of—

''(1) the amount of the taxpayer's taxable interest income, or

''(2) the amount of the taxpayer's taxable income,

so long as the taxpayer's taxable income does not exceed $100,000.

''(b) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2004, the $100,000 dollar amount in subsection (a) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

''Sec. 7529. Dollar threshold for the use of forms 1040EZ and 1040A.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 4. SIMPLIFICATION THROUGH ELIMINATION OF INOPERATIVE PROVISIONS.

(a) IN GENERAL.—

(1) ADJUSTMENTS IN TAX TABLES SO THAT INFLATION WILL NOT RESULT IN TAX INCREASES.—Paragraph (7) of section 1(f) of the Internal Revenue Code of 1986 is amended to read as follows:

''(7) SPECIAL RULE FOR CERTAIN BRACKETS.—In prescribing tables under paragraph (1) which apply to taxable years beginning in a calendar year after 1994, the cost-of-living adjustment used in making adjustments to the dollar amounts at which the 36 percent rate bracket begins or at which the 39.6 percent rate bracket begins shall be determined under paragraph (3) by substituting '1993' for '1992'.''.

(2) EARNED INCOME CREDIT.—Paragraph (1) of section 32(b) of such Code is amended—

(A) by striking subparagraphs (B) and (C), and

(B) in subparagraph (A) by striking ''(A) IN GENERAL.—In the case of taxable years beginning after 1995'' and moving the table 2 ems to the left.

(3) ANNUITIES; CERTAIN PROCEEDS OF ENDOWMENT AND LIFE INSURANCE CONTRACTS.—Section 72 of such Code is amended—

(A) in subsection (c)(4) by striking ''; except that if such date was before January 1, 1954, then the annuity starting date is January 1, 1954'', and

(B) in subsection (g)(3) by striking ''January 1, 1954, or'' and '', whichever is later''.

(4) ACCIDENT AND HEALTH PLANS.—Section 105(f) of such Code is amended by striking ''or (d)''.

(5) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106(c)(1) of such Code is amended by striking ''Effective on and after January 1, 1997, gross'' and inserting ''Gross''.

(6) CERTAIN COMBAT ZONE COMPENSATION OF MEMBERS OF THE ARMED FORCES.—Subsection (c) of section 112 of such Code is amended—

(A) by striking ''(after June 24, 1950)'' in paragraph (2), and

(B) striking ''such zone;'' and all that follows in paragraph (3) and inserting ''such zone.''.

(7) PRINCIPAL RESIDENCE.—Section 121(b)(3) of such Code is amended—

(A) by striking subparagraph (B), and

(B) in subparagraph (A) by striking ''(A) IN GENERAL.—'' and moving the text 2 ems to the left.

(8) CERTAIN REDUCED UNIFORMED SERVICES RETIREMENT PAY.—Section 122(b)(1) of such Code is amended by striking ''after December 31, 1965,''.

(9) MORTGAGE REVENUE BONDS FOR RESIDENCES IN FEDERAL DISASTER AREAS.—Section 143(k) of such Code is amended by striking paragraph (11).

(10) STATE LEGISLATORS' TRAVEL EXPENSES AWAY FROM HOME.—Paragraph (4) of section 162(h) of such Code is amended by striking ''For taxable years beginning after December 31, 1980, this'' and inserting ''This''.

(11) HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—Paragraph (1) of section 162(l) of such Code is amended to read as follows:

''(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.''.

(12) INTEREST.—

(A) Section 163 of such Code is amended—

(i) by striking paragraph (6) of subsection (d), and

(ii) by striking paragraph (5) of subsection (h).

(B) Section 56(b)(1)(C) of such Code is amended by striking clause (ii) and by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively.

(13) AMOUNTS RECEIVED BY SURVIVING ANNUITANT UNDER JOINT AND SURVIVOR ANNUITY CONTRACT.—Subparagraph (A) of section 691(d)(1) of such Code is amended by striking ''after December 31, 1953, and''.

(14) INCOME TAXES OF MEMBERS OF ARMED FORCES ON DEATH.—Section 692(a)(1) of such Code is amended by striking ''after June 24, 1950''.

(15) TAX ON NONRESIDENT ALIEN INDIVIDUALS.—Subparagraph (B) of section 871(a)(1) of such Code is amended to read as follows:

''(B) gains described in subsection (b) or (c) of section 631,''.

(16) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—Subsection (a) of section 1401 of such Code is amended by striking ''the following percent'' and all that follows and inserting ''12.4 percent of the amount of the self-employment income for such taxable year.''.

(17) HOSPITAL INSURANCE.—Subsection (b) of section 1401 of such Code is amended by striking ''the following percent'' and all that follows and inserting ''2.9 percent of the amount of the self-employment income for such taxable year.''.

(18) MINISTERS, MEMBERS OF RELIGIOUS ORDERS, AND CHRISTIAN SCIENCE PRACTITIONERS.—Paragraph (3) of section 1402(e) of such Code is amended by striking ''whichever of the following dates is later: (A)'' and by striking ''; or (B)'' and all that follows and inserting a period.

(19) WITHHOLDING OF TAX ON NONRESIDENT ALIENS.—The first sentence of subsection (b) of section 1441 of such Code and the first sentence of paragraph (5) of section 1441(c) of such Code are each amended by striking ''gains subject to tax'' and all that follows through ''October 4, 1966'' and inserting ''and gains subject to tax under section 871(a)(1)(D)''.

(20) RETIREMENT.—Section 7447(i)(3)(B)(ii) of such Code is amended by striking ''at 4 percent per annum to December 31, 1947, and at 3 percent per annum thereafter'', and inserting ''at 3 percent per annum''.

(21) ANNUITIES TO SURVIVING SPOUSES AND DEPENDENT CHILDREN OF JUDGES.—

(A) Paragraph (2) of section 7448(a) of such Code is amended by striking ''or under section 1106 of the Internal Revenue Code of 1939'' and by striking ''or pursuant to section 1106(d) of the Internal Revenue Code of 1939''.

(B) Subsection (g) of section 7448 of such Code is amended by striking ''or other than pursuant to section 1106 of the Internal Revenue Code of 1939''.

(C) Subsections (g), (j)(1), and (j)(2) of section 7448 of such Code are each amended by striking ''at 4 percent per annum to December 31, 1947, and at 3 percent per annum thereafter'' and inserting ''at 3 percent per annum''.

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—Except as otherwise provided in paragraph (2), the amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) SAVINGS PROVISION.—If—

(A) any provision amended or repealed by subsection (a) applied to—

(i) any transaction occurring before the date of the enactment of this Act,

(ii) any property acquired before such date of enactment, or

(iii) any item of income, loss, deduction, or credit taken into account before such date of enactment, and

(B) the treatment of such transaction, property, or item under such provision would (without regard to the amendments made by subsection (a)) affect the liability for tax for periods ending after such date of enactment,

nothing in the amendments made by subsection (a) shall be construed to affect the treatment of such transaction, property, or item for purposes of determining liability for tax for periods ending after such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Texas (Mr. SANDLIN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. PORTMAN).

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

Mr. Speaker, I rise in strong support of the legislation. This is introduced by my friend and our colleague, the gentleman from Georgia (Mr. BURNS). This legislation clears up a number of issues that affect the Tax Code and its complexity as it relates to individuals as compared to small businesses. So it is a natural companion piece of legislation to the legislation that we had before us a moment ago on this floor.

Studies have shown that individual taxpayers now spend over 3 billion

hours per year complying with our Tax Code, filling out tax returns, keeping records and so on, and that cost of compliance, as we talked about in the earlier debate, is now exceeding $85 billion a year.

□ 1530

This bill is not the sales tax bill. It is not the flat tax bill. It is not the panacea. It is not the silver bullet, but it is an important and very valuable contribution to the effort of simplifying the Tax Code for individuals.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I thank the gentleman from Ohio (Mr. PORTMAN) for yielding me time. I thank the committee for allowing me to bring this legislation to the floor today.

This is common-sense legislation. It does something positive for America's working families. H.R. 4841, the Tax Simplification for Americans Act will clear up a number of confusing issues that ordinary people, people like you and people like me, struggle with as they prepare their tax forms and begin to pay their taxes.

H.R. 4841 does several things for the taxpayer. It widens access to the time-saving forms of 1040A and 1040EZ. It clarifies confusing issues in the Tax Code, and it eliminates a number of outdated and unnecessary provisions.

My bill will benefit working families. It will save them both time and money.

Mr. Speaker, the Joint Committee on Taxation concluded that this bill will have only negligible effects on revenues. H.R. 4841 permits more taxpayers the opportunity to use the simpler 1040A and 1040EZ for their filing. Taxpayers with up to $100,000 of taxable income will be able to use these time-saving forms. The previous cap, Mr. Speaker, was $50,000 set in 1982, 2 decades ago, over 2 decades ago with no adjustments for inflation.

Over time the old Tax Code has forced nearly 2 million taxpayers, 2 million taxpayers out of being able to use this simplified, time-saving short form. The new limit that this bill provides is for $100,000 and will be indexed for inflation so this body will not have to again address the issue of a 1040EZ or a 1040A. We are going to allow more taxpayers to use these time-saving forms.

Another provision of the bill will allow the taxpayer who has interest income of more than $1,500 to also use the 1040EZ subject to certain IRS requirements to report the services on those interest incomes.

The IRS has concluded that it takes 28 hours of taxpayer time to prepare a 1040, 28 hours, as compared to 4 hours for a 1040EZ. So the challenge we face is, let us simplify the Tax Code; let us allow more Americans to use the 1040A and the 1040EZ. The changes will allow over 1.6 million taxpayers to file these simple forms.

The other thing this bill does is it provides for elimination of some deadwood provisions, those provisions that are needlessly complicating our Tax Code, and they are obscuring the true meaning of the tax laws. So we need to take the opportunity, while we are increasing the limit on the use of the 1040EZ, to eliminate some of these deadwood provisions.

The tax burdens on Americans is great, and it is as much about how we pay taxes as the amount of taxes we pay. This bill makes it a little easier and a little simpler for Americans to pay their taxes. It is common-sense legislation. It restores reason to the taxable income limits for 1040A and the 1040EZ use. It clarifies confusion in the Tax Code, and it removes deadwood.

Mr. Speaker, I cannot imagine anyone opposing common-sense tax simplification, and I want to urge all of my colleagues to support this bill today.

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

Mr. Speaker, again I want to restate my commitment to reform our Tax Code in ways that meaningfully benefit America's working families. While I support this bill, I am afraid that we missed an opportunity. H.R. 4841 offers little meaningful benefit. It is, as we say in Texas, all sizzle and no steak.

In effect, the bill before the House does three things, only one of which provides any real benefit to the American taxpayer; and even that particular change does not require any legislative action by this body. The IRS could accomplish that same result by regulation.

First, under the current law there is special filing status for heads of households. The bill before us does not change the criteria for qualifying for that filing status, but simply inserts the term ''single'' before ''head of household.''

This decision or provision does not change or simplify anything. Indeed, it may create some confusion because some individuals who are legally married under State law, but otherwise considered unmarried qualify for head-of-household status. For example, a spouse living apart with children can qualify for head-of-household status even though that spouse is married.

Second, the bill would make the form 1040EZ and form 1040A short forms available for individuals with incomes up to $100,000; currently, the limit is $50,000. Also, the bill allows the filer to have more than $1,500 in interest income. There is no question but that this change is useful, particularly as individual incomes rise in concert with inflation. Nevertheless, this change does not require an act of Congress. The IRS is fully empowered to make tax form revisions without additional legislation.

Finally, the bill purports to repeal some deadwood language on the Tax Code on the grounds that the language has no legal effect. However, the majority apparently is uncertain that all of the provisions no longer have effect. Therefore, the bill includes a savings clause. The savings clause in effect reenacts the repeal provisions if it turns out that anyone would benefit from the provisions in the future. Once again, it is all sizzle and no steak.

Mr. Speaker, we need real reform. We need real simplification. The bill may be entitled and named ''The Tax Simplification for Americans Act of 2004,'' but adding one modifier to the head of household's filing status provision has no effect and may, in fact, be contrary to the stated purpose and introduce confusion rather than clarity. Moreover, changing legislatively what can be accomplished through agency action does not serve meaningfully to simplify an onerously complex Tax Code.

Mr. Speaker, the legislation before the House today is simplification in name only. We can and must do better in this House.

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

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

Mr. Speaker, I appreciate my colleague from Texas indicating that he is not supportive of these simplifications. But I would say that if we use the argument that we do not need to legislate because it can be done administratively, then we will have a lot of problems in our tax administration system because all that the IRS has the power to do, a lot of the things that we have done in this Chamber, including many of the reforms we did in 1996 when we totally restructured the IRS, we would be waiting forever sometimes.

The gentleman from New York (Mr. HOUGHTON) is retiring from this Congress. We want to get this done before he leaves. The IRS has had since 1982 to make these changes on the 1040EZ and the 1040A, and they have certainly had over the last decade as it has been increasingly evident that they have not adjusted the level for inflation, and we want taxpayers to be able to use this simpler form if they can.

So the argument that they can do it administratively at the IRS and, therefore, we should not touch it seems to me to be an unusual one when there is, as in this case, such an urgent need to make the change.

So I do think the legislation before us is important. I also think that the 6 million Americans, estimated by the IRS by the way, who make a mistake on their filing status because they think that ''head of household'' is folks who are exclusively married, ''head of household'' is the change that we make in this legislation, to say that that is not a change that is meaningful, I think is inaccurate because those 6 million people by indicating the wrong filing status get in trouble with the IRS.

Some of them get audited because of that. That causes enormous problems for those taxpayers, particularly low-income taxpayers who do not have the

professional help to be able to deal with these audits. It also causes tremendous downstream costs to the IRS as they try to untangle the mess that sometimes occurs when somebody chooses the wrong filing status.

So I think this legislation is important. I think it is good legislation. Again, it is not everything. It is not meant to be everything. But I do not think it should be legislation that is not supported by the other side of the aisle.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HOUGHTON), the chairman of the Subcommittee on Oversight. He has devoted himself to simplification. It is his legislation in terms of international tax simplification that has really been at the forefront on a bipartisan basis over the last several years.

Mr. HOUGHTON. Mr. Speaker, I particularly want to thank the gentleman from Georgia (Mr. BURNS) for this legislation. I really think it is important.

We can argue whether it is enough or not. Simplification is an ongoing process. It is never over; it just goes on and on and on. And this is not perfect, but it is one element that I think is important and we ought to pass it.

This bill contains an exception to the rule of tax simplification not being simple. It is one simple change that would benefit 19 million individual taxpayers. So let me try to explain.

Over a million taxpayers call the IRS's toll free help line each year with questions about the filing status of dependents. One of the first questions they ask is, Does ''head of household'' mean what it means? What is the filing status and do I qualify? So certainly if you are married, the answer is no. But it is no wonder taxpayers are confused because if you are married, generally the filing is of a joint return.

So here is an example of a phrase commonly misunderstood, meaning head of one's household. And that has been appropriate for years in the Tax Code. And it would be fine if the popular meaning of the phrase it was attached to had the same meaning, but sadly, they are different.

In fact, taxpayers are so likely to be confused, as the gentleman from Ohio (Mr. PORTMAN) said, 6 million choose this filing status in error each year.

Now, I do not want to get into a word game, but changing the name ''head of household'' to ''single head of household'' is going to provide some clarification. The change will alert filers that the favorable rate structure is for single taxpayers or those considered single under the special rules for married taxpayers who are separated.

It will also make clear to single and long-term separated taxpayers that they might qualify if they maintain a home for a dependent child or a retired parent.

I am pleased to say that this builds on legislation that I introduced in April to rename the Head of Household filing status, the Filing Status Simplification Act.

This proposal is strongly supported by the National Taxpayer Advocate who writes that the proposal inserting the word ''single'' before the ''head of household'' is going to clarify the law for many married taxpayers who do not really understand this term.

I urge my colleagues to support this common-sense change that will help millions of taxpayers each year.

Mr. SANDLIN. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. NEAL).

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I think everybody in this institution knows the high personal regard in which we hold the gentleman from New York (Mr. HOUGHTON), and we certainly regret that he is moving on to other things.

That applause there was singular.

Mr. Speaker, there is another issue that draws us to this floor today, and I have heard the gentleman from Ohio (Mr. PORTMAN) is a good enough guy. He said a couple of times today, he said, Well, this is not a silver bullet.

Well, when I was a kid, if my father was witnessing something that he thought was particularly outrageous or he was looking at some sort of a question that he thought lacked proper definition, he would say, Well, at least Jesse James had the honor to wear a mask. And when I hear these folks on the other side come to the floor today and talk about simplification, it is outrageous.

Let me remind Members of this body that in 1994 the chairman of the Committee on Ways and Means said emphatically he was going to ''pull the Tax Code up by its roots.'' Then, of course, the charade was perpetrated on the rest of the committee when others said, Well, not to be outdone, we are going to drive a stake through the heart of the Tax Code. And then another one said, Well, we are going to have a long funeral procession for the Tax Code.

Well, to those of you who filled out your own tax forms in the last round, that Tax Code is more complicated than ever. There has been no effort to simplify that Tax Code, but we know there is an election that is going to take place 15 weeks from yesterday, so we are going to be on the side of tax simplification.

I would submit to you today that this is the easiest thing in this body that could be done with Democrats and Republicans to simplify the Tax Code. But the rhetoric does not fit public policy, because we have got to get people psyched up and convince them in this short span that we are going to simplify the Tax Code. We will be back next year, and we will not simplify the Tax Code because once again it is inconsistent with the rhetoric, as opposed to the policy that is necessary.

□ 1545

Let me talk today about something we could do to really simplify the Tax Code.

While I am disappointed with the context of the bill, simply because I think it could have been expanded in an effort to achieve simplification, we examine the four provisions that are put to us today. So we are going to clarify how to classify people who were born on January 1.

Then the second section is going to replace the phrase ''head of household'' with a phrase that says ''single head of household'' throughout the Tax Code.

The third provision is going to instruct the IRS to make the EZ available to more people; but my colleagues know what, the IRS already has the authority to do that. That could be done short of what we are undertaking at this moment.

The final provision deletes some parts of the Tax Code that no longer has any legal effect. My goodness, I can feel the heartland of America today, boy, the satisfaction they must feel that we are taking up this major piece of legislation that, in the end, really does very little for them.

It is easy to talk about tax simplification, and we all know it is very difficult to accomplish; but for the last three Congresses, I have offered a tax simplification bill that would include a paid-for repeal of alternative minimum tax. If this body is serious about making it easier for Americans to file their taxes, there is no better place to start.

The alternative minimum tax was designed to prevent the very wealthiest Americans from overusing certain tax benefits to avoid most of their tax burden. Today, we all know it does not accomplish that goal any longer. Today, it ensnares millions of ordinary middle-class taxpayers, and I spoke to the American Manufacturing Association last night, and they were enraged by what has happened, and by the way, they generally support the other party.

By the end of this decade, the AMT will apply to over 30 million taxpayers, including more than three-quarters of taxpayers with incomes between $75,000 and $100,000. In fact, unless we change the tax laws, in 2005, married couples with four children will be subject to the alternative minimum tax as soon as their incomes reach $58,500. What used to be a class tax has now become a mass tax.

Now, I understand the reasons for the original imposition of AMT, but it no longer makes any sense. It no longer solves the problem that it was supposed to correct. It, in fact, creates a new problem. It doubles the amount of work that millions of Americans have to do to determine how much they owe.

Because of the AMT, these taxpayers have to fill out two tax forms. The process has become so complex that it now takes an average middle-class family 19 hours to fill out their tax forms. That is 7½ hours longer than it took in 1994 when they were going to

pull the Tax Code up by its roots or drive a stake through the heart of the Tax Code.

The American people could be hardly more clear on the message they are sending to all of us. They need help navigating this process. It has become much too complicated. Sixty percent of the individuals hire a professional today to prepare their taxes, an increase of 50 percent from 1994 when they were going to drive a stake through the heart of the Tax Code, when they were going to have a long funeral procession for the Tax Code, when they were going to pull the Tax Code up by its roots.

If my colleagues really want to do something in this institution, we do not have to talk about tax increases or tax cuts. What we could do is talk about tax simplification. Work with me on this AMT proposal that I have had. It could be done in a bipartisan manner. I wish the gentleman from New York (Mr. HOUGHTON) was staying because we have had success working on bills in a bipartisan manner, the two of us; and I regret his departure precisely because of that, and I believe that we could still do a tax simplification in the next session of this Congress without a great deal of difficulty.

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

I would tell my colleague from Massachusetts who had expressed concerns about the so-called birthday rule, we actually took it out of the legislation because of concerns expressed by the gentleman's side of the aisle.

With regard to AMT, I commend the gentleman for his work on that over the years. As the gentleman knows, in 2001 and 2003, we put in place increases in the threshold for the first time in many, many years which has saved millions of taxpayers from having to go into the AMT. We also have an extender bill that passed this House to extend that into the future.

Mr. NEAL of Massachusetts. Mr. Speaker, will the gentleman yield for a friendly observation?

Mr. PORTMAN. I yield to the gentleman from Massachusetts.

Mr. NEAL of Massachusetts. Mr. Speaker, I have been here for 16 years, and I have never been involved in an issue where people congratulated me more for bringing it forward and did less about it than the alternative minimum tax issue.

Mr. PORTMAN. Reclaiming my time, I will tell the gentleman that I actually have had legislation in to repeal the AMT for many years. So I go even further than the gentleman goes in terms of AMT relief. So the gentleman is not the only one who is interested in it; but he has brought focus to it and we appreciate that, as has the gentleman from New York (Mr. HOUGHTON).

I would also say, though, that this Congress has made some progress. It is a tough issue. Because we did not index it, therefore AMT goes to more and more taxpayers every year. By not indexing the threshold, more and more middle-income taxpayers, particularly those with children, get caught in it.

Mr. Speaker, we now have with us the chairman of Committee on Ways and Means, who has worked hard on these tax simplification bills before us, including this individual tax simplification bill that was authored by the gentleman from Georgia (Mr. BURNS).

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me time, and I have been listening to some of the discussion; and, sadly, it tends to revolve around the same themes, and what I would like to do is suggest that instead of a semantic war, i.e., you are concerned because this particular legislation was called tax simplification, we would be open to some terms that would suit you, such as Tax Code rationalization, Tax Code clarification.

If you are hung up on the fact that this is not the end-all and the be-all in terms of simplification, I can suggest to you that if you want to look at the recent record of voting on measures, the ultimate simplification of the Tax Code would be to zero out a tax responsibility for someone. That was done. In terms of the low-income who fall into the tax-paying category, if you have dividend income or you have capital gains returns, we provided a Tax Code modification which would produce a zero tax rate. Now, that is ultimate simplification, and the fact of the matter is you voted against that.

So when you take a look at areas that the administration should have changed, I do hope that you take a step back from yourself and look at yourself as others do. You are standing here on the floor of the House criticizing legislation because it does not do enough, and you point out that there are provisions in this legislation that could be done administratively, but they have not; and at some point, either you continue to state that it could be done administratively and it is not done, or you agree it is relatively modest and minor and you wonder why it has not been done, and you go ahead and say you should do it. Now, that is at least a step forward.

So when I find you criticizing, what you do is you criticize if it is too grand, you criticize if it is too minimal, you criticize if it were requiring the administrator to do something they have the administrative power to do, but they do not exercise it. In fact, all you do is criticize.

When you listen to your arguments, it really boils down to one point. You simply cannot stand the fact that you are no longer in the majority, and I understand that. I was in the minority for 16 years, and I watched what you folks did to the Tax Code when you were in the majority, and I will return briefly and then end on the theme of the alternative minimum tax.

The problem we are in today is based upon a tax measure passed by the Congress of the United States, originating in the House of Representatives, controlled by my friends on the other side of the aisle, with not one Republican voting for it, which created the non-indexed provisions which you all lament have driven people into the alternative minimum tax structure.

I will tell you, when I was in the minority on the committee, I could not understand the logic in which you wanted to impose an alternative minimum tax in the first place. Because when we began discussing the fact that there were some people who did not pay taxes and because of the various deductions in the code, it allowed them not to pay taxes, the question I asked you was why do we not modify the deductions so everybody pays taxes. That is a fundamental, direct change.

Oh, no, we are not going to do that; we are going to create a whole alternate world, akin to physics in terms of matter versus anti-matter. We are going to have a structure which has a minimum tax, then we are going to create a structure which has an alternative minimum tax, and it only works in your bipolar world if the indexing in terms of the objects you do allow to be counted against a modification of the alternative minimum tax are adjusted the way those same items are in the regular tax structure.

What you wound up doing in that piece of legislation was freezing those deductions in the alternative world which has created this march into lower and lower brackets. It is wholly something that you are responsible for.

Now, since we are now in the majority, we obviously need to address a number of areas that you either failed to address or complicated significantly when you were in the majority; but it seems to me if you want to be a constructive minority, you join with us when we have these modest changes that make sense, instead of opposing absolutely anything, whether large, small, simple, or clarification.

Someone once said the role of the opposition party is to oppose. You folks are driving it to the absolute supreme example. What you really ought to do is begin to talk about where it makes sense and we join together, we join together. You start in the small areas, and we can move to the larger areas.

You folks proved absolutely conclusively that when you ran the place you could really mess up the large areas. What you are doing now is indicating that you are more than willing to be the opposition and the obstructionists even in the small.

Mr. SANDLIN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank my friend from Texas for yielding me this time.

Mr. Speaker, I have heard my distinguished chairman make his argument

many times about the fact that we did this problem as Democrats when we were in the majority. I would think that after 10 years, the statute of limitations should have run on that argument. The Republicans have had 10 years in which to act.

I guess one of the problems that I have, Mr. Speaker, is that this bill did not go through a markup in the Committee on Ways and Means. We did not have an opportunity to offer amendments.

The chairman complains about the fact that we do not like the title of this bill, Tax Simplification for Americans Act. If we had had it in committee, maybe I would have had a chance to offer an amendment to clarify exactly what this bill does, which is very little. It does not carry out a commitment that was made by the Republicans to simplify our Tax Code.

We bring that up because, as my colleagues have already pointed out, there were statements made 10 years ago when the Republicans took control of this body that tax simplification was going to be their top priority, and they simply have not delivered on that. We have not had any bold proposals. Instead, what does the record show?

Well, we have seen that the number of pages of the Internal Revenue Code and Regulation now equals 54,846 pages. That is a 35 percent increase from what it was in 1995. That is hardly tax simplification.

We have talked about the alternative minimum tax, and why do we mention this? My good friend from Ohio indicates that we are making progress in dealing with the alternative minimum tax. Mr. Speaker, I would say to my colleagues that we are not making progress in dealing with the alternative minimum tax because, under current tax law, the number of taxpayers who are going to be subject to the alternative minimum tax by the year 2010 will be 33 million taxpayers, up from 1 million taxpayers in 1999. That is not making progress. One out of every three taxpayers will be subject to the alternative minimum tax. Six million taxpayers will face the alternative minimum tax in 2010 just because they have children, and we talk about marriage penalties here. A person is 20 times more likely to be subject to the alternative minimum tax if they are married.

These are issues that we would like to address in the committee that I have the honor of serving on; but instead, we get bills that are brought directly to the floor; that we do not have a chance to offer amendments on; that are brought up under suspension where all we can do is vote the bill up or down. Obviously, it might make some progress but very little, and it does not deal with the underlying issue of complexity in our Tax Code and, therefore, should not be called the Tax Simplification for Americans Act.

□ 1600

Mr. Speaker, let me just say in conclusion, we are doing all this and still adding billions and billions of dollars to the national debt in the tax policies that we are bringing forward. That is hardly serving the interests of the people we represent.

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

Mr. SANDLIN. Mr. Speaker, I yield 3½ minutes to the gentleman from Washington (Mr. McDERMOTT).

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

Mr. McDERMOTT. Mr. Speaker, as I sat and listened to this debate, I thought of a very famous quote from Groucho Marx. He said if you are going to go into politics, the first thing you have to learn to do is learn to keep a straight face and act sincere.

Now this bill taxes anybody's ability to do that. It is election time. We have a man from a southern State who is running for election. He spent a million dollars in the primary, and yesterday he did not do that well. But he now has this bill the next day to take home and say, ''I have brought tax simplification to Georgia.'' That is what we have here today.

I understand it is election time, and the gentleman from Texas (Mr. DELAY) certainly has interest in tax simplification, but the other side of the aisle simply has no credibility on this issue.

They have been talking about this for 10 years. My colleague from Maryland pointed out the other side has passed 42 new laws since 1994, and they have added 3,533 changes to the law covered in more than 10,000 additional pages.

Now, not one single committee had a hearing on this. This is such a political bill, they did not even bother to run it through committee. They said, What does this guy from Georgia need? Let us give him a bill and pass it so he can run home with it and put out his press release.

Mr. Speaker, I guarantee there will be a press release this afternoon that will hit the Atlanta Constitution and whatever else is in Georgia. It is done for that reason. Otherwise it would have gone through committee and had a hearing, and we would actually talk about it. But when it has no purpose legislatively, there is no sense running it through the legislative process; just jam it through so we can get it into the campaign.

Now, we cannot find time in this Congress to deal with the alternative minimum tax. Everybody is out here saying bad things about it. The reason AMT was put in in 1986 was very simple, and that is, there are rich people in this country. It may come as a surprise to some Members who do not think of themselves as rich, but there are some really rich people, and they were manipulating the Tax Code so effectively that they could have $10 billion and not pay any taxes at all.

The average working Joe or Jill who carries a lunch bucket to work or to the restaurant where she works or as a maid in a hotel, they pay taxes. And then you have got these really rich people out there who are not paying anything.

So the decision of the Congress was, and it was another Congress, not a Republican Congress, it would never have passed if you guys had been in charge, I understand that, because you think if you can figure a way out of paying taxes, you should not pay any. You do not owe anything to the country. You should not pay any part of what is going on in Iraq.

You should not pay anything for what is going on in Iraq, you should not pay anything for what is going on in homeland security, that should be paid by Joe Lunch Bucket and Jill Lunch Bucket. You do not want an alternative minimum tax, and what you are doing, we all know, is letting more and more people get sucked into it. They have to do their taxes twice, so you can get rid of it to help the people at the top. It is real clear what the other side is up to.

Mr. Speaker, this silly bill the other side of the aisle has out here today, I do not think anybody is going to vote against a title like ''tax simplification.'' The first section you dropped; the other ones do not do anything.

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

Mr. Speaker, I appreciate the gentleman's defense of the alternative minimum tax. We just fundamentally disagree. We do not think there ought to be an alternative minimum tax. We think we ought to change the code. If Members think people should not get preferences in the code, change the preferences. Let us be honest about it.

But I am glad the gentleman is honest about it and saying he supports it, and it was done in a Democrat Congress and he would like it to continue. I would also say that the gentleman's attempt to imitate a southern accent, and my colleague from southern Texas can confirm this, is as bad as his analysis of the underlying legislation before us. This is not everything, but it is a good bill.

Let us talk about the facts. We have had a lot of interesting conversation about what it does and does not do, but let us get to the facts. Number one, it clarifies a misleading part of the code which has to do with a filing status title. It will help about 6 million Americans who file the wrong way because it is misleading.

It is going to help with regard to letting people use the short 1040EZ and 1040A tax forms, which will help save millions of dollars and also millions of hours of taxpayer work in terms of putting their taxes together.

Finally, it eliminates a bunch of deadwood. The ''head of household'' filing status, which is the first thing it does, is generally for single taxpayers with dependents, we changed it to say that, ''single head of household.'' That makes it clear to the vast majority of married taxpayers that they are not eligible.

Again, about 6 million of them a year inappropriately choose that filing status when they should not, and it causes great problems to them and to the IRS. In fact, the IRS gets over a million calls a year just about filing status. At any given time, there are 18 million people who might be subject to audit because they choose the wrong filing status. Being subject to audit, especially to lower-income taxpayers, is devastating, and so we are trying to help those people.

It also expands the 1040EZ and the 1040A by allowing taxpayers with up to $100,000 in taxable income, rather than $50,000, and who have interest payments, to be able to use these shorter forms.

What is the difference? The normal tax forms takes on average 28.5 hours to fill out. The 1040EZ, 3.5 hours. That is a huge time savings for Americans who do not have enough time to do the things that they want to do, to take that time away from filling out taxes. Again, it is a tremendous savings of money and time.

Yes, the IRS may be looking at this, but they have not done it, and it is the right thing to do, so let us do it. It has not been adjusted since 1982.

Finally, getting rid of some of these deadwood provisions is extremely important, cleaning up the code for individuals because people make mistakes based on these inaccurate provisions in the code. We have gone through it using the Joint Committee on Taxation, professional analysis, to determine what is appropriate and what is not.

This is good government legislation. I urge my colleagues on both sides of the aisle to strongly support this.

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

Mr. Speaker, our honorable chairman mentioned maybe we should rename the act because we had been criticizing it, and maybe call it the ''Taxpayer Rationalization Act.'' Well, I had already proposed calling it the ''All Sizzle and No Steak Taxpayer Act,'' and certainly we would accept that moniker.

The honorable chairman indicated that we are unfairly criticizing the bill, but I might mention, we are only criticizing it because it is wrong. Adding ''single'' to the ''head of household'' is just simply incorrect. If it was so simple, we would not have to be debating and talking about it so much.

In fact, the Tax Code contains 1.4 million words, 10,000 of which have been added since the gentleman from California (Chairman THOMAS) got into the majority, and now we can make that 10,001 words, as we add the word ''single,'' although it certainly is incorrect.

I feel that in looking at this we have to clarify what the bill does and does not do by asking ourselves certain questions and asking the author certain questions about the intent of the bill.

The questions would be: Does the bill deny the tax benefits of head of household status to a married woman whose husband has abandoned her and the kids? And the answer to that would be ''no.''

Does the bill deny tax benefits of head of household status to a married man who is legally separated under the laws of a State of this Nation, who has custody of the children? And again the answer would be ''no.''

So if the provision does not apply only to single taxpayers, what does the provision do other than add confusion by using the word ''single,'' which is inapplicable.

Finally, I am curious about the other provision of the bill, which would require the IRS to change the short forms to allow taxpayers with higher incomes, up to $100,000, to use the forms. My questions are: Does the code need to be amended, added to, to change how tax forms are printed and formatted? And the answer would be ''no,'' they have authority to do that under the current law.

And do the experts at the IRS and the Treasury think that these forms that we currently have should be changed? And I think obviously not or that would have been done.

Now, possibly some of these issues could have been addressed if we had gone through the regular order and process of the House, as was mentioned by the gentleman from Maryland (Mr. CARDIN). The rules are there for a purpose. Possibly if we had gone through the Committee on Ways and Means to consider this bill, these issues could have been addressed. We could have renamed the bill the ''All Sizzle and No Steak Act.'' We could have made sure that the word ''single'' was inserted if it was accurate, and not inserted if it was not.

But again, the rules are there for a purpose. We did not follow the rules, and we find ourselves here today in this confusion. So again this legislation may be marginally helpful, but why miss an opportunity for real tax simplification?

Since 1994, the majority has enacted 42 new public laws with 3,533 changes to the Tax Code contained in those more than 10,000 additional pages of complex public laws. That averages 360 changes a year with no serious efforts made to provide simplification. The Tax Code currently contains about 1.4 million words. The Tax Code has more than 4,700 pages. The Tax Code content has grown by at least 15 percent since the majority took over in 1994. It has grown 15 percent. The Master Federal Standard Tax Reporter used by accountants and lawyers is more than 60,000 pages. Since 1994, that manual has increased by 2,000 pages.

Today it takes average, middle American families 7.5 hours longer to fill out their tax return than it did in 1994, an increase from 11.5 hours in 1994 to 19 hours today. That is a full day's work for most Americans. And what do we do to simplify? We add the word ''single.''

Mr. PORTMAN. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Minnesota (Mr. RAMSTAD).

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

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of the Tax Simplification for Americans Act.

Mr. Speaker, I rise in strong support of the Tax Simplification for Americans Act.

As American taxpayers know too well, the tax code is incredibly complex and compliance is all to expensive. Americans spend 3 billion hours per year filling out tax forms and keeping tax records. The cost of complying with the code is a whopping $85 billion per year. That's 3 billion hours and $85 billion that could be put to much productive uses in America.

This bill will offer taxpayers some meaningful relief from complexity. about 1.6 million people will be able to fill out simpler tax forms—1040A and 1040EZ—rather than filling out the 1040 form with all its schedules, which takes about 28.5 hours to complete.

The bill would also end the confusing use of definitions regarding a taxpayer's age. It also clarifies the "head of household" definition, which will help taxpayers prevent errors in filing status. In addition, the bill gets rid of a number of outdated and unnecessary provisions in the tax code.

Mr. Speaker, we have a lot of work to do in the area of simplification, but this bill is an excellent start. It will mean real help to real people.

I urge my colleagues to support this important bill.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. PORTMAN) that the House suspend the rules and pass the bill, H.R. 4841, 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.

MILITARY HOUSING IMPROVEMENT ACT OF 2004

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4879) to increase the military housing private investment cap.

The Clerk read as follows:

H.R. 4879

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

SECTION 1. SHORT TITLE

This Act may be cited as the ''Military Housing Improvement Act of 2004.''

SECTION 2. INCREASE IN MILITARY HOUSING PRIVATE INVESTMENT CAP

Section 2883(g)(1) of title 10, United States Code, is amended by striking ''$850,000,000'' and inserting ''$1,350,000,000''.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

Mr. HUNTER. Mr. Speaker, I rise in strong support of H.R. 4879, the Military Housing Improvement Act of 2004. We have spent the last several hours debating points of order and budgetary implications of a provision in the Military Construction Appropriations Act to address the housing privatization program. H.R. 4879, I am pleased to say, goes straight to the heart of the matter by raising the cap on the housing privatization program by $500 million, enough to permit DOD to continue the program through fiscal year 2005.

As Member after Member has pointed out today, the Military Housing Privatization Program has been an unqualified success. By leveraging the interest of private sector developers and property managers, housing privatization improves and manages military family housing better, more quickly, and at lower cost than our traditional military construction model.

To date, the housing privatization program has leveraged a government cash contribution of only $500 million to build approximately $5.6 billion in housing construction. Furthermore, privatized housing is a tremendous improvement over existing DOD housing facilities.

□ 1615

Privatized homes are often equipped with new appliances, built to modern standards, well-maintained, and are parts of communities. This is in stark contrast to the patchwork of poorly maintained housing for which DOD is known.

Despite the success of the housing privatization program, a legislative cap will soon bring a halt to the program by preventing DOD from entering into new privatization contracts after November 2004. The FY 2005 National Defense Authorization Act contains a partial fix to this problem. It eliminates the cap in fiscal year 2006. However, it leaves a gap between November 2004 and October 2005 during which DOD would be unable to sign any privatization contracts that would count against the cap. As a result, most projects DOD plans to begin in fiscal year 2005 would be delayed until October 2005. This would affect approximately 24,000 family housing units at at least 16 installations nationwide.

H.R. 4879 addresses this problem by increasing the cap on the program by $500 million, enough to allow DOD to proceed with its privatization program through FY 2005. The program is a success. I urge my colleagues to join with me in ensuring that it continues by supporting this bill.

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

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume. My fellow Missourian, Mark Twain, once said, ''The more you explain it to me, the more I don't understand it.''

I have no idea why we are considering this bill, because all the majority had to do was not raise a point of order on the appropriations bill. I do not want to say this is a cynical gesture, but it is. We are considering this bill because the majority is not serious about taking care of the troops and their families. 24,000 families will do without because the other bill will have a point of order raised on it. All they had to do on the other bill, the appropriations bill, was not to raise a point of order and 24,000 military families would have their housing in 2005.

I appreciate the fact that our friends in the majority are taking the issue seriously, but it appears to me that this is going around Robin Hood's barn to do what could be simply done by not raising a point of order.

While this stand-alone bill is fine on its merits, it is going to die in the Senate. It will go nowhere. What we wanted to do was raise the privatized housing cap in the Military Construction Appropriations Act. That is legislation that the Senate cannot ignore. And all we had to do was just not raise the point of order and those young families would have their housing.

I cannot argue against the words of this measure, but we should not be deceived. This is a ruse to avoid dealing with the privatized cap on an issue in a must-do piece of legislation. The details of the cap issue have been discussed at length by others, and I raised the issue during the rule on the other appropriations bill. Let me just say that because the Committee on the Budget refused to accommodate bipartisan requests on both sides of the aisle by the Committee on Armed Services, the Defense authorization bill bowed to CBO scoring. As a result, we could not fix the problem until 2006. Consequently, 24,000 military families do without.

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

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I want to extend a very warm thanks to the gentleman from California for bringing this bill to the floor. He is a devoted patriot and devoted to the men and women who serve in our military, and he has proved that so many times. What he does today by expediting the consideration of this bill, the military folks I think will appreciate him and express that appreciation in many ways. The gentleman from Missouri again is absolutely correct. This is a total bipartisan effort not only on the part of the committees but the House, the administration, the President, the Department of Defense. Everybody. It is really a shame that we have to ask the gentleman from California to bring this bill up basically out of order. But since there is the threat of not allowing the appropriations bill to include this issue on military family housing, this is the only other way to get to it.

But here is the problem. This bill will pass today with a big vote, but that is the end of it. It is never going to pass. It is never going to become law. We are never going to see it anywhere. The appropriate way to do this is on that appropriations bill that we were talking about all morning and that we will come back to later this afternoon. That is the right way to do it and get it done.

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

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

Mr. SKELTON. I thank the gentleman for agreeing with me.

Mr. YOUNG of Florida. The appropriations bill is a must-pass bill. It will pass eventually. I cannot say when. We are going to pass it. I cannot say when it might get final passage, considering the other body has to deal with it; but the appropriations bill has to pass as all appropriations bills have to pass, or the government shuts down. We have not let that happen for a long time, and we are not going to let it happen now; but it is a shame that we have to use, as the gentleman from Missouri said, the round robin way to get to this when we could have had it done and over with and on the way to the Senate if we would have just passed this bill the way that the committee wrote it with the bipartisan support of everybody involved, except the Committee on the Budget.

Mr. SKELTON. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentleman for yielding me this time.

Mr. Speaker, we are not legislating here today. We are engaging in a giant game of charades. Let me explain. The gentleman who just spoke, the gentleman from Florida, is the senior Republican on the Committee on Appropriations. I am the senior Democrat on the Committee on Appropriations. We are absolutely as one on this issue. I totally agree with everything the gentleman just said. What I would like to do is to repeat what he said in a slightly different way to drive home the point that he was making.

What has happened, Mr. Speaker, is that the Committee on Appropriations brought to this floor earlier today the military construction bill which contained a provision which enabled us to improve military housing for thousands of young military families who are sacrificing more than anybody else in this country because of the Iraq war.

When we did that, the chairman of the Committee on the Budget made known his unhappiness with that action because it technically breached the previous budget resolution which the Committee on the Budget had pushed through this House on an earlier date. So the chairman of the Committee on the Budget made known his intent to eliminate that provision by making a point of order against it when it was before the House. That meant that that action would effectively deny that improved military housing to somewhere between 23,000 and 50,000 additional military families.

So now what is happening is this. Because evidently some people are uncomfortable with their being politically exposed on that issue, we now have seen the authorizing committee ask to bring this bill to the floor which purports to accomplish the very same thing that was accomplished by the appropriations committee. The only reason that this is allowable under House rules and the appropriations bill was not is because the gentleman's ability to make a point of order lies only on a bill which has been reported from a committee. This provision that is before us was never considered by the committee and so, therefore, it is exempt. So it is a procedural loophole which is being used by the Committee on the Budget in order to force this House to go through this outrageous charade, and the net result is what?

The result will be that the bill now before us will not pass. We have absolutely no guarantee whatsoever that it will be passed in the Senate. So this is probably on a short track to nowhere. Meanwhile, the one bill that we know will pass, the military appropriations bill, will now fall victim to a point of order that will be lodged by the gentleman from Iowa. The result is the only vehicle which is guaranteed to pass will no longer contain the provision helping military families. A vehicle which is not going to go anywhere will contain that provision that does not help anyone.

The bill that is before us today is not a substantive fix. It is a political fix. It takes care of a few people's political problems, but it does not solve the problem of the military families. This is an outrageous charade. I welcome the action of the gentleman from California and the gentleman from Missouri in at least trying to do what they can to help these military families get the housing assistance they need, but we would not have had to go through this if we had simply allowed the Committee on Appropriations to proceed with its bill; and even though we are allowing this committee to take this action today, there is no guarantee whatsoever that this action will produce one additional decent house for a military person in this country. The only guarantee is to vote for the military construction bill with that provision.

Right now this entire issue is in the hands of the gentleman from Iowa. If he wants to effectively deny military families that decent housing, he will proceed to object to the provision in the military construction bill. I do not think we are going to fool anybody with the charade that is being participated in by bringing this bill to the floor.

Mr. HUNTER. Mr. Speaker, on that optimistic note, I yield myself such time as I may consume. Let me just address my friend who just spoke and all Members. This bill does have meaning because every time the full House manifests its will and gives a good majority vote, a good solid vote, that is a very important boost to the process. I would just tell the gentleman that we are going to make sure that by the time the smoke clears and the dust clears in this process, we are going to have these 24,000 units released for construction. It is important to everyone. I might say, also, and I appreciate my friend from Florida and all the great work he has done on this, and all the members of the Committee on Armed Services, that we do have this problem fixed from 2006 on. It is this gap, this bridge this year that we need to fix.

I might mention to my colleagues that the gentleman from Iowa is the author of this provision. I think that bespeaks of his good intentions to get this problem taken care of.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, I thank the very distinguished chairman of the Committee on Armed Services for yielding me this time. There is no one in this body who has worked any harder than he has in making this issue resolved, getting it to resolution. I appreciate his willingness to expedite this bill that I introduced today in order to help deal with the problem.

To those who are suggesting that this bill goes nowhere after it passes unanimously today, I just ask them, why? I see them shaking their heads, but why is it that the other body would stop military families from receiving this benefit? And why is it that the other body would oppose the Department of Defense authorization, as we hear is occurring? Why are they stopping everything? For our defense needs, our intelligence needs, our military families, everything is stopped. They have not even been willing to vote on a budget.

I ask the Members, is that a problem? Of course it is. Do we break our rules? Do we bust our budget in order to do that, in order to fix it? I would suggest no. You have the right to overrule that. You have the right to vote differently. I would suggest you do that if that is how you feel. But then do not come to the floor and lecture the Committee on the Budget about how the budget process is broken. Do not come to the floor and lecture the American people about deficits and national debts and tell me time and time again during the budget debate itself how when you are in a hole, you stop digging. I believe if I had a nickel for every time that speech was made, we could probably resolve the national debt and the deficit, because when you are in a hole, you stop digging.

How could you do that? Today the Committee on Appropriations brought to the floor a bill that busts the budget by $1.2 billion instead of looking throughout the rest of their budget, the rest of their appropriations allocation of $821 billion, to find enough money in order to meet the needs of our military families.

□ 1630

So they came to the floor and for the very first time since Republicans took the majority, violated a rule, bringing to the floor an appropriation bill that busted their allocation called 302(b), which I understand most people watching do not pay any attention to.

Yes, these are arcane rules, but the reason that we have these rules is so that we can try to get a handle on spending. And, no, it is not just for military families. I ask Members to look through that $821 billion and they will find many places that are less important than our military families. That is why this bill needs to be supported. We need to pass it, and we need to put pressure on the other body that stands in the way of all progress for our military, passing the Department of Defense authorization, passing appropriation bills.

We are not even going to pass the Military Construction appropriation bill before the election. I will bet my colleagues on that one. Will we do what is called a CR? Probably. But do my colleagues think we are going to pass that before this election? Do my colleagues think we are not going to have CR and CR and CR? If it is such an important priority, where are these people rushing to get this done?

So I want to commend the gentleman who is the very distinguished chairman of the Committee on Armed Services who has jurisdiction over this issue, who has been working on this, who is bringing this bill today to the floor and deserves the ability to continue to work on this and not put it in an appropriation bill when it does not belong there, and it busts the budget.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

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

I would simply ask the gentleman, does he mean that even though his party controls both Houses of the Congress that they are not going to be able to pass a Military Construction appropriation bill, one of the 13 bills that must pass this Congress before we adjourn; and yet he believes that the Senate somehow will miraculously pass this bill which has nothing else going for it?

Give me a break. I do not mind if the gentleman wants to fool himself, but

do not think he is fooling me with this action.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, the gentleman from Wisconsin has been a Member of the House Committee on Appropriations longer than anyone else on that committee. Help me out. If the provision in the appropriations bill busts the budget and this bill that we talk about today has the identical effect and it does not bust the budget, can the gentleman explain to me how that works?

Mr. OBEY. Mr. Speaker, the only way the gentleman from Iowa can get away from this is that the rule he is citing applies only to a bill that is reported from committee. This action is not reported from committee, so he gets around the very rule he professes to be supporting.

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

Mr. Speaker, let me just say that we have obviously a difference of opinion as to how we get this particular measure forward, how we move it forward. We have got people of goodwill on both sides.

I have recommended today, even though we are the authorizing committee, that we give up some of our turf today and let this thing pass on the appropriations bill. There is obviously a problem with that occurring.

We have got this measure up, which is authored, in fact, by the gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget, as evidence of the fact that he wants to get this thing to move forward; and I think if we pass this with an overwhelming vote, manifesting that will of the House is going to help this process.

We have got a long way to go before the dust settles on the spending bills this year. We are going to make sure that this problem is solved this year. The exact parliamentary road for that obviously has not been determined, as is, I think, evidenced by the debate that has taken place.

But I would just ask Members from all positions, from all points, who have one piece of common ground, and that is to get this very important housing measure passed, to work together on this thing and move forward.

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

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I think the chairman is operating in totally good faith, but the way to move forward is to support the Military Construction appropriations bill, which came to this floor on a bipartisan basis.

The subcommittee wanted this problem solved. We solved it in the full committee with the help of the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS). This thing was worked out.

The reason we are doing this is because of this Congressional Budget Office rule, and OMB, the administration, the Defense Department all want us to do this. Why can we not figure out a way to do this today? Why do we have to wait for months when we could get this thing done?

He makes all kinds of excuses, but we might be able to put this into another bill and maybe it will go into the CR if it passes the House.

Mr. HUNTER. Mr. Speaker, reclaiming my time from my very good colleague, and I just remind him that no objection has been heard yet on the MILCON bill, and I would just would ask the gentleman, the chairman of the Budget Committee, to look at this as a very extraordinary situation, because it is an extraordinary situation in that we have a very unusual scoring application by CBO that is not endorsed by OMB and not, obviously, endorsed by us and does not make good sense. That is that the entire economic implication of this 24,000 units is being scored at one time, and that is a very unusual thing; and secondly, that we have a very unusual circumstance with this being the centerpiece of quality of life for our military folks.

So let me just suggest to my friend that we all have a job in this House and that the Committee on the Budget has undertaken to follow their duty, their obligation, in the manner they best see fit; and I would suggest to the gentleman that talking with them and working with them on this may be the way to get this thing done, and I would hope that the gentleman would talk with the Committee on the Budget.

Mr. DICKS. Mr. Speaker, if the gentleman would continue to yield, I would hope that the gentleman from California would talk to his leadership, too, because his leadership has got to play a role here in giving some guidance to senior Members, because they are in charge of the House, because they are the majority party.

Mr. HUNTER. Mr. Speaker, let me remind the gentleman that neither of us belongs to organized political parties. We are Republicans and Democrats. But I just want to remind the gentleman, too, that we are stretched between two cross-strains which are very familiar to this House. One is the strain and the discipline that is required for fiscal discipline. And we all know that, and I think we have to give some credence to the Committee on the Budget chairman's statement, because the chairman of the Committee on the Budget does stand here and he does take fusillades from both sides about spending money and about not having rules. On the other hand, we then have these extraordinary circumstances in which we beat up on the Committee on the Budget chairman for sticking with those rules.

And I told the gentleman that my position is, even though we own the turf on this as the authorizing committee, we think it is so extraordinary and so compelling we are willing to give up that turf and pass it in this particular bill.

But I would recommend to the gentleman that he talk with the members of the Committee on the Budget and remember that they have an obligation, too, and try to work through that obligation.

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

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, this is a good program, too. That is the point we want to make. This is working, and it is not costing the taxpayers money. We are using the payments to work with the private sector. This meets all the tests of a great program.

The other thing is, this is not mandatory. I mean, in other words, we can get out of this program. If the military does not need the housing, then the private sector will take the project over and operate it. That is why I am wondering why this big scoring rule when, in fact, we are not putting real money into this, we are just giving a guarantee, and that way we get the housing done and it is much more effective than military construction.

Mr. HUNTER. Mr. Speaker, reclaiming my time, let me respond to the gentleman because I think all of us were disappointed when we saw what I think is a very unusual ruling, that this is all to be costed up front, and that was a highly unusual ruling which I think is erroneous.

On the other hand, it has put us where we are. And what we have got to do is work through it, and I think we are going to work through it.

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

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

My recollection, during the earlier debate on the rule on the appropriation bill, was that my friend and my colleague and chairman of the Committee on Armed Services, during his very eloquent speech at that time, urged the gentleman from Iowa not to raise the point of order.

So I ask this question, Mr. Speaker: In order for us to have 24,000 more family units under the privatization program, the only thing that has to happen under the appropriation bill would be for the gentleman from Iowa, the chairman of the Committee on the Budget, not to raise a point of order.

So I ask the gentleman from Iowa, will he insist on raising the point of order on the appropriation bill?

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

Mr. SKELTON. I yield to the gentleman from Iowa.

Mr. NUSSLE. Yes, Mr. Speaker, I will insist on that.

Mr. SKELTON. Mr. Speaker, he will insist on raising the point of order.

Mr. Speaker, we just saw 24,000 military families getting their just housing delayed for a long time.

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

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, I would say to the gentleman from Missouri, I have even been told today I was shooting at Santa Claus. Somebody came to the floor and said I shot Santa Claus today. My goodness, I have been accused of a lot of things, but shooting Santa Claus and personally, individually, one Member stopping 24,000 families from getting that housing, let us review the record.

If this was so important, would my colleagues not think that the Committee on Appropriations, in their base bill as it was reported to the subcommittee, do my colleagues not think that in that base bill they would have written this procedure in? It was not done. It was not done. In fact, it was done as an amendment at the committee.

So I understand that this is now a pretty important priority for a number of reasons. Some of it is politics. Some of it is expediency. Some of it is probably due to the fact that we have a body across the Rotunda that does not appear to be getting much accomplished. There is a lot of that that probably makes it very difficult. But that does not mean that we bend our rules, we break our rules here in the House in order to proceed.

There is not one family today that loses their housing as a result of a point of order on the House floor. My goodness, if that was the case, there would probably be a lot more Members down here doing a lot of points of order on a lot more issues.

What needs to be done is, priorities need to be made. We need to within the bills determine what is important, and I would stack up military housing to just about anything else in most of these bills that come to the floor called appropriation bills.

People want to talk about priorities? These are the priorities, and the gentleman from Missouri is as strong as the gentleman from California in understanding that. But I am, too, and every Member of this body is, too. And I appreciate the leadership that that gentleman from Missouri makes every day for our men and women. But we have many leaders who make that same sacrifice, and I do not count myself in the back seat to any one of them.

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. DICKS).

□ 1645

Mr. DICKS. Mr. Speaker, I want to point out to the distinguished chairman that it was because the chairman of our subcommittee, who has worked so hard on this, asked us to do this in full committee. We did not raise it in subcommittee. We had a long discussion about it. The gentleman from Michigan (Mr. KNOLLENBERG) asked us to hold up and do it in full committee. So the committee on a bipartisan basis agreed to that strategy.

This was not because it was not a big priority. It has been a big priority all year. So the gentleman from Iowa, the chairman of the Committee on the Budget, is misinformed on this subject.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, in my 14 years in the House, the introduction of this bill this afternoon is the most cynical charade I have ever seen. This bill, they did not even know what bill number to put on this. They had to mark out one bill number and put another. They had to hand write part of this. What a sorry way to deal with the needs of 24,000 military families, the need to get better housing.

I think it is interesting that the gentleman from Iowa, the very person who within the next couple of hours is going to kill our opportunity to solve a military housing crisis, is at the moment trying to get us to pass a bill that a few hours ago had not even been introduced.

It is also interesting that the same gentleman who introduced this bill, that says this is the solution to our military housing problem, then spoke on the floor just a minute ago saying the other body cannot pass anything.

What reason do we have to believe that this is going to go anywhere? It is probably to go in a trash bin of fig leafs. And that is exactly what this is, and that is what bothers me more than anything. When the House Republican leadership this morning could have stood up for our military families, who deserve better housing, especially during a time of war, they were not only AWOL, they broke arms on the floor of this House for 25 minutes to see that Members voted for a rule that would get us into exactly the quagmire we are in at this moment. Shame on them for doing that.

Now the House leadership, when the issue is no longer providing new housing for military families, the issue is far more important than that, a much higher priority than that. It is how do we pass a fig leaf today so that Members of Congress are not embarrassed, 212 of them who voted to get us into the position we are in today? One Republican Member could have added to that vote saying to the Speaker, I am going to put military families' interests today above my loyalty to you, and we would not be here.

We can solve this problem. We do not have to pass this fig leaf that is going nowhere. We ought to simply bring back up the military construction appropriations bill and pass it by unanimous consent, a bill that was put together on a bipartisan basis.

But, unfortunately, the same leadership that turned its back this morning on the Air Force Association, on the Association of the U.S. Army, on the Military Officers Association of America, and on the National Military Families Association, the same leadership that turned their back on these groups that wanted to really help military families to better housing, that leadership is now saying, gee, we could not do that this morning, but we can pass a fig leaf bill.

Why can they pass a political fig leaf for Members of Congress, but cannot do something over the last 6 months that we have been asking to help military families get better housing?

This is a sad day for all the servicemen and -women in our country who sacrifice for our Nation. I am proud to represent 40,000 of those great servicemen and -women at Fort Hood in my district. What we ought to do is pass a military construction bill. Let us put military families first, not fig leafs for politicians first.

Mr. HUNTER. Mr. Speaker, I yield myself 1 minute to remind my friend that the same Republican leadership that he has criticized so heavily is the Republican leadership that passed concurrent receipt, where retirees can receive their checks and disability checks; has urged and has passed the survivor benefit program, which laid in state for years; has increased the equipment supply from an average of about $45 billion a year under the Clinton administration to an average of about $70 billion a year for new equipment for our troops in the field; and supplied the ammunition, force protection and, surveillance they have been so sorely lacking the last 15 years.

I would remind my friend, this should not be a blame day; this should be a day in which we all work and move forward. I think that every vote that one takes on an issue, one can call this a fig leaf vote if one wants, but I would remind my friend that every vote that we take on an issue is an important vote.

I would just tell my friend from Texas, at the end of this year when the dust clears on this process, which is obviously affected by the political season, we are going to have legislative vehicles come down the track and get across the finish line. This problem is going to be fixed.

If my friend wants to ask me to take the floor with him at the end of this session and we will prove up, I will be happy to tell him now, I will give him my word, this problem is going to be fixed.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Again, Mr. Speaker, I thank the gentleman from California (Chairman HUNTER) for the good work that he does and the strong support he is giving us on this issue.

Mr. Speaker, I want to correct one thing said earlier on, that nothing is getting done, that the national defense bill is not working and this is not happening and that is not happening on national defense. The national defense appropriations bill has been passed by

the House, has been passed by the Senate, has gone to conference; and, as a matter of fact, it has been filed and we would be considering it right this minute if it had not been for the fact we are having to deal with this issue.

As we deal with this issue, we are spending a lot of time; and that is okay, because the issue is extremely important. But I have to keep asking myself over and over again, and I can usually come up with the answer: What is the difference in doing it on the appropriations bill or doing it on a freestanding bill? The effect is the same.

The chairman who is going to raise the point of order on the appropriations bill is the author of this bill, so I have a hard time understanding what the problem is. I do not know if there is a good answer to that. But no matter how we do it, it is going to have the same effect.

If we do not do it, we are going to have many people who are looking forward to having decent housing for their military families that are not going to get it any time soon. That is the big issue.

Now, when it was suggested that someone was shooting Santa Claus, I said that earlier in debate. I said, let us not have these kids in Iraq and Afghanistan who are planning to have their families in decent housing, let us not let them think Santa Claus is going to be shot today. Let us not be the Grinch that stole Christmas.

Let us do what we have to do; let us do what is right. If we are going to do it later, why not do it now, while the vehicle is before us? There are a lot of questions that I really cannot get answers to in my own mind.

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

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

Mr. OBEY. Mr. Speaker, I simply would like to say there is no financial difference whatsoever between these two approaches. The only real difference is the one being proposed by the gentleman from Iowa probably will not become law, and the other one will.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, the gentleman is exactly right.

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentleman from California (Mr. HUNTER) has expired. The gentleman from Missouri (Mr. SKELTON) has 6½ minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

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

Mr. Speaker, it is a sad day today. I do not know if anybody else is as ashamed as I am that we are going through this kind of a process. When I think back at the times I have visited Iraq, five times that I have visited in Iraq, and I sit across the table, whether it is for breakfast, for lunch or for dinner, with the soldiers, they look at us and they have a trust that we are going to do the right thing. They look at us, and they know that we are going to represent their best interests.

In my district at Fort Bliss, Texas, there are about 2,500 military families that have been looking forward to getting a benefit from this program that we are talking about here. We were looking forward to it.

It is clear to me that what we are doing here today is a lot of political CYA and nothing substantial apparently is going to come from it. Shame on us for not having the guts to stand up and do what is right for our military families, and shame on us for passing emergency legislation, supplemental bills, that give $20 billion, $21 billion, whatever that figure is, to reconstruct neighborhoods, give garbage trucks and all of these other things in Iraq, when we cannot even do the basic thing for our military families.

So here we are in this situation here, where we are talking about what a great job our military is doing, how proud we are of them and how we consider them heroes; and at the same time, we cannot find a process to give their families who are sacrificing beyond what most of us can imagine, who are sacrificing, we cannot give them decent housing.

Shame on us. We call this the people's House? We ought to be ashamed of each and every one of these machinations that we put ourselves through.

So it is a sad day for me. It should be a sad day for all of us. But, most of all, as I look at my watch and it is sometime after midnight in Iraq, those soldiers are putting their lives on the line for us for everything that we hold dear. We ought to have enough guts to do whatever it takes to find the money, to ensure that the money is there.

I will tell you very honestly, I do not have the knowledge of the intricacies of the budget and all of these other things that my honorable colleagues have, but I do know one thing: do not run a sham on our military families. That is all they care about. All they want to know from us is, as they look in our eyes, that they can trust us, that we are going to deliver for them like they deliver for us every day. Shame on us.

Mr. Speaker, at Fort Bliss in my district, nearly half of the NCOs attending the Sergeant Major's Academy live in beautiful recently built homes. The other half live in what is affectionately referred to as "Bedrock." While there is something nice about returning home to a neighborhood where your neighbors are Barney and Fred, it's not the neighbors that make this area of family housing on Fort Bliss resemble Bedrock—it's the fact that despite noble efforts by the folks at Fort Bliss, the houses are in poor shape and look like they were built in the Stone Age.

About 2,500 military families at Fort Bliss were looking forward to living in new or improved homes, thanks to the Military Housing Privatization Initiative (MHPI) that is scheduled to start this year. The Army's arm of this program, the Residential Communities Initiative (RCI), aims to eliminate inadequate housing on Army bases by 2007 through the construction of new homes, the improvement of current structures and the incorporation of community features such as recreation centers into military posts. At Fort Bliss, this means that "Bedrock" will be a thing of the past.

MHPI is an extremely cost-effective measure because contractors pay the up-front costs and recover their investment through rental payment. MHPI also stimulates local economies by providing job opportunities in the construction and maintenance of homes and facilities. Unfortunately for the 2,500 military families at Fort Bliss and for thousands of other families across the country, MHPI is threatened by a funding cap which will be reached in November of this year.

Mr. Speaker, earlier today, I stood on the floor of this House to urge my colleagues to vote against the rule for the FY05 MilCon appropriations. The rule would have stripped a provision from the bill to ensure that the MHPI program would continue. The passage of that rule almost ensures that this important provision will be eliminated from the appropriations bill. The bill now before us, H.R. 4879, contains language that is nearly identified to the military housing privatization provision in the MilCon appropriations bill. This bill is basically a face saving measure by the Republicans. This suspension bill that increases the housing cap does not keep out faith with our men and women in uniform. If the provision is in the MilCon appropriation bill, it will be committed to Conference and the Senate must deal with it. If, on the other hand, it is passed as a Suspension, the Senate is under no obligation whatsoever to consider the measure, and we have no idea if it will ever see the light of day—in short, the odds that it will become law are dramatically decreased. Mr. Speaker, this bill is a cynical gesture and a slap in the face of our brave men and women of the armed services. Our men and women in uniform and their families deserve the very best—and adequate housing is the least that we can provide for them. Unfortunately, this bill falls far short of ensuring that they will get the housing they so need and deserve.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, when we look at the issue today, it is very simple. It is so simple. Private industry is putting a lot of money out so that our soldiers and their families can have adequate housing.

But let me look at the other side. When the pilots that we train, when the helicopter pilots leave, when the tank drivers leave, do you know how much it costs to train them? Private industry, my friends, they do not put one penny into that. It comes strictly from the taxpayers.

We know that a lot of the more senior members of the military are coming out, because the terrorist environment is blooming and they are getting out of the military so that they can get better paying jobs, and we are forcing them to leave the military because their families do not have adequate housing.

I have talked to helicopter pilots, and they tell me that they get calls in

Iraq about the plumbing in their homes not working, about the electricity having been shut off because of the wiring.

Mr. Speaker, let us do something that we need to do now and support our soldiers. It will take millions and millions of dollars when those senior members of the military get out, because their families do not want them to stay in the military because they do not have adequate housing.

Mr. Speaker, I promised the soldiers that we were going to correct that. Now I feel kind of embarrassed that we could not deliver to them what they need. I feel like my colleague. I am ashamed that we were not able to help our soldiers, those who are being wounded, those in the different hospitals.

Mr. SKELTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we pride ourselves in this body, I know my chairman and I pride ourselves, in working for and supporting the troops. But supporting the troops is more than a bumper sticker. We are the one body in the United States of America that can speak, and speak with authority, and make good things happen for those families and those soldiers, sailors, airmen and Marines.

I hate to turn the news on in the morning, because I hear so many Americans have either been wounded or killed or both in the far reaches of Afghanistan and Iraq.

□ 1700

Those St. Louis families, we are not going to take care of them. We are going to do it by insisting on a technical point of order on the appropriations bill. That is not right. So let us vote for this. I will support this suspension measure. I, of course, do so with reluctance because we could solve the problem so easily on the appropriations bill by just doing nothing.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to express my strong support for the bill under consideration here today. But I am disappointed that we could not address this issue in the military construction appropriations bill.

The military construction bill includes not just funding for the construction of much needed facilities but also funds dedicated to constructing housing for our troops and their families. These funds are needed to construct new housing to replace existing housing that is in poor condition—where failing electrical systems and leaky roofs risk the safety of our military families. These funds are needed to build new houses on military bases where there are not enough homes to meet the demand of our military families—where the waiting time for a home can be over a year, where young enlisted families must live far from the support the base community provides. And these funds are needed to remodel and refurbish homes that are in disrepair—where families live without proper air conditioning in the summer or with poor heating in the winter.

In order to meet these pressing needs in the best and quickest way possible, we have worked with private industry to speed relief to military families. But today some here in Congress want to put a halt to the very successful military housing privatization program—not because they want to harm military families, but because they want to argue about the legislative process.

I believe that there is a time and a place for a debate about budget process to occur—that time is not now. Not when we have military families living in substandard housing. And not when we have hundreds of thousands of fathers and mothers serving in hostile environments around the world.

Mr. Speaker, I urge my colleagues to vote to support our military families by supporting the privatized housing program that has been so successful in bringing needed relief to these hardworking families.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 4879.

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. HUNTER. 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.

PERMITTING 5-MINUTE VOTES AFTER FIRST VOTE IN NEXT SERIES NOTWITHSTANDING INTERVENING PROCEEDINGS

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that during the next series of postponed votes, ensuing votes after the first vote may be 5-minute votes notwithstanding intervening proceedings attending the swearing in of the new Member-elect from North Carolina.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

Conference report to accompany H.R. 2443, by the yeas and nays; and

on the motions to suspend the rules and pass

H.R. 4840, by the yeas and nays; and

H.R. 4879, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CONFERENCE REPORT ON H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2443, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 7, as follows:

[Roll No. 404]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
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)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
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
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern

McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (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
Stark
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)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—7

Brown (OH)
Carson (IN)
Collins
Deutsch
Ferguson
Majette
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1727

Mr. SANDERS changes his vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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, July 21, 2004.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Gray O. Bartlett, Executive Director, North Carolina State Board of Elections, State of North Carolina, indicating that, according to the unofficial returns of the Special Election held July 20, 2004, the Honorable G.K. Butterfield was elected Representative in Congress for the First Congressional District, State of North Carolina.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

Attachment.

STATE BOARD OF ELECTIONS,
Raleigh, NC, July 21, 2004.

Mr. JEFF TRANDAHL,
Office of the Clerk, House of Representatives, Washington, DC.

DEAR MR. TRANDAHL: The unofficial results of the special election to fill the unexpired term in the First Congressional District of North Carolina are as follows:

G.K. Butterfield (Dem), 42,450 71%;
Greg Dority (Rep), 16,470, 27%;
Thomas I. Eisenmenger (Lib), 994, 2%.

All the counties in the First District have transmitted their unofficial totals to our SEIMS database as of 12:25 p.m., this morning. The above figures above represent the unofficial totals with all counties reporting into our SEIMS database at this time.

Sincerely,

GARY O. BARTLETT,
Executive Director.

PROVIDING FOR SWEARING IN OF MR. G.K. BUTTERFIELD, OF NORTH CAROLINA, AS A MEMBER OF THE HOUSE.

Ms. PELOSI. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina (Mr. BUTTERFIELD) be permitted to take the oath of office.

His certificate of election has not arrived, but there is no contest; and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentlewoman from California?

There was no objection.

SWEARING IN OF THE HONORABLE G.K. BUTTERFIELD, OF NORTH CAROLINA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Member-elect from North Carolina (Mr. BUTTERFIELD) kindly step into the well of the House, along with the members of the North Carolina delegation, and take the oath of office.

Mr. BUTTERFIELD 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 House of Representatives.

ELECTION OF G.K. BUTTERFIELD

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

Mr. COBLE. Mr. Speaker, I thank my colleagues who joined me yesterday, Mr. Speaker, in North Carolina's First Congressional District. A special election, as well as a primary election, were conducted. The special election was conducted for the purpose of electing a candidate to fill the unexpired term of our friend, the gentleman from North Carolina (Mr. Ballance), who previously resigned.

□ 1730

G.K. BUTTERFIELD, a long-time politico, well known in North Carolina, was elected to that post yesterday. Mr. BUTTERFIELD served with distinction as a member, Mr. Speaker, of the Superior Court in North Carolina; and finally, with 2 years as a sitting member, as a jurist on the North Carolina Supreme Court.

Mr. Speaker, I know I join you and my colleagues in extending a warm welcome to G.K. BUTTERFIELD to the people's House.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. PRICE) from North Carolina's Fourth Congressional District.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is with tremendous pride that we welcome our newest Member, G.K. BUTTERFIELD.

George Kenneth BUTTERFIELD's roots run deep in eastern North Carolina. He is the product of the Wilson County Public Schools. He interrupted his college career at North Carolina Central University to serve in the United States Army. He returned a few years later, went on to law school.

His career in private law practice spanned 15 years before he was elected to the Superior Court in 1988. Governor Easley appointed Justice BUTTERFIELD, widely respected by lawyers, judges, jurors and citizens, to the Supreme Court of North Carolina in 2001.

In the course of his distinguished judicial career, Mr. BUTTERFIELD has served as vice president of the North Carolina Bar and president of the Association of Black Lawyers.

He is deeply involved in his home community of Wilson, North Carolina, from his Baptist church to local job training programs and child care.

The next phase of Justice BUTTERFIELD's career will combine his commitment to public service with his

expertise in the law. He knows the issues that matter to eastern North Carolinians. I know that his contributions as a Member of Congress will be significant, and we look forward to working with him.

Congratulations to G.K. BUTTERFIELD.

Mr. COBLE. Reclaiming my time, Mr. Speaker, I am pleased to present to my colleagues in the House the newly elected Member from North Carolina's First Congressional District, the Honorable G.K. BUTTERFIELD.

EXPRESSING GRATITUDE AND THANKS FOR THE OPPORTUNITY TO SERVE AS REPRESENTATIVE FOR THE FIRST CONGRESSIONAL DISTRICT OF NORTH CAROLINA

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

Mr. BUTTERFIELD. Mr. Speaker, I thank the gentleman from North Carolina (Mr. COBLE), the gentleman from North Carolina (Mr. PRICE) and to the other Members of this august body. It is my honor to join the 108th Congress to represent the citizens of the First District of North Carolina.

It has been a long night. Yesterday was election day in the First District, and I have the privilege of winning both the special election and the Democratic primary. I have traveling with me today many members of my family, friends and supporters. They are seated in the gallery. I would like to take this rare privilege to be able to point to them and to say to them, Thank you, thank you, thank you.

Mr. Speaker, North Carolina's First District is located in the northeastern part of our State. It is a largely rural community that once thrived upon tobacco as its main product. Tobacco farmers in North Carolina are facing a crisis that this Congress is now addressing.

The people of the First District are no different from your constituents. They want our government to work to enable all people to experience the American dream. Therefore, I look forward, Mr. Speaker, and my colleagues, to working with each of you as we serve our respective districts and as we serve America.

Thank you, thank you, thank you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(c) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from North Carolina (Mr. BUTTERFIELD), the whole number of the House is adjusted to 435.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). Under the previous order of the House, 5-minute voting will resume.

TAX SIMPLIFICATION FOR AMERICA'S JOB CREATORS ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4840.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. PORTMAN) that the House suspend the rules and pass the bill, H.R. 4840, 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 424, nays 0, not voting 10, as follows:

[Roll No. 405]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
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)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
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
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
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
Stark
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)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Brown (OH)
Carson (IN)
Collins
Deutsch
Ferguson
Lewis (GA)
Majette
Ney
Quinn
Reynolds

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1747

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MILITARY HOUSING IMPROVEMENT ACT OF 2004

The SPEAKER pro tempore (Mr. OSE). The pending business is the question of suspending the rules and passing the bill, H.R. 4879.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 4879, 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 423, nays 0, not voting 11, as follows:

[Roll No. 406]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
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)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
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)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
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
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
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)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Brown (OH)
Carson (IN)
Collins
Deutsch
Ferguson
Kennedy (RI)
Majette
Ney
Quinn
Reynolds
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1755

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NEY. Mr. Speaker, on July 21, 2004, I was unable to be present for rollcall vote No. 404, on agreeing to the Conference Report to H.R. 2443, the Coast Guard and Maritime Transportation Act of 2003; rollcall vote No. 405, on final passage of H.R. 4840, the Tax Simplification for America's Job Creators Act of 2004; and rollcall vote No. 406, on final passage of H.R. 4879, the Military Housing Improvement Act. Had I been present I would have voted "yes" on rollcall vote No. 404, "yes" on rollcall vote No. 405, and "yes" on rollcall vote No. 406.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on additional 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 tomorrow.

Furthermore, the following votes postponed yesterday will be taken tomorrow:

H.R. 4175, by the yeas and nays;

H. Res. 728, by the yeas and nays; and

Motion to instruct on H.R. 1308.

SUPPORTING GOALS OF NATIONAL MARINA DAY

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 647) supporting the goals of National Marina Day and urging marinas to continue providing environmentally friendly gateways to boating.

The Clerk read as follows:

H. RES. 647

Whereas the people of the United States highly value their recreational time and their ability to access the waterways of the United States, one of the Nation's greatest natural resources;

Whereas in 1928, the National Association of Engine and Boat Manufacturers first used the word "marina" to describe a recreational boating facility;

Whereas the United States is home to more than 12,000 marinas that contribute substantially to local communities by providing safe and reliable gateways to boating;

Whereas the marinas of the United States serve as stewards of the environment and actively seek to protect the waterways that surround them for the enjoyment of this generation and generations to come;

Whereas the marinas of the United States provide communities and visitors with a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation; and

Whereas the Marina Operators Association of America has designated August 14, 2004 as "National Marina Day" to increase awareness among citizens, policymakers, and elected officials about the many contributions that marinas make to communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of National Marina Day; and

(2) urges that the marinas of the United States continue to provide environmentally friendly gateways to boating for the people of the United States.

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

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H. Res. 647, which was introduced by our colleague, the gentleman from Georgia (Mr. DEAL), proclaims the House of Representatives' support for the goals and ideals of National Marina Day and urges marina owners and operators to continue their strong stewardship of the marine environment so that this Nation's waters may be enjoyed by recreational boaters for generations to come.

August 14 is National Marina Day, and this is a perfect resolution to be considering in the week prior to the August recess. Throughout the country, Americans of every economic class are using their summer vacations to enjoy their own recreational boats or to charter time on professionally operated vessels.

The vast majority of boat owners do not have their own docks, and many boaters hire vessels rather than owning their own vessels. Therefore, without the Nation's 12,000 marinas and the services they provide, many of these boaters would be unable to maintain, operate, and enjoy their recreational boating. In turn, by providing dock space and services to the Nation's boat owners and operators, marinas provide 140,000 jobs and generate significant tax revenue.

As the resolution states, marinas are places where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation. Certainly in this summer season, we should support the goals and ideals of such places.

I want to commend our colleague, the gentleman from Georgia (Mr. DEAL), for introducing this resolution. I urge our colleagues to cast an ''aye'' vote to support the goals and ideals of National Marina Day.

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

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

I, too, rise in support of H. Res. 647, designating August 14 as National Marina Day. Like many Members of this House, I have a marina in my district. I am joined with all those who, over the United States, have 12,000 of them.

These marinas, of course, provide a home to millions of boats and provide millions of Americans with access to the ocean, bays, rivers, and lakes in the United States; and as we heard, they also provide jobs for over 140,000 of us.

When we are in our districts next month, we will likely see our constituents relaxing on the water because they have access to that water through the marina.

These marinas will be celebrating National Marina Day with boating safety demonstrations, environmental demonstrations, fishing rodeos, and marina open houses. What is a fishing rodeo? I wrote it, but I just do not know what I mean.

In a time of heightened security, marina owners across the Nation are working with the Coast Guard to help improve security on our waterways by keeping an eye out for aggressive tactics and unusual activities on the water. They are on the water everyday and know when something appears unusual, and they will call the Coast Guard.

So, Mr. Speaker, it is entirely fitting and appropriate for the U.S. House of Representatives to recognize the contributions that marinas make to maritime safety, our national economy, our national enjoyment.

I urge my colleagues to support H. Res. 647, designating August 14 as National Marina Day.

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

Mr. FILNER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, the gentleman was inquiring about a fishing rodeo. That is catch-and-release fishery. You cast out and catch fish and weigh them.

Mr. FILNER. It is not riding them?

Mr. OBERSTAR. Then you throw them back into the water, not throw them but you put them gently back into the water. You kiss the fish when you put it back in.

Mr. FILNER. I thank the gentleman. I am glad I yielded to him.

Mr. OBERSTAR. The gentleman from Ohio understands what is kissing the fish and putting it back in, especially in Lake Erie.

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

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

Mr. LATOURETTE. Mr. Speaker, in Ohio we always had trouble finding the little saddles necessary to accommodate the fish rodeos. They are very popular in Ohio as well.

Mr. FILNER. Do I have to wear stirrups or whatever?

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Georgia (Mr. DEAL), the author of this resolution.

□ 1800

Mr. DEAL of Georgia. Mr. Speaker, I would say, if the gentleman would come to Lake Lanier in north Georgia, we have some fish big enough to ride in Lake Lanier. We will provide the saddles. Fishing rodeos are big business, and they attract a lot of people to the sport of fishing.

On August 14, we will celebrate the third annual National Marina Day. This annual celebration promotes the United States' 12,000 marinas and strives to educate all of us, politicians, civic leaders and the public, about the important roles that marinas play in the waterfront communities across America.

During the first year, 80 marinas in 23 States participated in National Marina Day. Last year, the celebration spread to 150 marinas in 25 States. This year again marks another significant opportunity to recognize marina operators and their industry's role and contributions to America's water recreation.

National Marina Day offers local marina operators the opportunity to host events to bring tens of thousands of people to our country's marinas. These marinas are gateways to boating and help maintain the natural environments that we enjoy.

In my district, Lake Lanier is home to 10 marinas, and I am proud to recognize Kirby Cay Scheimann of the Aqualand Marina in Flowery Branch, Georgia, as the National Marina Day chairman. The marinas in my district, like other marinas throughout the country, provide an economic investment in the lake, boat storage, boat events, and a wealth of local knowledge for visitors to the lake. These marinas serve in our State as the area's gateway to Georgia's Great Lake.

This resolution supports the goals of National Marina Day and recognizes the value marinas play as gateways to boating and as stewards of the environment. This resolution commends marinas as places where Americans can visit with family and friends and come together for recreation, rest, and relaxation.

Congress and all of us as Members of Congress are in a unique position to support these goals. When the National Association of Engine and Boat Manufacturers first used the word ''marina'' in 1928, it was defined simply as a recreational boating facility. Today, however, marinas are much more. They have become an integral part not only of American recreation, but also of American life. They are strong, vibrant communities of families and friends united by a shared passion for the water.

I urge adoption of the resolution.

Mr. OBERSTAR. Mr. Speaker, the resolution before us recognizes National Marina Day on August 14, 2004.

There are more than 12,000 marinas in the United States providing safe harbor for millions of recreational vessels that operate on the lakes and navigable waters of the United States. These marinas include boatyards, yacht clubs, and public and private mooring basins across the United States. Marinas in the United States provide employment for more than 140,000 Americans.

Perhaps most importantly, marinas provide a means for millions of Americans to relax and enjoy themselves boating.

National Marina Day is a time to celebrate the history of marinas and boating and to look to the future of this vibrant industry. National Marina Day activities across the United States

will include environmental demonstrations, youth center events, fishing rodeos, boating safety demonstrations, and marina open houses.

National Marina Day is going to be celebrated from Maine to Florida; from Maryland to Los Angeles, CA. Marinas participating in the celebration include marinas from the Marriott Marina in San Diego to the Constitution Marina in Boston.

Marina owners are working closely with the United States Coast Guard to step up vigilance at their facilities to improve security on U.S. waterways. These efforts include looking out for aggressive activities, attempts to gain access to vessels without proper identification, fixtures attached to structures, unusual diving operations, and vehicles and vessels in unusual locations.

Mr. Speaker, it is fitting for the U.S. House of Representatives to recognize the ongoing contribution of marina operators in the United States to our economy, our security, our environment, and most of all, for providing us with a way of enjoying a day on the beautiful waterways of the United States.

I urge my colleagues to support the Resolution.

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

Mr. LATOURETTE. Mr. Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, H. Res. 647.

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

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3313, MARRIAGE PROTECTION ACT OF 2004

Mrs. MYRICK (during consideration of H. Res. 647), from the Committee on Rules, submitted a privileged report (Rept. No. 108–623) on the resolution (H. Res. 734) providing for consideration of the bill (H.R. 3313) to amend title 28, United States Code, to limit Federal Court jurisdiction over questions under the Defense of Marriage Act, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mrs. MYRICK (during consideration of H. Res. 647), from the Committee on Rules, submitted a privileged report (Rept. No. 108–624) on the resolution (H. Res. 735) waiving points of order against the conference report to accompany the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HIPOLITO F. GARCIA FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3884) to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the ''Hipolito F. Garcia Federal Building and United States Courthouse''.

The Clerk read as follows:

H.R. 3884

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, shall be known and designated as the ''Hipolito F. Garcia Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Hipolito F. Garcia Federal Building and United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 3884, introduced by the gentleman from Texas (Mr. GONZALEZ), designates the Federal Building and United States Courthouse located at 615 East Houston Street, San Antonio, Texas, as the Hipolito F. Garcia Federal Building and United States Courthouse.

Judge Garcia was born in San Antonio, Texas, on December 4, 1925, and grew up in a neighborhood a few blocks from the very courthouse that will now bear his name. After serving his country in the Army from 1943 to 1945, Judge Garcia attended St. Mary's University School of Law. He graduated in 1951 and began working for Bexar County, Texas, as the Assistant Criminal Attorney, a position he held until 1963.

After a short time practicing law privately, Judge Garcia served as Judge to the county court in 1964 and State district court until 1974. Judge Garcia's career culminated in 1981 when President Carter appointed him to the United States District Court for the Western District of Texas. He sadly passed away on January 16, 2002.

Judge Garcia is remembered as a man who treated everyone with respect and remained humble despite his high position. He served his country in arms and in justice, and he was the first Mexican American to serve as a United States District Judge in the Western District of Texas.

This is a fitting tribute to a dedicated public servant. I support this legislation and urge my colleagues to do the same.

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

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

Mr. Speaker, H.R. 3884 is a bill to designate the Federal Building and United States Courthouse located at 615 East Houston Street, San Antonio, Texas, as the Hipolito F. Garcia Federal Building and United States Courthouse.

The bill was introduced by the gentleman from Texas (Mr. GONZALEZ). Judge Garcia was born on December 14, 1925, in San Antonio. He recently died in January, 2002. He was educated at public schools, and in 1951 received his law degree from St. Mary's University School of Law. During World War II, he served in the United States Army.

His professional career included being Deputy District Clerk for Bexar County, Assistant Criminal Attorney, and Judge for the County-Court-at-Law. In 1979, President Carter nominated him for the Federal bench, and he was confirmed by the Senate in 1980.

Judge Garcia was an inspiration and role model. He broke barriers and earned a place in history as the first Mexican American to serve as a United States District Court Judge in the Western District of Texas. Despite his status, he remained humble and was known for treating everyone with dignity and respect.

He was an outstanding public servant who mentored young lawyers, providing sage advice and counsel. Judge Garcia was an exemplary public servant, and this dedication honors his contributions to the citizens of San Antonio and Texas.

I support H.R. 3884 and strongly urge its passage.

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

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

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ), the author of the bill.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Alaska (Chairman YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Ohio (Mr. LATOURETTE), and the gentlewoman from the District of Columbia (Ms. NORTON) for bringing this bill to the floor.

I could go over all of Hippo's accomplishments, and I say ''Hippo'' with the greatest affection and respect. Few people ever referred to him by formal title because he would not have it. And if he were alive and we were honoring him in this fashion today, he would probably be a little humbled and embarrassed.

Mr. Speaker, I will keep my remarks brief, but a man of the caliber and decency of Hippo Garcia deserves a couple of minutes to recognize his true contribution. Members have heard of his professional accomplishments, his sacrifices and contributions to the legal profession, to the city and the State and to this country, but I would like to bring out the human side of Hippo, that he was probably one of the most decent human beings one could ever meet.

He was a mentor and second father to many young San Antonio lawyers. I had the privilege of practicing before him when he was a county court law judge, a State district court judge, and then he moved to the Federal level. Many of us sought counsel with Hippo, a brave and wise man. We all had our first trials in Hippo's court. My first nonjury trial, which I lost, my first jury trial, which I also lost, come to think of it; but somehow it was a learning experience for everyone.

In the era of determinative sentences, mandatory guidelines, Hippo was an individual that still had a great deal of compassion and understanding and exercised that kind of discretion in such a responsible manner to make all of us proud.

Many people say the last thing we want is a liberal activist judge. I am here to tell Members that Hippo Garcia was a liberal activist judge. And what I mean by that is, his rulings always exhibited a liberal dose of humanity and decency and compassion. He was an activist, no doubt, and that activism was in the pursuit of justice.

Mr. Speaker, I wish to thank everyone who made this possible. Of course, the building we are naming is right across from the Alamo, which is a fitting location, so that everyone that passes by there will always remember the great sacrifices of the defenders of the Alamo, and look up and see Hippo's name on the Federal Building and remember the great contributions of a great man by the name of Hipolito Garcia.

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of H.R. 3884 which would name the San Antonio Federal Courthouse after the Honorable Hipolito F. Garcia, better known to San Antonians as Hippo Garcia.

He was a native of San Antonio, and entered high school unable to speak English. Through hard work and determination, he became the first Mexican American to be named a Federal judge for the Western District. After graduating from high school, he served in the Army and on his return to civilian life, he earned a law degree.

With his diploma in hand, he launched his career as assistant district attorney. Years later, Judge Garcia was recognized by President Carter who nominated him to the Federal bench in 1980. Following his confirmation by the United States Senate, he served as a U.S. District Judge for the Western District.

Judge Garcia, better known as Hippo Garcia, dedicated more than 50 years of his life pursuing the cause of justice and inspired many people along his path. Over the course of his extraordinary life, Judge Garcia blazed new trails for Americans of Hispanic descent and brought incomparable integrity, fairness and intelligence to his courtroom. He is a highly respected jurist who has earned this permanent honor.

I encourage my colleagues to support this legislation as we commemorate his achievements, Judge Hippo Garcia.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 3884, a bill to designate the federal building and United States Courthouse located at 615 East Houston St., San Antonio Texas as the Hipolito F. Garcia Federal Building and United States Courthouse.

Hipolito Garcia was a native Texan, born in San Antonio in 1925. Judge Garcia received his law degree from St. Mary's University School of Law in 1951. He was nominated by President Carter to the federal bench in 1979 and was confirmed by the U.S. Senate in 1980. Judge Garcia was the first Hispanic judge for the Western District of Texas where he served with distinction for over two decades.

Hipolito Garcia was renowned for his fairness, professionalism, and his commitment to public service. He was part of the "Greatest Generation", serving in the Army during World War II. Prior to his appointment to the federal bench, Judge Garcia worked as an assistant district attorney and as a county court-at-law judge. Throughout his accomplished career, he remained humble and proud of his San Antonio roots.

I thank Congressman GONZALEZ for introducing this legislation. It is a fitting tribute to an outstanding jurist and public servant. I support the bill and urge its passage.

Mr. SMITH of Texas. Mr. Speaker, I am happy to cosponsor with Representative GONZALEZ legislation that designates the Federal building and courthouse located in downtown San Antonio, Texas, as the "Hipolito F. Garcia Federal Building and United States Courthouse".

Judge Hipolito Garcia—known to his friends as "Hippo"—led an amazing life and career. He was born to immigrant parents in downtown San Antonio, just two blocks from the United States Courthouse where he served as a United States District Judge for over 20 years.

Despite the challenges of learning English, and of being one of the few Hispanic students at his high school, he excelled and graduated as the most popular member of his class.

Judge Garcia served our nation in the U.S. Army in World War II. He went on to receive a law degree from St. Mary's University and then became a respected member of the San Antonio legal community.

After serving as a County Court-at-Law judge, and then as a State District Court judge in Bexar County, Judge Garcia was appointed a federal judge in the Western District of Texas. He served on that bench more than twenty years.

In addition to his professional accomplishments, Hippo Garcia was a light in our community. He befriended many young attorneys, sharing his time, his knowledge, and his innumerable stories.

Judge Garcia loved the law and our hometown of San Antonio. It is fitting that we should name the federal courthouse in his honor.

I hope my colleagues will join me in support of this legislation.

If my colleagues or constituents want to know more about this remarkable man, I've made a part of the record a eulogy given by a good friend, James R. Nowlin, a federal judge now on senior status. It does strike me that while Judge Nowlin was in good company with Judge Garcia, the reverse was true as well.

[January 19, 2002]

MEMORIAL, JUDGE H.F. "HIPPO" GARCIA, FIFTH CIRCUIT JUDICIAL CONFERENCE, 2002

(By James R. Nowlin)

From the time I was a 24-year-old guy in San Antonio, Texas, until recent years, whenever I would be driving Judge Garcia to a restaurant, to a meeting, to the courthouse—whenever we crossed a street or walked a slippery sidewalk, his favorite expression was always: "Careful what you do." I know that he is looking over my shoulder now with that same direction. Hippo, I will be careful, but I will not hide the bright light you brought to this world. As you often said to me after a fine meal and a few glasses of wine:

"My candle burns at both ends;
It will not last the night;
But ah, my foes, and oh, my friends—
It gives such a lovely light"

I will not burden you with many of the biographical details we can all find in Justices and Judges of the United States Courts. Let me rather attempt to briefly share with you some of that lovely light.

A 17th century French writer proclaimed: "As uncommon a thing as true love is, it is yet easier to find than true friendship." For more than 35 years I was blessed with that uncommon thing—a true friendship with the kindest, most generous, most humorous, most gentle, most practically intelligent person I have ever met. His name: Hipolito Frank Garcia, short in stature, respectable in girth, but with a heart larger than the earth itself. Common as the surname "Garcia" is in San Antonio and South Texas, this "Garcia" was no ordinary man. He was one of a kind.

Hippo was born on December 4, 1925, of immigrant parents in a small home just two blocks from the United States Courthouse where he served as an active United States District Judge for just short of 22 years. He spoke little English prior to entering a high school in San Antonio where he was about the only Hispanic student. His low key drive to compete, excel, and make friends endeared him to his fellow students who, unable to pronounce his given name "Hipolito" simply called him "Hippo." The young, bashful, non-English speaking student who entered Brackenridge High School in 1939 graduated as the most popular member of his class, served with distinction with the Third Armored Division, United States Army in Germany during World War II, and received a law degree from St. Mary's University School of Law. His college and law school career was thanks to the GI Bill and his work as a janitor at the law school after hours. In addition to his love of and respect for the law, he loved to read Shakespeare, became a recognized scholar of the American Civil War

and read every biography of Abraham Lincoln ever written. Not bad for a once skinny, non-English speaking kid from San Antonio, Texas.

Hippo was continually fascinated with the English language and in our hundreds of lunches and dinners over the past 35 years regaled me with stories of San Antonio's social and political past. As a young, green lawyer I was not only enthralled with his stories and his jokes but I found it amazing that a county judge would spend time with me. There were over the year's dozens of young men and women who had the same experiences with ''The Judge'' and felt equally honored.

He told me of his ancestors and their fight for independence in Mexico; of his relatives who were associated with Pancho Villa; of what it was like to grow up in San Antonio as a Mexican-American child not speaking English; of landmarks in the City of San Antonio that I had not noticed or simply forgotten; of being beaten up by a group of thugs when he was working a polling place for Henry B. Gonzalez, in his early efforts as the first Hispanic political leader in San Antonio to win important elective public office; and of his Spanish speaking mother's reaction when he tried to explain to her that he had just become a county court-at-law judge: ''How many times have I told you, I don't want you to be no policeman!''

For some reason, I distinctly recall a story about a small theater in downtown San Antonio where Hippo, as a child would go on Saturdays not only for entertainment but to try and learn English—I think it was known as the State Theater. That was only when he had the dime required for the ticket. He told me about a stage show at that theater that occurred every Saturday. He watched in awe as several dancers did a vaudeville routine with brooms and sang ''sweep, sweep, sweep the cobwebs off the moon.'' Those musical English words intrigued him and stayed with him the rest of his life and occasionally, after a glass or two of his favorite wine, he would sing those lyrics to the surprise of his dinner companions.

I and many other more important people were beneficiaries of his constant effort to help young lawyers begin the practice of law. He was the founding father of the ''Hippos Baseball Team'' whose benched players include judges (including our own Ed Prado and John Primomo), congressmen and successful businessmen. His patience, his fairness, his teaching by example, his unmatched generosity was not limited to lawyers. Over the years I witnessed first-hand his financial gifts (which he fictionally called ''loans'') to young men and women who needed help to pay tuition or to provide the necessities of life in order to go to school or stay in school. He would seldom speak about these things but would rather joke that, human nature being what it is, some of those beneficiaries of his generosity would probably run against him some day. It never happened.

If there is a good restaurant in San Antonio that Hippo did not frequent I am not aware of it. The measure of a good restaurant: superior food and plentiful white wine. As one restaurant owner told me: ''Hippo loves to eat more than anyone I've ever known.'' Menus at the Judge's favorite restaurants are replete with dishes named after him. From ''Hippo's Meat Loaf'' to Tex-Mex dishes to lavish desserts, he left his mark on the bills of fare. Perhaps the place of greatest enjoyment for him was a restaurant at which a well-known local jazz band played. ''Hippo's Song,'' the jazz rendition of his favorite hymn, ''Just A Closer Walk With Thee,'' was announced and played at least once each night. As requested by Judge Hippo, a member of that jazz band played a solo rendition of the hymn at his funeral.

Hippo's secret weapon for most all of his success and scores of friendships I concluded was his unique ability to listen, to sympathize and associate himself with another's problems and challenges. Then he would tell a funny story. From what I know, he would not have succeeded in the priesthood but he would have been one Hell of a bartender!

In the early hours of the morning of January16, 2002, Hippo Garcia, a fine judge but more importantly, a great human being, without any doubt joined the Saint for whom he was named and all the saints in Heaven. His favorite restaurants and the wineries of the world will now need their own economic stimulus package. For his immediate family, his dozens of godchildren, his legions of fiends, and those many who, but for Hippo, might have stumbled and failed in life, there is a tremendous sense of loss and a painful void. I feel it every day.

Never fear—in the words of ''Hippo's Song'' he has been ''gently, safely guided to Thy kingdom shore'' and is ''ever walking close to Thee.'' There is a table set in Heaven with several empty chairs, plates of meatloaf, mashed potatoes with real butter, and full glasses of Chablis. He's saving a place for us: but when you pull out the chair and prepare to sit, remember ''careful what you do.'' In the meantime, I look up and I think I can almost see a great judge, the funniest man on earth, my best friend ''sweep, sweep, sweeping the cobwebs off the moon.''

In June 1996, in recognition of his leadership and ''invaluable public service to his state and nation'' then Governor George W. Bush signed a Proclamation allowing Judge Garcia to be buried in the Texas State Cemetery at Austin, Texas. He lies thirty feet from Stephen F. Austin at the top of Republic Hill, the first Mexican-American to be buried in this historic section of the Cemetery.

''Green be the turf above thee,
Friend of my better days!
None knew thee but to love thee,
Nor named thee but in praise.''

May he rest in peace.

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

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3884.

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

A motion to reconsider was laid on the table.

JUDGE WILLIAM B. BRYANT ANNEX TO THE E. BARRETT PRETTYMAN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4294) to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Ave. Northwest in Washington, District of Columbia, as the ''Judge William B. Bryant Annex to the E. Barrett Prettyman Federal Building and United States Courthouse,'' as amended.

The Clerk read as follows:

H.R. 4294

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

SECTION 1. DESIGNATION.

The annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia shall be known and designated as the ''William B. Bryant Annex''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in section 1 shall be deemed to be a reference to the ''William B. Bryant Annex''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 4294, introduced by the gentlewoman from the District of Columbia (Ms. NORTON) designates the annex to the E. Barrett Prettyman Federal Building and United States Courthouse as the William B. Bryant Annex to the E. Barrett Prettyman Federal Building and United States Courthouse.

Judge Bryant was born in Alabama, but raised in Washington, D.C. He attended public schools here in the District, and graduated from Dunbar High School. He received both his bachelor and law degrees from Howard University.

In 1943, like many of his generation, he entered the United States Army receiving a commission as a first lieutenant. He was honorably discharged in 1947, having attained the rank of lieutenant colonel.

After 18 years in private practice, marked by a brief period with the Department of Justice, William Bryant was appointed to the United States District Court for the District of Columbia in 1965.

In 1977, Judge Bryant became the first African American to serve as the Chief Judge for the D.C. District Court. Judge Bryant took senior status in 1982 although he continued to hear cases long after many others would have retired.

I would like to commend the gentlewoman from the District of Columbia (Ms. NORTON) for being persistent in bringing this bill to the floor to honor a distinguished jurist.

This is a fitting tribute to a respected judge. I urge my colleagues to support the bill.

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

□ 1815

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

should begin by thanking the leadership of the House and my own leadership for the way they have accommodated me in bringing this bill forward quickly. I especially thank the chairman of our subcommittee, the gentleman from Ohio (Mr. LATOURETTE), for so readily agreeing to manage this bill and bring it forward, because it comes forward under rather special and unusual circumstances.

The judge for whom this courthouse is to be named would by any standard be regarded as a historic figure in the Federal judiciary and in the judiciary of this city. H.R. 4294, a bill to name the annex of the E. Barrett Prettyman Federal Building, which houses the United States District Court for the District of Columbia for William B. Bryant, is what is before us. Judge Bryant is a former chief judge of the District Court, the first African American to hold the post, a longtime D.C. resident and graduate of the D.C. public schools with a distinguished legal career, who currently serves as a senior judge. The annex is under construction at Constitution and Pennsylvania Avenues Northwest and when completed early next year will provide much-needed state-of-the-art courtrooms and judges' chambers.

H.R. 4294 has an unusual origin. The chief judge of the United States District Court for the District of Columbia, for himself and the members of the trial court, visited my office to request that the annex under construction for the E. Barrett Prettyman Federal Building be named for senior U.S. District Court judge William B. Bryant. Judge Bryant was unaware of the desires and actions of his colleagues who unanimously agreed to request that the annex be named for the judge.

It is rare that Congress names a courthouse or an annex for a judge who has served in that court and even more rare for a judge who is still sitting. Judge Bryant's colleagues, who know his work and his temperament best, have found a particularly appropriate way for our city and our country to celebrate the life and accomplishments of a great judge who has had an historic impact on the law and on his court. I know Judge Bryant personally. I know his reputation in this city and in the law. And I know that the request to name the annex for Judge Bryant reflects deep respect for his unusually distinguished life at the bar.

Judge Bryant began his career in private practice in the segregated Washington of the 1940s and 1950s when African American lawyers were barred from membership in the District of Columbia Bar Association and from using the bar law library. He established his legal reputation as a partner in the legendary African American law firm of Houston, Bryant & Gardner and taught at Howard University law school.

His reputation as an extraordinary trial lawyer led to his appointment as the first African American assistant U.S. Attorney for the District of Columbia. He rose to become the first African American to serve as chief judge of the U.S. District Court whose members now ask that the annex be named for Judge Bryant.

For his representation of criminal defendants in private practice, Judge Bryant was admired as one of the city's best and most respected litigators. Among his many notable cases is the landmark Mallory v. United States where the Supreme Court ruled that an arrested person must be promptly brought before a judicial officer.

Judge Bryant graduated from the D.C. public schools, Howard University, and the Howard University School of Law where he was first in his class. After graduation, Judge Bryant served as chief research assistant to Dr. Ralph Bunche when Dr. Bunche worked with Gunnar Myrdal, the famous Swedish economist, in his studies of American racial issues. Judge Bryant served in the United States Army during World War II and was honorably discharged as a lieutenant colonel in 1947.

Judge Bryant, who is 92, took senior status in 1982. He raised a family, but as Chief Judge Thomas Hogan wrote, ''lost his beloved wife, Astaire, and now lives alone, with this court and the law as the center of his life.''

I am grateful to our judges of the United States District Court here for the thoughtful proposal that the annex to their court be named for Judge William B. Bryant. The residents of this city that Judge Bryant has served so well, the judges of the United States District Court for the District of Columbia, and the members of the bar here would be particularly pleased. I am delighted that Senator Patrick Leahy, ranking member of the Senate Judiciary Committee, has sponsored the bill in the Senate; and I urge quick approval to give honor to one of the great judges of our court.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4294, a bill to designate the annex to the Prettyman Courthouse in Washington, D.C., as the Judge William B. Bryant Annex. I thank Chairmen YOUNG and LATOURETTE for their graciousness and support in moving this bill to the Floor in such an expeditious manner.

Judge Bryant, who is 92 years old, is an icon in District legal circles. He practiced law in the 1940s and 1950s when the city was segregated. He could not join the D.C. Bar Association or use its facilities. Yet, he has achieved great stature as a trial lawyer and enjoys an enviable reputation.

Judge Bryant is a lifelong D.C. resident who attended public schools and Howard Law School, where he graduated first in his class. He began his legal career in private practice in the District with the legendary African American law firm of Houston, Bryant, and Gardner. In 1965, he was nominated by President Johnson to the Federal bench and was confirmed by the U.S. Senate in August of that year. Judge Bryant is the first African American to hold the post of Chief Judge.

During his long, productive legal career Judge Bryant also served as the first African American Assistant U.S. Attorney for the District, and has taught at Howard Law School. He is also a World War II veteran, serving in the Army from 1943 until 1947.

The judges of the U.S. District Court in the District of Columbia unanimously agreed to name the annex in honor of Judge Bryant and approached Congresswoman NORTON for her help.

Judge Bryant's civil career is extraordinary. He is a role model, a mentor, a loyal friend and advisor. It is fitting and just that Judge William Bryant be honored with this designation.

I support H.R. 4294 and urge its passage.

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

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4294, as amended.

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

The title of the bill was amended so as to read: ''A bill to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the 'William B. Bryant Annex' ''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 647, H.R. 3884 and H.R. 4294, the matters that we have just been discussing.

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

There was no objection.

COMMERCIAL AVIATION MANPADS DEFENSE ACT OF 2004

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4056) to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADSs) to commercial aviation, as amended.

The Clerk read as follows:

H.R. 4056

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 ''Commercial Aviation MANPADS Defense Act of 2004''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) MANPADSs constitute a threat to military and civilian aircraft.

(2) The threat posed by MANPADSs requires the development of both short-term and long-term plans.

(3) The threat posed by MANPADSs requires an international as well as domestic response.

(4) There should be an international effort to address the issues of MANPADSs proliferation and defense.

(5) The Government is pursuing and should continue to pursue diplomatic efforts to prevent the proliferation of MANPADSs.

SEC. 3. UNITED STATES POLICY ON NONPROLIFERATION AND EXPORT CONTROL.

(a) TO LIMIT AVAILABILITY AND TRANSFER OF MANPADS.—The President shall pursue, on an urgent basis, further strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, in the appropriate forum to limit the availability, transfer, and proliferation of MANPADSs worldwide.

(b) TO LIMIT THE PROLIFERATION OF MANPADS.—The President is encouraged to seek to enter into agreements with the governments of foreign countries that, at a minimum, would—

(1) prohibit the entry into force of a MANPADS manufacturing license agreement and MANPADS co-production agreement, other than the entry into force of a manufacturing license or co-production agreement with a country that is party to such an agreement;

(2) prohibit, except pursuant to transfers between governments, the export of a MANPADS, including any component, part, accessory, or attachment thereof, without an individual validated license; and

(3) prohibit the re-export or retransfer of a MANPADS, including any component, part, accessory, or attachment thereof, to a third person, organization, or government unless the written consent of the government that approved the original export or transfer is first obtained.

(c) TO ACHIEVE DESTRUCTION OF MANPADS.—The President should continue to pursue further strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, in the appropriate forum to assure the destruction of excess, obsolete, and illicit stocks of MANPADSs worldwide.

(d) REPORTING AND BRIEFING REQUIREMENT.—

(1) PRESIDENT'S REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains a detailed description of the status of diplomatic efforts under subsections (a), (b), and (c) and of efforts by the appropriate United States agencies to comply with the recommendations of the General Accounting Office set forth in its report GAO-04-519, entitled ''Nonproliferation: Further Improvements Needed in U.S. Efforts to Counter Threats from Man-Portable Air Defense Systems''.

(2) ANNUAL BRIEFINGS.—Annually after the date of submission of the report under paragraph (1) and until completion of the diplomatic and compliance efforts referred to in paragraph (1), the Secretary of State shall brief the appropriate congressional committees on the status of such efforts.

SEC. 4. FAA AIRWORTHINESS CERTIFICATION OF MISSILE DEFENSE SYSTEMS FOR COMMERCIAL AIRCRAFT.

(a) IN GENERAL.—As soon as practicable, but not later than, the date of completion of Phase II of the Department of Homeland Security's counter-man-portable air defense system (MANPADS) development and demonstration program, the Administrator of the Federal Aviation Administration shall establish a process for conducting airworthiness and safety certification of missile defense systems for commercial aircraft certified as effective and functional by the Department of Homeland Security. The process shall require a certification by the Administrator that such systems can be safely integrated into aircraft systems and ensure airworthiness and aircraft system integrity.

(b) CERTIFICATION ACCEPTANCE.—Under the process, the Administrator shall accept the certification of the Department of Homeland Security that a missile defense system is effective and functional to defend commercial aircraft against MANPADSs.

(c) EXPEDITIOUS CERTIFICATION.—Under the process, the Administrator shall expedite the airworthiness and safety certification of missile defense systems for commercial aircraft certified by the Department of Homeland Security.

(d) REPORTS.—Not later than 90 days after the first airworthiness and safety certification for a missile defense system for commercial aircraft is issued by the Administrator, and annually thereafter until December 31, 2008, the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains a detailed description of each airworthiness and safety certification issued for a missile defense system for commercial aircraft.

SEC. 5. PROGRAMS TO REDUCE MANPADS.

(a) IN GENERAL.—The President is encouraged to pursue strong programs to reduce the number of MANPADSs worldwide so that fewer MANPADSs will be available for trade, proliferation, and sale.

(b) REPORTING AND BRIEFING REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains a detailed description of the status of the programs being pursued under subsection (a). Annually thereafter until the programs are no longer needed, the Secretary of State shall brief the appropriate congressional committees on the status of programs.

(c) FUNDING.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 6. MANPADS VULNERABILITY ASSESSMENTS REPORT.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the Department of Homeland Security's plans to secure airports and the aircraft arriving and departing from airports against MANPADSs attacks.

(b) MATTERS TO BE ADDRESSED.—The Secretary's report shall address, at a minimum, the following:

(1) The status of the Department's efforts to conduct MANPADSs vulnerability assessments at United States airports at which the Department is conducting assessments.

(2) How intelligence is shared between the United States intelligence agencies and Federal, State, and local law enforcement to address the MANPADS threat and potential ways to improve such intelligence sharing.

(3) Contingency plans that the Department has developed in the event that it receives intelligence indicating a high threat of a MANPADS attack on aircraft at or near United States airports.

(4) The feasibility and effectiveness of implementing public education and neighborhood watch programs in areas surrounding United States airports in cases in which intelligence reports indicate there is a high risk of MANPADS attacks on aircraft.

(5) Any other issues that the Secretary deems relevant.

(c) FORMAT.—The report required by this section may be submitted in a classified format.

SEC. 7. DEFINITIONS.

In this Act, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on International Relations, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) MANPADS.—The term ''MANPADS'' means—

(A) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(B) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

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

Mr. Speaker, I rise in support of H.R. 4056, which is entitled the Commercial Aviation MANPADS Defense Act. Again, MANPADS stands for man-portable air defense systems. It is also an acronym for shoulder-launched missiles.

There are two significant threats to commercial aviation today: first of all, there is the threat of explosives carried on board a civil aviation aircraft; and then there is the second significant threat which is shoulder-fired missiles. The legislation before us tonight addresses one of those issues, the growing terrorist MANPADS threat. It addresses four different problems that we face with this threat.

First of all, most of the Members may be aware that the administration has launched, with Congress' urging, an extensive research and development program, and that program has been expedited to develop a shoulder-launched missile defensive system to put on our commercial aircraft.

But the number one problem that we face even if we finish the research and development of that system today, the defensive system, is putting that system on an aircraft and getting it certified. So the first front and first problem that this bill addresses is an expedited FAA certification of an anti-missile system that is currently being developed. The second part of this comprehensive piece of legislation deals with increasing multinational treaties and agreements to stem MANPADS and shoulder-launched missile proliferation.

We know and we have been told even with the conflict in the Middle East that there are a great number of

MANPADS available on the world market. We must do everything possible to stop the proliferation of them, and this encourages multinational treaties and agreements.

And, third, encouraging MANPADS market acquisition. This is a buy-back program. This legislation also requests the administration and those involved in buy-back programs to continue and expand those programs. And then the fourth part about this is that we know that these defensive systems that we can put on aircraft are a good step forward, we know that multilateral agreements and cooperation will bring MANPADS out of the market and we know that the buy-back program will work, but we still are at risk and we know that these systems even when fully developed do not cover us for all types of attack and the fourth part of this legislation promotes ground-based systems. So we look at another protective layer in the threat that we face.

While it may be difficult to attack domestic aviation in light of the current security measures that we have put in place, the availability of MANPADS weapons of terror is still a great cause for concern. This has been demonstrated repeatedly, most recently by the November 2002 attack in Kenya, by the 2003 attack on the DHL plane in Baghdad, and also most recently in August of 2003 by the arrest in New York City of three men accused in a plot to smuggle shoulder-fired missiles into the United States.

Last year at the direction of Congress, DHS began an aggressive research and development program to assess the viability of an antimissile technology for use in commercial aviation passenger aircraft. The administration's current $100 million research and development program and efforts to work through issues unique to our commercial aviation system and our commercial aircraft, I am pleased, are making very significant progress. We expect to have a recommendation on the viability, feasibility, and costs associated with these systems sometime next year. After that, these systems will need to be expeditiously FAA-certified for installation on our commercial aircraft.

It is also necessary, I have said, that we keep these destructive weapons out of the hands of terrorists. Other alternatives to protect our airlines and our airports must also be explored. That is why I, along with the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from New York (Mr. ISRAEL), introduced H.R. 4056. This bill now is an interim solution and an interim measure addressing, again, problems that we face with this threat. It encourages continued actions to reduce the number of these weapons that are available to those who would do us harm.

We have worked closely with the Committee on International Relations and the gentleman from Illinois (Chairman HYDE) to strengthen and clarify the provisions in the legislation dealing with international cooperative efforts. This bill makes clear that the administration must take additional steps to reduce the security risks created by shoulder-launched missile systems. It also encourages strong international diplomatic and cooperative efforts to limit the proliferation of these MANPADS as well as the continuation of our programs, as I have said, that would help us reduce the number of shoulder-launched missiles worldwide. The bill also requires the FAA to expedite their airworthiness certification of the missile defense systems for our commercial aircraft.

Finally, H.R. 4056 requires the Department of Homeland Security to report back to Congress within a year on the vulnerability assessment reports they are conducting at our airports throughout the United States and on how they are responding to the General Accounting Office's recommendations to prevent the proliferation of MANPADS.

I want to take this opportunity to thank the gentleman from Oregon (Mr. DEFAZIO) and also the gentleman from New York (Mr. ISRAEL) for their hard work on this bill. I also want to thank Transportation and Infrastructure Chairman DON YOUNG and International Relations Chairman HENRY HYDE for their cooperation and work.

This measure takes several important steps in dealing with the MANPADS terrorist threat. It is a good bill, it is a bipartisan bill; and therefore I urge passage and adoption of H.R. 4056, as amended.

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

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

I thank the gentleman from Florida for his leadership on this issue. He has raised this issue persistently, both in closed and open settings, with any and all officials who might be able to help us begin to deal more effectively with this growing threat.

□ 1830

I also want to thank the gentleman from New York, whom we will hear from in just a few moments, for his leadership and persistence on this issue.

Many Americans are not particularly aware of this threat. We are talking about a threat that can be transported in something not much bigger than a golf bag, and in fact, some of the earlier versions of this weapon are available on the black market for not much more than a cheap set of golf clubs, not even a stand-up set of Calloways, but much less expensive clubs. So the proliferation, the availability, the portability, the concealability of these weapons is a major threat.

We go on from there to the fact that they have been utilized more times than many would know. Over the last 25 years, it is estimated there have been, as mentioned, as many as 35 attempts to shoot down civilian aircraft resulting in the loss of 24 aircraft and 500 deaths, something again little known to most Americans and members of the flying public worldwide.

Last November, a DHL Airbus A300 was severely damaged over Baghdad, actually losing hydraulics and flight controls after being hit by a missile. Having visited Iraq, where I was flown in on a propeller plane because they have less of a heat signature than a jet and having done the spiral-down over Baghdad, and that is an experience that all of our troops who have not come in by land have had in being deployed to Baghdad, one realizes the magnitude of this threat.

The war has unleashed hundreds more of these missiles onto the black market in Iraq and the Middle East. Our friends, the Chinese, are counterfeiting some of the most effective and efficient versions of this missile produced by the Russians and the United States of America. As they are so good at counterfeiting, the Chinese have counterfeited them, and as usual, they are proliferating them into very uncontrolled and potentially problematic markets to clients who might use these in ways that are inimical to commercial aviation worldwide.

So there is a real and growing threat. There is no simple solution. The technology that is being utilized by the military can be quite effective. It is not technology that is immediately transferrable to civilian aircraft, and the chairman has tried to deal with that in two different ways: one, with the development and testing of defensive systems; the other with the mandate that when systems do become available and viable that the FAA not take its usual 3 to 5 years to certify them, but in fact, that these be expedited on a basis far quicker than most technologies are certified by the FAA so they could become available to commercial aviation.

The chairman has already raised the issue of buy-backs, particularly for the older versions of these missiles, not the new Chinese counterfeits, but the others. They could be bought for very little on the market, and that would be a wise way to begin to deal with the proliferation.

International agreements, like other agreements, land mines, which unfortunately neither the Clinton administration nor the Bush administration has been willing to sign onto, but modeled on other international agreements, we could begin to rein in the proliferation of these weapons and their availability. Perhaps we could even get the attention of the Chinese for once, so that they would not be proliferating them.

The other issue, as I said earlier, is that we need to continue to research new measures. This is not the only threat to civilian aviation, which both the chairman and I recognize. We are very worried about the threat of explosives that are carried or smuggled on

board airplanes, and there is much more that needs to be done there, which we have covered in a number of hearings and it is not appropriate to go into at this point in time. But this is yet another part of the threat which cannot be ignored.

I, again, appreciate the chairman's leadership on this issue.

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

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

Mr. DEFAZIO. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. ISRAEL), who has been a leader on this issue; and it was his efforts, in good part, that have led us here this evening.

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

And let me thank both the chairman and the ranking member for their extraordinary bipartisan leadership on this issue. It was an honor to work with both of them as an original cosponsor of this vital homeland security and national security measure. I am very proud to stand with them tonight in support of this legislation to protect America's flying public from the very real threat of shoulder-fired missiles.

Mr. Speaker, I have said in the past that the proliferation of shoulder-fired missiles is so great and the risk is so high that we have to go on offense and defense at the same time. And that is exactly what this measure does.

Intelligence officials have published estimates that there are roughly 500,000 portable shoulder-fired missiles available worldwide in the hands of 27 separate terrorist organizations, including al Qaeda. And as we have heard before, shoulder-fired missiles have already been used to shoot down commercial aircraft outside of the United States. Reports from the CIA, the State Department, and other government agencies indicate that shoulder-fired missiles have hit at least dozens of civilian aircraft since the 1970s and killed hundreds of people.

I have heard on other occasions that it is better to attack terrorists there than here. And if we agree with that argument on the global war on terror, then certainly it should apply to how we approach the tools of terror, shoulder-fired missiles. In fact, when it comes to shoulder-fired missiles, we have to reduce the threat in both places and reduce that threat expeditiously.

Here, it is essential that we accelerate our efforts to equip our planes with antimissile countermeasures, and that is why this bill includes provisions asking the FAA to accelerate the process for certifying defensive systems to protect against the terrorists of shoulder-fired missiles.

And elsewhere in the world, we have to aggressively pursue the implementation of international treaties to control the proliferation of shoulder-fired missiles. Ultimately, this is a supply-and-demand issue, and American travelers will not be safe until we control both the supply and the demand.

Just recently, the GAO reported that the United States needs to do more work within multilateral forums to establish mechanisms for assessing foreign governments' implementation of their commitments to reduce the proliferation of shoulder-fired missiles. According to that report, the State Department has led U.S. efforts to obtain commitments from member countries, the Group of Eight, the Asian Pacific Economic Cooperation summit, and others to strengthen export controls and security of MANPADS, but compliance with those commitments is entirely voluntary, and the forums lack mechanisms to verify that members implement those very commitments.

This legislation requires the President to report on efforts to comply with recommendations contained in the GAO report on nonproliferation. It also encourages the President to pursue strong international diplomatic and cooperative efforts, including multilateral and bilateral treaties, to limit the availability, transfer, and proliferation of shoulder-fired missiles, to seek the destruction of excess, obsolete, and illicit shoulder-fired missiles; and it also expedites that FAA certification process for our planes here at home.

Mr. Speaker, we cannot afford to wait until the day after a catastrophe to begin to act, and that is why passage of this bill tonight is so welcomed and so important.

Once again, I want to applaud the efforts of the gentleman from Florida (Chairman MICA) and the gentleman from Oregon (Mr. DEFAZIO), the ranking member, for their leadership on this issue. I want to thank them for including me in this issue. I want to thank the House Committee on International Relations for their work, and I urge all of our colleagues to support this vitally important homeland security measure.

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

Mr. DEFAZIO. Mr. Speaker, I urge the House to adopt this measure.

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

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

To close here, Mr. Speaker, first of all, I want to thank both the gentleman from New York (Mr. ISRAEL) and the gentleman from Oregon (Mr. DEFAZIO) for their work. This is not a partisan issue. This is an issue in the best interest of this Nation.

We have done things to make the traveling public who use aviation, which is so important to the economy of this Nation, safe. We have secured cockpit doors. We have air marshals on board. We have trained pilots to arm and defend their aircraft.

So we have taken measures, and I think even passengers who fly would never knowingly allow an aircraft to be overtaken. So the threat is not that type of threat that we faced September 11, and we know terrorists are always looking one step ahead to do damage to us. So this is an important complement to what the administration has done.

We have a $160 million research and development program to expedite producing defensive systems that can be used on commercial aircraft, and that is important. It gives us one more means of defense against a great terrorist threat.

Will we be able to put these on every aircraft? No. Are we able to put an air marshal on every aircraft? No. Does this cost us money? Yes, it is going to cost us money. But stop to think of the cost of one commercial airline being blown out of the sky by a shoulder-launched missile.

Eleven percent of our gross domestic product, the entire economy of this country, is really directly related and indirectly related to our aviation industry, jobs by the millions. And since September 11, we hear 3 million jobs. I guarantee that we could find 1½ to 2 million jobs that were lost just in aviation by the loss of four commercial aircraft.

So we have lessons to learn, and I have brought to the floor, in closing, the Kenya missile attack in November of 2002 in Mombasa. Not one, but two shoulder-launched missiles were launched on that date against an Israeli commercial charter aircraft; and this was also timed with a ground attack where people were killed, but hundreds would have perished had they been successful here. This is in Kenya on another continent.

However, even more recently, this is a DHL commercial airliner that left Baghdad in November, 2003, and was hit. So far, we have been lucky. So far, we have been fortunate. This aircraft also survived this terrorist attack. But we know there are more of these shoulder-launched missiles available on the open market than ever before.

So the provision of the gentleman from New York (Mr. ISRAEL) helps in getting international cooperation.

And again I thank the gentleman from Oregon (Mr. DEFAZIO) for putting a broad-based measure together that will fill in the gaps to provide us one more layer of protection against a potential terrorist attack.

Mr. Speaker, I insert in the RECORD at this point an exchange of letters between the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Transportation and Infrastructure, and the gentleman from Illinois (Chairman HYDE) regarding H.R. 4056.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,

Washington, DC, June 21, 2004.

Hon. DON YOUNG,

Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I have reviewed the text of H.R. 4056, the "Commercial Aviation

MANPADS Defense Act of 2004,'' as ordered reported from the Committee on Transportation and Infrastructure on May 12, 2004. The Committee on International Relations has jurisdiction under Rule X over certain provisions of this bill contained in Section 3, International Cooperative Efforts and Section 5, Programs to Reduce MANPADS.

Recognizing your wish that the House of Representatives consider this critical bill as soon as possible, and noting the continued strong spirit of cooperation between our Committees, I will forego seeking a sequential referral of H.R. 4056 for the Committee on International Relations. However, waiving the Committee on International Relations' right to a referral in this case does not waive the Committee's jurisdiction over any provision in H.R. 4056 or similar provisions in other bills. In addition, I ask that you support my request to have the Committee on International Relations represented on the conference on this bill, if a conference is necessary. Finally, I ask that you include this letter in the Congressional Record during the debate on this bill.

I appreciate your leadership and cooperation on this bill, and I look forward to working with you to ensure that H.R. 4056 is enacted into law soon.

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 23, 2004.

Hon. HENRY HYDE,
Chairman, Committee on International Relations, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of June 21, 2004, regarding H.R. 4056, the ''Commercial Aviation MANPADS Defense Act of 2004'', and for your willingness to waive consideration of the provisions in the bill that fall within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of these provisions of H.R. 4056 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 4056 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Record when the bill is considered in the House.

Thank you for your cooperation in moving this important legislation to the House Floor.

Sincerely,

DON YOUNG,
Chairman.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 4056, the Commercial Aviation MANPADs Defense Act (CAMDA).

Shoulder-fired missiles pose a serious threat to commercial aviation. Al Qaeda, through its actions, has clearly expressed the desire to strike at commercial aircraft with man-portable air defense systems, or MANPADs, and has trained its members to use them. Moreover, there is some evidence suggesting possible Al Qaeda links to two recent incidents involving MANPADs:

In May 2002, a Saudi security patrol found a spent SA–7 tube inside a security fence at Prince Sultan Airbase;

In November 2002, two shoulder-fired missiles were launched against a chartered Israeli Boeing 757–300 departing Kenya.

MANPADs have proliferated into the hands of terrorists and insurgents. In fact, the number of MANPADs that cannot be accounted for—has greatly increased over the last year due largely to our war with Iraq.

We also know that commercial aircraft are vulnerable. It has been estimated that over the last 25 years there have been as many as 35 attempts to shoot down civilian aircraft, resulting in the loss of 24 aircraft and 500 deaths. There is evidence to suggest that, in at least a few instances, multengine jets have been destroyed by MANPADs. And just last November, a DHL Airbus A–300 was severely damaged over Baghdad—actually losing hydraulics and flight controls—after being hit by a shoulder-fired missile.

The bill now before us was introduced by Aviation Subcommittee Chairman MICA, Ranking Member DEFAZIO and Mr. ISRAEL.

The bill would require the President to pursue strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, that would limit the transfer and proliferation as well as encourage the destruction of MANPADs. This provision was inspired largely by our colleague from New York, Mr. ISRAEL. Based on suggestions by our colleagues on the International Relations Committee, the bill has been amended to provide greater detail on the types of international cooperative and diplomatic measures the President should pursue.

The Department of Homeland Security (DHS) is currently involved in a $120 million research effort to develop airborne antimissile defense countermeasures for commercial aircraft. CAMDA will expedite the Federal Aviation Administration (FAA) airworthiness and safety certification process for these cuontermeasure systems.

CAMDA also encourages the President to pursue programs to reduce the number of MANPADs worldwide.

Additionally, CAMDA requires the DHS to report to the House Transportation and Infrastructure Committee and the Senate Commerce Committee on the status of MANPAD vulnerability assessments that it is conducting at U.S. airports. The DHS will also report on any contingency plans that have been developed in the event that we receive indications that there is a high threat of a MANPAD attack.

I thank Chairman MICA, Ranking Member DEFAZIO, and Mr. ISRAEL for their strong leadership on this issue, and I urge my colleagues to support this legislation.

Mr. BURGESS. Mr. Speaker, I rise today in strong support of H.R. 4065, The Man-Portable Surface-to-Air Missiles Defense Act.

In response to the September 11, 2001, attacks, Congress passed the Aviation and Transportation Security Act (ATSA) to ensure the safety of airline passengers.

This legislation expanded the federal air marshal program, required that all cockpit doors be strengthened, armed pilots, increased screening of passengers and required increased screening of passenger baggage using explosive detection systems.

Congressional efforts have, in large part, focused on in-flight safety and airport security, but an important vulnerability still exists. Commercial airliners are vulnerable to attacks from man-portable surface-to-air missiles during each takeoff and landing.

Man-portable surface-to-air missiles are unfortunately accessible and relatively inexpensive; on the black market, the systems can be purchased for less than $100,000. Thousands of man-portable surface-to-air missiles exist around the world, many in the hands of guerrilla and terrorist groups. These groups have already demonstrated their intent to use man-portable surface-to-air missiles on civilian aircraft on more than one occasion.

The Dallas-Fort Worth Airport, which is the sixth largest airport in the country, is located in my congressional district. Millions of airline passengers travel through DFW airport each year, and I am concerned about this vulnerability.

That is why I am a proud cosponsor of Chairman MICA's Commercial Aviation Man Portable Surface-to-Air Missiles Defense Act of 2004.

This legislation will help to protect airline passengers and crew from the man-portable surface-to-air missiles threat. H.R. 4065 requires the FAA to expedite airworthiness certification of the missile defense systems for commercial aircraft.

Additionally, it requires that the Department of Homeland Security report to Congress about the vulnerability assessment reports they are conducting at U.S. airports. DHS is also directed to report any recommendations that are issued regarding ground-based defense policies or procedures.

The Man-Portable Surface-to-Air Missiles Defense Act urges the President to continue working with our international diplomatic partners to reduce or eliminate the availability of man-portable surface-to-air missiles worldwide.

Again, I would like to reiterate my support for the Man-Portable Surface-to-Air Missiles Defense Act and urge my colleagues to support this important legislation.

Mr. CRANE. Mr. Speaker, I rise today in strong support of H.R. 4056, which urges the President, the Federal Aviation Administration, and the Department of Homeland Security to move forward with the protection of commercial aircraft from MANPADS attacks. I want to commend my colleague from Florida for introducing this critical legislation that not only protects commercial aircraft here in the United States but also takes an aggressive step to encourage the rest of the world to increase their own safety measures concerning air travel.

It is imperative that we in Congress realize that heat-seeking infrared surface-to-air missiles currently held by terrorist organizations pose an imminent threat to commercial aircraft. The terrorist use of MANPADS has resulted in the deaths of more than 350 innocent people. When in possession of those intending to inflict harm, MANPADS are extremely effective and extremely dangerous. An estimated 27 terrorist organizations are known to have heat-seeking missiles, and over 500,000 produced worldwide can easily be purchased on the black market for $25,000 to $50,000.

Last year, I worked with the Appropriations Subcommittee on Homeland Security to secure funds for this crucial program to be applied on commercial aircraft. Chairman ROGERS generously provided $60 million for fiscal year 2004 and has added funds again in this year's Homeland Security appropriations bill. There are MANPADS defense systems in development right now across the country including a facility in Rolling Meadows, IL, which is in my district. This system is already being used and has been proven to be effective on

our C–17 military aircraft. In order to protect our larger military aircraft, the Department of Defense has already spent close to $1 billion developing and deploying systems that defeat this threat on numerous large body aircraft.

The Commercial Aviation MANPADS Defense Act of 2004 takes the next step in the process of ensuring that every commercial aircraft is equipped with these antimissile devices. The bill readies our airports for the implementation of these defense systems and goes even further in the defense against MANPADS attacks by establishing programs to reduce the number of MANPADS worldwide so that fewer of these missiles will be available for trade and sale.

Once again I would like to commend Representative MICA for introducing this legislation and urge my colleagues to vote in favor of the bill.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4056, 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. MICA. 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.

GENERAL LEAVE

Mr. MICA. 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. 4056.

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

There was no objection.

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NORTH KOREAN HUMAN RIGHTS ACT OF 2004

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4011) to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4011

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 ''North Korean Human Rights Act of 2004''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Purposes.
Sec. 5. Definitions.

TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

Sec. 101. Sense of Congress regarding negotiations with North Korea.
Sec. 102. Support for human rights and democracy programs.
Sec. 103. Radio broadcasting to North Korea.
Sec. 104. Actions to promote freedom of information.
Sec. 105. United Nations Commission on Human Rights.

TITLE II—ASSISTING NORTH KOREANS IN NEED

Sec. 201. Report on United States humanitarian assistance.
Sec. 202. Assistance provided inside North Korea.
Sec. 203. Assistance provided outside of North Korea.

TITLE III—PROTECTING NORTH KOREAN REFUGEES

Sec. 301. United States policy toward refugees and defectors.
Sec. 302. Eligibility for refugee or asylum consideration.
Sec. 303. Facilitating submission of applications for admission as a refugee.
Sec. 304. United Nations High Commissioner for Refugees.
Sec. 305. Annual reports.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) According to the Department of State, the Government of North Korea is ''a dictatorship under the absolute rule of Kim Jong Il'' that continues to commit numerous, serious human rights abuses.

(2) The Government of North Korea attempts to control all information, artistic expression, academic works, and media activity inside North Korea and strictly curtails freedom of speech and access to foreign broadcasts.

(3) The Government of North Korea subjects all its citizens to systematic, intensive political and ideological indoctrination in support of the cult of personality glorifying Kim Jong Il and the late Kim Il Sung that approaches the level of a state religion.

(4) The Government of North Korea divides its population into categories, based on perceived loyalty to the leadership, which determines access to food, employment, higher education, place of residence, medical facilities, and other resources.

(5) According to the Department of State, ''[t]he [North Korean] Penal Code is [d]raconian, stipulating capital punishment and confiscation of assets for a wide variety of 'crimes against the revolution,' including defection, attempted defection, slander of the policies of the Party or State, listening to foreign broadcasts, writing 'reactionary' letters, and possessing reactionary printed matter''.

(6) The Government of North Korea executes political prisoners, opponents of the regime, some repatriated defectors, some members of underground churches, and others, sometimes at public meetings attended by workers, students, and schoolchildren.

(7) The Government of North Korea holds an estimated 200,000 political prisoners in camps that its State Security Agency manages through the use of forced labor, beatings, torture, and executions, and in which many prisoners also die from disease, starvation, and exposure.

(8) According to eyewitness testimony provided to the United States Congress by North Korean camp survivors, camp inmates have been used as sources of slave labor for the production of export goods, as targets for martial arts practice, and as experimental victims in the testing of chemical and biological poisons.

(9) According to credible reports, including eyewitness testimony provided to the United States Congress, North Korean Government officials prohibit live births in prison camps, and forced abortion and the killing of newborn babies are standard prison practices.

(10) According to the Department of State, ''[g]enuine religious freedom does not exist in North Korea'' and, according to the United States Commission on International Religious Freedom, ''[t]he North Korean state severely represses public and private religious activities'' with penalties that reportedly include arrest, imprisonment, torture, and sometimes execution.

(11) More than 2,000,000 North Koreans are estimated to have died of starvation since the early 1990s because of the failure of the centralized agricultural and public distribution systems operated by the Government of North Korea.

(12) According to a 2002 United Nations-European Union survey, nearly one out of every ten children in North Korea suffers from acute malnutrition and four out of every ten children in North Korea are chronically malnourished.

(13) Since 1995, the United States has provided more than 2,000,000 tons of humanitarian food assistance to the people of North Korea, primarily through the World Food Program.

(14) Although United States food assistance has undoubtedly saved many North Korean lives and there have been minor improvements in transparency relating to the distribution of such assistance in North Korea, the Government of North Korea continues to deny the World Food Program forms of access necessary to properly monitor the delivery of food aid, including the ability to conduct random site visits, the use of native Korean-speaking employees, and travel access throughout North Korea.

(15) The risk of starvation, the threat of persecution, and the lack of freedom and opportunity in North Korea have caused large numbers, perhaps even hundreds of thousands, of North Koreans to flee their homeland, primarily into China.

(16) North Korean women and girls, particularly those who have fled into China, are at risk of being kidnapped, trafficked, and sexually exploited inside China, where many are sold as brides or concubines, or forced to work as prostitutes.

(17) The Governments of China and North Korea have been conducting aggressive campaigns to locate North Koreans who are in China without permission and to forcibly return them to North Korea, where they routinely face torture and imprisonment, and sometimes execution.

(18) Despite China's obligations as a party to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees China routinely classifies North Koreans seeking asylum in China as mere ''economic migrants'' and returns them to North Korea without regard to the serious threat of persecution they face upon their return.

(19) The Government of China does not provide North Koreans whose asylum requests are rejected a right to have the rejection reviewed prior to deportation despite its obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

(20) North Koreans who seek asylum while in China are routinely imprisoned and tortured, and in some cases killed, after they are returned to North Korea.

(21) The Government of China has detained, convicted, and imprisoned foreign aid workers attempting to assist North Korean refugees, including the Reverend Choi Bong Il, in proceedings that did not comply with Chinese law or international standards.

(22) In January 2000, North Korean agents inside China allegedly abducted the Reverend Kim Dong-shik, a United States permanent resident and advocate for North Korean refugees, whose condition and whereabouts remain unknown.

(23) Between 1994 and 2003, South Korea has admitted approximately 3,800 North Korean refugees for domestic resettlement, a number small in comparison with the total number of North Korean escapees, but far greater than the number legally admitted by any other country.

(24) Although the principal responsibility for North Korean refugee resettlement naturally falls to the Government of South Korea, the United States should play a leadership role in focusing international attention on the plight of these refugees, and formulating international solutions to that profound humanitarian dilemma.

(25) In addition to infringing the rights of its own citizens, the Government of North Korea has been responsible in years past for the abduction of numerous citizens of South Korea and Japan, whose condition and whereabouts remain unknown.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to promote respect for and protection of fundamental human rights in North Korea;

(2) to promote a more durable humanitarian solution to the plight of North Korean refugees;

(3) to promote increased monitoring, access, and transparency in the provision of humanitarian assistance inside North Korea;

(4) to promote the free flow of information into and out of North Korea; and

(5) to promote progress toward the peaceful reunification of the Korean peninsula under a democratic system of government.

SEC. 5. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations of the House of Representatives; and

(B) the Committee on Foreign Relations of the Senate.

(2) CHINA.—The term ''China'' means the People's Republic of China.

(3) HUMANITARIAN ASSISTANCE.—The term ''humanitarian assistance'' means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies, clothing, and shelter.

(4) NORTH KOREA.—The term ''North Korea'' means the Democratic People's Republic of Korea.

(5) NORTH KOREANS.—The term ''North Koreans'' means persons who are citizens or nationals of North Korea.

(6) SOUTH KOREA.—The term ''South Korea'' means the Republic of Korea.

TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

SEC. 101. SENSE OF CONGRESS REGARDING NEGOTIATIONS WITH NORTH KOREA.

It is the sense of Congress that the human rights of North Koreans should remain a key element in future negotiations between the United States, North Korea, and other concerned parties in Northeast Asia.

SEC. 102. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY PROGRAMS.

(a) SUPPORT.—The President is authorized to provide grants to private, nonprofit organizations to support programs that promote human rights, democracy, rule of law, and the development of a market economy in North Korea. Such programs may include appropriate educational and cultural exchange programs with North Korean participants, to the extent not otherwise prohibited by law.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President $2,000,000 for each of the fiscal years 2005 through 2008 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 103. RADIO BROADCASTING TO NORTH KOREA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate the unhindered dissemination of information in North Korea by increasing its support for radio broadcasting to North Korea, and that the Broadcasting Board of Governors should increase broadcasts to North Korea from current levels, with a goal of providing 12-hour-per-day broadcasting to North Korea, including broadcasts by Radio Free Asia and Voice of America.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report that—

(1) describes the status of current United States broadcasting to North Korea; and

(2) outlines a plan for increasing such broadcasts to 12 hours per day, including a detailed description of the technical and fiscal requirements necessary to implement the plan.

SEC. 104. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.

(a) ACTIONS.—The President is authorized to take such actions as may be necessary to increase the availability of information inside North Korea by increasing the availability of sources of information not controlled by the Government of North Korea, including sources such as radios capable of receiving broadcasting from outside North Korea.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President $2,000,000 for each of the fiscal years 2005 through 2008 to carry out subsection (a).

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, and in each of the 3 years thereafter, the Secretary of State, after consultation with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report, in classified form, on actions taken pursuant to this section.

SEC. 105. UNITED NATIONS COMMISSION ON HUMAN RIGHTS.

It is the sense of Congress that the United Nations has a significant role to play in promoting and improving human rights in North Korea, and that—

(1) the United Nations Commission on Human Rights (UNCHR) has taken positive steps by adopting Resolution 2003/10 and Resolution 2004/13 on the situation of human rights in North Korea, and particularly by requesting the appointment of a Special Rapporteur on the situation of human rights in North Korea; and

(2) the severe human rights violations within North Korea warrant country-specific attention and reporting by the United Nations Working Group on Arbitrary Detention, the Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, the Special Rapporteur on the Right to Food, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, the Special Rapporteur on Freedom of Religion or Belief, and the Special Rapporteur on Violence Against Women.

TITLE II—ASSISTING NORTH KOREANS IN NEED

SEC. 201. REPORT ON UNITED STATES HUMANITARIAN ASSISTANCE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, and in each of the 2 years thereafter, the Administrator of the United States Agency for International Development, in conjunction with the Secretary of State, shall submit to the appropriate congressional committees a report that describes—

(1) all activities to provide humanitarian assistance inside North Korea, and to North Koreans outside of North Korea, that receive United States funding;

(2) any improvements in humanitarian transparency, monitoring, and access inside North Korea during the previous 1-year period, including progress toward meeting the conditions identified in paragraphs (1) through (4) of section 202(b); and

(3) specific efforts to secure improved humanitarian transparency, monitoring, and access inside North Korea made by the United States and United States grantees, including the World Food Program, during the previous 1-year period.

(b) FORM.—The information required by subsection (a)(1) may be provided in classified form if necessary.

SEC. 202. ASSISTANCE PROVIDED INSIDE NORTH KOREA.

(a) HUMANITARIAN ASSISTANCE THROUGH NONGOVERNMENTAL AND INTERNATIONAL ORGANIZATIONS.—It is the sense of the Congress that—

(1) at the same time that Congress supports the provision of humanitarian assistance to the people of North Korea on humanitarian grounds, such assistance also should be provided and monitored so as to minimize the possibility that such assistance could be diverted to political or military use, and to maximize the likelihood that it will reach the most vulnerable North Koreans;

(2) significant increases above current levels of United States support for humanitarian assistance provided inside North Korea should be conditioned upon substantial improvements in transparency, monitoring, and access to vulnerable populations throughout North Korea; and

(3) the United States should encourage other countries that provide food and other humanitarian assistance to North Korea to do so through monitored, transparent channels, rather than through direct, bilateral transfers to the Government of North Korea.

(b) HUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF NORTH KOREA.—No department, agency, or entity of the United States Government may provide humanitarian assistance to any department, agency, or entity of the Government of North Korea unless such United States Government department, agency, or entity certifies in writing to the appropriate congressional committees that the Government of North Korea has taken steps to ensure that—

(1) such assistance is delivered, distributed, and monitored according to internationally recognized humanitarian standards;

(2) such assistance is provided on a needs basis, and is not used as a political reward or tool of coercion;

(3) such assistance reaches the intended beneficiaries, who are informed of the source of the assistance; and

(4) humanitarian access to all vulnerable groups in North Korea is allowed, no matter where in the country they may be located.

(c) NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF NORTH KOREA.—No department, agency, or entity of the United States Government may provide nonhumanitarian assistance to any department, agency, or entity of the Government of North Korea unless such United States Government department, agency, or entity certifies in writing to the appropriate congressional committees that the Government of North Korea has made substantial progress toward—

(1) respecting and protecting basic human rights, including freedom of religion, of the people of North Korea;

(2) providing for significant family reunification between North Koreans and their descendants and relatives in the United States;

(3) fully disclosing all information regarding citizens of Japan and the Republic of Korea abducted by the Government of North Korea;

(4) allowing such abductees, along with their families, complete and genuine freedom to leave North Korea and return to the abductees' original home countries;

(5) significantly reforming its prison and labor camp system, and subjecting such reforms to independent international monitoring; and

(6) decriminalizing political expression and activity.

(d) WAIVER.—The President may waive the prohibition contained in subsection (b) or (c) if the President determines that it is in the national security interest of the United States to do so. Prior to exercising the waiver authority contained in the preceding sentence, the President shall transmit to the appropriate congressional committees a report that contains the determination of the President pursuant to the preceding sentence and a description of the assistance to be provided.

SEC. 203. ASSISTANCE PROVIDED OUTSIDE OF NORTH KOREA.

(a) ASSISTANCE.—The President is authorized to provide assistance to support organizations or persons that provide humanitarian assistance to North Koreans who are outside of North Korea without the permission of the Government of North Korea.

(b) TYPES OF ASSISTANCE.—Assistance provided under subsection (a) should be used to provide—

(1) humanitarian assistance to North Korean refugees, defectors, migrants, and orphans outside of North Korea, which may include support for refugee camps or temporary settlements; and

(2) humanitarian assistance to North Korean women outside of North Korea who are victims of trafficking, as defined in section 103(14) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(14)), or are in danger of being trafficked.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds otherwise available for such purposes, there are authorized to be appropriated to the President $20,000,000 for each of the fiscal years 2005 through 2008 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE III—PROTECTING NORTH KOREAN REFUGEES

SEC. 301. UNITED STATES POLICY TOWARD REFUGEES AND DEFECTORS.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate a report that describes the situation of North Korean refugees and explains United States Government policy toward North Korean nationals outside of North Korea.

(b) CONTENTS.—The report shall include—

(1) an assessment of the circumstances facing North Korean refugees and migrants in hiding, particularly in China, and of the circumstances they face if forcibly returned to North Korea;

(2) an assessment of whether North Koreans in China have effective access to personnel of the United Nations High Commissioner for Refugees, and of whether the Government of China is fulfilling its obligations under the 1951 Convention Relating to the Status of Refugees, particularly Articles 31, 32, and 33 of such Convention;

(3) an assessment of whether North Koreans presently have unobstructed access to United States refugee and asylum processing, and of United States policy toward North Koreans who may present themselves at United States embassies or consulates and request protection as refugees or asylum seekers and resettlement in the United States;

(4) the total number of North Koreans who have been admitted into the United States as refugees or asylees in each of the past five years;

(5) an estimate of the number of North Koreans with family connections to United States citizens; and

(6) a description of the measures that the Secretary of State is taking to carry out section 303.

(c) FORM.—The information required by paragraphs (1) through (5) of subsection (b) shall be provided in unclassified form. All or part of the information required by subsection (b)(6) may be provided in classified form, if necessary.

SEC. 302. ELIGIBILITY FOR REFUGEE OR ASYLUM CONSIDERATION.

(a) PURPOSE.—The purpose of this section is to clarify that North Koreans are not barred from eligibility for refugee status or asylum in the United States on account of any legal right to citizenship they may enjoy under the Constitution of the Republic of Korea. It is not intended in any way to prejudice whatever rights to citizenship North Koreans may enjoy under the Constitution of the Republic of Korea, or to apply to former North Korean nationals who have availed themselves of those rights.

(b) TREATMENT OF NATIONALS OF NORTH KOREA.—For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

SEC. 303. FACILITATING SUBMISSION OF APPLICATIONS FOR ADMISSION AS A REFUGEE.

The Secretary of State shall undertake to facilitate the submission of applications under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) by citizens of North Korea seeking protection as refugees (as defined in section 101(a)(42) of such Act (8 U.S.C. 1101(a)(42)).

SEC. 304. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES.

(a) ACTIONS IN CHINA.—It is the sense of Congress that—

(1) the Government of China has obligated itself to provide the United Nations High Commissioner for Refugees (UNHCR) with unimpeded access to North Koreans inside its borders to enable the UNHCR to determine whether they are refugees and whether they require assistance, pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and Article III, paragraph 5 of the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China (referred to in this section as the ''UNHCR Mission Agreement'');

(2) the United States, other UNHCR donor governments, and UNHCR should persistently and at the highest levels continue to urge the Government of China to abide by its previous commitments to allow UNHCR unimpeded access to North Korean refugees inside China;

(3) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally employ as professionals or Experts on Mission persons with significant experience in humanitarian assistance work among displaced North Koreans in China;

(4) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally contract with appropriate nongovernmental organizations that have a proven record of providing humanitarian assistance to displaced North Koreans in China;

(5) the UNHCR should pursue a multilateral agreement to adopt an effective ''first asylum'' policy that guarantees safe haven and assistance to North Korean refugees; and

(6) should the Government of China begin actively fulfilling its obligations toward North Korean refugees, all countries, including the United States, and relevant international organizations should increase levels of humanitarian assistance provided inside China to help defray costs associated with the North Korean refugee presence.

(b) ARBITRATION PROCEEDINGS.—It is further the sense of Congress that—

(1) if the Government of China continues to refuse to provide the UNHCR with access to North Koreans within its borders, the UNHCR should initiate arbitration proceedings pursuant to Article XVI of the UNHCR Mission Agreement and appoint an arbitrator for the UNHCR; and

(2) because access to refugees is essential to the UNHCR mandate and to the purpose of a UNHCR branch office, a failure to assert those arbitration rights in present circumstances would constitute a significant abdication by the UNHCR of one of its core responsibilities.

SEC. 305. ANNUAL REPORTS.

(a) IMMIGRATION INFORMATION.—Not later than 1 year after the date of the enactment of this Act, and every 12 months thereafter for each of the following 5 years, the Secretary of State and the Secretary of Homeland Security shall submit a joint report to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate on the operation of this title during the previous year, which shall include—

(1) the number of aliens who are nationals or citizens of North Korea who applied for political asylum and the number who were granted political asylum; and

(2) the number of aliens who are nationals or citizens of North Korea who applied for refugee status and the number who were granted refugee status.

(b) COUNTRIES OF PARTICULAR CONCERN.—The President shall include in each annual report on proposed refugee admission pursuant to section 207(d) of the Immigration and Nationality Act (8 U.S.C. 1157(d)), information about specific measures taken to facilitate access to the United States refugee program for individuals who have fled countries

of particular concern for violations of religious freedom, identified pursuant to section 402(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)). The report shall include, for each country of particular concern, a description of access of the nationals or former habitual residents of that country to a refugee determination on the basis of—

(1) referrals by external agencies to a refugee adjudication;

(2) groups deemed to be of special humanitarian concern to the United States for purposes of refugee resettlement; and

(3) family links to the United States.

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

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. 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. 4011, as amended.

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

There was no objection.

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

Mr. Speaker, during the past 2½ years, the Subcommittee on Asia and the Pacific has received testimony from a number of North Koreans who have survived some of the greatest rigors of the human condition. Their accounts buttress the growing awareness that the people of North Korea have endured some of the most acute humanitarian traumas of our time.

Inside North Korea, they suffer at the hands of a totalitarian dynasty that permits no dissent and strictly curtails freedoms of speech, press, religion, and assembly. The regime maintains a brutal system of prison camps that house an estimated 200,000 political inmates who are subjected to slave labor, torture, and even lethal chemical experimentation. Since the collapse of the centralized agricultural system in the 1990s, more than 2 million North Koreans are estimated to have died of starvation.

North Koreans outside of North Korea are also uniquely vulnerable. Many thousands are hiding inside China, which currently refuses the U.N. High Commissioner for Refugees to evaluate and identify genuine refugees among the North Korean migrant population. China forcibly returns North Koreans to North Korea, where they routinely face imprisonment and torture and sometimes execution. Inside China, North Korean women and girls are particularly vulnerable to trafficking in sexual exploitation.

Provoked by these crises, this broadly bipartisan legislation aims to promote international cooperation on human rights and refugee protection, and increased transparency in the provision of humanitarian assistance to the people of North Korea.

On the human rights front, this bill underscores the importance of human rights issues in future negotiations with North Korea. It authorizes funds for programs to promote human rights, democracy, rule of law, a market economy, and freedom of information. It also urges additional North Korea-specific attention by appropriate U.N. human rights authorities.

On the humanitarian front, the bill authorizes increased funding for assistance to North Koreans outside of North Korea, including refugees, orphans, and trafficking victims. It endorses, but also seeks, greater transparency, for the delivery of U.S. humanitarian aid inside North Korea. Finally, it would condition direct assistance to the North Korean government on human rights and transparency benchmarks, but allows the President to waive those restrictions for national security purposes.

In terms of refugee protection, the bill requires a formal clarification of U.S. policy and affirms the eligibility of North Koreans to seek protection as refugees under U.S. law. It also urges the U.N. High Commissioner For Refugees to use all available means to gain access to North Koreans in China. Although the principal responsibility for North Korean refugee resettlement naturally falls to the government of South Korea, the United States should play a leadership role in focusing international attention on the plight of those refugees in formulating international solutions to their profound humanitarian dilemma.

I want to remove any danger that overseas audiences may misunderstand the intent or content of this bill. Allow me to state unequivocally, this legislation is a purely humanitarian endeavor. There are no hidden agendas. Indeed, the committee of jurisdiction is deeply indebted to the concerns expressed by thousands of American citizens of Korean descent who are convinced that for too long the international community has largely ignored the plight of their brethren in the North.

As explained in the report of the Committee on International Relations: ''H.R. 4011 is motivated by a genuine desire for improvements in human rights, refugee protection, and humanitarian transparency. It is not a pretext for a hidden strategy to provoke regime collapse or to seek collateral advantage in ongoing strategic negotiations. While the legislation highlights numerous egregious abuses, the Congress remains willing to recognize progress in the future and hopes for such an opportunity.''

Similarly, with regard to China, this bill is not solely critical; it is also aspirational. It makes clear that the United States and the international community stand ready to provide more assistance to help defray the costs associated with the North Korean migrant presence when China begins fulfilling its obligations as a party to the 1951 U.N. Refugee Convention. We genuinely hope for that opportunity to arise.

I would like to thank my colleagues for their strong bipartisan endorsement of this bill. In particular, I would like to express my gratitude to the staff of the Committee on International Relations and Committee on the Judiciary, particularly Doug Anderson, for their expert consideration, and to the House leadership for promptly scheduling this important legislation.

Our distinguished ranking member, the gentleman from California (Mr. LANTOS); the distinguished ranking member of the subcommittee, the gentleman from American Samoa (Mr. FALEOMAVAEGA); the gentleman from New York (Mr. ACKERMAN); and the gentleman from California (Mr. BERMAN) of the minority are much appreciated, as is the leadership of the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. COX); and the gentleman from California (Mr. ROYCE) on the majority side.

Finally I would like to thank Senator BROWNBACK, whose leadership in the other body has both informed and helped inspire House action on these issues.

H.R. 4011 is a responsible, creative approach to an ongoing human tragedy and deserves our unanimous support.

Mr. Speaker, I include for the RECORD an exchange of letters between the gentleman from Illinois (Chairman HYDE) and the gentleman from Wisconsin (Chairman SENSENBRENNER) on the bill under discussion.

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,

Washington, DC, July 16, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter regarding H.R. 4011, the ''North Korean Human Rights Act of 2004,'' which was primarily referred to the Committee on International Relations and additionally to the Committee on the Judiciary. This Committee ordered the bill reported favorably on March 31, 2004, and filed its report (H. Rept. No. 108–478, Part I) on May 4, 2004.

I concur that the Committee on the Judiciary has jurisdiction over the immigration provisions contained in Title III of the bill. I am grateful for the cooperation of the Committee on the Judiciary in crafting a mutually agreeable compromise text. Based on these discussions, the manager's amendment which the Committee will call up under suspension of the rules will be the text attached to your letter.

I appreciate your willingness to waive further consideration of the bill in the Committee on the Judiciary. I concur that in taking this action your Committee's jurisdiction over the bill is in no way diminished or altered. I will, as you request, include this exchange of letters in the Congressional Record during consideration of the legislation on the House floor.

I appreciate your cooperation in this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 15, 2004.

Hon. HENRY HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing regarding H.R. 4011, the ''North Korean Human Rights Act of 2004'' which was referred primarily to the Committee on International Relations and additionally to the Committee on the Judiciary. The Committee on International Relations reported the bill favorably on May 4, 2004. H. Rept. No. 108–478, Part I. The Committee on the Judiciary's secondary referral is currently scheduled to expire on July 16, 2004.

I had significant concerns about the immigration provisions contained in Title III on the bill as introduced which fall within the Rule X jurisdiction of the Committee on the Judiciary. My staff has had discussions with yours, and they have reached a mutually agreeable compromise to resolve these concerns. A copy of the compromise language is attached. I understand that through staff discussions you have indicated your willingness to take the bill to the floor under suspension of the rules and use the attached compromise language as the manager's amendment when you do so.

Based on your agreement to follow this course, I agree to waive further consideration of the bill in the Committee on the Judiciary so that the bill may proceed to the floor. The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over the bill is in no way diminished or altered. I would appreciate your including this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

I appreciate your cooperation in this matter.

Sincerely,
F. JAMES SENSENBRENNER, JR.,
Chairman.

H.R. 4011

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 ''North Korean Human Rights Act of 2004''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Purposes.
Sec. 5. Definitions.

TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

Sec. 101. Sense of Congress regarding negotiations with North Korea.
Sec. 102. Support for human rights and democracy programs.
Sec. 103. Radio broadcasting to North Korea.
Sec. 104. Actions to promote freedom of information.
Sec. 105. United Nations Commission on Human Rights.

TITLE II—ASSISTING NORTH KOREANS IN NEED

Sec. 201. Report on United States humanitarian assistance.
Sec. 202. Assistance provided inside North Korea.
Sec. 203. Assistance provided outside of North Korea.

TITLE III—PROTECTING NORTH KOREAN REFUGEES

Sec. 301. United States policy toward refugees and defectors.
Sec. 302. Eligibility for refugee or asylum consideration.
Sec. 303. Facilitating submission of applications for admission as a refugee.
Sec. 304. United Nations High Commissioner for Refugees.
Sec. 305. Annual reports.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) According to the Department of State, the Government of North Korea is ''a dictatorship under the absolute rule of Kim Jong Il'' that continues to commit numerous, serious human rights abuses.

(2) The Government of North Korea attempts to control all information, artistic expression, academic works, and media activity inside North Korea and strictly curtails freedom of speech and access to foreign broadcasts.

(3) The Government of North Korea subjects all its citizens to systematic, intensive political and ideological indoctrination in support of the cult of personality glorifying Kim Jong Il and the late Kim Il Sung that approaches the level of a state religion.

(4) The Government of North Korea divides its population into categories, based on perceived loyalty to the leadership, which determines access to food, employment, higher education, place of residence, medical facilities, and other resources.

(5) According to the Department of State, ''[t]he [North Korean] Penal Code is [d]raconian, stipulating capital punishment and confiscation of assets for a wide variety of 'crimes against the revolution,' including defection, attempted defection, slander of the policies of the Party or State, listening to foreign broadcasts, writing 'reactionary' letters, and possessing reactionary printed matter''.

(6) The Government of North Korea executes political prisoners, opponents of the regime, some repatriated defectors, some members of underground churches, and others, sometimes at public meetings attended by workers, students, and schoolchildren.

(7) The Government of North Korea holds an estimated 200,000 political prisoners in camps that its State Security Agency manages through the use of forced labor, beatings, torture, and executions, and in which many prisoners also die from disease, starvation, and exposure.

(8) According to eyewitness testimony provided to the United States Congress by North Korean camp survivors, camp inmates have been used as sources of slave labor for the production of export goods, as targets for martial arts practice, and as experimental victims in the testing of chemical and biological poisons.

(9) According to credible reports, including eyewitness testimony provided to the United States Congress, North Korean Government officials prohibit live births in prison camps, and forced abortion and the killing of newborn babies are standard prison practices.

(10) According to the Department of State, ''[g]enuine religious freedom does not exist in North Korea'' and, according to the United States Commission on International Religious Freedom, ''[t]he North Korean state severely represses public and private religious activities'' with penalties that reportedly include arrest, imprisonment, torture, and sometimes execution.

(11) More than 2,000,000 North Koreans are estimated to have died of starvation since the early 1990s because of the failure of the centralized agricultural and public distribution systems operated by the Government of North Korea.

(12) According to a 2002 United Nations-European Union survey, nearly one out of every ten children in North Korea suffers from acute malnutrition and four out of every ten children in North Korea are chronically malnourished.

(13) Since 1995, the United States has provided more than 2,000,000 tons of humanitarian food assistance to the people of North Korea, primarily through the World Food Program.

(14) Although United States food assistance has undoubtedly saved many North Korean lives and there have been minor improvements in transparency relating to the distribution of such assistance in North Korea, the Government of North Korea continues to deny the World Food Program forms of access necessary to properly monitor the delivery of food aid, including the ability to conduct random site visits, the use of native Korean-speaking employees, and travel access throughout North Korea.

(15) The risk of starvation, the threat of persecution, and the lack of freedom and opportunity in North Korea have caused large numbers, perhaps even hundreds of thousands, of North Koreans to flee their homeland, primarily into China.

(16) North Korean women and girls, particularly those who have fled into China, are at risk of being kidnapped, trafficked, and sexually exploited inside China, where many are sold as brides or concubines, or forced to work as prostitutes.

(17) The Governments of China and North Korea have been conducting aggressive campaigns to locate North Koreans who are in China without permission and to forcibly return them to North Korea, where they routinely face torture and imprisonment, and sometimes execution.

(18) Despite China's obligations as a party to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees China routinely classifies North Koreans seeking asylum in China as mere ''economic migrants'' and returns them to North Korea without regard to the serious threat of persecution they face upon their return.

(19) The Government of China does not provide North Koreans whose asylum requests are rejected a right to have the rejection reviewed prior to deportation despite its obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

(20) North Koreans who seek asylum while in China are routinely imprisoned and tortured, and in some cases killed, after they are returned to North Korea.

(21) The Government of China has detained, convicted, and imprisoned foreign aid workers attempting to assist North Korean refugees, including the Reverend Choi Bong Il, in proceedings that did not comply with Chinese law or international standards.

(22) In January 2000, North Korean agents inside China allegedly abducted the Reverend Kim Dong-shik, a United States permanent resident and advocate for North Korean refugees, whose condition and whereabouts remain unknown.

(23) Between 1994 and 2003, South Korea has admitted approximately 3,800 North Korean refugees for domestic resettlement, a number small in comparison with the total number of North Korean escapees, but far greater than the number legally admitted by any other country.

(24) Although the principal responsibility for North Korean refugee resettlement naturally falls to the Government of South Korea, the United States should play a leadership role in focusing international attention on the plight of these refugees, formulating international solutions to that profound humanitarian dilemma.

(25) In addition to infringing the rights of its own citizens, the Government of North Korea has been responsible in years past for the abduction of numerous citizens of South Korea and Japan, whose condition and whereabouts remain unknown.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to promote respect for and protection of fundamental human rights in North Korea;

(2) to promote a more durable humanitarian solution to the plight of North Korean refugees;

(3) to promote increased monitoring, access, and transparency in the provision of humanitarian assistance inside North Korea;

(4) to promote the free flow of information into and out of North Korea; and

(5) to promote progress toward the peaceful reunification of the Korean peninsula under a democratic system of government.

SEC. 5. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations of the House of Representatives; and

(B) the Committee on Foreign Relations of the Senate.

(2) CHINA.—The term ''China'' means the People's Republic of China.

(3) HUMANITARIAN ASSISTANCE.—The term ''humanitarian assistance'' means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies, clothing, and shelter.

(4) NORTH KOREA.—The term ''North Korea'' means the Democratic People's Republic of Korea.

(5) NORTH KOREANS.—The term ''North Koreans'' means persons who are citizens or nationals of North Korea.

(6) SOUTH KOREA.—The term ''South Korea'' means the Republic of Korea.

TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

SEC. 101. SENSE OF CONGRESS REGARDING NEGOTIATIONS WITH NORTH KOREA.

It is the sense of Congress that the human rights of North Koreans should remain a key element in future negotiations between the United States, North Korea, and other concerned parties in Northeast Asia.

SEC. 102. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY PROGRAMS.

(a) SUPPORT.—The President is authorized to provide grants to private, nonprofit organizations to support programs that promote human rights, democracy, rule of law, and the development of a market economy in North Korea. Such programs may include appropriate educational and cultural exchange programs with North Korean participants, to the extent not otherwise prohibited by law.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President $2,000,000 for each of the fiscal years 2005 through 2008 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 103. RADIO BROADCASTING TO NORTH KOREA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate the unhindered dissemination of information in North Korea by increasing its support for radio broadcasting to North Korea, and that the Broadcasting Board of Governors should increase broadcasts to North Korea from current levels, with a goal of providing 12-hour-per-day broadcasting to North Korea, including broadcasts by Radio Free Asia and Voice of America.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report that—

(1) describes the status of current United States broadcasting to North Korea; and

(2) outlines a plan for increasing such broadcasts to 12 hours per day, including a detailed description of the technical and fiscal requirements necessary to implement the plan.

SEC. 104. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.

(a) ACTIONS.—The President is authorized to take such actions as may be necessary to increase the availability of information inside North Korea by increasing the availability of sources of information not controlled by the Government of North Korea, including sources such as radios capable of receiving broadcasting from outside North Korea.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President $2,000,000 for each of the fiscal years 2005 through 2008 to carry out subsection (a).

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, and in each of the 3 years thereafter, the Secretary of State, after consultation with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report, in classified form, on actions taken pursuant to this section.

SEC. 105. UNITED NATIONS COMMISSION ON HUMAN RIGHTS.

It is the sense of Congress that the United Nations has a significant role to play in promoting and improving human rights in North Korea, and that—

(1) the United Nations Commission on Human Rights (UNCHR) has taken positive steps by adopting Resolution 2003/10 and Resolution 2004/13 on the situation of human rights in North Korea, and particularly by requesting the appointment of a Special Rapporteur on the situation of human rights in North Korea; and

(2) the severe human rights violations within North Korea warrant country-specific attention and reporting by the United Nations Working Group on Arbitrary Detention, the Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, the Special Rapporteur on the Right to Food, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, the Special Rapporteur on Freedom of Religion or Belief, and the Special Rapporteur on Violence Against Women.

TITLE II—ASSISTING NORTH KOREANS IN NEED

SEC. 201. REPORT ON UNITED STATES HUMANITARIAN ASSISTANCE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, and in each of the 2 years thereafter, the Administrator of the United States Agency for International Development, in conjunction with the Secretary of State, shall submit to the appropriate congressional committees a report that describes—

(1) all activities to provide humanitarian assistance inside North Korea, and to North Koreans outside of North Korea, that receive United States funding;

(2) any improvements in humanitarian transparency, monitoring, and access inside North Korea during the previous 1-year period, including progress toward meeting the conditions identified in paragraphs (1) through (4) of section 202(b); and

(3) specific efforts to secure improved humanitarian transparency, monitoring, and access inside North Korea made by the United States and United States grantees, including the World Food Program, during the previous 1-year period.

(b) FORM.—The information required by subsection (a)(1) may be provided in classified form if necessary.

SEC. 202. ASSISTANCE PROVIDED INSIDE NORTH KOREA.

(a) HUMANITARIAN ASSISTANCE THROUGH NONGOVERNMENTAL AND INTERNATIONAL ORGANIZATIONS.—It is the sense of the Congress that—

(1) at the same time that Congress supports the provision of humanitarian assistance to the people of North Korea on humanitarian grounds, such assistance also should be provided and monitored so as to minimize the possibility that such assistance could be diverted to political or military use, and to maximize the likelihood that it will reach the most vulnerable North Koreans;

(2) significant increases above current levels of United States support for humanitarian assistance provided inside North Korea should be conditioned upon substantial improvements in transparency, monitoring, and access to vulnerable populations throughout North Korea; and

(3) the United States should encourage other countries that provide food and other humanitarian assistance to North Korea to do so through monitored, transparent channels, rather than through direct, bilateral transfers to the Government of North Korea.

(b) HUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF NORTH KOREA.—No department, agency, or entity of the United States Government may provide humanitarian assistance to any department, agency, or entity of the Government of North Korea unless such United States Government department, agency, or entity certifies in writing to the appropriate congressional committees that the Government of North Korea has taken steps to ensure that—

(1) such assistance is delivered, distributed, and monitored according to internationally recognized humanitarian standards;

(2) such assistance is provided on a needs basis, and is not used as a political reward or tool of coercion;

(3) such assistance reaches the intended beneficiaries, who are informed of the source of the assistance; and

(4) humanitarian access to all vulnerable groups in North Korea is allowed, no matter where in the country they may be located.

(c) NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF NORTH KOREA.—No department, agency, or entity of the United States Government may provide nonhumanitarian assistance to any department, agency, or entity of the Government of North Korea unless such United States Government department, agency, or entity certifies in writing to the appropriate congressional committees that the Government of North Korea has made substantial progress toward—

(1) respecting and protecting basic human rights, including freedom of religion, of the people of North Korea;

(2) providing for significant family reunification between North Koreans and their descendants and relatives in the United States;

(3) fully disclosing all information regarding citizens of Japan and the Republic of Korea abducted by the Government of North Korea;

(4) allowing such abductees, along with their families, complete and genuine freedom

to leave North Korea and return to the abductees' original home countries;

(5) significantly reforming its prison and labor camp system, and subjecting such reforms to independent international monitoring; and

(6) decriminalizing political expression and activity.

(d) WAIVER.—The President may waive the prohibition contained in subsection (b) or (c) if the President determines that it is in the national security interest of the United States to do so. Prior to exercising the waiver authority contained in the preceding sentence, the President shall transmit to the appropriate congressional committees a report that contains the determination of the President pursuant to the preceding sentence and a description of the assistance to be provided.

SEC. 203. ASSISTANCE PROVIDED OUTSIDE OF NORTH KOREA.

(a) ASSISTANCE.—The President is authorized to provide assistance to support organizations or persons that provide humanitarian assistance to North Koreans who are outside of North Korea without the permission of the Government of North Korea.

(b) TYPES OF ASSISTANCE.—Assistance provided under subsection (a) should be used to provide—

(1) humanitarian assistance to North Korean refugees, defectors, migrants, and orphans outside of North Korea, which may include support for refugee camps or temporary settlements; and

(2) humanitarian assistance to North Korean women outside of North Korea who are victims of trafficking, as defined in section 103(14) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(14)), or are in danger of being trafficked.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds otherwise available for such purposes, there are authorized to be appropriated to the President $20,000,000 for each of the fiscal years 2005 through 2008 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE III—PROTECTING NORTH KOREAN REFUGEES

SEC. 301. UNITED STATES POLICY TOWARD REFUGEES AND DEFECTORS.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate a report that describes the situation of North Korean refugees and explains United States Government policy toward North Korean nationals outside of North Korea.

(b) CONTENTS.—The report shall include—

(1) an assessment of the circumstances facing North Korean refugees and migrants in hiding, particularly in China, and of the circumstances they face if forcibly returned to North Korea;

(2) an assessment of whether North Koreans in China have effective access to personnel of the United Nations High Commissioner for Refugees, and of whether the Government of China is fulfilling its obligations under the 1951 Convention Relating to the Status of Refugees, particularly Articles 31, 32, and 33 of such Convention;

(3) an assessment of whether North Koreans presently have unobstructed access to United States refugee and asylum processing, and of United States policy toward North Koreans who may present themselves at United States embassies or consulates and request protection as refugees or asylum seekers and resettlement in the United States;

(4) the total number of North Koreans who have been admitted into the United States as refugees or asylees in each of the past five years;

(5) an estimate of the number of North Koreans with family connections to United States citizens; and

(6) a description of the measures that the Secretary of State is taking to carry out section 303.

(c) FORM.—The information required by paragraphs (1) through (5) of subsection (b) shall be provided in unclassified form. All or part of the information required by subsection (b)(6) may be provided in classified form, if necessary.

SEC. 302. ELIGIBILITY FOR REFUGEE OR ASYLUM CONSIDERATION.

(a) PURPOSE.—The purpose of this section is to clarify that North Koreans are not barred from eligibility for refugee status or asylum in the United States on account of any legal right to citizenship they may enjoy under the Constitution of the Republic of Korea. It is not intended in any way to prejudice whatever rights to citizenship North Koreans may enjoy under the Constitution of the Republic of Korea, or to apply to former North Korean nationals who have availed themselves of those rights.

(b) TREATMENT OF NATIONALS OF NORTH KOREA.—For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

SEC. 303. FACILITATING SUBMISSION OF APPLICATIONS FOR ADMISSION AS A REFUGEE.

The Secretary of State shall undertake to facilitate the submission of applications under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) by citizens of North Korea seeking protection as refugees (as defined in section 101(a)(42) of such Act (8 U.S.C. 1101(a)(42)).

SEC. 304. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES.

(a) ACTIONS IN CHINA.—It is the sense of Congress that—

(1) the Government of China has obligated itself to provide the United Nations High Commissioner for Refugees (UNHCR) with unimpeded access to North Koreans inside its borders to enable the UNHCR to determine whether they are refugees and whether they require assistance, pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and Article III, paragraph 5 of the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China (referred to in this section as the "UNHCR Mission Agreement");

(2) the United States, other UNHCR donor governments, and UNHCR should persistently and at the highest levels continue to urge the Government of China to abide by its previous commitments to allow UNHCR unimpeded access to North Korean refugees inside China;

(3) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally employ as professionals or Experts on Mission persons with significant experience in humanitarian assistance work among displaced North Koreans in China;

(4) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally contract with appropriate nongovernmental organizations that have a proven record of providing humanitarian assistance to displaced North Koreans in China;

(5) the UNHCR should pursue a multilateral agreement to adopt an effective "first asylum" policy that guarantees safe haven and assistance to North Korean refugees; and

(6) should the Government of China begin actively fulfilling its obligations toward North Korean refugees, all countries, including the United States, and relevant international organizations should increase levels of humanitarian assistance provided inside China to help defray costs associated with the North Korean refugee presence.

(b) ARBITRATION PROCEEDINGS.—It is further the sense of Congress that—

(1) if the Government of China continues to refuse to provide the UNHCR with access to North Koreans within its borders, the UNHCR should initiate arbitration proceedings pursuant to Article XVI of the UNHCR Mission Agreement and appoint an arbitrator for the UNHCR; and

(2) because access to refugees is essential to the UNHCR mandate and to the purpose of a UNHCR branch office, a failure to assert those arbitration rights in present circumstances would constitute a significant abdication by the UNHCR of one of its core responsibilities.

SEC. 305. ANNUAL REPORTS.

(a) IMMIGRATION INFORMATION.—Not later than 1 year after the date of the enactment of this Act, and every 12 months thereafter for each of the following 5 years, the Secretary of State and the Secretary of Homeland Security shall submit a joint report to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate on the operation of this title during the previous year, which shall include—

(1) the number of aliens who are nationals or citizens of North Korea who applied for political asylum and the number who were granted political asylum; and

(2) the number of aliens who are nationals or citizens of North Korea who applied for refugee status and the number who were granted refugee status.

(b) COUNTRIES OF PARTICULAR CONCERN.—The President shall include in each annual report on proposed refugee admission pursuant to section 207(d) of the Immigration and Nationality Act (8 U.S.C. 1157(d)), information about specific measures taken to facilitate access to the United States refugee program for individuals who have fled countries of particular concern for violations of religious freedom, identified pursuant to section 402(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)). The report shall include, for each country of particular concern, a description of access of the nationals or former habitual residents of that country to a refugee determination on the basis of—

(1) referrals by external agencies to a refugee adjudication;

(2) groups deemed to be of special humanitarian concern to the United States for purposes of refugee resettlement; and

(3) family links to the United States.

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

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

Mr. Speaker, I strongly support this legislation. I urge all of my colleagues to do so as well.

I would first like to commend my dear friend and distinguished colleague, the gentleman from Iowa (Mr.

LEACH), for his introduction of the North Korean Human Rights Act; and I want to thank my good friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), for his hard work on this bill as well.

Mr. Speaker, United States policy towards North Korea has been an important item on the foreign policy agenda for over a decade, stretching through both the Clinton and the Bush administrations. Given the threat to the United States and to our key allies posed by North Korea's pursuit of weapons of mass destruction, the focus of our diplomatic resources has correctly been on ending the destabilizing nuclear and missile programs of North Korea.

While it is inevitable that security matters will remain at the heart of our dialogue regarding North Korea, I am very much concerned that the United States has paid insufficient attention to the human rights situation in the North and the humanitarian consequences of the horrendous misrule by North Korea's leadership.

Mr. Speaker, the legislation before the House is designed to correct this imbalance. The North Korean Human Rights Act will ensure that the United States does not fail to tackle North Korea's appalling human rights record as we attempt to resolve our differences with the North.

As we know all too well, the human rights situation in North Korea is one of the world's worst. Over a decade, a vast number of North Korean citizens starved to death because of their government's gross incompetence, while the North Korean leadership dined on sushi flown in fresh from Japan. Hundreds of thousands of citizens languish in brutal North Korean gulags with no hope of release.

The political system itself is Stalinist to the core. No elections. No freedom of the press. No freedom of assembly. No words of dissent. No criticism of the government or of North Korean leader Kim Jong Il.

In short, Mr. Speaker, the North Korean people have no hope of changing their government unless the international community stands up for human rights and democracy in the North and continues to push the North aggressively for change.

The misrule in the North has also created a significant refugee situation in Northeastern China. Hundreds of thousands of North Koreans have fled to China in hopes of gaining their freedom. The Chinese Government has refused to treat these North Koreans as refugees, and many have been pushed back over the border to a most uncertain fate.

It is critically important that the U.N. High Commissioner for Refugees have access to this floating population, and that North Korean refugees be treated appropriately.

Mr. Speaker, the legislation before us tackles all of these important subjects. It will direct that human rights remain on the negotiating table with the North. It demands better accountability for international food aid to North Korea. It encourages a solution on the North Korean refugee issue in China. And it attempts to increase American broadcasting into North Korea.

This bill is exceptionally well researched and well-crafted, and I strongly support its passage.

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

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

Mr. Speaker, briefly, in conclusion, let me just stress that the circumstances in North Korea have provoked one of the great humanitarian tragedies of our time. It is understandable that there are so many refugees, understandable that so many people have voted with their feet to seek greater opportunity in neighboring countries like China, like Mongolia.

But this Congress is simply trying, in a humanitarian way, to deal with that circumstance. We are not trying to express any geopolitical strategy, other than to help people that need our assistance.

Beyond that, I would say that there is strong bipartisan support, I think I can say that, for the administration trying to work as carefully as possible on the geostrategic issues in the six-party context, but this bill is about humanitarian issues and nothing else.

Mr. Speaker, I urge this Congress to take a unanimous vote on this subject.

Mr. ROYCE. Mr. Speaker, I rise in support of H.R. 4011, the North Korea Human Rights Act, of which I am an original cosponsor.

The human rights conditions in North Korea are abysmal. As we know, the North Korean regime apportions and withholds resources based on perceived citizen loyalty to the regime. From 1994 to 1998 at least two million North Koreans perished from starvation and related diseases, while nearly 50 percent of all North Korean children are malnourished to the point that it threatens their physical and mental health.

This dire situation has forced many North Koreans to risk life and limb to flee into China. As many as 300,000 North Korean refugees are hiding in the Chinese countryside. Chinese authorities continue an agreessive crackdown—actively hunting down North Korean refugees and forcibly repatriating them to North Korea. Once returned to North Korea, they fact torture, imprisonment, and even execution.

The International Relations Subcommittee on Asia has held hearings on North Korea's human rights abuses, where we have heard testimony from North Korean defectors. Ms. Lee, a former North Korean party official, described life in a North Korean gulag. She said, "A prisoner has no right to talk, laugh, sing or look in a mirror. Prisoners must kneel down on the ground and keep their heads down deeply whenever called by a guard. They can say nothing except to answer questions when asked. Prisoners have to work as slaves for up to 18 hours a day. Repeated failure to meet the work quotas means a week's time in a punishment cell. A prisoner must give up their human worth." She also told us, with the help of simple—yet shocking—illustrations, about chemical weapons tests and other atrocities that she witnessed which were performed on prisoners.

Unfortunately, this grim reality has been glossed over. This bill is an important statement as to how the United States Congress views the situation in North Korea. It is also the moral policy given the horrendous human rights condition north of the border.

In order to ensure his survival, Kim Jong Il tries to keep an iron grip on all information in North Korea. Control of information is absolutely crucial—because the system is based on lies. The propaganda is so great, that defectors actually report that they believed that their impoverished country was wealthier than South Korea. U.S. backed Radio Free Asia is countering this propaganda, bringing objective news to the North Korean people. Surveys indicate that North Korean defectors are listening to RFA's broadcasts.

That is why this bill calls for the increase of radio broadcasts into North Korea to twelve hours per day. And because of the problem of access to suitable radios in North Korea, the legislation requests a report detailing the steps the U.S. government is taking to increase the availability of information inside North Korea—including the provision of radios—to maximize North Koreans access to foreign broadcasts like Radio Free Asia.

Whatever one's views on how to handle the North Korea challenge, I believe that there is a strong consensus to bring about change in North Korea. Mr. Speaker, as you know, the concept here is to do as we did with Eastern Europe—flooding repressed people with broadcasts from Radio Free Europe. When we talk with Lech Walesa and Vaclav Havel, they tell us that the biggest factor in changing attitudes behind the Iron Curtain was the ability to listen to Radio Free Europe's broadcasts.

This legislation is a responsible initiative to promote human rights, refugee protection, and increased transparency in the delivery of humanitarian aid to the North Korean people. It deserves our support.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 4011, 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.

URGING GOVERNMENT OF BELARUS TO ENSURE DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 652) urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004.

The Clerk read as follows:

H. RES. 652

Whereas the establishment of a democratic, transparent, and fair election process

for the 2004 parliamentary elections in the Republic of Belarus and of a genuinely democratic political system are prerequisites for that country's integration into the Western community of nations;

Whereas the Government of Belarus has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election in the fall of 2004 of Belarus's next parliament will provide an unambiguous test of the extent of the Belarusian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas previous parliamentary elections in Belarus have not fully met international standards;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote free from intimidation, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas control and manipulation of the media by national and local officials and others acting at their behest could raise grave concerns regarding the commitment of the Belarusian authorities to free and fair elections;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign could call into question the fairness of the upcoming elections; and

Whereas the arrest or intimidation of opposition political parties and candidates such as the leader of the United Civic Party and others involved with the opposition including those associated with the Coalition Five Plus represents a deliberate assault on the democratic process: Now, therefore, be it

Resolved, That the House of Representatives—

(1) looks forward to the development of cordial relations between the United States and the Republic of Belarus;

(2) emphasizes that a precondition for the integration of Belarus into the Western community of nations is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Belarusian people to establish a full democracy, the rule of law, and respect for human rights in Belarus;

(4) urges the Government of Belarus to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;

(5) urges the Government of Belarus to meet its Organization for Security and Cooperation in Europe (OSCE) commitments on democratic elections;

(6) urges the Belarusian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2004 parliamentary elections;

(B) free access for Belarusian and international election observers;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels via selective tax audits and other regulatory procedures, and in the case of media, license revocations and libel suits, among other measures;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies; and

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(7) further calls upon the Government of Belarus to guarantee election monitors from the Office of Democratic Institutions and Human Rights (ODIHR), other participating States of the OSCE, Belarusian political parties, candidates' representatives, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints;

(8) encourages the international community, including the Council of Europe, the OSCE, and the OSCE Parliamentary Assembly, to continue their efforts to support democracy in Belarus and urges countries such as Lithuania and other Baltic countries and Nordic countries to continue to provide assistance to nongovernmental organizations and other Belarusian organizations involved in promoting democracy and fair elections in Belarus; and

(9) pledges its support to the Belarusian people, their commitment to a fully free and open democratic system, their creation of a prosperous free market economy, and their country's assumption of its rightful place as a full and equal member of the Western community of democracies.

The SPEAKER pro tempore (Mr. HENSARLING). Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 652.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Res. 652, which calls on the Government of Belarus to ensure that parliamentary elections which will take place in October of this year are democratic, transparent, and fair.

Thirteen years after the fall of Communism, Belarus remains one of the few nations in Europe where the transition to democracy has not taken sufficient root. The current political leadership continues to rule in an authoritarian manner and its government continues to track down those individuals and organizations who are trying to help build support for democracy and democratic institutions.

Unlike the situation in Ukraine, the government in Belarus has thus far not given any clear indication that it is committed to free and fair elections. However, in a recent meeting with the ambassador from Belarus, the gentleman from Nebraska (Mr. BEREUTER) of the Subcommittee on Europe was led to believe that the government's positions on the elections could be positive. The ambassador gave assurances that the government would enforce the elections codes and would allow all political parties to have representatives on the electoral commissions which oversee implementation of the elections. He also indicated that Belarus would cooperate with the OSCE and would allow international observers.

At a hearing the Subcommittee on Europe held in March on Belarus, the gentleman from Nebraska (Chairman BEREUTER) pointed out that the gentleman from Illinois (Speaker HASTERT) and several Members met with the leaders of the Belarus opposition, collectively known as the Coalition Five-Plus, to discuss the elections and their visions for a democratic future for Belarus.

This group of political parties is united in a common platform in an attempt to bring democracy and respectability back to the Belarus Parliament.

□ 1900

Unfortunately, members of the opposition political parties and participants in political demonstrations continue to be subjected to harassment, surveillance by government agents, arrests and physical abuse. For these reasons, it is important that the United States Government, including this Congress, continue to emphatically express our strong support for free, fair, and transparent elections.

In Europe, the situation in Belarus understandably seems to be of equal

concern. The OSCE, the OSCE Parliamentary Assembly, and the Parliamentary Assembly of the Council of Europe have all expressed deep concerns over Belarus and its forthcoming elections. In fact, members have been informed that the Chair of the Belarus Working Group of the OSCE Parliamentary Working Assembly recently visited Minsk for additional discussions on the elections.

Mr. Speaker, H. Res. 652 emphasizes that if Belarus is ever to become more integrated into the community of democratic nations, it must work toward the establishment of a genuinely democratic political system in which the freedom of association and assembly are guaranteed. It also must be a fact that political candidates from the opposition should be free from political harassment and intimidation as they campaign for office, and in which the media is free to act independently, free from government control or intimidation.

Finally, there must be a system in which elections and the electoral process are open, transparent, and fair if Belarus wishes to be included in the community of democratic nations.

The parliamentary elections this fall will be a litmus test for President Lukashenko's commitment to democracy and the direction he intends to take Belarus in the future.

In closing, Mr. Speaker, H. Res. 652 rather precisely explains the concerns and recommendations of the United States House of Representatives. It has been crafted by the gentleman from Nebraska (Mr. BEREUTER), and the Congress is in his debt for emphasizing the importance of this issue to the people of Belarus, as well as Europe and the United States.

I also would like to thank the distinguished ranking member of the committee, the gentleman from California (Mr. LANTOS), for his leadership on so many issues, particularly those that relate to the historical transitions taking place in Eastern Europe.

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

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

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

Over the past 2 decades, totalitarian government after totalitarian government has fallen to the forces of democracy in one of the greatest achievements of the modern era. Tin-pot dictators and brutal military thugs have been tossed out of their ruling palaces, replaced by leaders chosen in fair elections, leaders willing to govern in an open and transparent manner.

Sadly, Mr. Speaker, some dictatorial regimes continue to cling to power, using brutal force, intimidation, and torture to resist the worldwide trend towards democracy. Without a doubt, Alexander Lukashenko Belarus is a rising star in the world's list of rogue dictators.

In 1996, Lukashenko amended the constitution in a flawed referendum and in 2001 extended his term in office through an election that was neither free nor fair. He stole local elections in March and in November of 2003.

Mr. Speaker, the list of Lukashenko's violations of internationally recognized human rights does not end with fraudulent elections. Political opponents are intimidated, arrested, or disappear without a trace. Independent media outlets have been closed, and journalists are prevented from writing the truth.

Nongovernmental organizations have been closed. United States nongovernmental organizations attempting to promote political party development have been kicked out of Belarus. Trade union leaders have been repressed, and religious freedom has been eroded. In short, Mr. Speaker, the human rights and democracy situation in Belarus is on a steady downwards path.

Belarus is now preparing for parliamentary elections in October. Our resolution calls upon the Government of Belarus to ensure that these important elections are conducted in a free and fair manner.

The United States and the European Union have been working jointly to encourage the government to conduct these elections in an open manner under the watchful eye of the Organization for Security and Cooperation in Europe. I have no confidence, however, that Lukashenko has any intention of listening to the voices of his own citizens or those of the international community who are demanding political change.

Yet, the Government of Belarus must understand that we will never forget the cause of human rights and the cause of democracy in Belarus, and that the United States and Belarus will never have fully normal relations until Belarus moves assertively and convincingly towards a democratic form of government.

I strongly support passage of this resolution, and I urge all of my colleagues to do so as well.

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

Mr. LEACH. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, it is great to be down here on the floor with my friends and colleagues who want to continue to push for freedom and democracy. I dabble in this as not a professional on the committee, but I cannot think of a better way to spend one's additional free time than to work with the colleagues and friends that I have on the Committee on International Relations in promoting freedom and democracy. If the United States is not about freedom and democracy for ourselves and for other countries, then what are we for?

The great words of the gentleman from Iowa (Mr. LEACH) and, of course, the gentleman from California (Mr. LANTOS), I cannot really add to them. I just want to add my voice to the chorus of many, as Chair of the Baltic Caucus and concerned about that region of Europe, and, really, the last dictator in Europe and his oppression of the democratic movement, that he needs to be placed on notice.

They have upcoming elections. They are not being conducted fairly and freely, and there is harassment, there is intimidation, there are beatings. Even by their own rules, they are not allowing fair coverage by the state-run television media. It is important for us here to let them know publicly, through this debate and through passage of this resolution, that we are watching and that we are not going to go away; and we are going to join with our friends in the international community. We are going to join with our friends in Western and Eastern Europe and the NATO countries, and we are going to continue to say, for the sake of your own people, for the sake of freedom and democracy and economic growth and vitality, join the Western free countries. Tear down your borders, open up your system, allow your people to choose.

There are very credible organizations and groups of committed citizens of Belarus joined in the Party of Five, very disparate elements, different ideologies. They so much want freedom and democracy that they have put aside the ideological debate on how to run a government, to say, let us have democracy. Let us first get to the basic, fundamental principles of democracy and freedom, and then let us, in a peaceful setting, sometimes probably as rancorous as we have on the floor of the House, let us then, in open debate, decide how we are going to do that.

I have met with them. They are patriots, and they are again from the far right and the far left, and they only want one thing. They want access to the political system and the democratic process.

We are watching. This resolution continues to put Mr. Lukashenko on notice that we are not going to go away. The international community is here, we are behind not only the people of Belarus, not only the people of the region, but the whole international community in calling for free, fair, and honorable elections this October.

I thank the members of the Committee on International Relations, especially the chairman and the ranking member, for making sure that this is put on record and that we have a chance to speak on it on the floor tonight. I look forward to working with my colleagues in the future.

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

The SPEAKER pro tempore (Mr. HENSARLING). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 652.

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. LANTOS. 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.

AMENDING THE MILLENNIUM CHALLENGE ACT OF 2003 TO EXTEND THE AUTHORITY TO PROVIDE ASSISTANCE TO COUNTRIES SEEKING TO BECOME ELIGIBLE COUNTRIES FOR PURPOSES OF THAT ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4660) to amend the Millennium Challenge Act of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for purposes of that Act, as amended.

The Clerk read as follows:

H.R. 4660

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

SECTION 1. FINDINGS; PURPOSE.

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

(1) On March 14, 2002, the President stated: ''America supports the international development goals in the U.N. Millennium Declaration, and believes that these goals are a shared responsibility of developed and developing countries.''.

(2) Section 201(b)(4) of H.R. 1950, as passed by the House of Representatives on July 16, 2003, states that it is the policy of the United States to support compacts of the Millennium Challenge Account which, among other things, aim ''to reduce poverty by significantly increasing the economic growth trajectory of beneficiary countries through investing in the productive potential of the people of such countries''.

(3) On May 10, 2004, the President recognized the link between global poverty and the national security of the United States by stating: ''In many nations, poverty remains chronic and desperate. Half the world's people still live on less than $2 a day. This divide between wealth and poverty, between opportunity and misery, is far more than a challenge to our compassion. Persistent poverty and oppression can spread despair across an entire nation, and they can turn nations of great potential into the recruiting grounds of terrorists.''.

(4) Section 602 of the Millennium Challenge Act of 2003 (22 U.S.C. 7701) states that a purpose of that Act is ''the elimination of extreme poverty''.

(5) The Report of the Committee on International Relations to accompany H.R. 2441 of the 108th Congress (H. Rept. 108–205) states that ''[f]or the Millennium Challenge Account to be successful as an incentive for future reform as well as a reward for past reform, it must offer opportunities for those low-income countries whose institutions do not yet meet all the eligibility criteria but who are demonstrating partial success in meeting the eligibility criteria''.

(6) The purpose of section 616 of the Millennium Challenge Act of 2003 (22 U.S.C. 7715), and the ''threshold program'' established pursuant to such section by the Millennium Challenge Corporation, in consultation with the United States Agency for International Development, is to provide assistance to the low-income countries described in paragraph (5) in order to assist such countries to become eligible countries under the Act.

(b) PURPOSE.—The purpose of this Act is to amend the Millennium Challenge Act of 2003 to authorize funding of the ''threshold program'' under section 616 of such Act for the same duration as the authorization of funding for the overall Millennium Challenge Act of 2003.

SEC. 2. EXTENSION OF AUTHORIZATION OF ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.

Section 616(d) of the Millennium Challenge Act of 2003 (22 U.S.C. 7715(d)) is amended by striking ''for fiscal year 2004'' and inserting ''for a fiscal year''.

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

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. 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 Iowa?

There was no objection.

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

Mr. Speaker, H.R. 4660 is an amendment to the Millennium Challenge Account, or MCA, of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for purposes of that act.

Last session, Congress authorized the Millennium Challenge Account to provide substantial development assistance to high-performing, low-income countries through fiscal year 2005. Recently, the Board of Directors of the Millennium Challenge Corporation selected 16 countries that are eligible to receive MCA assistance.

At issue with this resolution is the problem of how to deal with countries that just missed passing the eligibility bar.

The Millennium Challenge Account authorized the MCC to provide limited assistance through a threshold program to these countries for the purpose of improving in the areas where they fell short. This was done partly in recognition of the fact that many threshold countries have limited resources to invest in the well-being of their people.

This amendment will authorize funding of the threshold program and match the duration of the threshold program to that of the MCA. This will allow us to continue to support the preparation of worthy threshold countries for their full participation in the Millennium Challenge Account.

Mr. Speaker, I believe this bill will improve the Millennium Challenge Account program and advance the interests of the United States. I urge my colleagues to support the bill.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume and I rise in strong support of this legislation.

Mr. Speaker, half of the world's population still lives on less than $2 a day. What this means is that approximately 3 billion men, women, and children, or a population 10 times the size of ours, awake each morning to little food, dirty water, inadequate shelter, and no health care.

□ 1915

Alleviating this crushing poverty around the globe is a moral imperative, but it is also related to our national interests.

Persistent poverty has made generations of men, women, and children vulnerable to infectious diseases such as tuberculosis and HIV/AIDS. It has also bolstered the appeal of extremist ideologies which preach hate and intolerance. Mr. Speaker, the Millennium Challenge Account has already begun to mitigate the effects of global poverty and to provide poor citizens around the world with the tools for their advancement.

But for the MCA to succeed fully and to maintain solid congressional support, the Millennium Challenge Corporation must undertake serious efforts to expand the number of countries that will benefit from the millennium initiative.

The lucky 16 countries that are currently eligible to receive MCA assistance represent only about 3 percent of the world's poor. The most effective way to expand the number of poor countries that can receive MCA funds is through a program for threshold countries that just miss clearing the eligibility bar. Unfortunately, the threshold program is only authorized through the current fiscal year. My legislation helps ensure that the millennium initiative continues to be available to as many poor people as possible by reauthorizing the threshold program for as long as the MCA operates.

Mr. Speaker, in order for the MCA to achieve its stated goal of reducing poverty, the CEO of the Millennium Challenge Corporation must focus his attention on more than just stimulating economic growth in eligible countries. Our experience in our own country has made it painfully clear that trickle-down economics tends to push the working poor further into misery rather than provide them with better economic opportunities.

Effective poverty reduction requires investments in education, health, and other sectors which directly contribute to building the human capacity of these countries. It demands policies that close the gap between the rich and the poor in developing nations by providing equal access to assets such as

land, and real poverty reduction requires that special attention be paid to poor farmers and to women who bare a disproportionate burden under poverty.

Mr. Speaker, Congress granted the executive branch unprecedented flexibility in how the MCA funds were to be expended, because the executive branch promised us that it would make it easier to achieve the program's objectives. Poverty reduction is one of the primary goals of the MCA. Early signs indicate that the administration may be squandering its opportunity to meet this goal. It may erode bipartisan congressional support for the program. I hope that this is not the case and that Presidential support for my legislation will allay these concerns. I urge my colleagues to support H.R. 4660.

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

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

The SPEAKER pro tempore (Mr. HENSARLING). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 4660, 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.

CELEBRATING 10 YEARS OF MAJORITY RULE IN REPUBLIC OF SOUTH AFRICA

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 436) celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country, as amended.

The Clerk read as follows:

H. CON. RES. 436

Whereas the Republic of South Africa peacefully and successfully held democratic elections and transitioned to a democratic, nonracial form of government in 1994;

Whereas South Africa helped initiate and frame the New Partnership for Africa's Development as a new partnership between Africa and the rest of the world in order to place the continent of Africa on the path to sustainable development and to further the values of democracy and economic reform throughout Africa;

Whereas South Africa actively supports the South African Development Community, which promotes regional economic cooperation and higher standards of living in Southern Africa;

Whereas South Africa has made significant advances in housing by constructing 1,600,000 houses for the poor of South Africa;

Whereas, since 1994, 9,000,000 people in South Africa have gained access to clean water;

Whereas, before 1994, 22,000,000 people in South Africa did not have access to adequate sanitation, but 63 percent of households in South Africa now have access to adequate sanitation;

Whereas, before 1994, 60 percent of people in South Africa did not have electricity, but more than 70 percent of households in South Africa now have electricity;

Whereas, from 1994 to 2004, secondary school enrollment in South Africa increased from 70 percent to 85 percent, and students in South Africa now learn in a racially integrated school system;

Whereas the Government of South Africa has established nutritional and educational programs to benefit the youngest and poorest people in South Africa;

Whereas South Africa is experiencing the longest period of consistent positive growth, as measured by its gross domestic product (GDP), since growth in GDP was properly recorded in the 1940s;

Whereas F.W. de Klerk and Nelson Mandela share a Nobel Peace Prize for their work in ending apartheid in South Africa and establishing a representative government;

Whereas Desmond Tutu led the Truth and Reconciliation Commission to repair injustices among South Africans and improve race relations in the country, and was awarded a Nobel Peace Prize for his efforts;

Whereas South Africa has contributed troops to peacekeeping efforts in Burundi, Liberia, the Democratic Republic of the Congo, Ethiopia, and Eritrea;

Whereas South Africa President Thabo Mbeki has forged a relationship with President George W. Bush, making three state visits to the United States and hosting President Bush during his visit to Pretoria, South Africa;

Whereas South Africa has served as an inspiration for other African nations striving for democracy and the peaceful cooperation of many ethnic groups;

Whereas, after being isolated for many years because of the odious system of apartheid, South Africa has since 1994 become a premier location for large international conferences, a leading tourist destination, and the locale for numerous films; and

Whereas, in 1993, the Government of South Africa voluntarily halted its biological, chemical, and nuclear weapons programs and, in 1994, hosted the first conference in Africa on the implementation of the Convention on the Prohibition on the Development, Production, Stockpiling, and Use of Chemical Weapons and On Their Destruction, with annexes, done at Paris January 13, 1993, and entered into force April 29, 1997: Now, therefore, be it

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

(1) applauds the Republic of South Africa for the remarkable transition to a democratic government and the tremendous progress achieved during 10 years of majority rule;

(2) looks forward to a continued partnership with South Africa focused on a sustained commitment to the health of South Africans; and

(3) anticipates continued social development and economic growth in South Africa.

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

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 436.

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

There was no objection.

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

Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. PAYNE) for bringing before us this resolution, celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

In April 1994, nearly 19 million South Africans went to the polls to elect South Africa's first democratic government. The African National Congress, or ANC, which had led the struggle against white majority rule in the apartheid system of state-enforced racial segregation, won control of the national assembly and elected Nelson Mandela, who had been in prison for 27 years for the crime of advocating democracy, president.

President Mandela was succeeded by Deputy President Thabo Mbeki in June 1999, and Mr. Mbeki was re-elected in April 2004.

Since the end of apartheid, South African leaders have faced the daunting task of meeting the great expectations of the black electorate while fulfilling the economic potential of the country. Half a century of apartheid and years of sanctions have decimated the economy and left most black South Africans poor and undereducated. High rates of unemployment and crime, as well as the specter of HIV/AIDS, continue to pose significant challenges. Still, South Africa's transition has been remarkable and serves as an example to all nations striving for democracy, reconciliation, and development.

This is a bipartisan resolution which has been given full consideration during a hearing and a markup by the Committee on International Relations, and I urge the support of this body.

But, again, before yielding to the gentleman from California (Mr. LANTOS), let me thank the gentleman from New Jersey (Mr. PAYNE) for his prominent leadership on this and so many other issues; and I would also like to recognize a former Member, Mr. Ron Dellums, for his leadership in Congress on antiapartheid efforts. And there are few Members in my career that I have been prouder to stand behind on an issue of such fundamental human rights significance.

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

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

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

When I first came to the Congress in 1981, the nation of South Africa suffered under the yoke of the brutal apartheid system. Few things in modern history were as palpably evil as

apartheid, an appalling system of racial discrimination. Under apartheid policies, 3.5 million African people, let me repeat this, Mr. Speaker, 3.5 million African people were removed forcibly from their land and from their homes between 1960 and 1983. Under one removal program called the Black Spot Removal Policy, 475,000 blacks living on their own farms in rural communities were robbed of their land, forcibly relocated, and reconstituted as a vast cheap labor pool for commercial farms.

Mr. Speaker, what a difference 10 years make. Today, South Africa has made a truly historic transition from the hateful and racist apartheid regime to a multiracial and peaceful democracy. In South Africa today, citizens of all races, all cultures, and all religions live and work together in peace.

In 1994, thanks to decades of internal resistance and comprehensive sanctions by the responsible segments of the international community, the apartheid regime ended; and it was replaced by a vibrant and peaceful democracy. We in Congress fought for 2 decades to turn our government's policies away from supporting segregation in South Africa towards democracy and freedom.

Throughout the 1980s, many Members of this Congress introduced legislation denouncing apartheid and offering sanctuary to both its black victims and to white citizens of conscience who refused to serve in the military and security forces of an apartheid regime.

In 1986, Congress passed the apartheid sanctions bill and overrode the administration's veto of that critically important legislation. With this historic congressional override, we put our Nation on the side of freedom and justice for all the people of South Africa.

I am proud to have been a cosponsor of that legislation and many other bills that kept Congress focused on the travesty of racial discrimination.

Mr. Speaker, with the passage of our resolution, we recognize the difficult path to freedom taken by South Africa's people. Unlike today where terrorists seek to change political regimes and social order with barbaric attacks on civilians, South Africa's liberation movements condemn violence directed at civilians.

The African National Congress led by their imprisoned leader Nelson Mandela, Walter Sisulu, Helen Joseph, and others understood that a future of peace could not be built on a foundation of terror, hatred, and fear. Instead, they fought through the pain of apartheid, embraced the ideals and values of democracy, and in the end shook hands with the enemy whose founding ideology defined them as less than human beings.

Mr. Speaker, South Africa stands today as a strong democratic ally of the United States and is strategically important to Africa's political and economic future.

We must do all we can to solidify further relations between our two nations and to continue our joint quest to bring justice, prosperity, and freedom to all of Africa.

On a personal note, Mr. Speaker, my wife, Annette, and I had the privilege of visiting South Africa during the crucial weeks when the apartheid regime collapsed, and it was a joy to meet and work with and see the leaders on both sides who were ready to build a new, peaceful multiracial society.

I urge all of my colleagues to support this resolution. I want to congratulate my friend and colleague, the gentleman from New Jersey (Mr. PAYNE), for his leadership on this matter and our former colleague Ron Dellums, my neighbor in California, for his leadership on this issue.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE), the leader of this legislation and this whole concept, and my good friend.

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

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Mr. PAYNE. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for the outstanding work he has done as the ranking member of the Committee on International Relations. I stand very proudly today to urge my colleagues to support H. Con. Res. 436, commending a decade of democracy and majority rule in the Republic of South Africa.

I did not believe when I visited South Africa in the 1970s that we would see a transformation of that apartheid-run racist government transformed by peaceful means. When the first elections were held 10 years ago, I recall the lines of people who waited for hours and hours in order to vote.

Let me say that South Africa has transformed from an apartheid state to a nonracial, peaceful and democratic form of government. The country successfully held democratic elections in 1994 to elect its first democratically elected president.

After being imprisoned for 27 years, Nelson Mandela became South Africa's first democratically elected president. As the first democratically elected president, Mr. Mandela laid the foundation for more reliable government and an economically viable country and is seen not only as a leader in Africa, but as we all know, as a world leader.

Before 1994, only 40 percent of the people in South Africa had electricity; now more than 70 percent of the households in South Africa have electricity. South Africa has made a significant advance in housing by constructing 1,600,000 houses for the poor in South Africa, a remarkable, remarkable feat.

From 1994 to 2004, secondary school enrollment in South Africa increased from 70 percent to 85 percent and students in South Africa now learn in a racially integrated school system. Also, during this time, 9 million people in South Africa have gained access to clean water. In addition, the Government of South Africa has established nutritional and educational programs to benefit the youngest and the poorest.

As the world's leading democracy, we should applaud the Government of South Africa for the reforms it has substituted to better serve its people. South Africa has served as an inspiration for other African nations striving for democracy and peaceful cooperation through their many ethnic groups in their individual countries and look to South Africa as the example.

The 1990s saw the spread of democracy across the continent of Africa, once dominated by military dictators and authoritarian leaders. Nigeria held its second multiparty election this month, and despite reported irregularities, the elections were largely peaceful. The world also witnessed the end of white minority rule and subsequent democratic elections in South Africa, as we talked about. And Mr. Mandela has taken his leadership to try to find prospects for peace in Burundi.

Now Mr. Thabo Mbeki is leading that cause. Mr. Mbeki has done an outstanding job as the president, following Mr. Mandela, and his leadership is second to none on the continent. So it is a pleasure for me to join with my colleagues to say that the example set by Mr. Nelson Mandela serving one term and stepping down, I think, is an example we are all proud of.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, like thousands of others across the world, I was involved actively in the efforts to free South Africa. I attended many rallies, participated in demonstrations, walked picket lines, raised money and was very pleased as a member of the Chicago City Council to introduce the anti-apartheid ordinance that we passed, which prohibited the city from doing business with the Government of South Africa until such time as their policies changed.

So I am pleased to rise in strong support of H. Con. Res. 436, celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

Ten years ago the people of South Africa were given hope for the redresses of injustices in the past. When they held their first nonracial democratic elections to parliament in 1994, many South Africans were poor, hungry, sick and homeless. But today the people of South Africa and the world can say that progress has been made to improve the lives of South Africans and the conditions of the country.

Before 1994, 22 million South Africans did not have access to adequate sanitation. Now approximately 63 percent of

the households do. Also, more than 70 percent of households in South Africa now have electricity compared to 60 percent before 1994. Since 1994, 9 million people in South Africa have gained access to clean water, 1.6 million houses have been built for the poor people of South Africa, secondary school enrollment increased from 70 percent to 85 percent, and students now learn in a racially integrated school system.

Furthermore, to help the poor and to improve the educational system of the country, the Government of South Africa established nutritional and educational programs to benefit the youngest and poorest individuals in the country. And while we cannot say that all of the problems have been solved or all of the needs have been met, we can say with assurance that the quality of life for people in South Africa, for the masses of people, has indeed changed and that is a tribute to democracy. It is also a tribute to all of the struggles of the people who helped to make it happen.

I commend the gentleman from New Jersey (Mr. PAYNE) for his introduction of this resolution. I thank the gentleman from California (Mr. LANTOS) for yielding me time.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on the Judiciary. I want to pay tribute to the gentleman and his leadership on all these important issues.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) and the members of the committee. I am delighted to join with all of them in celebration of 10 years of rule in a democratic way in the Republic of South Africa.

I can remember the days in Congress when the question of sanctions consumed, as the gentleman from California (Mr. LANTOS) and the others here remember, a couple of years' worth of rather fierce debate as to whether they were appropriate or not. I think fondly of our former colleagues, Ron Dellums of California, Bill Gray of Pennsylvania, and those of us that are here with us now, including the gentleman from California (Mr. LANTOS) and many others.

The fact of the matter is that the turning point toward this 10 years of celebration of a democratic Republic of South Africa occurred because it was finally determined that the time had come that we would impose sanctions, that we would not approve of doing business or continuing relationships with a country whose government was so one-sided, so unfair, so oppressive to the majority of its citizens. And so it is in that remembrance and out of those memories of the struggle that I am so happy to join this evening in this decade celebration of how far they have come.

Obviously, all the problems are not solved. How could they be in 10 years after the long reign of oppression that occurred there? But this was the finest hour of this Congress and our country to have played this leading role in making it clear to all of the nations of the world that we can no longer sit by and silently suffer that kind of rule.

The same situation regrettably still may apply and leave us with the same responsibilities now as applied then. I think now of the Congo. I think of the Sudan. I think of Haiti, all countries who are desperately in need of the continued support of this country. And that makes our foreign policy and the decisions we make in the committee that control foreign policy legislation so incredibly important.

I congratulate the authors of this very important resolution.

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

Mr. Speaker, I want to thank my good friend and distinguished colleague for his thoughtful observations. Let me just say that occasionally, when we are downcast with respect to international developments, we must remember that there are lots of things we were justly proud of in recent decades, one clearly is the ending of racial discrimination, of apartheid in South Africa. And the second is the collapse of the Soviet system and its replacement in large part by democratic and free societies.

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

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

The SPEAKER pro tempore (Mr. HENSARLING). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 436, 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. LANTOS. 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.

RECOGNIZING IMPORTANCE IN HISTORY OF 150TH ANNIVERSARY OF ESTABLISHMENT OF DIPLOMATIC RELATIONS BETWEEN UNITED STATES AND JAPAN

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 418) recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan.

The Clerk read as follows:

H. CON. RES. 418

Whereas over the past 150 years, the United States and Japan have developed a strong, multifaceted relationship based on shared democratic values and mutual interest in Asian and global stability and development;

Whereas the bilateral relationship between the United States and Japan was opened by a visit by Commodore Matthew Perry to Japan in 1853, the goal of which was to convince Japan to establish commercial and diplomatic relations;

Whereas the first bilateral treaty between the 2 nations, the Treaty of Peace and Amity between Japan and the United States, was signed by Commodore Perry and Japanese representatives on March 31, 1854, in Yokohama, Japan;

Whereas the Treaty of Peace and Amity signaled the end of Japan's long isolation as a feudal society and set the stage for the Meiji Restoration and for Japan's transformation into a modern industrial nation;

Whereas with the direct assistance of President Theodore Roosevelt, the Portsmouth Peace Treaty was signed in 1905, ending the Russo-Japanese War and earning President Roosevelt the 1906 Nobel Peace Prize;

Whereas as a symbol of friendship, Japan presented the United States with 3,020 cherry trees in 1912, which continue to blossom each year on the National Mall in Washington, District of Columbia;

Whereas the people of the United States and Japan worked together after World War II to reconstruct Japan and to ensure the post war emergence of Japan as a beacon of democracy and economic liberalization in the Asia-Pacific region;

Whereas the allied security relationship between the United States and Japan was launched with the signing of the Security Treaty of 1951 and further solidified with the signing of the Treaty of Mutual Cooperation and Security in 1960;

Whereas the United States and Japan, despite ongoing bilateral trade disputes, have long sought to promote economic cooperation and an open global trading system, and both nations serve as important and powerful markets for each other with over $170,000,000,000 in bilateral trade in 2003;

Whereas the Government of Japan strongly condemned the terrorist attacks against the United States that occurred on September 11, 2001, provided logistical support to United States military operations against Al Qaeda and the Taliban in Afghanistan, and has been a leading donor for the relief and reconstruction of Afghanistan;

Whereas the Government of Japan enacted special legislation to allow the deployment to Iraq of Japanese Self Defense Force personnel to carry out humanitarian aid and reconstruction activities, and committed to providing $5,000,000,000 in assistance to Iraq;

Whereas increased tourism and educational and business exchanges between the people of Japan and the United States have dramatically increased mutual appreciation of Japanese and American culture;

Whereas Japanese-American relations are further cemented by the enormous contributions to American economic, political, and cultural life by nearly 1,000,000 Japanese-Americans;

Whereas Japanese Prime Minister Junichiro Koizumi stated at the ceremony commemorating the 150th anniversary of the Japan-United States relationship that the bilateral friendship "is as solid as it is because our countries share fundamental values like freedom, democracy, and free market economy . . . [w]e are a prime example to the world that people of different races and beliefs can share the same values and be true friends"; and

Whereas generations of American and Japanese leaders have steered the bilateral relationship between the two nations from the

humble beginnings of the visit to Japan by Commodore Matthew Perry to the current status of Japan as the strongest ally of the United States in the Asia-Pacific region: Now, therefore be it—

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

(1) recognizes the importance in history of the 150th anniversary of diplomatic relations between the United States and Japan; and

(2) calls for expanded political, economic, strategic, and cultural ties between the Japanese and American people and their respective governments.

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

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 418.

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

There was no objection.

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

Mr. Speaker, I rise today to express my strong support for this resolution which was originally introduced by our good friend, the gentleman from California (Mr. LANTOS), the distinguished ranking member of the committee.

As my colleagues may know, this year marks the 150th anniversary of the beginning of relations between Japan and the United States. Even at that time, the middle of the 19th century, the United States saw itself as an emerging Pacific power and recognized the need for relations with Japan as a nation of profound significance in Asia and beyond.

Despite a 250-year history of isolationist policy under the Tokokawa shogunate, Japan's leadership was also becoming aware of vast changes taking place across the world and that the need to adapt as a matter of national leadership as well as economic viability.

The Treaty of Peace and Amity between our nations, signed 150 years ago, symbolizes the deep and abiding bond between our two peoples.

□ 1945

As Deputy Secretary of State Richard Armitage noted recently, ''the Treaty of Peace and Amity was a document viewed in its time with both hope as well as apprehension; and indeed, over the years, this coming together of our countries, the collision of our cultures, it has changed us both, greatly enriched the lives of our peoples, and at times brought us turbulence and even tragedy.''

The bonds between our two countries have stood the test of time, even surviving the crucible of war. They are bonds which are brought to the attention of Washingtonians every spring when those enduring symbols of Japanese-American friendship, the cherry blossoms, a gift from the people of Japan in 1912, bloom along the Tidal Basin. They are bonds that have been strengthened by our joint resolve during the Cold War, in our determination to foster peace and reconciliation on a nuclear-free Korean peninsula, and in the reconstruction of Iraq and Afghanistan.

Today, Japan and the United States enjoy a unique partnership of peace rooted not only in common interests but common democratic values. Our relations have never been stronger. These bilateral bonds are critical not only to the peace and security of northeast Asia but to the larger world community.

As former Senate majority leader Mike Mansfield noted upon assuming the position of U.S. Ambassador to Tokyo, the U.S.-Japanese relationship is ''the most important bilateral relationship in the world, bar none.'' It is that relationship and the enduring bonds between our two great countries and our two peoples which we honor here today through this resolution.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. I strongly support this resolution and urge all of my colleagues to do so.

This year, the United States and Japan are celebrating the 150th anniversary of the establishment of diplomatic relations between our two great Nations. My resolution commemorates this important event in our bilateral relationship, and it recognizes the significant political security and economic ties between the people of the United States and Japan.

Mr. Speaker, the first bilateral treaty between our two countries was signed by Commodore Matthew Perry and Japanese representatives in 1854 in the city of Yokohama, Japan. This treaty signaled the end of Japan's long isolation as a feudal society and set the stage for Japan's transformation into a modern industrial nation.

From the humble beginnings of the visit to Japan by Commodore Perry, the United States and Japan have developed a strong, multifaceted relationship based on shared democratic values and mutual interests in Asian and global stability and economic development.

After generations of close security and political ties between Japanese and American leaders, Japan has emerged as our strongest ally in Asia. Japan has been a leading donor to the relief and reconstruction efforts in Afghanistan. The Japanese government enacted special legislation to allow the deployment to Iraq of Japanese self-defense forces so they may carry out humanitarian and reconstruction activities.

Increased tourism and educational and business exchanges between the people of Japan and the United States have increased mutual and reciprocal appreciation of Japanese and American culture.

The bilateral relationship has been further cemented by the enormous contributions to American economic political and cultural life made by nearly 1 million Japanese-Americans, many of whom live in my home State of California.

Mr. Speaker, the United States and Japan have developed a strong, mutually beneficial relationship over the past century and a half, which is now anchored on democracy, security, and respect for human rights.

As my colleague mentioned, each spring thousands of cherry trees given to the United States by the people of Japan blossom here in Washington, D.C., to the delight of both residents and visitors to our capital. The connections between the United States and Japan will similarly continue to blossom and to grow, and we will certainly do so for many generations to come.

I strongly support passage of this resolution and urge all of my colleagues to do so as well.

Mr. CASE. Mr. Speaker, the signing 150 years ago of the U.S.-Japan Treaty of Peace and Amity, also known as the Treaty of Kanagawa, marked the beginning of a remarkable relationship between two great nations. It also represented a milestone in the history of each nation.

For Japan, which was emerging from two-and-a-half centuries of self-imposed isolation, the treaty marked the moment that it began its ascent to the ranks of the world's great powers. For the United States, which began as a small colony on the North Atlantic seaboard with deep roots in Europe, the treaty represented its emergence as a Pacific nation.

The Treaty of Kanagawa was signed in large part because the leadership of the United States recognized the importance of establishing a formal relationship with Japan, a nation that, in spite of its long period of isolation, was widely known to have a stable government as well as cultural and literary traditions that were highly evolved and refined.

While we all acknowledge that the U.S.-Japan relationship has had periods of difficulty, particularly the tragedy of the Second World War, it has, on the whole, been close, sturdy, vital, and mutually beneficial. The relationship continues to flourish today because both nations share a belief in democratic institutions, the rule of law, and economic prosperity. Both nations also believe strongly in building a foundation for both regional and global cooperation throughout Asia and the world.

We in Hawai'i have long had an especial relationship with Japan. Today, nearly 300,000 residents of our state (19 percent of our population) are descended from Japanese immigrants who first begin arriving in Hawai'i—then the Kingdom of Hawai'i—in 1868 to work as field laborers on our sugar plantations. Hawai'i's Japanese community has since played a central role in establishing modern Hawai'i's tradition of ethnic and social diversity.

Over the course of this commemorative year, I am hopeful that all Americans and Japanese will reacquaint themselves with the

depth and value of the relationship that was established between our two great nations 150 years ago.

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

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

The SPEAKER pro tempore (Mr. HENSARLING). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 418.

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. LANTOS. 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.

CONDEMNING ATTACK ON AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA, IN JULY 1994

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 469) condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case.

The Clerk read as follows:

H. CON. RES. 469

Whereas on July 18, 1994, 85 innocent people were killed and 300 were wounded when the Argentine Jewish Mutual Association (AMIA) was bombed in Buenos Aires, Argentina;

Whereas that attack showed the same cowardice and utter disregard for human life as the attacks on the United States on September 11, 2001;

Whereas the United States welcomes Argentine President Nestor Kirchner's political will to pursue the investigation of the AMIA bombing, as demonstrated by his executive order opening the archives of Argentina's Secretariat for State Intelligence (SIDE), for raising the AMIA cause to national status, and for emphasizing that there is no statute of limitations on those responsible for this attack;

Whereas it is reported that considerable evidence links the attacks to the terrorist group Hizballah, which is based in Lebanon, supported by Syria, and sponsored by Iran;

Whereas the decade since the bombing has been marked by efforts to minimize the international connection to this terrorist attack;

Whereas in March 2003 an Argentine judge issued arrest warrants for four Iranian government officials who are believed to have been involved in planning or carrying out the attack against AMIA and requested that the International Criminal Police Organization (INTERPOL) apprehend them;

Whereas the four indicted Iranians are Ali Fallahian, a former minister of security and intelligence; Mohsen Rabbani, a former cultural attache at the Iranian Embassy in Buenos Aires; Ali Balesh-Abadi, an Iranian diplomat; and Ali Akbar Parvaresh, a former minister of education;

Whereas Hadi Soleimanpour, Iran's ambassador to Argentina in the 1990's, also has an international arrest warrant pending against him by Argentine authorities for his suspected primary role in the AMIA bombing;

Whereas it is reported that suicide bomber Ibrahim Hussein Berro, a Lebanese citizen, carried out the attack on AMIA;

Whereas it has been reported that contact was made by the Iranian embassy in Buenos Aires to Ibrahim Hussein Berro, who lived in a mosque in Canuelas, Argentina, in the days before the AMIA bombing;

Whereas Argentine officials have acknowledged that there was negligence in the initial phases of the investigation into the 1994 bombing, including the destruction or disappearance of material evidence;

Whereas the first major criminal trial regarding the bombing did not begin until September 2001, and those who are currently on trial are former policemen and civilians who are accused of playing roles only in the procurement and delivery of the vehicle which was used in the bombing attack;

Whereas the judge who had presided since 2001 over the investigation and trial related to the AMIA bombing was removed in December 2003 due to charges that he bribed a key witness in the AMIA case;

Whereas the new trial judge, Rodolfo Canicoba Corral, deals with many other important cases and has few supporting staff;

Whereas on March 17, 1992, terrorists bombed the Embassy of Israel in Buenos Aires, Argentina, killing 29 people and injuring over 200, and the perpetrators of the attack also remain at large;

Whereas the inability to extradite suspected Islamic militants and Iranian officials has debilitated the efforts of the Argentine government to prosecute masterminds and planners of the 1994 AMIA bombing;

Whereas evidence indicates that the Tri-Border area where the borders of Argentina, Paraguay, and Brazil meet is suspected of harboring organizations which support terrorism, engage in drug and arms smuggling and an assorted array of other illicit, revenue-raising activities;

Whereas the Government of Argentina supports—

(1) the 1996 Declaration of Lima to Prevent, Combat and Eliminate Terrorism, which refers to terrorism as a ''serious form of organized and systematic violence that is intended to generate chaos and fear among the population, results in death and destruction, and is a reprehensible criminal activity''; and

(2) the 1998 Commitment of Mar del Plata which calls terrorist acts ''serious common crimes that erode peaceful and civilized coexistence, affect the rule of law and the exercise of democracy, and endanger the stability of democratically elected constitutional governments and their socioeconomic development of our countries'';

Whereas the Government of Argentina actively supports the development of the ''Three Plus One'' (3+1) Counterterrorism Dialogue with Brazil, Paraguay, and the United States;

Whereas the Government of Argentina was successful in enacting a law on cooperation from defendants in terrorist matters, a law that will be helpful in pursuing full prosecution in this and other terrorist cases; and

Whereas the Second Specialized Conference on Terrorism held in Mar del Plata, Argentina on November 23 and 24, 1998, concluded with the adoption of the Commitment of Mar del Plata, calling for the establishment within the Organization of American States (OAS) of an Inter-American Committee Against Terrorism (CICTE): Now, therefore, be it—

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

(1) reiterates its strongest condemnation of the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, and honors the victims of this heinous act;

(2) expresses its sympathy to the relatives of the victims, who have waited ten years without justice for the loss of their loved ones, and may have to wait even longer for justice to be served;

(3) underscores the concern of the United States regarding the continuing, decade-long delay in the proper resolution of this case;

(4) strongly urges the Government of Argentina to continue to dedicate and provide the resources necessary for its judicial system and intelligence agencies to investigate all areas of the AMIA case, including by implementing Argentine President Nestor Kirchner's executive order mandating the opening of the archives of Argentina's Secretariat for State Intelligence (SIDE), and to prosecute with due haste those who are responsible for the bombing;

(5) calls upon the international community to cooperate fully with the investigation, including by making information, witnesses, and suspects available for review and questioning by the appropriate Argentine authorities;

(6) encourages the President to direct United States law enforcement agencies to provide support and cooperation to the Government of Argentina, if requested, for the purposes of deepening and expanding the investigation into this bombing and suspected activities in support of terrorism in the Tri-Border area where the borders of Argentina, Paraguay, and Brazil meet;

(7) encourages the President to direct the United States Representative to the Organization of American States (OAS) to—

(A) seek support from OAS member countries for the creation of a special task force of the Inter-American Committee Against Terrorism to assist, as requested by the Government of Argentina, in the investigation of all aspects of the 1994 AMIA terrorist attack; and

(B) urge OAS member countries to designate Hizballah as a terrorist organization if they have not already done so;

(8) stresses the need for international pressure on Iran and Syria to extradite for trial individuals and government officials who are accused of planning or perpetrating the AMIA attack, and to immediately, unconditionally, and permanently cease any and all assistance to terrorists; and

(9) desires a lasting, warm relationship between the United States and Argentina which is built, in part, on mutual abhorrence of terrorism and commitments to peace, stability, and democracy in the Western Hemisphere.

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

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 469, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, this past Sunday marked the 10th anniversary of the bombing of AMIA Jewish Community Center in Buenos Aires, Argentina, a terrorist act which killed 85 innocent victims and wounded 300.

Though a decade has passed, the investigation into this brutal attack has yet to yield one major conviction. It has failed to focus on the credible evidence linking this heinous attack to the international terrorist group Hezbollah, which is based in Lebanon, supported by Syria and sponsored by Iran. This lack of accountability should not be allowed to continue.

We must work together to ensure that all those responsible for this horrific act are brought to justice, so that terrorists everywhere understand they will be held accountable for their violence.

H. Con. Res. 469 is a bipartisan resolution which enjoys the support of over 50 cosponsors. It was introduced by the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS).

Among other provisions, this measure calls on the United States, the Argentine government, and international community to provide and utilize all necessary resources for a thorough, broad investigation of the AMIA bombing and other related activities in the Western Hemisphere.

It further asks the international community to assist in the prosecution of the perpetrators of the AMIA bombing, including by extraditing to Argentina those who are suspected of carrying out and participating in the attack, as well as by providing access to witnesses and other evidence related to this terrorist act.

H. Con. Res. 469, introduced by the Chair of the subcommittee and the gentleman from California (Mr. LANTOS), focuses on the international connection to the attack, placing special emphasis on the role of Islamic militants and Iranian officials as the masterminds and planners of the AMIA bombing.

It calls for the creation of a special task force of the Inter-American Committee Against Terrorism to assist in the AMIA investigation and encourages all OAS member nations to designate Hezbollah as a terrorist organization.

In addition, it seeks multilateral cooperation in applying international pressure on Iran and Syria to immediately and permanently cease their affiliation with, and assistance to, global terrorists.

For the sake of the victims and survivors of the AMIA attack, for the sake of hemispheric and global security, and for the sake of justice, it is important that Congress recall what happened 10 years ago in this hemisphere.

In this context, the staff of the committee has produced a chart. It is a chart of names, and we present this to the Congress for the sake of remembering that these are real people, with real histories and real lives; and if we think about philosophies, as well as terrorism, it is interesting to note that the first great philosophical tome on terrorism by a Harvard philosopher named Hannah Arendt pointed out that the great tragedy of the Holocaust was the effort by governments not only to take people's lives but to make them into numbers, to make people unknown in their own fates, to make them anonymous.

So it is important when people are subjected to terrorist kinds of circumstances that it be understood that these are real people with real histories, and this is a real tragedy.

It is always awkward in any sense of crime to think of statutes of limitations; but when it comes to terrorism, there should be no statute of limitation, and 10 years is a long time for no progress. It is the obligation of civilized people to remember the people and to remember that accountability is important.

It is for that reason that this resolution has been brought before the House, and I urge its unanimous adoption.

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

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

I want to commend my good friend from Iowa for his thoughtful and serious comments. I also want to thank my good friend, the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and the gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairman of the Subcommittee on the Middle East and Central Asia, for their invaluable work on behalf of this resolution. I rise in strong support of the resolution.

Mr. Speaker, on the morning of July 18, 1994, life in downtown Buenos Aires, Argentina, hummed along as it had on many previous mornings. Students headed off to school, and an electrician repaired faulty wiring on a building. Receptionists tapped at their typewriters, and then, suddenly, a suicide bomber slammed an explosives-laden vehicle into the Argentine Jewish Mutual Association building.

The explosion which followed mercilessly killed 85 innocent men, women, and children and wounded over 300 others.

Little Sebastian Barreiro's life ended that day. The 5-year-old had been holding his mother's hand as both of them had been walking in front of the building of the Jewish Community Center when the bomb ripped through that building.

In addition to the terrible loss of life, the 1994 terrorist attack totally destroyed the seven-story building of the Jewish community in Buenos Aires and heavily damaged surrounding buildings. With the obliteration of the brick-and-mortar community center, a repository of 100-year-old historical archives documenting the history of the Jews in Argentina, as well as the literary treasures of Argentinean Jewry and the community's cemetery records were all irreplaceably lost.

Mr. Speaker, much like the horrific attacks on our own country just 3 years ago, the brutal bombing in Argentina in 1994 was an international terrorist act. Among the 85 dead were six Bolivians, two Poles, and one Chilean.

□ 2000

The perpetrators are suspected of having received financial and logistical support from terrorist individuals and groups operating in a nefarious triborder region between Argentina, Brazil and Paraguay. And the cowardly bomber himself was an accomplice of Hezbollah, a U.S.-designated foreign terrorist organization headquartered in Syria.

In fact, just days after this brutal and cruel bombing, a Hezbollah-based organization based in Lebanon claimed responsibility for this heinous crime. Despite this claim of responsibility 10 years ago, the families and friends of the victims and the entire Jewish community in Argentina were left to ask when justice will finally be served.

Mr. Speaker, the initial phases of the investigation into the bombing were botched by Argentinian authorities. A criminal trial of 20 alleged local accomplices, finally begun in September 2001, over 6 years after the commission of this horrific crime and the investigation, unbelievably, is still ongoing.

In March 2003, the presiding judge issued arrest warrants for former Iranian Government officials who are believed to have orchestrated the terrorist bombing of the Jewish community center in Buenos Aires, but these Iranian officials have yet to be arrested and sent to Argentina for trial.

Mr. Speaker, justice cannot wait any longer. The families of the victims and the larger Jewish community in Argentina deserve to know, after 10 agonizing years, who is responsible for this horrendous terrorist act.

Our resolution, which I sponsored with my good friend and colleague, the chairman of the Subcommittee on the Middle East and Asia, the gentlewoman from Florida (Ms. ROS-LEHTINEN), urges the administration, our administration, and the Government of Argentina, the Organization of American States, and all of our allies, to pursue the international culprits of this monstrous bombing, even if they are still hiding in Iran.

Mr. Speaker, we have known for many years that Iran, working through their Hezbollah stooges, commits wanton acts of violence against civilized society; and we strongly suspect that the Iranian Government was involved in this mass killing, just one of the many terrorist acts perpetrated by the

ayatollahs in Tehran and their accomplices.

I thank all of my colleagues for their hard work on this important resolution.

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

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

First, I would like to thank Yleem Poblete for her work on the subcommittee on this resolution, and I want to reraise this plaque of names. We are obligated to remember the victims of the AMIA bombing. We are obligated to remember the men, the women and children whose names are listed here, whose lives were abruptly ended by a terrorist assault simply because of their beliefs. We have no choice except to demonstrate our commitment to help bring murderers to justice.

I urge unanimous support of this resolution of the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Mr. LANTOS. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. PAYNE).

Mr. LEACH. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I thank the gentlemen for yielding me this time.

I rise in support for H. Con. Res. 694 condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July, 1994, and to express the concern of the United States regarding continuing, decade-long delay in the resolution of this case.

I think it is important to remember that whenever we see injustice anywhere, it is an attack on injustice everywhere. I think with the horrendous act in July of 1994, and with the lack of support or urgency of the Organization of American States, without the pushing of international organizations, that we leave a message that people can do what they feel like they want to do and get away with it. So I strongly urge that organizations responsible for seeing that justice is done worldwide would focus their attention on this.

It was 10 years ago that the genocide was going on in Rwanda. While we celebrated 10 years of independence for South Africa, we looked around with other terrible things happening.

Mr. Speaker, I commend the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) for this resolution. We must continue to be vigilant because injustice anywhere is an insult to justice everywhere.

Ms. ROS-LEHTINEN. Mr. Speaker, this past Sunday marked the tenth anniversary of the deplorable terrorist attack against the AMIA Jewish Community Center in Buenos Aires, Argentina. Eighty-five innocent human beings, including frail little girls and boys were killed, and 300 were wounded, by elements linked to the global terrorist network. Today, sorrow, despair and frustration still permeate the air, as justice remains an elusive, abstract concept for the victims and survivors of the AMIA bombing. This cannot and must not continue.

For this reason, the resolution I drafted with the Ranking Member of the International Relations Committee, Mr. LANTOS, renews and redirects international attention to the AMIA bombing, in order to ensure that justice is finally served—to ensure that the terrorists are held accountable, and that they are no longer allowed to roam freely, enjoying virtual impunity for this horrific act.

It was clear from the onset that the AMIA attack and the earlier one on the Israeli Embassy, were part of a campaign of violence targeted at the Jewish community in Argentina and throughout the world, by radical militant groups in the Middle East. Considerable evidence now supports this linkage, attributing the bombing to the terrorist group Hizballah, based in Lebanon, supported by Syria, and sponsored by Iran.

Argentine authorities shave issued various arrest warrants for Iranian government officials who are believed to have been involved in planning or carrying out the attack against AMIA. Among these are the former Iranian minister of security and intelligence; a former cultural attaché at the Iranian Embassy in Buenos Aries; an Iranian diplomat; a former minister of education; and the Iranian Ambassador to Argentina during the 1990s. It is further reported that one of the suicide bombers responsible for the murder and injuries of hundreds in the AMIA attack, had contact with the Iranian embassy in Buenos Aires in the days prior to the bombing.

Additional evidence indicates that the tri-border area, where Argentina, Paraguay and Brazil meet, was used to channel resources for the purpose of carrying out this terrorist attack. We now understand the importance of this critical piece of information, as the tri-border area is today widely reported to be a cesspool of Islamist terrorist activity. Yet, despite this growing evidentiary record, the decade since the AMIA bombing has been marred by negligence in the initial phases of the investigation, and by efforts to minimize the international connection to this second attack by the global terrorist network in our own Hemisphere.

The resolution we are considering today seeks to address this problem by, among other things: (1) Urging the Government of Argentina to dedicate the necessary resources for its judicial system and intelligence agencies to fully investigate and prosecute the AMIA case; (2) Calling upon the international community to cooperate fully with the investigation, including making all parties and information available to Argentine authorities, and, in particular, by honoring extradition requests for former Iranian officials who are now in third countries, such as Great Britain.

Notably, H. Con. Res. 469: (1) Encourages the President to direct U.S. law enforcement agencies to provide support and cooperation, if requested, to the Government of Argentina to ensure a resolution of the AMIA case; (2) Calls for the creation of a special task force of the Inter-American Committee Against Terrorism to assist Argentina in investigating all aspects of the AMIA attack, particularly the international connection; and (3) Urges OAS member nations to designate Hizballah as a terrorist organization if they have not already done so.

My colleagues, the wounds will not begin to heal until the investigation in to the AMIA bombing is pursued with vigor and determination, and until effective action is taken by all to ensure that justice is served. The scars will serve as a constant reminder of the need for vigilance in our Hemisphere, of the need for democratic countries to unite in condemning such horrid acts and work together to protect the right of every citizen, in every society, to live in peace and liberty free from the threat of terrorism.

This resolution is an important first step toward achieving that goal. It is a call to action. It sends an unequivocal message to all that the United States considers the resolution of this case to be a priority, that it is prepared to take the necessary steps to ensure this end, working both with regional neighbors, as well as with the Argentine government.

Ten years have already passed. We cannot wait any longer. It is time for the rule of law to be seen and to be heard in this important case. We cannot allow justice to be held captive by inaction.

I thank the over 50 co-sponsors of this resolution for their support, and would especially like to thank the House Leadership and Chairman HYDE, for allowing this measure to move expeditiously to the Floor, and ask my colleagues to render their overwhelming support by voting "yes" on H. Con. Res. 469.

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

The SPEAKER pro tempore (Mr. HENSARLING). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 469.

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. LANTOS. 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.

DECLARING GENOCIDE IN DARFUR, SUDAN

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 467) declaring genocide in Darfur, Sudan, as amended.

The Clerk read as follows:

H. CON. RES. 467

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide (signed at Paris on December 9, 1948) states that "the Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish";

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide declares that "in the present Convention, genocide means any of the following

acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group''';

Whereas Article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide affirms that ''[the] following acts shall be punishable: (a) genocide; (b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; (d) attempt to committed genocide; and (e) complicit in genocide''';

Whereas in Darfur, Sudan, an estimated 30,000 innocent civilians have been brutally murdered, more than 130,000 people have been forced from their homes and have fled to neighboring Chad, and more than 1,000,000 people have been internally displaced; and

Whereas in March 2004 the United Nations Resident Humanitarian Coordinator stated: ''[T]he war in Darfur started off in a small way last year but it has progressively gotten worse. A predominant feature of this is that the brunt is being borne by civilians. This includes vulnerable women and children . . . The violence in Darfur appears to be particularly directed at a specific group based on their ethnic identity and appears to be systemized.''': Now, therefore, be it

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

(1) declares that the atrocities unfolding in Darfur, Sudan, are genocide;

(2) reminds the Contracting Parties to the Convention on the Prevention and Punishment of the Crime of Genocide (signed at Paris on December 9, 1948), particularly the Government of Sudan, of their legal obligations under the Convention;

(3) declares that the Government of Sudan, as a Contracting Party, has violated the Convention on the Prevention and Punishment of the Crime of Genocide;

(4) deplores the failure of the United Nations Human Rights Commission to take appropriate action with respect to the crisis in Darfur, Sudan, particularly the failure by the Commission to support United States–sponsored efforts to strongly condemn gross human rights violations committed in Darfur, and calls upon the United Nations and the United Nations Secretary General to assert leadership by calling the atrocities being committed in Darfur by their rightful name: ''genocide''';

(5) calls on the member states of the United Nations, particularly member states from the African Union, the Arab League, and the Organization of the Islamic Conference, to undertake measures to prevent the genocide in Darfur, Sudan, from escalating further, including the imposition of targeted means against those responsible for the atrocities;

(6) urges the Administration to call the atrocities being committed in Darfur, Sudan, by their rightful name: ''genocide''';

(7) commends the Administration's leadership in seeking a peaceful resolution to the conflict in Darfur, Sudan, and in addressing the ensuing humanitarian crisis, including the visit of Secretary of State Colin Powell to Darfur in June 2004 to engage directly in efforts to end the genocide, and the provision of nearly $140,000,000 to date in bilateral humanitarian assistance through the United States Agency for International Development;

(8) commends the President for appointing former Senator John Danforth as Envoy for Peace in Sudan on September 6, 2001, and further commends the appointment of Senator Danforth as United States Ambassador to the United Nations;

(9) calls on the Administration to continue to lead an international effort to stop genocide in Darfur, Sudan;

(10) urges the Administration to seriously consider multilateral or even unilateral intervention to stop genocide in Darfur, Sudan, should the United Nations Security Council fail to act;

(11) calls on the Administration to impose targeted means, including visa bans and the freezing of assets, against officials and other individuals of the Government of Sudan, as well as Janjaweed militia commanders, who are responsible for war crimes and crimes against humanity in Darfur, Sudan; and

(12) calls on the United States Agency for International Development to establish a Darfur Resettlement, Rehabilitation, and Reconstruction Fund so that those individuals driven off their land may return and begin to rebuild their communities.

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

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

GENERAL LEAVE

Mr. TANCREDO. 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 concurrent resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I stand before Members tonight to urge their support for House Concurrent Resolution 467 which declares genocide in the Darfur region of western Sudan.

Unfortunately, there is no one among us who is unfamiliar with the word ''genocide.'' Several of us have been personally affected by genocide. The mere mention of the word evokes the horrific images of the gas chambers of the Holocaust, the killing fields of Cambodia, the mass graves of Srebrenica, and the bloodied streets of Rwanda. The atrocities committed in these areas were heinous and must not be belittled by casual usage of the word ''genocide,'' but I assure Members the decision to bring this resolution to the floor and to make such a declaration has been anything but casual.

Out of a preconflict population of 6.5 million in Darfur, an estimated 30,000 people have been killed, another 300,000 face certain death in the coming months. Up to 1 million have been internally displaced, and 130,000 others have been forced to flee to neighboring Chad. Remember that this is happening in a country that has undergone the most horrific civil war for over 25 years, where 2 million people have died and 4 million people have been displaced. Against that backdrop, we now have Darfur.

Reports by refugees, internally displaced persons, and the United Nations officials detail a systematic pattern of attacks against civilians by government-supported militias who employ scorched earth tactics, murder, rape and pillage with impunity. These attacks have been conducted in a deliberate, sequenced, and systematic fashion, and according to a recent report by the International Crisis Group, ''have led to the depopulation of entire areas inhabited by the Fur, Zaghawa, Massaleit and other small groups of black African origin.''

I believe, and this resolution affirms, that these atrocities meet the definition of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, signed in Paris on December 9, 1948.

The manager's amendment before you does nothing to alter the purpose of the underlying resolution. The changes in the preamble are strictly technical and perfecting. The changes in the Resolved Clauses include clarifications in the new text which, one, make it clear that the Government of Sudan has violated the convention, and the prevention and punishment of the crime of genocide; two, call for specific actions by member states of the United Nations; and three, recognize the leadership of the administration in seeking a peaceful resolution to this crisis.

On April 7, 2004, the same day that world leaders were gathered in Kigali to commemorate the 10-year anniversary of the Rwandan genocide, United Nations Secretary-General Kofi Annan appeared before the U.N. Commission on Human Rights stating that reports of ethnic cleansing from Darfur had left him with a ''deep sense of foreboding,'' and called for decisive action. We are still waiting to see what decisive action the United Nations will take.

I am particularly disappointed in the inaction of a few recalcitrant members of the African Union, the Arab League, and the Organization of Islamic Conference, who seem comfortable with sitting back while tens of thousands of their African and Muslim brothers die. To this end, the manager's amendment deplores the failure of the United Nations Human Rights Commission to condemn the gross violations of human rights which have taken place in Darfur, and calls on the United Nations and the U.N. Secretary-General to assert their leadership by calling the atrocities by their rightful name, genocide.

It also calls on members of the United Nations, particularly the member states from the African Union, the Arab League, and the Organization of the Islamic Conference, to undertake effective measures to stop the genocide in Darfur.

The manager's amendment also includes language which commends the robust response of the administration. This administration has taken the lead in attempting to resolve this crisis and

deserves credit for their efforts. However, it is important to note that the protection of human rights and the prevention of genocide are not the responsibility of a few; they are the responsibility of us all. The United States cannot do this alone. The United Nations, the European Union, the African Union, the Arab League and others must step up now if we hope to prevent this genocide from escalating.

True to form, Josef Stalin once callously remarked, ''One death is a tragedy. A million deaths is a statistic.'' Given his propensity for mass murder, this remark comes as no surprise. I submit, however, that those who have died, those who face death, and those who have lost their homes in Darfur are not mere statistics. To really know this tragedy is to think about the murder of the little boy and girl whose corpses lie in the sand, to imagine their last moments of stark terror, and to consider this brutal act repeated 30,000-fold.

Mr. Speaker, the resolution before you tonight is the product of a truly collaborative effort and enjoys bipartisan support. If we are going to attempt to solve this problem, we must first understand that which confronts us in its totality. The first step is to acknowledge that we are dealing with genocide. The next step is to take action to stop the atrocities. Let us not look back 10 years from now, wishing we had done more, saying what we have heard said oftentimes on this floor and in halls around the world about Rwanda, ''I wish we would have done more. I wish we would have taken action.''

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We do not want to be in that position again. This is the time. This is the opportunity we have to take those steps, to take that action. This is not a political issue as evidenced by the fact that there is broad bipartisan support. This is an issue of morality. It calls upon every single one of us in this room and on this planet to search our own hearts and souls and to think about what it is we can do individually to stop this tragedy. It is a calling. It is a moral calling on us all.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume and I rise in strong support of this resolution. First I would like to thank my good friend and distinguished colleague from New Jersey (Mr. PAYNE) for introducing this critically important resolution and for his leadership on issues affecting the entire African continent.

Mr. Speaker, Congress has the opportunity to take a historic step today, to send a message to the entire world that we will no longer deal with genocide in hindsight. Instead, we will denounce it when we see it, we will take effective steps to stop it, and we will hold those who commit genocide responsible for their monstrous actions. Today we face one of the most tragic situations on the planet, the crisis in Darfur, Western Sudan. The Sudanese government has planned, organized, and carried out unspeakable atrocities against native black African men, women, and children with the deliberate intent to engage in mass murder. Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide says: ''Any act committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group is genocide.''

Mr. Speaker, exactly what is the case for declaring the crime of genocide against the Khartoum government and its Arab surrogates? They have killed tens of thousands of individuals based solely on their African identity. They have caused serious bodily and mental harm to over 130,000 people, dislocated from Darfur into horrendous temporary camps in neighboring Chad. They have created over 1 million internally displaced persons, destroyed their homes and livelihood, and left them in uninhabitable and remote areas without food, medicine, and shelter.

These actions were taken specifically to bring about their physical destruction through starvation, exposure, and disease. Khartoum has deliberately and masterfully frustrated efforts to bring humanitarian relief by the international community while conducting a vicious campaign of terror against the men, women, and children of Darfur. Finally, Mr. Speaker, they have targeted men and boys for killing and used rape as a weapon of war against the women and girls of Darfur.

These actions have gone on far too long. But those of us who months ago were crying out for some sort of action by the international community have had reason in recent weeks to take some heart. Both our own government and the United Nations have started taking steps to intervene in this horrendous situation. I want to commend Secretary of State Colin Powell for his recent visit to Darfur and his efforts to stop Khartoum's genocidal efforts in their tracks. I also want to commend my friend U.N. Secretary-General Kofi Annan for his recent trip to Darfur where he too brought attention to the atrocities and demanded the Sudanese authorities stop the human destruction and protect the people of Darfur.

It is incumbent upon us to support an intervention protection force that will stop the killing and protect citizens, humanitarian relief workers and international monitors. We must work closely with the African Union and the United Nations to bring peacekeeping forces and diplomatic authority to change Khartoum's evil and monstrous policies. Africa and the international community cannot stand by while black Africans are deliberately killed because of who they are. This historic action today by our Congress will signal to the world that we will no longer deal with genocide in hindsight, but we will denounce it when we see it and hold those who commit genocide responsible for their evil actions.

Mr. Speaker, I urge all of my colleagues to support this resolution.

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

Mr. TANCREDO. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentleman from Colorado for yielding me this time.

Mr. Speaker, I stand tonight with these distinguished Members in support of House Concurrent Resolution 467, declaring genocide in Darfur, Sudan. To date an estimated 30,000 civilians have been murdered, more than 130,000 have been forced from their homes and have fled to neighboring Chad, and more than 1 million people have been internally displaced. If the international community fails to act, what awaits these people is a terrible season of prolonged suffering and painful death. Even now, mothers who have traveled miles fleeing their husbands' murderers are watching their children starve. They are helpless to end the violence. We are not. We must act. We cannot wait until thousands more have died.

Mr. Speaker, the good news is that we can prevent the loss of life. There is a way that our actions can matter. We have seen the faces of women holding their emaciated babies to their chest with tears streaming down their faces, and we have seen the photos of burned-out villages. What is reflected in the eyes of these women is at once utter relief at having found the camp and unimaginable grief in the tragic and needless losses they have endured. Some of them bear the physical scars of beatings and branding, but many more of them bear the emotional scars of brutal rape by the evil Janjaweed militias.

Mr. Speaker, even in the camps, the people are not safe from harm. The people in this crisis make an impossible decision every day. They have to decide whether to send the old men and boys for firewood fearing that they will be killed, or whether to send the women and girls for firewood fearing that they will be raped. Mr. Speaker, this horrifying choice is unacceptable. America and the world must demand that humanitarian aid workers have access to these suffering souls in order to bring them the food that they need, and further that credible peacekeepers enter Sudan in order to provide the critical and desperately needed security so that their lives, their future is not further marred by the horrible choices they were forced to make in order to survive.

Mr. Speaker, the people of Darfur should have a future. We must pass House Concurrent Resolution 467. Anything less would be a disgraceful failure before the eyes of God and humanity.

Mr. LANTOS. Mr. Speaker, before yielding, I would like to ask my colleague from Colorado if he would accommodate us by yielding some of his time to us because we have a number of distinguished colleagues who wish to speak on this issue.

Mr. TANCREDO. I would be happy to do so. I cannot do it right now because we have at least one other colleague who is on his way and I do not know how much; but whatever time we can yield, we will do so.

Mr. LANTOS. I appreciate the gentleman's accommodation.

Mr. Speaker, I am delighted to yield 4 minutes to my good friend from New Jersey (Mr. PAYNE), the author of this important resolution.

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

Mr. PAYNE. Mr. Speaker, let me commend our leaders in the Committee on International Relations, Chairman HYDE and Ranking Member LANTOS, for their tireless work in bringing this historic resolution declaring genocide in Darfur, Sudan to the floor. Many people have held back on using the word ''genocide'' out of fear that it is really a declaration that they try to step around, but I really am so proud that this House of Representatives is standing up and calling it like it is. As my colleague from Colorado said, it is genocide. Let me just say that this would have been impossible without the Tancredos and the Wolfs and the Royces on the other side and fighters on our side such as the gentlewoman from Illinois (Ms. SCHAKOWSKY) and all of the members of the Congressional Black Caucus and our dean, the gentleman from Michigan (Mr. CONYERS).

This is something that we did not do 10 years ago when genocide was happening in Rwanda. We looked the other way. But we are not going to look the other way in 2004. We must also impress upon the world community, the AU, the EU, the Islamic Front, all of the groups, that they must come together and that they must declare and work towards having civility return to Sudan.

But I want to remind the Congress that although we need to act now in Darfur, that once the crisis is under control, we cannot rest on our laurels and fool ourselves that this type of thing will not happen again. Let me just remind the Speaker that this same government gave sanctuary to Osama bin Laden from 1991 to 1996, allowing him to build his terror network worldwide. In fact, I would argue that al Qaeda was conceived and created in Sudan in the 1990s. Other terrorist acts are also linked to the current officials still sitting in Sudan that have not even been questioned.

It is important to recall that the government of Sudan's involvement in international terrorism goes back a decade. The Sudanese government was directly involved in the World Trade Center bombing in 1993. The mastermind of the 1993 bombing, Sheikh Abdel Rahman, who was sentenced to life in 1995, received his visa from the same Khartoum government. He was a guest of senior Sudanese government officials several weeks before that happened at that time. Of the 15 men indicted for this terror act, five were Sudanese nationalists. These Sudanese nationalists had strong ties with Sudanese diplomats stationed right here in New York at the Sudan Embassy at the United Nations.

In 1995, members of an Egyptian terrorist group tried to assassinate President Hosni Mubarak of Egypt when he was attending a meeting in Ethiopia at the OAU summit. The 11-man assassination team had been given safe haven in Sudan to prepare for the mission to kill the Egyptian president. The weapons used in the assassination attempt were reportedly flown into Ethiopia on Sudan Airways. The passports used by the assassins were also prepared in Khartoum, according to a United Nations report.

The point of listing all of this is to show a pattern. This is a regime that does not care about human lives and to think that they will stop at Darfur, we are fooling ourselves. We must begin to get serious about our dealings with the government of Sudan. No more coddling them because they have oil or because they have links to Islamic countries, no more allowing the African Union to give excuses, no more allowing the EU saying, What are we doing here?

We must act now. We must continue the pressure. I urge my colleagues to support H. Con. Res. 467, declaring genocide in Darfur.

Mr. LANTOS. I want to thank my friend for his powerful statement.

Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from Oregon (Mr. BLUMENAUER), a distinguished member of the Committee on International Relations.

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Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this resolution, and I appreciate the gentleman from New Jersey bringing it forward.

I think it is important that we are stepping forward to call what is happening in this troubled country by what it is, genocide. As has been referenced, we have already lost over 30,000 people. The best estimate is that we are looking at a third of a million people if everything goes right, and sadly, the path that we are on today is a million or more.

I hope that this will be an important first step for us to acknowledge, as the gentleman from New Jersey (Mr. PAYNE) put forth, that this is different than when we stood by 10 years ago in Rwanda or a dozen years ago in Bosnia; or sadly, the United States was not forthcoming a generation ago in Europe during World War II. But I think that experience has chastened us and, I hope, has sensitized us; and I hope the language that is put forward here is just the beginning. By all means, call it by what it is. By all means, move forward with the United Nations.

But I would hope that when we think of having spent $200 billion in round numbers in Iraq for actually a threat that has proven to be far less, that we can put forward the same sort of energy and interest in uniting the world community in making sure that we implement the extreme diplomacy that is necessary, that we use the power of this country from military to diplomacy to the moral suasion that we are capable of to make sure that we tip the balance and move it in the right direction.

I commend all my colleagues that are here this evening, late in the evening, for sharing their concerns and trying to craft a bipartisan approach. But I hope that this is but one of many steps of this nature to highlight, and that we will continue to spotlight and speak for as long as we are faced with this problem. We cannot ignore it, to let it slip away.

Mr. TANCREDO. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

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

Mr. WOLF. Mr. Speaker, I rise in strong support of House Concurrent Resolution 467, declaring genocide in Darfur, Sudan.

I want to commend the gentleman from New Jersey (Mr. PAYNE) for introducing this important legislation. I want to personally thank the gentleman from Illinois (Chairman HYDE) and his staff and the gentleman from Colorado (Mr. TANCREDO) for ensuring that this resolution reached the floor in an expedited manner. I want to also thank the leadership for allowing this to come up so quickly.

I also want to thank the gentleman from California (Mr. LANTOS) and the gentleman from California (Mr. ROYCE) and the gentleman from Colorado (Mr. TANCREDO) and their staffs for their continued focus on Darfur. I am proud that this resolution has the support of so many Members standing side by side for the people of Darfur.

Mr. Speaker, I first stood on the floor of the House last March to highlight the situation in Darfur and to call the world's attention to the ongoing slaughter of innocent civilians. At that time, thousands were dead and predictions of more death were certain; and since then the world has finally awakened to what is occurring. Articles have been written, protesters arrested, newspapers have carried the story on the front pages. Now we all know, all the world now knows what is occurring in Darfur, and we must act to stop it. Failure to do so will cost more lives.

Unfortunately, the situation worsens on a daily basis. An estimate of 1,000

lives are now being lost every day. The situation has escalated to the point that I can now firmly say that I believe that genocide is taking place, and we all have a responsibility and a duty to the people of Darfur to try to stop it in its tracks.

I went to Darfur with Senator BROWNBACK. We met the people. We heard their stories. I listened to the women tell us who had been raped over and over. The people of Darfur are suffering.

Historically, in past cases, the world has been slow to act when faced with genocide, but today it is different. Today we stand here in the House, the people's body, staring genocide in the face. And today we know what is occurring and we are not afraid to call it what it is, genocide. The international community now has a moral and a legal obligation to stop what is occurring and bring those responsible to justice.

I want to commend the United States for taking the lead to help end the crisis. Secretary Powell, I want to thank him and Secretary-General Annan. They are to be commended for going to Darfur. I also want to commend the United States Agency for International Development and the team which has people on the ground.

The United States must continue to speak out, and I am proud tonight that for the first time when genocide is taking place, the people's House is speaking out. Every other time the resolutions took place after it was over and all the people were dead.

I want to thank the Members on this side and the gentleman from New Jersey (Mr. PAYNE) for all his efforts from way, way back, and all of them over there and the Members on this side. This is very important to speak out for the voiceless, those who have no voice.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE), my friend and neighbor.

Ms. LEE. Mr. Speaker, I rise today because, as we speak, genocide is occurring in Darfur in the western Sudan.

And let me just thank our ranking member, the gentleman from California (Mr. LANTOS), for his sense of outrage and morality on this issue, as well as the gentleman from Colorado (Mr. TANCREDO) for his consistent work to expose the atrocities as genocide.

Also, let me just recognize and thank the gentleman from New Jersey (Mr. PAYNE) for his efforts as our ranking member of the Subcommittee on Africa for always keeping African issues at the front of our congressional legislative agenda. For so many years he has been sounding the alarm, and finally tonight we are here. So I just want to thank him for his constant sounding of the alarm for this and for the people of the Sudan.

The murders, the rape, and the scorched-earth campaign in Darfur is genocide. We call it what it is by supporting this resolution.

As a member of the Subcommittee on Africa, there has been no evidence presented to indicate that this is not genocide. It is. It has been 10 years, Mr. Speaker, and the international community, particularly the United States, must learn from the Rwandan tragedy. Like Rwanda, the warning signs in Darfur were obvious. But we did nothing, and now the international community is watching once again as millions of Black Africans are wiped out of western Sudan.

The Bush administration has raised concerns and the United Nations has denounced the ''ethnic cleansing'' executed by militias supported by the Khartoum government, but this is beyond ethnic cleansing. This is systematic and calculated genocide. Hundreds of thousands are fleeing Darfur, fearing that they will become yet another statistic in a malicious plan to rape, torture, and ultimately wipe out all Blacks in the southwest region of Sudan.

As in other conflicts designed deliberately to humiliate and eliminate people because of their identity, we have seen women and girls targeted for rape in Darfur. How can we allow this travesty to continue and not be outraged?

The inaction of this administration I think is unconscionable, especially when we consider that one word, one word, ''genocide,'' can make the difference between humanitarian assistance and international justice for Darfurians.

Let us pass this resolution.

Why would the Bush Administration argue over the definition of genocide, while murderers, rapists, the janjaweed, and the Khartoum government have the blood of the Darfur people on their hands?

The government of Sudan is not our partner in peace.

Our sense of morality requires us to do everything possible to stop this carnage. This bipartisan resolution will help save hundreds of thousands of lives.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), our distinguished Democratic leader, an indefatigable champion of human rights across the globe.

Ms. PELOSI. Mr. Speaker, I thank our distinguished ranking member for yielding me this time and for his leadership on this very important issue.

In the very short time allotted to me, I want to commend my colleagues for being so vocal on this issue at this time and, frankly, for a very long time. I have said before when we had another resolution, an earlier resolution, on the floor that there is no Member of Congress that I hold in higher esteem than the gentleman from Virginia (Mr. WOLF) for his work on human rights throughout the world. And he has been a leader on this issue, visiting over the years, warning America, warning the world of the impending disaster that was there in one form or another over time.

And the gentleman from New Jersey (Mr. PAYNE) has taken the lead in the Committee on International Relations on this important issue, and it has not been because Members of Congress, especially the Congressional Black Caucus in the Congress, have not blown the whistle, have not sounded the alarm, have not called the public's attention to what is happening there.

And the gentleman from California (Mr. LANTOS), of course, as the cochair of the Human Rights Caucus, has been singing this song for a very long time. Why do people not listen?

When the tragedy occurred in Rwanda, everyone was embarrassed, sad, and contrite and said that it was not going to happen again. Never again could we ignore all of God's children being destroyed by each other and sit back and watch it happen to the tune of hundreds of thousands of people.

We have now been told that 30,000 people will die in the Sudan, and if we do not act, then hundreds of thousands more will die. How can we tolerate this? How can we call ourselves persons who care about every person living on the face of the Earth and not care about each and every one of these children and their parents and their families in the Sudan?

The issue today is one that we have discussed before. Is it ethnic cleansing or is it genocide? And if it is genocide, then it should provoke a reaction from all of the countries of the world who consider themselves civilized and respectful of human rights and, quite frankly, those of us and I know the motivation of the gentleman from Virginia (Mr. WOLF) and some of our other colleagues on both sides of the aisle in this regard springs from our belief that all of these people are God's children, worthy of respect.

The Bible tells us that to minister to the needs of God's creation is an act of worship; to ignore God's creation, which are these children, is to dishonor the God who made them. Right now, the world is dishonoring God. We are not committing acts of worship; we are committing acts of negligence.

It is genocide, and the perpetrators of this genocide sit with impunity in Khartoum and say they are engaged in all of this as a matter of self-defense. Is it self-defense to rape women five, six times over again so that they cannot even go home to their husbands in a society which finds that unforgiveable on the part of the woman? Is it self-defense to have children starve because food cannot get through?

Seeing the pictures of those children challenges the conscience of the world, and yet we are having a debate on semantics in the world. But not in this House. In this House we know it, we call it for what it is.

As the gentlewoman from California (Ms. LEE) said, a calculated, focused, intended elimination of these people; and that very clearly spells out what the definition of genocide is and how what is happening in the Sudan meets that standard and therefore should invoke certain actions by the rest of the world.

We all believe very strongly that something has to be done. But in light of what we said after Rwanda, we are considered hypocritical or inconsistent or just with very poor memory if we do not act upon this now. We must all answer for the genocide that is happening in the Sudan.

So I commend my colleagues for their tremendous leadership. The gentleman from New Jersey (Mr. PAYNE), the gentleman from California (Mr. LANTOS), the Black Caucus, the gentleman from Virginia (Mr. WOLF), and others have worked so hard on this for such a long time. The gentleman from Illinois (Mr. JACKSON) was just there last weekend and brings back personal stories of what he saw. So I thank them. Any one of us who wants something to happen there is deeply in their debt, as are the people of the Sudan. We must make a difference on this. I thank them for taking these steps to do so.

Mr. LANTOS. Mr. Speaker, I thank our distinguished Democratic leader for her passionate and powerful appeal.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), distinguished ranking member of the Committee on the Judiciary of the House of Representatives.

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

Mr. CONYERS. Mr. Speaker, this is the proudest moment in the 108th Congress and maybe even going all the way back to the anti-apartheid resolution, the sanctions that were passed against South Africa.

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In the midst of the intense partisanship that has informed nearly every issue that has come to the Congress, somehow the Members on both sides of the aisle have come together in the most remarkable way. I cannot explain it. I am humbled by it.

But I rise to say only this, that this is only the first step, Mr. Speaker, because we have a long way to go now. Thank goodness that we got this resolution in, which is easy to predict that it will succeed. But we have the distinguished other body, we have to engage the administration of this country, we have to go to the United Nations and to the Security Council before anything begins to happen. So I know all of us will join and continue this struggle.

I lift up the name, in addition to all of us, of the Speaker of the House of Representatives, the gentleman from Illinois (Mr. HASTERT); the gentleman from Illinois (Chairman HYDE); and the gentleman from Wisconsin (Chairman SENSENBRENNER), who have made all of this possible tonight.

Just two weeks ago, my colleague from Virginia, Congressman FRANK WOLF, and I convened a bipartisan meeting of Members to develop an action plan to address the catastrophic loss of life that is occurring in Darfur, Sudan. We all agreed that the first critical step was to raise the voices of the U.S. Congress in a call to action by declaring unequivocally that what is happening in Sudan is genocide.

In my 39 years in the House of Representatives, I have never seen such incredible bipartisan, bicameral cooperation. And in an election year no less, with a highly polarized electorate. But the reason is simple. The tragedy in Sudan is not a Democrat or Republican issue; its not a Muslim or Christian issue; its not only an issue of race. Genocide is a human issue. When genocide occurs, we must all stand up and act with determination to end the systematic effort to exterminate a people. These are the lessons of the Holocaust, of Cambodia, and most recently, of Rwanda.

In Rwanda, we shrugged our shoulders and waited until eight hundred thousand (800,000) people were killed, before we identified that event as a genocide. In 1948, the United Nations put forth the Convention Against Genocide and the United States and many other nations signed on to that convention, agreeing to prevent genocide wherever and whenever it happens. Our nation has taken an important role in this crisis—negotiating a settlement to the war, providing the bulk of the humanitarian aid, increasing the pressure on the Sudanese government.

Now—before it is too late to save the one million lives at risk of death—now, we must rally our allies and the U.N. Security Council to take action. Now is the time to authorize multilateral troops. Now the world must send a clear message that genocide will no longer be tolerated, anywhere.

If we can come together in this Congress on such an urgent human issue, I believe that we can bring together our friends in Europe, Africa, Asia and Latin America to address this genocide in the Security Council. That effort is our moral imperative.

Passage of this historic resolution is the first time this body has declared a humanitarian or political crisis to be genocide. This would not have been possible without the efforts of my Republican colleagues—Speaker DENNIS HASTERT (R–IL), Chairman of the International Relations Committee, HENRY HYDE (R–IL), Chairman of the Subcommittee on Western Hemisphere, CASS BALLENGER (R–NC), Chairman of the Africa Subcommittee ED ROYCE (R–CA), Congressman FRANK WOLF (R–VA), and Congressman TOM TANCREDO (R–CO).

My fellow Democrats played a critical role in moving this resolution to the floor, including—Congressman TOM LANTOS, Ranking Member of the International Relations Committee, Congressman DONALD PAYNE, Ranking Member of the Africa Subcommittee (D–NJ) and the sponsor of this resolution, the many Members of the Congressional Black Caucus, under the leadership of Congresman ELIJAH CUMMINGS (D–MD).

And we must thank our friends in the Senate—Senator SAM BROWNBACK (R–KS) and Senator JON CORZINE (D–NJ) for their passionate, diligent work and cooperation on this issue.

While I congratulate you all, I hope that the real victory will go to the people of Sudan. This vote is an important step to saving lives. I look forward to working with my colleagues in the Hose and Senate, the Administration and the United Nations to continue this important effort to stop this genocide.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my good friend and neighbor, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I am so proud of the gentleman from Illinois (Chairman HYDE); the ranking member, gentleman from California (Mr. LANTOS); the gentleman from New Jersey (Mr. PAYNE); the gentleman from Michigan (Mr. CONYERS); the gentleman from Colorado (Mr. TANCREDO); the gentleman from Virginia (Mr. WOLF); the gentlewoman from Illinois (Ms. SCHAKOWSKY); and all of those on both sides of the aisle who have been working so hard to bring this genocide to the attention of our own government and to the world. We have people who are working very hard to get something done.

My heart is heavy this evening because it has taken us much too long. I know that the gentleman from California (Mr. LANTOS) did give a word of thanks to Colin Powell and Kofi Annan for making the trip and for urging the Khartoum government to cooperate and stop the genocide. But I say to the gentleman from California (Mr. LANTOS), we have to ask Colin Powell and Kofi Annan and the President of the United States to get tougher. They have got to get tougher. We are watching genocide take place.

I am pleased about this resolution. Genocide has taken place in this world far too many times, genocide that could have been stopped if good people just took a little tougher action.

We have watched genocide time and time again, in most recent of times, Rwanda. This does not have to continue. Over 30,000 people have died; 1 million people stand to die as I stand here today.

So it is time to act and act now. We must first recognize that the Khartoum government is part of the problem. They keep making promises, but they lie. The minute they say they are going to cooperate, we turn our backs, they are supporting the Janjaweed. They are indeed a part of the problem. We must act, we must act now, and we must be tough. We can stop this genocide.

Tonight, we define it for what it is with this resolution. Thank you, I say to the gentleman from New Jersey (Mr. PAYNE). It is genocide. Let the word go forth, and it must be stopped.

Mr. TANCREDO. Mr. Speaker, I yield 5½ minutes to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he be allowed to control said time.

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

There was no objection.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that an additional 10 minutes to each side be devoted to discussing this all-important issue.

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

There was no objection.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my friend

and colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I too want to add my recognition, more than appreciation, but my recognition for the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), who never turn their back on the issues of human rights. The gentleman from New Jersey (Mr. PAYNE), who was right continuously as he, I would like to say, plugged ahead on being persistent in dealing with this question of Sudan and the direction that we should take in this Congress. The gentleman from Colorado (Mr. TANCREDO) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and, of course, the gentleman from Michigan (Mr. CONYERS), who has had a series of meetings that we have been participating in over a number of weeks.

Let me suggest to you that this should be a night of action. The vote on this resolution is in fact a statement that is long overdue. I might refer you to the language of this resolution and its first resolve, and that is that we declare that the atrocities unfolding in Darfur, Sudan, are genocide.

Let me cite to you Amnesty International, which indicates the horror that is happening in West Darfur: ''I was sleeping when the attack started. I was taken away by the attackers. They were all in uniforms. They took dozens of other girls. They made us walk for 3 hours. During the day, we were beaten and they were telling us, you the black woman, we will exterminate you. You will have no God. All night we were raped several times.''

I do not want to bring back the horrors of life that we led as slaves in this country. I simply want to say many of us have had these experiences, and when I say that, historically.

It is important for this Nation now to stand up, and I would appreciate as this resolution is passed and passed in the Senate, that our government now will stand and join us and say that genocide is occurring in Sudan.

Yes, the government did offer a 10-point manifesto. I received it. They said they were willing to deal with the Janjaweed. They were willing to disarm them. They were willing to give humanitarian aid.

Well, let me tell my colleagues, I took that piece of paper, but they did nothing. There are human rights violations going on, there are rapes, there are abductions, there are destruction of villages and property.

I would simply say this resolution lays out the road map. We declare tonight that genocide is occurring in Sudan, and I would ask the President of the United States to so declare so that we can move forward and protect lives. Let not another Rwanda occur. We are in fact our brothers' and sisters' keepers.

Mr. Speaker. I rise in support of this resolution. I commend my colleague Mr. PAYNE for his foresight and courage to put forward his bold resolution, when many in the Congress were hesitant. I also commend the Chairman and Ranking Member, Congressmen HYDE and LANTOS for their leadership, in recognizing the crisis unfolding in Sudan and moving rapidly to bring this resolution to the floor before the recess.

As it moved so efficiently toward the Floor of the House, I know compromises were made on specific phrases and statements. Although I do not agree with every line, I firmly support the resolution. It is time that this Congress sends a strong message to Sudan and the world, that the United States is ready to move boldly to stop the death and destruction in Darfur.

It truly is time for an aggressive American and international response to the crisis in Darfur, Sudan. For the past year and a half, ethnic-African communities have been under strategic attack by the Arab-based Government of Sudan based in Khartoum and the Janjaweed militias. The most recent campaign, fueled by vicious ethnic rivalries and the Janjaweed's desire for territorial expansion, is having devastating results. 30,000 people have already been killed by systematic raids and deadly famine, and up to 1 million more are expected to suffer the same fate if the United States, the United Nations, and other international leaders continue to take the same dangerously passive role in addressing the Government of Sudan and the Janjaweed militia forces. We must move aggressively to stop the bloodshed and suffering.

Over the past weeks, my colleague from Michigan JOHN CONYERS, has been bringing together a growing bipartisan and bicameral group of Members of Congress committed to moving aggressively toward creating peace in Sudan. I was pleased to be a part of that group. As we discussed the situation and learned from Senator BROWNBACK and Congressman WOLF about their recent trip to Sudan, where they saw the ravages of the violence and the ongoing rape, intimidation and terrorization of the ethnic African people, it became obvious that indeed we were seeing genocide.

Formally labeling a situation as genocide, should trigger actions and commitments that will protect potential victims, and punish perpetrators of this war crime. We will need a strong collaborative effort between the legislative and executive branches, to put the force of the U.S. government to work to help the people of Darfur.

We must be committed to pushing through normal election-year political barriers, and working together to save lives. This will only be possible if the executive and legislative branches of our government work in concert, to increase humanitarian relief, to galvanize international support and coordination, and explore all possible options to end the bloodshed in Darfur. We have a small window of opportunity to help the men, women, and children in mortal peril in Sudan. Ongoing Janjaweed violence combined with the upcoming rainy season, may soon make relief impossible. If ever there were a case for swift action to liberate a suffering people, it is now in Darfur.

A group of thirty of us in the House, from both sides of the aisle, sent a letter yesterday to President Bush, asking him to meet with us, to discuss how we can work together, put politics aside, and move swiftly to rescue the people of Darfur. I hope the President will heed our call to meet, to push for a stronger U.N. resolution that acknowledges that this is genocide in Darfur, and to gather and lead a true multi-lateral coalition to help make peace and then keep peace in Darfur as necessary.

As we look toward forging that multi-lateral coalition, I must say that I am concerned that the tone of parts of this resolution may not be helpful in reaching out to the partners that we will ultimately need in Sudan. I think using the word ''deplore'' in referring to the failure of the Human Rights Commission to act appropriately in Darfur, is unnecessary. Just as we are putting aside politics to work together to save lives, I hope we can put aside our international grudges in order to better lead an international collaboration. I am not arguing whether each statement is true or false, just questioning whether it each is helpful in achieving the result we are hoping for in Sudan. We are still trying to undo the damage done by some of our rhetoric in the march to war in Iraq. I hope we do not repeat that error. We should reserve such language for our enemies, rather than casting it at our potential friends.

Regardless, the most important part of this resolution is acknowledging that this indeed is genocide in Sudan, and agreeing that it is time that the United States and the international community start dealing with Sudan and the Janjaweed as such. I am pleased that this action is being taken. I hope we can continue to work together so effectively as we shape the actions of this nation to save lives in Darfur in the days to come.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my good friend and distinguished colleague, the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend all of those who have shown leadership on this issue.

I have been told that the only way that evil can triumph is that good people do nothing. I believe it was Dante who suggested that the hottest places in hell are reserved for those who declare neutrality and do nothing in times of great moral crisis.

We have all heard the atrocities that are continuously being heaped upon the people in the Sudan. It is time for us to act, and to act convincingly.

We have to ask ourselves the question, if not us, then who? If not now, then when?

I commend the gentleman from New Jersey (Mr. PAYNE) and all of those who have demonstrated great leadership on this issue.

We are here tonight to sound the alarm, once again, on genocide in Sudan. There is no room for neutrality in the face of the crimes being committed there each day.

Amnesty International has renewed its charge that the international community is not doing enough to protect women in the Darfur region and the refugee camps in Chad where mass rape is being used as a weapon.

Since 1983, more than two million Black civilians have died during the Civil War in the south of Sudan. That struggle was especially brutal for the civilian population: slave raids resulting in the enslavement of women and children, gang rape, ethnic cleansing, and the imposition of famine conditions for hundreds of thousands.

On October 21, 2002, the President signed the Sudan Peace Act which stated, in part:

''The acts of the Government of Sudan constitute genocide as defined by the [United Nations] Convention on the Prevention and Punishment of the Crime of Genocide (1948).''

That bill requires President Bush to certify, every six months, that the government in Khartoum is negotiating in good faith for an end to that Civil War. According to some sources, we may be close to a framework for peace in that region.

On May 12th The New York Times carried this report:

''A team of U.S. diplomats led by Assistant Secretary of State for Africa Charles Snyder is on its way to Kenya to help put the final touches on an agreement to end Sudan's 21-year civil war, State Department spokesman Richard Boucher said Wednesday.''

However, at the same time, Khartoum has launched a massive ethnic cleansing of Black Africans in Darfur, in the western region of Sudan. The same article in the New York Times reported:

''He said Snyder also would discuss with Sudanese officials the situation in the western Darfur region where human rights groups charge the Khartoum government and allied Arab militia are carrying out a campaign of 'ethnic cleansing' against Black African tribes, forcing some 1 million people to flee their homes.''

Human Rights Watch and investigators for the United Nations have documented widespread ethnic cleansing and have characterized the situation there as ''crimes against humanity.'' More than 100,000 have fled the region and are now refugees in neighboring Chad.

As the seasonal rains begin to set in, it is becoming more and more difficult to move refugees to relative safety and to provide even minimal subsistence. Malnutrition is at acute levels in the camps especially among children.

So, while our diplomats expressed their ''grave concern'' to the UN Human Rights Commission response to the murder, rape and forced removals in western Sudan, the President gave his certification that Khartoum was negotiating in ''good faith'' to end the decades old struggle in the south.

If the President had chosen to withhold that certification, it would have instituted a program of significant economic sanction against Sudan.

How, one might ask, can the government of Sudan negotiate in ''good faith'' to end genocide in one region, and openly engage in genocide in another region?

And how, it is reasonable to ask, can our own government accept the notion of negotiating in ''good faith'' in one region of the Sudan, while conducting a ruthless genocide in another?

Mr. Speaker, only a short time ago we paused here to mark the tenth anniversary of the genocide in Rwanda. More than 800,000 died while the world watched, and did nothing. Once again genocide is unfolding before us. Those who have taken note have expressed their horror at what they have seen. But where is the public outcry? Where are the front page pictures? Where is the response of our government on behalf of the American people?

The ominous sign is that our government is willing to turn its eyes away from genocide in the West of the Sudan in favor of resuming oil production in the oil rich Southern region.

The genocide in the South was characterized by both racial and religious differences. The genocide in the Western region pits Muslim against Muslim but retains the racial character of the genocide in the South.

Mr. Speaker. In the name of fighting terrorism we have begun a campaign under the rubric of the Global Peace Operations. Even though President Bush has not formally announced the initiative, U.S. troops are now active from Djibouti on the Gulf of Aden to the Atlantic including Mali, Mauritania, Chad and Niger.

The question we now confront is this: is the slaughter of hundreds of thousands, even millions of Africans, terrorism? If our struggle against terrorism is truly global, can we be truly engaged in a global war on terrorism, and not engage genocide in Africa?

Mr. Speaker, funding for State Department programs in Africa such as the African Contingency Operations Training and Assistance program and the Enhanced International Peacekeeping Capacities have languished for years.

If we are to engage in a new anti-terrorism initiative in Africa, I would hope the President would consult with the Congress and with the Congressional Black Caucus as to how the struggle against terrorism will be shaped so as to protect the people of Africa as well as the peoples of the Americas, Europe, Asia and Australia.

Mr. Speaker, on June 24 the U.S. Holocaust Museum here in Washington took the dramatic step of closing access to its main exhibitions to call attention to the horror underway in Darfur.

Around that same time U.N. Secretary General Koffi Annan and U.S. Secretary of State Colin Powell paid a visit to the western Sudan. Secretary Powell expressed his deep concern over what he saw with his own eyes as an humanitarian crisis. But he failed to place the events in the Sudan in their proper historical context: the world is once again facing the onslaught of genocide.

When asked, Secretary Powell, speaking on behalf of this administration, was asked if this was genocide responded, ''Let's not put a label on things.''

Mr. Speaker, I would suggest that is exactly what we need to do. Our failure to acknowledge genocide in the Sudan led directly to the abdication of the G–8 leaders in their responsibilities to intervene to save the lives of tens of thousands of African men, women and children as called for by the International Genocide Convention.

Mr. Speaker, if America cannot remember the great lessons of history, cannot confront genocide, or if we do not count the deaths of tens of thousands of Africans as genocide then the days ahead are sure to be some of the saddest and most difficult we have ever confronted.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my friend, the distinguished gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in 1994, the U.S., along with rest of the world, stood and watched as 800,000 men, women and children were slaughtered in Rwanda. In April of this year, the world community marked the 10th year of the modern-day genocide in Rwanda and said never again.

Today, we are in danger of failing to honor that commitment, and this resolution goes a long way to ensuring that the United States will play a profound role in stopping the genocide.

The Darfur region of western Sudan, the largest country in Africa, is engulfed in the worst humanitarian crisis in the world. Since 2003, the Sudanese government and their murderous Arab militias, known as the Janjaweed, have waged a deliberate and systematic campaign of rape, of torture, of starvation and murder of innocent Darfurian civilians.

If genocide is the deliberate and systematic destruction of a national, ethnic, racial or religious group, then the deliberate killings of tens of thousands of black Sudanese happening right now certainly qualifies. The U.S. Government must call it genocide. The term ''genocide'' not only captures the fundamental characteristics of the Khartoum government's intent and actions in western Sudan, but it also invokes clear international obligations, and that is why this resolution is so important.

Mr. Speaker, on the ground, we are trying our best to get aid to the Darfurians during the rainy season. U.S. Administrator Natsios from USAID said that even if we are successful, 300,000 Darfurians will lose their lives; and if we do not act immediately, 1 million Darfurians are sure to lose their lives or be at risk.

The answer, Mr. Speaker, beyond the declaration of genocide, is to ensure that the AU, that the various Arab governments in the region, along with the United States, provide immediate

military relief so that aid can get to Darfurians immediately. The United States Government has 2,000 troops in Jabudi; 2,000 troops. They are the closest troops, the closest opportunity that we have, to ensure that the Janjaweed are disarmed, so that aid workers can get aid to the people in Darfur.

So beyond the declaration of genocide, we must move to provide the security for the Darfurians and keep the Janjaweed from continuing their murderous efforts in Darfur.

Mr. Speaker, as parties to the Genocide Convention, all permanent members of the UN Security Council and more than 130 countries worldwide, are bound to prevent, stop and punish the perpetrators of genocide—a unique crime against humanity in international law.

The international legal definition of the crime of genocide is found in Articles II and III of the 1948 Convention on the Prevention and Punishment of Genocide. Article II describes two elements of the crime of genocide. A crime must include both elements to be called "genocide":

1. the mental element, meaning the "intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such", and

2. the physical element, which includes: Killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group.

Since 1993, the Sudanese government and their militia have implemented a reign of terror in Darfur. An estimated 30,000, have been killed in the last year. More than one million black Sudanese have been forced from their homes. The attackers have raped civilians and destroyed their villages. They have destroyed the crops, livestock and farms upon which the region's people depend. They have poisoned their water supply. They have launched systematic and indiscriminate aerial bombardments and ground attacks on unarmed civilians. They have deliberately blocked humanitarian assistance to the region.

If the Sudanese government continues its brutality, or the international community fails to adequately intervene, as many as 1 million more Darfurians are at-risk of dying of starvation and disease.

In the words of one New York Times columnist, if the people of Sudan ". . . aren't victims of genocide, then the word has no meaning."

Mr. Speaker, there is a genocide taking place in Sudan and we must stop it. We call on the Administration to immediately lead an international effort to stop the death and destruction in Darfur.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL), a member of the Committee on International Relations.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding me time and applaud his leadership on this issue.

I am honored to stand with my colleagues on both sides of the aisle tonight to declare that the ethnic cleansing occurring in the Sudan is in fact genocide, to demand that the world recognize that it is genocide, and to urge the United Nations Security Council to take the necessary action to stop the violence and to get humanitarian aid to Darfur Province immediately. There is not a moment to lose. We must act now.

I would also urge my colleagues to consider the additional step of joining the protest that has been under way at the Sudanese embassy for the past 3 or 4 weeks and to consider whether an act of civil disobedience in furtherance of the declaration of genocide and in furtherance of immediate humanitarian aid to Darfur Province would be appropriate to be taken and whether it would meet your standards. Because the world is watching what we do. We failed to act when tragedy struck Rwanda. We cannot fail to act again.

I would add to the excellent congressional resolution of the gentleman from New Jersey (Mr. PAYNE) and the fine work of all my colleagues the necessity to take individual acts of civil disobedience, to protest the unresponsive Sudanese government that is unleashing this terror, this genocide, on innocent civilians, failing to admit what they are doing, and not allowing humanitarian assistance to come to the aid of these innocent millions of people.

The time to act is now. There is not a moment to lose.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my good friend and neighbor, the distinguished gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, we know the leaders of this effort. They have been mentioned with great gratitude, the chairman of the committee and ranking member, the gentleman from New Jersey (Mr. PAYNE) and others.

But I would like to talk about really the extraordinary experience I have had in the last several weeks with members not on the Committee on International Relations, but who came together to say we need to do something about this disaster in the Sudan.

We have a very partisan situation here in the House of Representatives, but participating in these meetings were the most conservative and the least conservative Members, and everybody in between. And although we do not agree on a lot, we agree on this: the world cannot stand by while genocide is committed in the Sudan.

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We need to lead an international effort to stop the violence. We need to make sure that we participate in the humanitarian aid that is necessary. We worked together to make sure that this resolution could be supported, could be heard today, and that we take this first step. We agree we need to call it for what it is: genocide.

I am proud to be a Member of this House this evening and to be a part of the great American tradition of all Members of the House of Representatives working together for the good of the world and for what is good and just and right with our conscience.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER), our distinguished colleague and my good friend.

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

Mr. Speaker, I rise to support H. Con. Res. 467. We have a moral and ethical responsibility to stand up today and declare the situation in Darfur genocide. At the very time that an historic peace was being brokered to settle the north-south civil war in the Sudan, the Sudanese Government was financing and arming a Muslim Arab militia, the Janjaweed, who used those funds and arms to terrorize the Muslim, but not Arab, population of Darfur. Recently, humanitarian groups have uncovered documents which showed the Sudanese Government supplied the militia with soldiers who were promised government impunity.

By aligning with the government, the Janjaweed has managed to avoid widespread condemnation. Whether by direct slaughter or starvation, the Janjaweed will have caused the death of 300,000 people by the end of this year without effective counteraction.

Sudanese leaders have restricted international media access to Darfur, thus allowing the Janjaweed to carry out their scorched earth tactics undeterred. While crops are destroyed and villages are razed, the non-Arab Muslim population has been forced to abandon the countryside which sustained them and gather in internment camps near the large towns to live in squalor, or flee to refugee camps in neighboring Chad, which is too poor to provide assistance.

Survivors of the Janjaweed's campaign paint a horrifying picture. Women and girls are systematically raped and left to die, and thousands are marched to their deaths, while the Sudanese Government denies the survivors humanitarian aid, shelter, drinking water, and food. The Sudanese Government is culpable in crimes against humanity in Darfur.

With this resolution, Congress declares genocide in Sudan and demands that the Sudanese Government, the United Nations, and all concerned stop the genocide in Darfur before the crisis there worsens and engulfs the entire region in conflict.

I urge Members to support the legislation.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentlewoman from Illinois (Ms. SCHAKOWSKY), our distinguished colleague.

Ms. SCHAKOWSKY. Mr. Speaker, my heartfelt gratitude to all of those who made it possible to bring this bipartisan resolution to the floor tonight, and particularly to my colleague, the gentleman from New Jersey (Mr. PAYNE), who has long toiled to make this evening happen and this resolution happen.

Some issues transcend the regular business of this House, the important business of policymaking, and transcend partisan politics, and move into the realm of moral imperative.

The genocide that is occurring at this moment in the Sudan, the murder and the rape of women and girls, even little girls at this moment, is one of those moral imperatives. And if we in this most powerful nation on Earth fail to act when our actions could prevent much, even if not all of the loss of life, then we share in the blame.

I stand here tonight not only as a Member of Congress, but as a Jew and as a grandmother. Each year in the Capitol Rotunda, there is a solemn and inspiring ceremony to mark the Holocaust, the slaughter of 6 million Jews by the Third Reich, and one of the themes of that event is never again. But it did happen again, and the gentleman from Colorado (Mr. TANCREDO) listed the scenes of genocide since World War II, and now in the Sudan. And this House and the other body and the administration have a choice to make: Do we or do we not act to stop it?

Every day that we delay, a minimum of 1,000 people die. We have to make a choice tonight. Before we leave this body for 6 weeks, we need to make a choice. And as a grandmother, I do not want to look into the eyes of my grandchildren who say to me, Grandma, you were here when thousands of people died. What did you do to stop it? I want to be able to say, I did help to stop it. We all need to make that choice.

This resolution is so important, but it is just a first step. The other body needs to act. This administration needs to act. We need to call it what it is and we need to proceed to stop it.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my friend and colleague, the gentleman from California (Mr. SCHIFF).

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

Mr. SCHIFF. Mr. Speaker, 57 years ago, nations stunned by the Nazi systematic acts of genocide declared, ''Never again.'' Ten years ago, confronted with the death toll of the Rwandan genocide, leaders of the same nations again declared, ''Never again.'' Today, tens of thousands of women, men, and children have been murdered and hundreds of thousands continue to suffer. Today, again, people are being targeted and killed because of their ethnic identity only 1,000 miles north of Rwanda in Darfur, Sudan.

Mr. Speaker, 800,000 innocent people lost their lives in Rwanda. We hesitated, and nearly a million people died for our hesitation. On the 10th anniversary of the Rwandan genocide this April, world leaders again expressed their determination to prevent future humanitarian catastrophes. Tragically, only a few short months later, we find ourselves standing by again, unwilling to take the necessary steps to end the crisis in Darfur. Ten years ago, we failed the people of Rwanda. We must not fail again.

I join my colleagues in calling upon the administration to apply sustained pressure on the government in Khartoum. I call upon the President to speak out against the atrocities in Darfur, to use both economic and political leverage. Every day we delay, every day we think, every day we consider the best course of action and the most appropriate definition for the crisis is another day innocent people are being killed, tortured, and watching their families lose their lives.

International cooperation and support of the United Nations is essential, but the most direct path to limiting the threat is increased pressure from the United States. Experience has shown that we must not delay in classifying the loss of life in Darfur as genocide. Otherwise, by the time we have prepared our definitions, it will be too late. The facts on the ground and in the ground will have removed all doubt, and we will be left to murmur, without confidence or conviction, ''Never again.''

Mr. Speaker, 57 years ago, nations stunned by the Nazi's systematic acts of genocide declared "Never Again". Ten years ago, confronted with the death toll of the Rwandan genocide, leaders of the same nations again declared "Never Again". Today, tens of thousands of women, men, and children have been murdered and hundreds of thousands continue to suffer. Today, again, people are being targeted and killed because of their ethnic identity, only 1,000 miles north of Rwanda in Darfur, Sudan.

Eight hundred thousand innocent people were murdered in Rwanda. We hesitated and nearly 1 million people died for our hesitation. On the 10-year anniversary of the Rwandan genocide this April, world leaders expressed their determination to prevent future humanitarian catastrophes. Tragically, only a few short months later, we find ourselves standing by again, unwilling to take the necessary steps to end the crisis in Darfur. Ten years ago, we failed the people of Rwanda. We must not fail again. Ten years ago we were preoccupied with our mission in Bosnia, Somalia was fresh in our minds, and we were wary of getting involved in Rwanda. Today we are preoccupied with the aftermath of the conflict in Iraq and, again, we are wary of committing American resources to end the bloodshed in Sudan.

As we have hesitated, some 30,000 people have already been murdered in Darfur and another million have been displaced from their villages and farms. Hundreds of thousands of individuals are caged in concentration camps where women are systematically raped and men are killed for scavenging food. Government-sponsored Arab militias continue to systematically terrorize the African Muslim inhabitants of the region—destroying villages, raping and murdering civilians, and poisoning precious wells with the bodies of the dead. Although the administration has taken some important first steps to confront the crimes being committed in Darfur, much remains to be done.

The administration has rightly called for humanitarian access to the region and for the deployment of international cease-fire monitors. The administration has denounced the atrocities in Darfur. Still, a catastrophe of these proportions requires a deeper commitment to action; we must treat the problems at the root of this crisis. The thousands of people who have been displaced from their homes and land must be given safe and voluntary passage to return. More cease-fire monitors must be deployed to the region. The government in Khartoum must be persuaded to stop blocking international humanitarian assistance to the 2.2 million people of Darfur in desperate need of food and medicine. President Al-Bashir must be required to control the Janjaweed militiamen who, even now, continue their campaign of terror against the innocent people of Darfur. It is intolerable that these militias have not yet been disarmed and demobilized.

I join my colleagues in calling upon the administration to apply sustained pressure on the government in Khartoum. I call upon the President to speak out against the atrocities in Darfur and to use both economic and political leverage to elicit cooperation from the Sudanese government. Every day that we delay, every day that we think, every day that we consider the best course of action and the appropriate definition for the crisis in Darfur is another day that innocent people are being killed, are being tortured, and are watching their families being killed and tortured before their very eyes.

International cooperation and support from the United Nations will be essential to the long-term resolution of the Sudanese situation. Yet the most direct path to eliminating the threat to African Muslims in Darfur is increased pressure from the United States. Experience has shown us that we must not delay in classifying the loss of life in Darfur as genocide—otherwise, by the time we have prepared our definitions, it will be too late—the facts on the ground, and in the ground, will have removed all doubt. And we will be left to murmur without confidence or conviction—never again.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 1 minute to my friend and colleague, the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I cannot forget the event in the Kigali Airport when I traveled with President Clinton to Rwanda and he spoke to Rwandans and apologized for our failure to act.

There was a woman sitting there who had lost all of her family in front of her

eyes. There was a priest there who had his arm cut off. There were people sitting there that the President acknowledged as people that the United States did not act to save.

We have that same opportunity. We have it. It is in our hands. We have the capacity, and we must exercise our solemn duty to humanity for justice for everyone.

No one on this floor, no one in this building should ever want to sit in a meeting like that again and say, we are really sorry; we knew it was going on, but we did not do anything. We must act.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend and colleague, the gentleman from Illinois (Mr. RUSH).

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

Mr. RUSH. Mr. Speaker, I am here this evening because of this resolution. I cannot think of another resolution, another matter before this body in the last few months or years that is more important than this resolution, the Payne resolution.

Mr. Speaker, we have at this time an opportunity to stand up for justice and to stand up for peace and to stand up for what is right. We have an opportunity at this time to stop the genocide that is occurring in the Sudan. And, Mr. Speaker, now is the time when we must take action as a body. It is on us. We have had the horrible experience of witnessing and apologizing indeed for the Rwandan holocaust, and now we are faced here 10 years later with something similar going on in the Sudan.

Mr. Speaker, we cannot afford to allow this genocide that is occurring in the Sudan to continue. We must rise up to the occasion. We must forget about those partisan things that divide us. We must come together as a body, as a Congress, indeed, as a nation; and we must show the world the way to eliminate the kind of racial and religious hatred that exists in this world. We must rise up and show the example.

The future of this nation, the future of this world is at stake, because if we allow genocide to occur in the Sudan, if we do not do anything about it, then, Mr. Speaker, genocide will occur in almost any place throughout this world.

We have an opportunity and we have an obligation. Let us not fail the people of the world.

Mr. LANTOS. Mr. Speaker, I yield the remaining time to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip and indefatigable fighter for human rights across the globe.

The SPEAKER pro tempore (Mr. HENSARLING). The gentleman from Maryland (Mr. HOYER) is recognized for 30 seconds.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Colorado (Mr. TANCREDO), my friend, for yielding me this time, and I thank the ranking member for yielding me this time.

I thank the gentleman from New Jersey (Mr. PAYNE) for acting. We are acting too late, but it is never too late to do the right thing.

We live in a new world, a world in which it is impossible to say that we do not know, that we have not seen, that we have not heard. Because we live in such a world, to remain silent and inactive is an immoral act; it is an act of indifference and negligence that condemns us as human beings.

The Second World War and the Holocaust have been referenced, the Holocaust appropriately so, because that was an act of eliminating a people because of the fact that they existed. This is an act of trying to eliminate a people, not because they are aggressors, not because they are a danger, but because they exist.

It is incumbent upon not just the United States, but on all the world to act when it is confronted with genocide. It is an act of self-preservation for us to recognize what is being done and to act, for if we do not, we will not live in either a safe or a civilized international community.

□ 2115

Very frankly, we watched in the past decade a genocide occur in Bosnia and Kosovo, and we interviewed some blue helmets who were there on the ground and reported back that, yes, they had seen atrocities committed, but their assignment there was to report, not to act.

The gentleman from Illinois (Mr. DAVIS) mentioned Dante's reference to those who maintain their neutrality in the face of moral outrage.

This is an important act we take, but it is not enough, because words will not save those children. Words alone will not protect those women from assault and ravage. Words will not feed those people. Words will not prevent the death; but words hopefully will be the beginning of action, a call to morality, a call to civilization, a call to the international community to live out the promises that it included in the United Nations charter, with hope of a new and better and safer and more moral world. That is what this resolution is about.

I thank the gentleman from New Jersey (Mr. PAYNE). I thank him for his commitment, his leadership, and his steadfastness. I urge all of my colleagues, all of us, everyone, Republican, Democrat, liberal, conservative, north, east, south and west, to affirm this commitment, this definition, this call to action, this call to a moral world.

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

Mr. TANCREDO. I yield to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, this is a noble moment for this body, but it is only a first step. There is a built-in mechanism ready to go to save the people of Darfur, and I call on NATO to use its capabilities to deploy the necessary troops to save the people of Darfur. There is no nobler goal for NATO, which was designed to protect human life, to do so now in west Sudan.

I want to thank all of my colleagues for their contribution. This is a noble moment for the House of Representatives. I urge all of my colleagues to vote for this resolution.

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

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

I want to just simply thank a couple of people who have worked tirelessly on this, staff people. One is Joan Condon, the Committee on International Relations professional staff, for her tireless work on this important issue. And of course someone on my staff is Molly Miller, who has been dedicated to this issue and was recently in Sudan and has a heart for this issue. I want to thank all of my colleagues for their brilliant words this evening and their heartfelt commitment to this wonderful goal.

Ms. KILPATRICK. Mr. Speaker, I rise in support of H. Con. Res. 467 which declares that genocidal acts are occurring in Darfur, Sudan and are directed at the indigenous Muslim population by the Muslim government in Khartoum and in conjunction with the Janjaweed militia.

The situation in Sudan is dire. The statistics are alarming and depressing. The numbers of casualities, deaths, rapes, injuries and displaced refugees beg the question, how can the world, the U.N., the United States and other civilized nations witness the murder of 30,000 innocent civilians, the forced removal of 130,000 people from their homes to Chad, and the displacement of more than one million people and do nothing.

In Sudan, we are witnessing a crisis that can be stemmed by proactive international leadership, but that leadership must include decisive action. The action necessary include using every measure possible to get the government of Sudan to allow more African Union military advisors into the country to monitor events. The leadership necessary requires our government to do everything possible to isolate the current government in Khartoum as a pariah in the international community, including: implementing a travel ban on senior Sudanese officials, establishing an embargo on all arms, freezing all government assets and the assets of affiliated organizations for the Sudanese government until such time as it modifies its behavior, and begins to feed and protect the civilian Sudanese population. And finally, we must strive to ensure that food, medicine, clothing and peacekeepers are delivered to the Darfur region of Sudan before the rainy season descends upon the weak, defenseless and despairing masses in Sudan.

We must send the message to the Sudanese government and to the Sudanese people that the inhumane acts undertaken by Muslims against other ethnic African Muslims is deplorable and disgraceful. The religion of Islam which is predicated on values of peace and tolerance is being tainted and shamed by a

minority segment of the government that sanctions genocide and denies it is occurring. I rise in strong support of this resolution and encourage my colleagues to stand up for the people of Darfur, Sudan and to challenge and shame the government of Sudan into taking appropriate action to rectify an ever expanding tragedy.

Mr. CAPUANO. Mr. Speaker, I rise today in support of H. Con. Res. 467, which calls the current situation in Sudan by its proper name: genocide.

Throughout years of civil war, the government in Khartoum and its militia sympathizers slaughtered tens of thousands of people in Southern Sudan and enslaved many others. Over the past two decades, it is estimated that more than two million people have died from war related causes and famine. Now violence has escalated in the Darfur region of the Western Sudan, where government-sponsored militias have been ruthlessly targeting various ethnic groups. More than 30,000 civilians have already been brutally murdered and approximately one million civilians have been forced to flee their homes and are now either internally dispatched or seeking refuge in neighboring Chad. These numbers cannot capture the horror of daily life in Sudan where violence, death and disease run rampant and young men cannot go outside the refugee camps for fear of being killed. Any woman or girl who dares to leave in search of food or water instantly becomes a target for rape or murder. With each passing day, more and more people are suffering and dying. The United States must act swiftly to end this genocide and punish those responsible for these heinous crimes against humanity.

By considering this resolution, we are taking the first step in what will be a long road to ending years of violence in Sudan. The President, the Secretary of State, the U.N. and the international community must all declare this genocide and offer all assistance possible to end the atrocities occurring in Sudan. It is my hope that the international community will come together and send a multi-national force to Sudan to provide security and to help with the delivery of humanitarian aid. If the world community is unwilling to do so or cannot do so in a timely manner then I believe the U.S. should send a force of its own to Sudan.

Although I was an ardent opponent of the war with Iraq, I do believe that in certain instances unilateral force is both necessary and justified. This is undoubtedly one of those times. Tens of thousands of people have already died and thousands more will perish if we stand by and do nothing. If the world remains silent in the face of genocide, then America alone must act. The America that I know and believe in is a moral leader in the world and taking the leading role in bringing an end to genocide in Sudan will save thousands of lives and move us closer to fulfilling our true destiny.

Mr. ROYCE. Mr. Speaker, I want to thank the sponsor of this resolution, Mr. PAYNE, as well as Chairman HYDE of the Committee on International Relations, and all of the members who have worked to bring H. Con. Res. 467 to the floor. I think it's very important that Congress act on this resolution before the August recess. Tonight the House of Representatives will go on record declaring the atrocities being committed in the Darfur region of Sudan to be "genocide." H. Con. Res. 467 is a statement for the world, and a stark warning to the Sudanese government.

We've heard about the atrocities government-backed militias are perpetrating in Darfur. This resolution cites an estimated 30,000 innocent civilians brutally murdered, more than 130,000 people fleeing to neighboring Chad, and more than one million people internally displaced. The Africa Subcommittee that I chair has held several hearings on Sudan. We've heard about the human suffering. We have also heard about how this killing is targeted and systematic. Villages are razed, crops are burned, and wells are poisoned. I fully support this resolution's determination that genocide is occurring in Sudan, as it played out in Rwanda ten years ago.

Those doing the killing need to understand that the world is changing. We have international courts to hold human rights criminals accountable. Information is being collected. The days of impunity are ending. That is a message that this resolution sends.

H. Con. Res. 467 deplores the failure of the United Nations Human Rights Commission to take appropriate action on Darfur. Earlier this year, the Commission failed to support a United States led effort to strongly condemn gross human rights violations in Darfur. Others just don't care. The administration has taken the lead in seeking an end to the slaughter in Darfur, and addressing the humanitarian crisis there. Why do we seem to care about Darfur more than African governments? We desperately need African engagement, and outrage, on Darfur. It is Africans who are being slaughtered.

Indeed, the administration deserves much credit for achieving a north-south peace accord in Sudan. It has played a very good hand with the cards it was dealt. Congress has been supportive of these negotiations, including with the Sudan Peace Act. But now we have a genocide in the west of Sudan—in Darfur.

Peace isn't divisible in Sudan. It's a cliché, but in Darfur, Khartoum is showing its true colors. Today, that government is hearing loud and clear that there will be no U.S. aid or improved relations, no support for the peace process, as long as the killing continues in Darfur. Maybe that matters to Khartoum; to be honest, maybe it doesn't, which is a possibility we need to prepare for. That is why H. Con. Res. 467 urges the administration to seriously consider multilateral or even unilateral intervention to stop the genocide should the United Nations Security Council fail to act. I don't think it needs this urging.

The suffering in Darfur is moving the American people. There's an awakening to the horror being afflicted there. Tonight, the House of Representatives is amplifying these concerns for the world.

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

The SPEAKER pro tempore (Mr. HENSARLING). The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 467, 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. LANTOS. 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.

GENERAL LEAVE

Mr. JONES of North Carolina. 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. 4840 and H.R. 4841.

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

There was no objection.

SPECIAL ORDERS

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

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

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

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

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

ORDER OF BUSINESS

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

THE ADMINISTRATION'S LACK OF PLAN TO COMBAT TERROR

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

Mr. MCDERMOTT. Mr. Speaker, the 900th U.S. soldier died today in Iraq. A brave soldier whose name we do not know yet died in the line of duty. Four other soldiers died yesterday in Iraq. The fighting and dying goes on in Iraq, but the administration does not say much about it.

The President did not mark today's sober note. Instead, he hit the campaign trail and did not say anything

about the 900th American dead or of the 899th or the 898th, or the other brave men and women who have died just yesterday, not to mention since the war was launched by the President.

Iraq is not popular with the American people, so it has fallen out of favor in the President's remarks. By the Republican convention, finding any comments about Iraq by the President will be akin to finding weapons of mass destruction in Iraq. Just not there.

They have moved on as quickly as possible, but remember meanwhile, 160,000 U.S. soldiers remain in harm's way in Iraq, fighting and dying because America sent them there, but the America they left behind, not the America they have come home to.

That is worth some discussion. We have an administration that talks tough on terror, but they completely overlook Iran. Ten years later the administration's best sound bite today is we will look into it. That is not a plan to combat terror at home or anywhere else.

The administration had 10 years to look into it. Instead, they looked to someone they knew on evidence that was flimsy at the start and proven false since; the President committed American soldiers to a war in Iraq. When they could not find weapons of mass destruction, the administration changed the reason for going to war. Then they changed it again. Is that the administration's plan to combat terror? Yes. There is terrorism in the world, but we need real leaders and a real plan to meet that threat.

There is terrorism in the world, and America is capable of meeting that threat, but not with bullets and bombs alone. And if you look at the record of this administration, you have to conclude that they do not have a plan on terror. They hold news conferences to tell everyone, presuming they include terrorists, that America should be vigilant, but afraid. America should go about its business, but be afraid. That is not a plan. That is rhetorical duct tape.

America needs to be strong, not afraid. We did not win World War II by being afraid. We won by being American. We won by being American by fighting for American values, by fighting for American freedoms, but today American freedoms are under attack, and it is happening right here by this administration. In the immediate aftermath of 9/11, the administration switched language in the middle of the night and America woke up to something called the PATRIOT Act. There is nothing patriotic about depriving Americans of their civil liberties. There was nothing patriotic a few days later when the House voted to restore some of the civil liberties taken by the PATRIOT Act.

Then Republicans deliberately left open the vote until they could force enough Republicans to change their vote. Yes, I said change their vote.

The White House had preordained the outcome of the vote, so Democrats and Republicans voted. Then the Republicans voted again. The process was rigged. Civil liberties never had a chance. That is what the administration calls its plan to combat terror. Monitor the books you checked out of the library or the movie tickets you are buying online. They can go to a secret court and gain access to your entire life.

George Orwell called it ''1984,'' his legislative novel that we used to think could not happen in America. It is happening. We have law enforcement agencies, smart, dedicated public servants who know how to catch the bad guys. We have the financial resources to arm the agencies with the funding they need to support our people. We do not need 1984 in 2004. Every time the administration says, oh no, that is not what we are doing, another story surfaces about America under suspicion for doing something like taking pictures at a popular tourist site in Seattle, for example.

The administration does not have a plan to combat terror. It has a terror alert stuck on ''be afraid, always.'' The American people deserve more than that. America is strong enough to fight the war on terror. It needs a leader strong enough to do it.

JOHN KERRY is a decorated combat veteran, a war hero who has seen the face and the horror of war firsthand. America can win the war on terror, but not by subverting American freedoms and civil liberties.

America can win the war on terror under the leadership of a sailor who led men in combat and who risked his own life to save others under fire. America can win the war on terror, but it needs a combat veteran to do it. JOHN KERRY is just such a man. We will have him in 104 days.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. HENSARLING).

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

There was no objection.

FREE SPEECH BY RELIGIOUS LEADERS BEING DENIED

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

Mr. JONES of North Carolina. Mr. Speaker, I am on the floor again tonight, as I have been for the last 2 or 3 weeks, to talk about the fact that in America today with all of our brave men and women fighting for freedom for the Iraqis and in Afghanistan and certainly to protect the American people, that yet in this country today a minister, a priest or a rabbi or cleric cannot speak freely about the politics and the moral issues of the day in America. I think that is a sad commentary on this great Nation.

I want to briefly talk about the history of this issue. Prior to 1954, there was never any restriction of speech on our ministers in this country or our rabbis or our priests until 1954. The Lyndon Baines Johnson amendment in the Senate, never debated, no hearings were held; and yet the Senate unanimously accepted the amendment by Senator Johnson that basically said if you are a 501(c)(3), you may not have political speech, and that means endorsement or opposition to a candidate.

Well, I looked at the history of this, and I looked at the history of churches being qualified for a 501(c)(3). Never in any of the history that we looked upon was there any restriction of speech at all on the churches or synagogues or mosques in this country.

The reason I bring this to the floor again tonight is because I believe sincerely if morality in this great Nation is to survive based on the Judeo-Christian principles that this Nation was founded upon, then the ministers, the priests and the rabbis and the clerics should be able to speak freely about the moral and political issues of the today without any restriction.

The IRS is in charge of overseeing the speech of our churches, synagogues, and mosques. They testified 2 years ago they cannot even enforce the law. Yet, what we have today is a man named Barry Lynn with the Americans United that stands for the separation of church and State; and what he does is file a complaint, like he did in Colorado 4 weeks ago. Bishop Sheridan, a Catholic Bishop, the diocese of Colorado Springs, wrote a pastoral letter, three pages to the Catholics in Colorado Springs, and reminded them that the Catholic Church stands for protecting the unborn, it stands against stem cell research, it stands against euthanasia; and all they did in the pastoral letter was he did not mention Mr. KERRY or Mr. Bush. He did not mention Democrat or Republican, liberal or conservative, but what he did was mention the word ''pro-life.''

And I want my friends to know in the House that in the early 1990s that the Internal Revenue Service expanded, through an administrative process, the definition of what the Johnson amendment said. So in this documentation I am holding up tonight, Mr. Speaker, is a section called ''code words.'' Well, this begins to sound like what I can imagine in the late 1930s in Germany, code words.

□ 2130

Code words are like prochoice, prolife, liberal, conservative, Democrat and Republican. So what the bishop did in his pastoral letter was he mentioned the word ''prolife'' and because of that, Barry Lynn filed a complaint against him to challenge the tax status of the diocese in Colorado Springs. This is just one small example of many things that are happening.

In Kansas, I spoke to a minister today and he knows that there is a group in Kansas that is watching what he is saying in his church. Well, let me say to my friends in the House, whether you be Democrat or Republican, this can happen to your church as well. What is happening in this country, there is an element that is trying to monitor the speech and the sermons in the churches and the synagogues and the mosques of this great Nation today.

Let me read very briefly and then I will close, Mr. Speaker. The Main Stream Coalition headed by Caroline McKnight in Kansas is sending letters to more than 400 churches in the area reminding them of the IRS rule that we are trying to change to return to freedom of speech that we had in this country prior to 1954, which forbids tax exempt groups, including religious organizations, from participating in political campaigns for or against a candidate.

Coalition volunteers will also visit churches and report any major violation to the IRS. This reminds me of what I thought might have happened in the late 1930s in Germany when the Jewish people went to their synagogue, where they had somebody watching who went in.

Mr. Speaker, this Congress, we are here to protect the first amendment rights of all the American people. That includes our preachers, our priests and our rabbis and the clerics in this country. I hope if we are going to honor those men and women who have given their lives for this country, who have died for freedom since the beginning of America through today and the days following today, then we must do our job to make sure that there is freedom of speech in our churches and synagogues and mosques in this country.

I close tonight, Mr. Speaker, by asking the good Lord to please bless our men and women in our uniform and their families. I close by asking the good Lord to bless America.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Ohio (Mr. BROWN).

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

There was no objection.

SMART SECURITY AND ASSAULT WEAPONS BAN

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

Ms. WOOLSEY. Mr. Speaker, during the 2000 Presidential campaign, George W. Bush pledged to renew the assault weapons ban that President Clinton signed into law in 1994. This is a courageous decision by a candidate who claimed he was not your typical conservative.

Four years have passed and Candidate Bush's pledge has gone unfulfilled by President Bush. It is amazing what the politics of a reelection campaign will do to one's former pledges.

The assault weapons ban will expire on September 13 unless President Bush renews the ban before that very point. First, Congress would need to approve this decision, however. With recess approaching, that leaves only 3 legislative days in September before military assault weapons designed to kill large numbers of people are once again available on America's streets.

Of course, President Bush and the White House are well aware of this deadline. So why are they not acting? Actually, the answer is simple. The answer is the National Rifle Association has conditioned its support for George W. Bush on his strong opposition to gun control measures. The NRA has issued a not-so-subtle threat to withhold its vast resources from the President's reelection campaign unless he agrees not to renew the assault weapons ban.

The problem, besides the fact that President Bush has once again failed to live up to one of his campaign promises, is that this is an issue of extreme importance to our national security.

Al Qaeda training manuals recovered in Afghanistan specifically urge terrorists to exploit America's ''lax gun laws'' to acquire and train with assault weapons. For many terrorists around the world, America is known as the great gun bazaar.

Mr. Speaker, I do not know about you, but I find this highly disturbing. If President Bush truly wanted to be smart about keeping America safe from terrorism, as he says he does, he would work to immediately renew the assault weapons ban. Renewing the ban is absolutely necessary to protect Americans from terrorism. Renewing the ban would keep deadly weaponry out of the hands of terrorists.

These guns serve only one purpose, to take lives. In fact, the 2003 National Hunting Survey by Field and Stream Magazine confirmed that most gun owners do not consider assault weapons suitable guns for hunting in the first place. The ban clearly works.

In 1995, the first year the assault weapons ban went into effect, the assault weapons represented nearly 4 percent of all guns recovered from crimes. By 2000, assault weapons represented a little more than 1 percent of weapons used in crimes.

Mr. Speaker, clearly the time has come for a national security strategy that protects Americans from assault weapons, not one that protects the President's favorite campaign donor from losing revenue.

That is why I have introduced H. Con. Res. 392, legislation to create a SMART security platform for the 21st century. SMART stands for sensible, multilateral, American response to terrorism.

In crafting this legislation, my staff and I received the support of the wonderful organizations, Physicians For Social Responsibility, the Friends Committee on National Legislation, and Women's Action for New Directions. Without these groups, the legislation would not have happened in the way it did.

SMART security is stronger on national security than President Bush claims to be. SMART security will stop the sale of weapons to oppressive regimes and regimes involved in human rights abuses.

SMART security will pursue enhanced inspection regimes and regional security arrangements to ensure that state sponsors of terrorism do not get a hold of more light weaponry or even deadlier chemical or biological weapons.

It is time America got smart about its national security. I urge all of my colleagues to cosponsor this vitally important resolution, H. Con. Res. 392 because SMART security is tough, is pragmatic, is patriotic, and it will keep America safe.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

(Mr. MARIO DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

RECOGNIZING THE CONTRIBUTIONS OF THE CHIAPAS MISSION FOR SIGHT

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, I rise before you this evening in recognition of the extraordinary work and tireless efforts of Dr. Tracey Lewis, Dr. Judith Simon and the Chiapas Mission for Sight.

Dr. Tracey Lewis, in particular, is a constituent in my district, a dear friend as well as an exemplary individual, and she has chosen to lend her expertise and talent towards a very noble cause. I urge my fellow colleagues to take a moment to acknowledge the invaluable service that the Chiapas Mission for Sight has offered to countless individuals in one particular developing region of the world.

The Chiapas Mission for Sight aims to provide primary eye care and surgery to the native Indian living in Ocotepec, Chiapas, Mexico. Thus far, they have completed three successful missions, and as a direct result, hundreds of individuals in dire need of eye care and treatment have received proper medical attention. Originally a branch of the Chiapas Project of Newton, New Jersey, and funded in part by the Rotary Club of Newton, this year the ophthalmology group has grown and formed its own mission dedicated solely to vision care.

The group's focus is providing medical service to the population of Ocotepec and the surrounding villages, which exceeds 1 million people. Of this population, many suffer from blinding cataracts, which is a problem inherent to Ocotepec and its surrounding villages, because of the exposure to significant sunlight and very poor nutrition. The nearest town, Tuxtla, Gutierrez, is a 4-hour drive, and sadly, the natives of the village earn less in 1 year than what it would cost to travel to Tuxtla to undergo cataract surgery.

Oftentimes short-staffed, with donated medical and surgical supplies, the volunteers work around the clock to provide the natives the medical attention they so desperately need. Lack of funding has not deterred Tracey Lewis or the organization what it can to accomplish its goals. In fact, every doctor and most of the volunteers cover their own expenses, making their mission all the more charitable. On the last mission, the group examined over 400 patients with significant eye disease, and due to limitations in staffing, surgery was triaged and performed only on those fully blind in both eyes.

Currently, the Chiapas Mission is seeking volunteers who will be trained to perform vision screening and assist in the operating room. These volunteers will travel with the group and serve as assistants to the doctors.

In this remote region, plagued by poor hygiene and lack of proper medical and dental care, Tracey Lewis has quickly realized that a little does go a very long way. Inspired to take on this cause by her 9-year-old son, Tracey has demonstrated a remarkable ability to not only take on such a Herculean challenge, but to enthuse so many volunteers to do the same.

Today, as we discuss health disparities within the United States, it is imperative that we are also aware of the stark disparities between our country and regions around the world. In this age of scientific discovery and medical advancements, it is unfortunate that those in developing countries are not able to reap the benefits of modern medicine.

As we in Congress hear about these numerous volunteers that travel to remote villages and devote themselves to the restoration of vision to the blind people living there, let us rededicate ourselves to ensuring that every man, woman and child all around the world, including the United States, not go another day without proper primary care and adequate medical assistance.

Mr. Speaker, once again, I commend the Chiapas Mission for Sight as it provides a shining example of the impact individuals can make through self-sacrifice and goodwill. Assisting those living in poor conditions with critical medical treatment truly demonstrates what can be done through benevolence and hard work.

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

(Mrs. JOHNSON of Connecticut addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WORLD AIDS CONFERENCE

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, last week I had the opportunity to attend the 15th International AIDS conference in Bangkok, Thailand, my third conference since I have been in this body. As the only Member of Congress to attend this incredibly important event, I want to take a few minutes this evening to brief my colleagues and the American public about my experience.

Each time I have returned from one of these conferences, I am quite frankly filled with great hope but also a very profound realization of just how much it is that we have left to do.

Having spent a few days last week among the international leaders on the global pandemic, I can tell you that the international community is very, very disappointed by the rate of progress, to put it mildly, about the United States' failure to deliver on projected funding and programs. In fact, that point was unfortunately reinforced by Secretary Tommy Thompson's decision to allow a delegation of only about 50 people from his Department of Health and Human Services to attend the World AIDS Conference this year, down from about 236, 2 years ago, when we held the conference in Barcelona, Spain.

It is shameful that they have prevented many of our very best and brightest scientists at the Centers for Disease Control and the National Institutes of Health from gaining new insights from their colleagues in the international community. It is also tragic that this administration's unilateralist and ideological tendencies have now spread to the fight against HIV/AIDS. It is morally wrong to allow right-wing ideology to trump science when it comes to the administration's HIV/AIDS prevention policies.

Their policies set aside 33 percent of all funding for abstinence-only programs which deny access to lifesaving education and technology, including condoms. Simply put, this is irresponsible. It is unethical and it is inhumane.

I believe it is unethical because their AIDS treatment policies are really focused more on protecting patents and big pharmaceutical companies rather than the urgent need to get fixed-dose combinations into the hands of those who need them, 98 percent, 98 percent of whom lack access to treatment. The emphasis should be on saving lives.

It is disingenuous that the administration has proposed cutting our support for the Global Fund by over 60 percent this coming fiscal year, proposing a measly contribution of $200 million rather than the $1.2 billion that is needed. We need to encourage the sharing of information by our scientists and researchers.

We need to do a lot better with coordinating our bilateral programs with national governments, the NGO community, and our field missions.

□ 2145

We need to simplify our antiretroviral treatment programs by purchasing fixed dose combinations, drugs that are already available; and we must standardize our treatment programs according to the wishes of each individual country.

We have to fund the fund.

Although I applaud the gentleman from Arizona (Chairman KOLBE) and the gentlewoman from New York's (Ranking Member LOWEY) efforts in doubling the administration's request for funding for the Global Fund by providing $400 million, I was disappointed last week when a point of order was raised with regard to an amendment which I offered which actually killed an amendment that would have raised our contributions to $1.2 billion this year, which is what we need to get started.

The fund is the very best way to get the money out into the hands of the NGO community immediately. It takes a multilateral approach, and it has the

potential to leverage vast new resources. We are the wealthiest country in the world. We should be leading the charge. The Global Fund is the best vehicle to show that type of cooperation and provide for the quick release of this money.

Perhaps most importantly, we must stress and implement a balanced, comprehensive HIV prevention policy that includes abstinence, being faithful, and condoms.

Mr. Speaker, we must also go further. As United Nations Secretary General Kofi Annan said so eloquently in his remarks during the opening ceremonies on Sunday, we must place, he said, a special emphasis on reducing the cultural, social, economic, and political factors that increase the vulnerability of women and girls to HIV.

On July 9, just before leaving for Bangkok, I introduced H.R. 4792, The New United States Global HIV Prevention Strategy to Address the Needs of Women and Girls Act of 2004, with 54 original cosponsors. This bill would do just that. We need a focused effort on women and children. Women and children need the assistance of this country and a comprehensive strategy to address this pandemic.

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

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

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

(Mr. LIPINSKI 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. ANDREWS) is recognized for 5 minutes.

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

INDIVIDUALS SHOULD HAVE A SECOND CHANCE

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. Mr. Speaker, I come to the floor this evening because earlier today I failed to pass an amendment in a Committee on Education and the Workforce markup. My amendment was a very simple amendment, very modest amendment. It was an amendment that would have allowed States to move utilization of their leadership funds for vocational education from 1 percent to 3 percent.

Now, I think my amendment failed not because it lacked merit. I do not think it failed because it was too ambitious, but I think it failed basically because of a lack of understanding and sensitivity to what I think is emerging as one of the biggest problems facing urban America today, and that is, the problem of individuals coming home from prison with no skill, little education, no training and virtually no ability to get a job, which sends them right back to the penitentiaries from which they have come.

We have become, Mr. Speaker, the most incarcerated Nation on the face of the Earth, the United States of America. It is hard to believe, but we have more people in prison per capita than any other country on the face of the Earth. Right now, as I speak, there are more than 2 million people in this country who are incarcerated, in jails and prisons. More than 640,000 of them come home each and every year.

Now, I will not even bother to go into why there are so many people in prison: mandatory minimums, antiquated sentencing laws, get tough on drugs, punishment that does not fit the crime; of course, lack of prevention, lack of education, poverty; all of the things that characterize individuals who are in prison and, of course, in many instances, race and ethnic backgrounds.

The realities are, if we do not do something to stem the tide, then this problem keeps recurring over and over and over again.

Last year, I introduced a bill, the Public Safety Ex-Offender Self-Sufficiency Act of 2003, along with the gentleman from Indiana (Mr. SOUDER). That bill calls for the building of 100,000 units of SRO-type housing for ex-offenders, people as they come out of prison because all of the studies suggest that one of the biggest problems that people have when they return home from prison is having a stable environment in which to live.

About 3 weeks ago, the gentleman from Ohio (Mr. PORTMAN) and I and the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Indiana (Mr. SOUDER) introduced the Second Chance Ex-Offender Act which is, in reality, a scaled-down version of our first bill. What we are really trying to do is to assist people to reenter back into normal life. It has nothing to do with getting soft on crime or being soft on crime, but it has everything to do with promoting public safety, with reducing recidivism, with improving the quality of life, not only for those individuals who return but for all of those with whom they come into contact.

So, Mr. Speaker, I hope that as we continue to move progressively in our country that we would take a different look at how we treat punishment and how individuals who have gone afoul of the law should have and must have a second chance.

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

(Ms. MILLENDER-MCDONALD 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 Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

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

THE BURDEN WE ARE PASSING ON TO OUR KIDS AND GRANDKIDS

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

Mr. SMITH of New Jersey. Mr. Speaker, I recently received this in the mail, and I do not know if the cameras can really pick it up. It is a front page that is sort of startling.

It says the budget, bloated with pork. The national debt, soaring past $7 trillion. Is it not time to fight back, is the main headline. Interest rates rising. Entitlement program, $73 trillion in unfunded liabilities.

Sort of makes one realize the tremendous burden that we are passing on to our kids and our grandkids. It speaks of $7 trillion dollar national debt, and of course, you have to pay interest on that national debt because you are borrowing the money.

Interest on that national debt now represents about 14 percent of the total budget. This pie chart represents how we are spending the $2.4 trillion of expenditures this year. Interest at 14 percent, that represents $800 billion that we are paying in interest, and interest rates now are relatively low. So that means, as interest rates go up, the portion of the total income coming into the Federal Government is going to be used up paying interest.

So two things: interest rates are going up, and the debt is going up faster than it ever has. We are now increasing the debt by over $500 billion a year, and that is because we have a propensity to spend. Politicians have found out that they are more likely to be reelected if they bring home the pork barrel projects. They get on the paper cutting of the ribbon of the new facilities, of the jogging trails or the libraries or whatever, and that overspending, because of efforts to try or politicians to try to be liked by the people back home and to get elected is part of what is driving up our debt.

Over $500 billion a year of deficit spending. Deficit spending means how much in 1 year we are overspending, over and above the revenues coming into government. That $500 billion of increased debt a year, how do you put it in perspective?

Well, we are a country about 228 years old. It took the first 200 years of this country to amass a debt of $500 billion. Now, we are going deeper in debt $500 billion every year.

What does that do to our kids? I am a farmer from Michigan; and the way I was raised, what a farmer did for his kids was try to pay down the mortgage, hopefully make their life a little better than mom and dad's life was. But in this Congress, in this city of Washington, we are driving up that mortgage for our kids and our grandkids to pay off.

So two areas: one is the increased debt that we are laying on our kids and our grandkids, and the other is the increased promises of unfunded liabilities. Unfunded liabilities are the green-shade, the economists' words, for how much we are promising in benefits for programs such as Medicare, Medicaid, Social Security, how much we are promising in benefits over and above what revenues we have to pay for those benefits. This is $73 trillion and putting $73 trillion sort of in some kind of a measurable fashion, and I am not sure any of us can do that. Our current spending every year is just a little over $2 trillion, and here is $73 trillion that is needed to go into a savings account today that is going to have a return of at least interest rates that will accommodate inflation to pay for what we have promised in programs over and above what is coming in in revenues from the payroll tax.

Let me go around this pie chart, and then we will talk a little bit more about the unfunded liabilities.

You can see the biggest piece of pie is Social Security, using up 21 percent of total government spending; and so many people say, well, Congressman SMITH, you should not have that as part of the pie. Social Security is separate.

I would just point out that the Supreme Court now on two decisions has said that there is no entitlement to Social Security benefits just because you have paid in Social Security all your life. The Social Security payroll tax is simply a tax. The benefits that you might get are a separate, different program that Congress and the President has signed into law saying here are some benefits that you get at age 65; and of course, if you look back at history, we know that over the years we have changed those benefits dramatically. When we run out of money, we increase the tax and reduce benefits usually.

Going around the pie quickly, Medicare is at 12 percent. Now, with a prescription drug program, it is estimated that Medicare is going to overtake Social Security as a percentage of total spending within the next 20 years.

Medicaid is growing very rapidly at 6 percent. The reason Medicaid is going to be growing is more people who thought they were saving enough for retirement now are living much longer than they anticipated. They are using up their savings; and once they are broke, they go on Medicaid.

□ 2200

Of course if you go to a nursing home, you end up paying $40,000, $50,000, $60,000 a year to go into that nursing home facility, and if you are living very long, that means a lot of your savings are used up, and you go on Medicaid and then taxes pay for the Medicaid program.

Other entitlements represent 10 percent. Defense, I am going to skip over here to defense at 20 percent. Before Afghanistan and Iraq, defense was a little under 19 percent. Now we are going up to 20 percent, not a huge increase in terms of percentage of total budget, but here is the domestic discretionary spending that uses up 16 percent of the total Federal budget. On those 12 appropriations bills, it is what we spend most of the year, at least half to three-quarters of the year arguing about how we are going to spend that 16 percent of the budget.

My point is, unless we look at these other expenditures, the indebtedness and interest on the debt, Social Security programs that are going broke, Medicare programs that are going broke, Medicaid programs that are going broke, the so-called entitlement programs, which means that you are entitled to receive these benefits from other taxpayers if you are at a certain level of poverty, if you are at a certain level of poverty and have children, if you reach a certain age, if you are a veteran that is retiring, if you are a farmer that is in the farm programs.

So the entitlements are sort of like on automatic pilot. Unless we deal with some of those problems, the overpromising of those entitlement programs, we are going to leave our kids, grandkids and the future generations not only this massive debt that is now $7 trillion, but the problem of trying to raise enough money to pay for the promises, and I would say the ''overpromising'' that this Congress has done.

I asked Art Laffer, an economist that I respect, the originator of the so-called Laffer Curve, I said ''Art, what is worse, increasing taxes or increasing the debt?''

He said, ''Well, in the long run they are about the same because increasing indebtedness is the promise of future taxes,'' and it is. To accommodate that 14 percent that we are now paying in the total Federal spending pie for interest, and that 14 percent is going up very quickly as interest rates go up and as we increase the debt, it is going to mean that we have to come up with money in some fashion to pay for it. So that brings us back to the propensity of politicians to spend more and promise more.

How do we get control of the overzealousness to try to solve more and more problems of the country? If we look back at the Framers of our Constitution that were brave enough to declare independence from Great Britain, that wrote a Constitution that designed an economic incentive that those that work hard, that try, that save, that invest, that go to school and use that education are better off than those that do not, that is what has helped us be the strongest, most successful Nation on earth. It is not that we are smarter than anybody else in the world; it is that we have had that kind of motivation and incentive to do our very best, to come up with ideas and work hard.

Now, over the years we have sort of said, well, if you work hard and get a second job, and you wanted that second shift so you could have more money for your family, we are not only going to tax you more, we are going to tax you at a higher rate. So dividing that wealth of those that are successful, and so if you work hard and are successful, we are going to tax you more and more, and give it to the people over here. So it is sort of pay in according to your ability to pay in, and take out according to your need.

Mr. Speaker, we have to be careful that we do not lose that kind of incentive that has made this country great in our overzealousness to divide the wealth, number one, and to pass on to future generations the overspending that we are doing today. It is really somewhat egotistical, I think probably a better word might be ''unconscionable,'' to think that our problems today are so great that it justifies spending the money our kids have not even earned yet.

Next chart, unfunded liabilities. What are they and what are the promises?

The three largest categories of unfunded liabilities are Medicare, Medicaid and Social Security. The Social Security and Medicare trustees have calculated that these programs have over $73 trillion in unfunded liabilities. So $73.5 trillion are going to have to be invested today to have a return that is going to accommodate inflation to pay what is needed to make up the difference between the revenues coming in in the payroll tax and what is needed to accommodate the current promises.

Breaking them down, Medicare Part A, mostly hospitals, $21.8 trillion unfunded liability; Medicare Part B, $2.2 trillion unfunded liability; Medicare Part D, the new prescription drug program, $16.6 trillion unfunded liability; and Social Security with our promises, about $12 trillion unfunded liability.

Those are huge problems. How are we ever going to solve those kinds of promises in relation to what this country is worth, what we can produce in our gross domestic product every year? We are now spending approximately 20 percent of the GDP in our funding at $2.4 trillion. So that means 12, 13, some good years, maybe $14 trillion is the total product, the total gross domestic product that we produce in this whole country in 1 year, and yet we are talking six times that amount that we need

right now if we are going to accommodate the future promises, the cost of the future promises we have made over and above what is coming in in revenues. Just huge problems.

So what do we do about it? We do not do anything. The longer we put the solutions to these problems off, the more drastic the solution is going to have to be. I have been working on Social Security, and I am going to talk a little bit about Social Security tonight.

It was estimated back in 1987 that we were going to run out of money for Social Security. Actually, I was in Michigan, and I was chairman of the Senate finance committee, the Senate taxation committee, if you will. That is where I wrote my first Social Security bill. When I looked at the fact that with people living longer and the birthrate going down, Social Security was going to go broke. It was going to run out of money.

So I came into Congress. I was elected in 1992, and every session since I have introduced a Social Security bill. I have had my Social Security bills scored by the Social Security actuaries. They say that my bills would keep Social Security solvent essentially forever, even though they do it for the next 75 years. The way I structured my bills, it would keep Social Security solvent forever.

Nobody really wants to deal with Social Security, and let me tell you why. Because most of the seniors on Social Security depend on Social Security for 80 percent or more of their total retirement income.

So if you are dependent on that Social Security check, you can understand that it is very easy to scare a senior by saying, well, the gentleman from Michigan (Mr. SMITH) wants to ruin your Social Security and take your Social Security away from you.

It was tough in my first few elections. I have probably given between 270 and 300 speeches on Social Security in my district. I suspect that my Seventh Congressional District of Michigan is more aware of the problem of Social Security and that it is going broke than maybe any other part of the country. It is a huge problem.

I was made chairman of the Bipartisan Social Security Task Force, and we spent a year having expert witnesses come in to explain to the Republicans and Democrats on that task force the problems of Social Security, the fact that it was going broke, the fact that the longer we put off a solution, the more drastic that solution is going to have to be. So when we finished, we had a bipartisan agreement that there has got to be a better way to invest some of the money coming in to get a better return than we have in Social Security. We had an agreement, the longer you put off not dealing with this huge problem, the worse it is going to be, so it was important we all agreed to deal with it as quickly as possible.

So we wrote and introduced Social Security legislation. I have had Social Security legislation introduced for the last 8 years which has had bipartisan sponsors of that legislation because those individuals on both sides of the aisle that are aware of the magnitude of this problem agree that we have got to move ahead with a solution to Social Security. We have to do the same thing with Medicare and Medicaid. We cannot go on pretending that it is okay to continue to increase spending because it seems to be popular at home.

Why is it popular at home? Here is my two bits worth as a farmer from southern Michigan. We now have approximately 50 percent of the adult population in the United States that only pays 1 percent of the income tax. So you can see that there will be some people in this country that say to Washington, to the President and Members of Congress, to the Senators, well, spend some more tax dollars helping me with my problem because it ends up that they are getting much more out of government than they are paying in in taxes.

That is another talk on where we go with this complicated Tax Code and the unfairness of the Tax Code. I think we need the kind of Tax Code that everybody pays at least something in to run the Federal Government so they have a stake in the overzealousness of politicians to spend tax dollars and increase taxes.

Now, in an election year and approaching this Presidential election, we have a lot of concerns from the Democrat side of the aisle that we are shortchanging spending on needed programs, such as this needed program and this needed program, so let us increase taxes to make sure that we are doing the right thing to spend money for this program.

This evening we heard a lot of comments that we have to go into Sudan and the atrocities which have been occurring in Darfur is partially our responsibility. I think it is, but it is not just singly the responsibility of the United States, it is the responsibility of all the countries of the world.

Maybe we sent the wrong signal when we went into Iraq. Maybe other countries sort of heard the message that if they did not do anything, the United States would do it anyway. There were 17 U.N. resolutions condemning Iraq. We knew that there were problems of tyrant dictators, accommodations for terrorists, and developing more and more weapons in several countries, Syria, Libya, Iran, Iraq, North Korea. After the terrorist attack of 9/11, it was appropriate that we go to the source of that problem and go into Afghanistan.

□ 2215

But here are countries developing more and more weapons, with tyrant dictators, accommodating terrorists, and so what should the choice be? Our first choice was go to the United Nations to try to get more countries to join with us in going after all of these countries to send a strong signal that we are not going to allow the proliferation of weapons of mass destruction.

I bring this up because other countries said, well, why don't you go ahead and do it alone? We sort of did. Thank goodness for Great Britain that has joined us in that venture. But now we are challenged with some of these other countries. Maybe we are moving ahead with North Korea now in their development of nuclear weapons with the help of China because North Korea does not want to offend China and the other five countries that are putting pressure on them to stop their weapons of mass destruction, but my guess is we will do something like President Clinton did and that is essentially paying off the blackmail to get them to stop developing and selling weapons of mass destruction.

The decision was made because of the many U.N. resolutions, because of the fact that Saddam had used weapons of mass destruction on his own people, because of the fact that maybe if we could get Iraq to make a transition to a democracy and have an increased standard of living, it would make a huge difference in the countries surrounding them. I think that is true. If we are successful in Iraq, I think the people of Iran will not stand for not moving ahead with more liberty and more freedom in their particular country.

I recently visited Libya and met with Colonel Qaddafi. I think it was partially because he did not want to end up like Saddam Hussein did, is sort of my guess. As I talked to Colonel Qaddafi, it was like him coming to confession that he was a terrorist but he saw no reason to continue having those weapons of mass destruction. It is a good start and Colonel Qaddafi and Libya now are more a part of the World Trade Organization. It is going to end up being better for their country. But now we need to encourage the rest of the world to encourage these other countries to move in and be part of the world community, in trade, because in the long run it is going to be good for those countries.

It is going to be a huge challenge in stopping terrorism in this world. I am just so convinced that we cannot turn tail and run, that we have got to stick to it, we have got to be dedicated and whether it is Iraq or whether it is a continued fight to do away with terrorists in this world, we have got to work together to do it.

Mr. Speaker, next I am going to briefly go through a couple of these charts. This is the general revenue transfer. To make up the difference between what we promised in Medicare, Medicaid and Social Security and what is coming in from the payroll tax, this is in a few years what is going to have to come out of the general fund if we simply do nothing and let it go.

By 2020, that means that we are going to have to take 28 percent out of the general fund to make up the difference

between what is coming in in the payroll tax and what we promised in benefits for these programs. If we just go to 2030, another 26 years away, it is going to take over 52 percent of the general fund revenues to accommodate those programs.

So why do we not deal with it? Partially maybe because it is a tough question and it is a tough solution. There are only a couple of ways to fix the programs. You either increase taxes and have more revenue coming in, or you reduce benefits. Of course, that is what we have done over the years. Every time we have had problems with Social Security, we have either increased revenues or reduced benefits or a combination. That is what I think we need to guard against, simply because most adults in the United States today pay more in the payroll tax than they do in the income tax.

Here is a quick visual snapshot of the problems with Social Security. After the Greenspan Commission in 1983, we have surplus revenues coming in because we had a dramatic increase in the payroll tax, increased revenues coming in over and above what Social Security is paying out; and then by 2017 the red portion of the chart begins, and that is the time when we have to come up with money from more borrowing or more taxes to pay promised benefits.

Here is how Social Security works. Just very briefly, the payout is very progressive. The taxes being paid in are not progressive. Benefits are progressive, and they are based on earnings at retirement. All of a worker's wages up to the tax ceiling, which is now $89,000 a year, are indexed to present value using wage inflation. Present value means if you had a certain job 20 years ago and wages double every 10 years, then for calculating your Social Security benefits, they up the wages to what that job would be paying on the day you retire. The best 35 years of earnings are averaged, the annual benefits for those retiring in 2004, and here is the progressive part: if you are very low income, you get back in a monthly check 90 percent of what you were getting when you were working. So 90 percent of the earnings up to $7,300 are what you get in your Social Security check. Thirty-two percent of the earnings between the $7,300 and the $44,000. Then everything over that, you get 15 percent of your earnings above $44,000.

If you are very rich, you get maybe 16 percent of your average wage back in Social Security benefits. If you are very low income, then you get 90 percent of what you are earning weekly or monthly or biweekly back in a Social Security check. Early retirees receive adjusted benefits, and I added a column on this one. When we started Social Security in 1934, it was interesting going through the archives. Franklin Roosevelt said that there should be a private sector savings account owned by the individual, and actually the Senate passed a Social Security bill that had a savings account owned by the individuals but with the provision that you could not use any of the money until you retired at age 65. Actually, it worked very well then because the average age of death was 62 and so most people died before they became eligible for benefits and this pay-as-you-go program worked very well.

Pay-as-you-go, let me just explain that a second. When you have the deduction of the 12.4 percent for Social Security, a total of 15.2 percent payroll tax, your employer sends in that money. By the end of the week, that money is sent out to existing retirees. So there is no savings account with anybody's name on it. It is a pay-as-you-go program. So the taxes come in, and they are immediately sent out to existing beneficiaries, sort of like the chain letter.

I remember a cartoon I once saw with the elderly person saying, well, I am going to retire, how does Social Security work? And here is Uncle Sam saying, well, see this long list. You put your name at the bottom of the list, and then you send your money to the person on the top of the list.

And so it is sort of like a chain letter and you hope there is going to be some money left when your name at the bottom of the list gets closer to the top of the list.

Social Security was supposed to be one leg of a three-legged stool. I would encourage every person under 55 years old to make an aggressive effort to start putting aside savings for your retirement. The challenges for this country in the next 10 years when we start running out of money for Social Security and Medicare and Medicaid, between 10 and 20 years, there is going to be a dramatic pressure to increase taxes and reduce benefits.

My argument to try to get business and industry on board in terms of the need to have a Social Security solution and a Medicare and Medicaid solution is the consequences of doing nothing and that is what we see happening in many countries around the world.

Mr. Speaker, I would ask everybody to just make a guess of what the payroll tax is, for example, in France to accommodate their senior citizens. It is now over 50 percent of the payroll. So you can see that that makes that country much less competitive. They have either got to pay their workers less wages, and that is why there are a lot of strikes over in France, or they have got to increase the price of their product that makes them less competitive. In Germany, the payroll tax in Germany just went over 40 percent. Japan is hard-pressed in terms of their taxes that are needed to accommodate their senior population.

So for goodness sake, let us not keep putting off these problems for the next Congress because we do not know exactly how to deal with it, so we end up with that kind of taxes and that kind of pressure on our businesses that are going to put our businesses at a greater competitive disadvantage as they try to compete in world trade.

Social Security is a system stretched to its limits. There are 78 million baby boomers that begin retiring in just 3½ years; 78 million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues in 2017, and the trust funds go broke. Insolvency is certain. It does not take a guess. We know how many people there are, and we know when they are going to retire. We know that people will live longer in retirement. We know how much they will pay in and how much they will take out. The actuaries' estimate right now is payroll taxes will not cover benefits starting in 2017, and the shortfalls will add up to $120 trillion between 2017 and 2075, $120 trillion that we are going to need. The $120 trillion is what we need in all those future years one year after the other. That is what would be accommodated if we put $12 trillion into a savings account now that would have a return of at least inflation and the time value of money.

Here is sort of a chart that shows what has gotten us into this predicament. That is the demographics. Our pay-as-you-go retirement system will not meet the challenge of demographic change. Back in 1940, we had 28 workers working and paying in their Social Security tax to accommodate every one retiree. So here are 28 people sharing the cost of every one retiree. By the year 2000, it got down to three workers paying in their taxes, and the three of them sharing the cost and benefits for Social Security of every retiree. The estimate by the actuaries is by 2025, we are only going to have two workers trying to pay enough tax to accommodate one retiree. That is what is happening, and that is why our taxes continue to go up; and if we do nothing, it means increasing the tax.

I have read by some, some on this side of the aisle, that, look, all we need is a strong economy, so if we can have a strong economy and better jobs and better wages and more profit, it will do it. But here is the problem. Because benefits are directly related to the wages you get in and as there are more jobs and more people working and more wages, that means that temporarily it fixes the problem because you have a little more money coming in; but because benefits are directly tied to the wages that you make, it means the payout in future years is going to be greater. So in the long run it does not fix the program. Growth makes the numbers look better now, but leaves a larger hole to fill later. In my talks around the country and around Michigan, people say, well, if Congress would just keep its cotton-picking hands off the Social Security trust fund.

□ 2230

We should do that. What we should be doing with the trust fund is getting a real return on it. But what Congress has been doing, and the President, for the last 20 years is, every time there is

a little extra money coming in from Social Security, we spend it on other government programs. Right now, government owes the trust fund, because that is what we do, we write out an IOU. Government owes the Social Security trust fund $1.4 trillion, but the shortfall, what we are going to need, is $12.2 trillion. So just the trust fund by itself is not going to accommodate or solve the problem.

Social Security has a total unfunded liability of $12 trillion. The Social Security trust fund contains nothing but IOUs, and to keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent.

In this chart I have tried to show that Social Security is not a good investment. The average retiree only gets back a 1.7 percent return over inflation for the money they and their employers send into Social Security. Actually, if one happens to be a minority whose average age is 63½ right now, they actually end up with a negative return because they die before they hit 65 and start collecting benefits. The average is 1.7 percent return.

But the market, in this case I did a graph showing the Wilshire 5000, the average of 5,000 stocks for the last 10 years. Even with the poor returns that we have had for over the past 3½, 4 years, even with those poor returns, the Wilshire 5000 has returned 11.8 percent over and above inflation.

So how about that? How about having some of this money coming in from Social Security, invested in accounts? And I think there has got to be a limitation on accounts, so what I do in my bills is, I do it sort of like the Thrift Savings Account, index stocks, index bonds, index mutual funds, the option of foreign stock funds. Once one has accumulated a certain $2,500 in their retirement account, and they cannot use it, government is going to control it, once they get to that level, then there could be more flexibility as determined by the Secretary of Treasury in terms of additional alternative investments that one might use.

This is how many years one has got to live after they retire to break even on the money they and their employer put into Social Security or, if one is self-employed, the money they put in. If people retired in 1960, it was a pretty good deal. They only had to live 2 years after retirement. But now, in 2005, people are going to have to live 23 years after they retire to break even on the money they sent in for Social Security. By 2015 it goes up to 26 years that people are going to have to live after retirement. And, look, that might be possible. The age of life has continued to increase.

Here is the chart I want to finish with. And that is the danger of doing nothing. What we have done in the past is increase taxes or reduce benefits every time we have had a problem with enough money to pay out promised benefits. And over the years we have increased benefits, too, for Social Security. In fact, in 1965 we amended the Social Security bill to start the Medicare program. So that was a huge new challenge and huge new promises that are going to put our kids and our grandkids even deeper in debt.

Just going up from the 1½ percent in 1940, we raised it to 2 percent of the first 3,000. In 1960, running short of money again for the increased benefits, we tripled the rate, a 300 percent increase in the rate going up to 6 percent, and we increased the base, too, to 4,800.

By 1980, we raised the tax rate to 10.16 percent of the first 25,900. By 2000, again we raised the rate up to 12.4 percent of the first 76,200; in 2004, 12.4 percent of the first 87,900, but now it is 12.4 percent of the first 89,000. So we have continued to increase the tax.

And I just plead, Mr. Speaker, with everybody that might be listening that they, as workers in America, or their kids that are going to be working if they retire, should not be asked to pay a higher and higher tax to accommodate the existing retirees. Probably the people that are retiring this year, and I have not seen the statistics, but I would guess they are probably one of the most wealthy generations that ever has retired in America.

Six principles of saving Social Security, and here is what I sent out to all the Members of the House and all the Members of the Senate: Protect current and future beneficiaries; allow freedom of choice, and in my legislation, we can guarantee that they are going to have as much return by having their own investment as they would if they stayed in the current system, so we guarantee that the return on their private savings account that they own, that government is going to control it, that they cannot take it out until they are 65 or until they have an annuity that is going to prove that they are never going to fall back on other taxpayers. That, in a sense, says that one can be an average worker and retire as a very wealthy person if they start saving this money.

And some of these counties have had the option of not using the Social Security because that is the way the legislation was written. A municipality or a State can have the option of investing their own money or going into Social Security. Some of these counties are giving to their retirees that invested their own money over the last 60 years up to nine and ten times as much as Social Security pays similar wage-earning retirees.

Mr. Speaker, I am going to close with the plea that we work together to make this kind of a bipartisan effort. It may be our chance next year after this Presidential election. I would guess that if we cannot do it in the first 4 years of a President's term, then it is going to be difficult to make the tough decisions that are required to solve these kinds of problems in Social Security and solve the kinds of problems that we need to be looking at in Medicare and Medicaid and some of the other entitlement programs. It is just unfair, unconscionable, to pretend that our problems are so great today that we have to take the money and the savings of our kids and our grandkids because they are going to have their own problems and their own concerns.

THE COMPLEXITY OF OUR TAX CODE

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

Mr. HOYER. Mr. Speaker, I want to say to the gentleman from Michigan that I was very interested in his remarks, and I agreed with a lot of his remarks. Where we would disagree is our responsibility is if we are going to buy things to pay for them. And I would say, with all due respect to my friend, for the last 40 months we have not been doing that.

We continue to buy and we are not paying. And that is why that half-a-trillion-dollar debt to which he referred has been accumulated, and this year it may be a little less or a little more, but I agree with his general proposition that we need to come together, and if we are going to buy, pay for it and not pass it along to future generations, because as the gentleman so correctly pointed out, if we incur debt today, it is inevitably taxes tomorrow.

It is, I think, appropriate that we transit from a discussion about the deficit that confronts us, the obligations confront us, and talk about the way we pay for what government is asked to provide.

Mr. Speaker, I am pleased to be leading this Democratic special order tonight on an issue that confronts millions of Americans every single year, the unbelievable complexity of our tax laws.

All of us, of course, bear some responsibility for the complexity of our Tax Code. Democrats and Republicans and every American, every American who believes that the tax preferences that he or she utilizes are worthwhile. Considered individually, the tax preferences that are part of the code, of course, can be rationalized: the charitable deduction, a very worthwhile effort; the mortgage interest deduction, which has provided for America being now one of the largest home-owning countries in the world, a good provision.

Collectively, however, they are a jumble of confusion that causes unfair results and has a corrosive effect on our democracy. As Paul O'Neill, the former Secretary of the Treasury, who is no longer with us, perhaps because of candor, said, ''One of the unseen consequences of our Tax Code's complexity

is the sense it leaves with taxpayers that the system is unfair and that others pay less tax because of special advantages.''

A few facts, Mr. Speaker, illustrate the scope of the problem. In 1913, the Tax Code was a mere 500 pages. Today, the code and regulations total more than 60,000 pages. Four common forms: Form 1040 and Schedules A, B, and D take an estimated 28 hours and 30 minutes to prepare.

There is a lot of talk about simplification, but we have not moved towards simplification, and Americans are rightly frustrated. Americans are rightly angry about this annual challenge that they have to pay correctly the taxes toward supporting their government.

When the IRS started tracking this information in 1988, that is how long it took to fill out forms, the average paperwork burden was 17 hours, 7 minutes. Even the simplest form in the IRS inventory, the 1040EZ, now requires 3 hours and 43 minutes to prepare, up from 1 hour and 34 minutes in 1988. It is called EZ. There are a whole lot of Americans who do not believe it is easy.

Complexity costs more than $100 billion a year in accounting fees and the value of taxpayers' time to complete their returns. This is roughly equivalent, Mr. Speaker, to what we spend to run the Departments of Education, Homeland Security, and State. Think of that. The dollars that we spend to fill out our forms are equal to what it costs us to run the State Department, the Department of Homeland Security, and the Department of Education.

Not surprisingly, more Americans than ever rely on tax professionals, 56 percent, in fact, compared to 48 percent just 14 years ago, in 1990. But even tax professionals cannot guarantee accuracy. The General Accounting Office recently found that 2 million taxpayers who used a preparer took the standard deduction when they would have been better off itemizing. That says something about our system and perhaps something about preparers.

If the administrative burden does not convince people that the form is crucial, the crisis in noncompliance surely should. The IRS has estimated that there is a $311 billion annual tax gap due to underreporting, underpayment, and nonfiling, $311 billion owed but not collected. What does that mean? That means that somebody has to pick up that slack. Frankly, today nobody is picking it up because we have a deficit larger than that $311 billion, which means, as the gentleman from Michigan said earlier, that future generations are going to pick up that gap. They are going to pay that bill. And, in fact, all of us pay higher rates because too many pay not their fair share of that $311 billion.

□ 2245

In March, Nancy Killefer, the chairwoman of the IRS Oversight Board, told the House Committee on Ways and Means, ''The IRS does not have the resources needed to accomplish its mission.''

Let me repeat that. ''The IRS does not have the resources necessary to accomplish its mission.'' What is its mission? To collect the revenues from each of us to pay for the government that we ask for.

John Kennedy said that taxes were the price of freedom. That is correct. We have established an agency to collect those revenues. Nancy Killefer says it does not have the resources to do so. She went on to say, ''It continues to be out gunned and outmanned.'' By whom? By those who want to avoid paying their fair share.

That same month, Deputy Treasure Secretary Sam Bodman informed Congress that the IRS intended to walk away from more than 2 million delinquents tax accounts last year that total nearly $16.5 billion dollars.

What message does noncompliance and lack of enforcement send? What does it result in? For too many the answer is clear, that it may pay to cheat. In fact, an IRS survey found last year that 17 percent of taxpayers, nearly one in five, believe it is acceptable to cheat, up from 11 percent just 4 years earlier.

Now, just like the people who go into a store and they take something off the shelf, put it in their pocket and walk out and do not pay for it, guess who pays for that item? All of us who come behind and buy that product, because we build in the price of cheating.

Well, there is no difference here. While more people believe that cheating is acceptable, fewer and fewer face audits. In 2003, individuals were audited at a rate of 6.5 per 1,000 returns, and 75 percent of those were computer-generated, non-personal audits. Compare that to the audit rate of 12.8 percent in 1997, or even 9.9 percent in 1998, the year Congress passed tax reform legislation. Audits for business also are down, from three per 1,000 returns to two in 1,000 in 2003.

Mr. Speaker, if they caught only two speeders out of every 1,000 speeders, what kind of enforcement would that be? What kind of constraint would there be to stay within the law?

Leaders in the Republican Party have repeatedly proclaimed their commitment to tax reform and simplification. For example, the gentleman from Texas (Mr. DELAY), the House majority leader, stated in April 2001, ''We are pushing forward with our campaign to reform the Tax Code. We are making it fairer, flatter, simpler and less burdensome to the American people.'' That is what the gentleman from Texas (Mr. DELAY) said in 2001.

But the facts, Mr. Speaker, clearly demonstrate otherwise. Since 2001, Republicans have made 227 changes to the Tax Code and added more than 10,000 pages to the code in regulations.

Mr. Speaker, I want the camera to go right to the end of my finger here. This is 10,000 pages. In 40 months, this is just ½0th of those 10,000 pages, 500 pages. That is the number of pages the Republican Party has added to the Tax Code and regulations in just the last 40 months.

Today on the floor, of course, we spent about an hour on tax simplification. Wonderful. By the way, in passing that tax simplification, we added more pages to its complexity.

We need to do better. We Democrats believe that we can do better, and we intend to do better.

Additionally, the Republicans propose another 109 provisions in the FSC ETI bill, the bill that tries to fix the problem found in unfair competition in the WTO, the trade scenario. So we passed a bill to solve a $4 billion problem that cost us $150 billion, which we did not pay $35 billion of. That is the party that wants to make our code more simple, less complex, fairer. It was a grab-bag of special interest provisions, just as most of these pages are as well.

Just today, our Republican friends considered two bills as part of their tax reform and simplification week. But let us be honest. As I said, they spent 40 months complicating the code. They devoted 40 minutes to making it simpler.

Today, there is an increasing momentum among taxpayers for real reform. Mr. Speaker, Democrats will take the lead on this issue when we regain the House majority in November. We are going to make it simpler. We need to defuse the middle-class time bomb. We talk about it, but we have not acted on it, the Alternative Minimum Tax, which is no longer serving its purpose, at least not as intended. We need to take a hard look at looking toward a return-free income tax system, simplify tax rules for small businesses, stop individuals and corporations from gaming the system and reform international tax laws that encourage American companies to move jobs overseas.

The American people, Mr. Speaker, are acutely aware of the unnecessary complexity and dire need for real tax reform in America today. We Democrats have been talking about that. When we are in charge, we are going to do it, not talk about it, as our friends in the Republican Party have done.

The American people need, the American people deserve, a tax system that is simpler, fairer and more efficient.

I want to look at some of these quotes.

Newt Gingrich, 1997: ''So we want to move towards a simpler Tax Code that takes less time to fill out, that is easier for the American people.'' 10,000 pages since that time, and, indeed, more, added to the Tax Code.

President Bush, March 17, 2001: ''Americans want our Tax Code to be reasonable and simple and fair. These are the goals that unite our country, and these are the goals that have shaped my plan.''

My plan? My plan? What plan? There has been no plan submitted to the Congress of the United States. There is no plan in front of the Committee on Ways and Means to which the President referred. There has been no simplification. There has just been these 10,000 pages of additional special interest provisions added to the code. No plan, Mr. President. But, then again, you only said that 40 months ago.

The gentleman from Texas (Mr. DELAY), a month after the President said his simplification plan was on its way: ''Because of the Tax Code's mind-numbing complexity, millions of hard-working men and women waste countless hours every April. We are pushing forward with our campaign to reform the Tax Code. We are making it fairer, flatter, simpler and less burdensome to the American people.''

10,000 pages have been added to the Tax Code since the gentleman from Texas (Mr. DELAY) said he was bringing us a fairer, simpler Tax Code.

John Snow, the Secretary of the Treasury, this year: ''The administration has made tax simplification a priority, and we look forward to working with Congress to achieve it. A simpler code is something we owe honest taxpayers, and the worst thing of all for the tax cheat.''

Amen, Mr. Secretary. Where is the plan? Nobody here has seen it. Is it in the Treasury Department? Is it in the White House? Or perhaps it is on its way down Pennsylvania Avenue. Where is the plan?

Lastly, Scott McClellan, the President's Press Secretary: ''The President is committed to making the Tax Code more simple and fair.'' February 2004.

No plan, no fairness, no simple plan. 10,000 additional pages.

I now would like to yield to some of my colleagues to speak on particular aspects of how we can make this fairer, simpler and a better code.

I yield to my friend the gentleman from Georgia (Mr. SCOTT), a new Member of Congress, but a veteran of 20 years in the Georgia Senate and one of our most able legislators.

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to discuss what in my opinion is the absolute heaviest burden on the American people and the American family today, and that is this costly, confusing, complex and complicated Tax Code.

I want to start my comments by commending our distinguished House Democratic Whip, the gentleman from Maryland (Mr. HOYER), for his steadfast leadership on this issue of the need for tax reform. I thank the gentleman for leading on this issue. He has not just started leading on this issue. He has been leading on this issue for a number of years.

Mr. Speaker, I believe that Americans are double-taxed, and that the time and expense that it takes to file their taxes creates an additional cost to our taxpayers.

The current Tax Code is riddled with confusion, complexities, ambiguities and unfairness of staggering magnitude. We need to make drastic changes now. Our current Tax Code is beyond reason and basic common sense.

For instance, the Federal income tax code has grown from 45,662 pages in 2001 to 60,044 pages today. Mr. Speaker, at that rate, at that number of pages, it would take over a year just to read the current Tax Code, and that is only if you were reading an average of 1,215 pages every week and doing it at least 8 hours every day. That is absolutely incredible.

Our four common tax forms, 1040 and Schedules A, B and D, take an estimated 28 hours and 30 minutes to prepare. As our distinguished leader pointed out, in 1988, when the IRS began tracking this information, the average paperwork burden was 17 hours and 17 minutes. That is an increase of over 10 hours in just 6 years. Unbelievable.

Mr. Speaker, Alexander Hamilton, one of our great founders of this country, perhaps the primary architect of our taxing system and our first Secretary of the Treasury, said, ''In order for our Nation to succeed, our taxing system must be simple, literate and fair, and I tremble for the future of my country if we fail in this endeavor.'' And I tremble indeed for the future of our country also, as Mr. Hamilton did 200 years ago, if we fail to reform our Tax Code.

Indeed, I predict a serious taxpayers' revolt in the very near future because of complexity, because of expense, because of unfairness, if we do not move with haste now to reform the Tax Code.

It now costs taxpayers $100 billion each year just in fees for our taxpayers just to complete their tax returns. Individuals, businesses, tax exempt, public-private entities, spend 6 billion hours each year just complying with the Tax Code. It is a loss to our economy and it is a loss to our productivity, and it is staggering.

Mr. Speaker, as you know, as an entrepreneur that has started a successful business, as I have, as a small business owner, I believe that tax reform proposals that simplify the Tax Code merit serious consideration, and to that end I am a cosponsor of H.R. 1783, the Freedom Flat Tax Act.

Let me just tell you for a minute what this flat tax will do. It will take the complexity out of our Tax Code. It will ensure fairness by closing creative loopholes that allow some unscrupulous persons to avoid paying their fair share of taxes.

□ 2300

This measure would phase in a flat tax over a 3-year period with a 19 percent rate for the first 2 years and a 17 percent rate in subsequent years, and it will allow for no deduction loopholes, but will allow for personal exemptions, including a $5,300 exemption for each dependent.

I do not believe that the flat tax is perfect, but at least it is a starting point to do 2 essential things: give our taxpayers back their time and give them back some of their money. That is what the American citizens are asking for.

This current Tax Code is mesmerizing in its confusion and unfairness. For example, there are 5 different tax breaks for families with children: dependency exemption, head of household filing status, the child tax credit, the child independent care tax credit, the EITC, and all 5 of these define a qualifying child differently. How confusing.

Taxpayers overpay their taxes by an estimated $1 billion a year because they fail to claim itemized deductions, opting for the standard deduction instead, according to the General Accounting Office, because they say the Tax Code is too hard to understand.

About one-quarter of taxpayers who are eligible for the earned income tax credit, which is designed to help the working poor, fail to claim it because they say it is too complicated. Our Tax Code is terrible.

Mr. Speaker, we cannot wait any longer. The time for tax reform is right now. We must not tinker around the edges of the Tax Code, but go right to the heart of the problem. The American people are depending upon us, and we Democrats must provide the way and the leadership on this critical issue of tax reform. The American people need and deserve a tax system that is simpler, fairer, and more efficient, just as the gentleman from Maryland (Mr. HOYER) stated, and we must give it to them now.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments and for the passion that he brings to the effort to make this a simpler, fairer Tax Code for the welfare of our people, for small business, and all of those who must comply with a system that has become extraordinarily complicated.

Mr. Speaker, I yield to the gentleman from Washington (Mr. MCDERMOTT), a senior member of the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, I thank the gentleman from Maryland. This is an auspicious night tonight. The President had a dinner downtown and raised $25 million from some of his closest friends. In the recent motion picture, in talking to them, he said, some people say you are the elite, but I say you are my base.

Well, we ought to talk about this man's base.

Mr. HOYER. Mr. Speaker, if the gentleman will yield, is that the movie in which the gentleman from Washington (Mr. MCDERMOTT) starred?

Mr. MCDERMOTT. Mr. Speaker, since 1994, when the Republicans created a Contract With America and said that they would pull the Tax Code up by the roots and simplify it, this TOM DELAY Congress and its tax-writing committee have added another 10,000 pages, which the minority whip has already pointed out, and lowered taxes on the most affluent among us. Over

the past 3 years, the Congress has watched 1 million jobs disappear, and what has it done? Well, first the Congress passed out lavish tax breaks to the millionaires so that they could send more money to Wall Street. Second, the House of Representatives sent the chairman of the Committee on Ways and Means to Europe. While he was there, the Europeans said, because of the WTO's ruling, you Americans need to change your tax structure to make it easier for European products to compete with American ones. How did the chairman of the Committee on Ways and Means respond? He told the Europeans he would like to help them out, but that they should impose tariffs on the American products first to get our attention. He thought that if they hit us, he could get something through the House.

Today, Mr. Speaker, the Europeans are imposing a 9 percent tariff on American products exported to Europe, our largest trading partner. These tariffs apply to some of our most sensitive products like agricultural goods that come from all across America, from Florida and from the Midwest. The Europeans are imposing tariffs on paper and wood products that come from the Pacific Northwest and from the American south. Just last month, to appease the Europeans, the House and Senate passed a bill to hike up taxes on U.S. companies who export American-made products to foreign markets. At the same time the House and Senate lowered taxes for U.S. companies that operate offshore.

And what do other Republican leaders have to say about this? Well, the chairman of the Committee on Rules came out here a few weeks ago and said he was happy that European tariffs were imposed, he was happy that this Congress was raising taxes on U.S. firms that operate in America, and he was happy that we were lowering taxes for U.S. firms that operate offshore. Check the CONGRESSIONAL RECORD, Mr. Speaker. My colleagues will find I am right. This is not hyperbole. I am not making this up. This man stood right over there and said it. This is the official RECORD as recorded by the House Clerk.

Mr. Speaker, our tax structure is one of the most competitive in the developed world. Our effective corporate tax rate is among the lowest in the developed world. Let me say that again. Our effective corporate tax rate is among the lowest in the developed world. Only 2 nations have lower effective tax rates than ours.

Furthermore, Mr. Speaker, despite the fact that we currently tax U.S. firms who operate overseas at a lower tax rate than those who operate on our own shore, the Republican Party has pushed through legislation in the House and Senate to again lower the tax rate that U.S. firms operating offshore will pay.

This country has lost 1 million jobs, and many of those were lost because they simply moved offshore. It is cheaper to operate over there. That is why they went, and the tax structure is set up so that it is cheaper for companies to move offshore and leave the American worker behind without a job.

The Republican Party's response to an increasingly connected global economy has been to make our Tax Code more complex and to lower taxes for U.S. companies that decide to move their operations offshore.

When is the Republican Congress going to do something right and something fair for the American people, Mr. Speaker? When is the Congress going to reform the Tax Code so U.S.-based firms are not put at a competitive disadvantage, compared to U.S. firms that move overseas?

Since the Republicans took control of the congressional tax-writing committee on which I sit, U.S. firms have moved overseas, Americans have lost their jobs, and we spend more time than ever trying to figure out our taxes, because of the 10,000 pages they have added.

Since the Republicans took control over the Department of the Treasury, the Federal Government finds itself in annual an $500 billion deficit. Now, that is real fiscal responsibility. We borrow nearly $500 billion every year from foreigners, from the Chinese, from the Saudis, from the Swiss. We are in hock to half the world.

Does the Republican Party expect to control the Congress based on this record over the last decade, Mr. Speaker? If they do not make some changes pretty quick, and those 2 silly bills they brought out here today did absolutely nothing to simplify; all they were was a piece of paper that said ''tax simplification'' across the top and the body of the text did nothing, nothing. There is not a single person in this country that will have an easier time on the 15th of next time because of the silly bills they passed out of here today.

Luckily, we only have 105 more days to suffer under these people. We are going to have a change when the Democrats take over this place.

Mr. Speaker, I commend the gentleman from Maryland for bringing this issue up and bringing it out here. It is late at night, but it is an issue that affects every single American, and the American people ought to know that we are thinking about it and want to change it.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Washington State, a member of the Committee on Ways and Means, for his remarks. And then that, of course, as the gentleman points out, is the purpose. The tax simplification purpose of ours is not going to be just tonight, it was not just 3 days ago when I gave a statement to the press and to others; it is a commitment that we have for all Americans to make this a fairer, simpler system for them and their families, and for every small businessperson in America so that they can feel that we are not placing an extraordinary burden on them.

Paying is burden enough. Complicating the system and causing them hours and hours and costs to comply is too much for them to expect, and we need to change it, and we Democrats are going to change it. I thank the gentleman from Washington for his remarks.

I now am pleased to yield to the gentleman from Illinois (Mr. EMANUEL), who has been very involved in our efforts to focus on tax simplification and who is a leader in this effort.

□ 2310

Mr. EMANUEL. Mr. Speaker, I would like to thank the leader for doing this, although again it is late at night; but many times when families have to fill out the 1040, these are the hours they are working at their kitchen table trying to figure out what those stacks of paper mean, and so it behooves all of us to be here at this hour because it is very similar to what middle-class families across America have to do when it comes to the Tax Code, and it requires countless hours; and I think if I am not mistaken in the last 10 years we have added about 7½ hours to the average family's hours that they are dedicating just to filling out the tax forms around April 15.

Now, I have put together a proposal that would affect about 60 percent of the tax filers and get the form down to 12 simple questions and eliminate 200 pages of the code, about 2,000 addendum pages, and it is called the simplified family credit. It takes the earned income tax credit, which is for working people making the moderate income level, the per child tax credit, the dependent care and collapses them into a single family credit, eliminates 200 some-odd pages of code, 12 questions. Also wacks the marriage penalty and deals with the AMT, which is a regressive tax for families.

And in my sense, that puts not the onus so much but the benefits of the Tax Code behind families at work who are trying to do right for their children, and it would simplify the code but also reward those families who choose work over dependency.

You make $50,000. You have two children, this would be an additional $1,500 cut to that family versus what President Bush has put in place, and it would do it by eliminating well over 200 pages of the code.

This code has become so complicated, the complexity has led to tremendous inequity in the code.

Today we have about $311 billion, this is the lowest according to the IRS, of underreported or nonreported income, mainly by the extremely well-off corporations and individuals, who through lawyers and accountants do not report income, and they use the code to disguise income.

Well, nobody should pay more than they are supposed to pay, but the code is written now for those who can afford

lawyers and accountants to shelter and hide and disguise income. When the burdens of the rest of the funding of the government services, the burdens of paying their fair share are shifted more and more upon those who work for a living. $311 billion goes under-reported or not reported or collected.

That would wipe away well over half the deficit this year. We are going to have $450 billion. $311 billion would wipe it away. You could fund close to half the Americans who are seeking college assistance, aid for middle-class families to pay for college can still pay about $100 billion or $200 billion of the deficit. What simplifying the code would do is ensure that when you paid your taxes, you knew that people down the street, you knew that people on the other side of the tracks were paying their fair share, because today nobody believes that the others are paying their fair share, and we have a system that is corrosive. It is stacking the deck against ordinary American taxpayers, and while the special interests win shelters and loopholes, middle-class families who play by the rules are now carrying the burden for those who do not report and do not pay their fair share.

Others have mentioned this, but I do think it is worth noting, in the last 3½ years, this administration has had three tax cuts, and in that time they have added 10,000 pages to the code—326 separate changes. They have added phase-ins and phase-outs and other gimmicks, sunsets to the code. All the while they have increased the burden of the Tax Code on those who work for a living and shifted the burden of those who earn money from capital investment, while if you work for a living, you are now paying more and getting less from this Tax Code. And it is high time we put the Tax Code not on the backs of the middle-class family but fighting for middle-class families, understands the obligations they have of meeting the needs of their children, and I think that the Bush Tax Code is a treasure chest full of loopholes and tax shelters for the special interests, and it has become a nightmare for middle-class families.

As I mentioned earlier, 7½ hours of additional time to fill out the tax returns. The child tax credit now has five separate breaks. I think the last time, when you compare the earned income tax credit per child and the dependent care, it is close to 10 separate definitions of children. Well, I have got three. They are all the same definition. They are sniveling and they bother you all the time. You do not need 12 definitions of what a child is. You know what it is, and the code does not understand it; and it is clearly making it more complicated.

Again, it has increased costs for filling out the form. We can do this. There is no reason for the Tax Code to be this way, but it was designed this way. That is the point that people need to understand. The code as it exists today was designed for the special interests, was designed for those who can hire lawyers and accountants to figure their way out of paying income, hiding income, sheltering income, moving jobs overseas, moving corporations overseas, holding capital in a separate subsidiary overseas.

Do you know a family in America that has set up a subsidiary of their family in Bermuda to not pay taxes? If a family could figure out how to do that, they would figure out how to pay for college. They are struggling how to pay for college, yet corporations are setting up subsidiaries in Bermuda not to pay their fair share of tax and the burden shifts on the middle-class families.

We need to take this Tax Code and ensure that the middle-class families, that it is fair to them, it is simple, you do not have to have a family dispute to fill out the tax form, and deal with that that is on that table. It is not fair. It is not right. We can do better. And so I applaud the efforts today, as Democrats put together the ideas of simplifying the code and making sure it reflects the values and the interests of our middle class.

I offer my idea of a simplified family credit that would affect 60 percent of the taxpayers and reduce the tax form down to 12 easy questions, and it would be right for them. It would be right for their children. And, again, it would ensure the most important thing, that everybody have a sense that everybody is paying their fair share. And today we do not have that sense, and we end up with $311 billion of people who are cheating the system and cheating the country of their obligation, and therefore shifting the burden to the rest of us who pay our fair share. That is wrong, and we can do better.

And, again, I applaud you for holding this and again reminding people that Democrats have an idea of massive tax reform, a big idea that would change the way we do things and it would be good for the economy, not only be fair to middle-class families. It would lead to a more productive economy, and it would make sure also the entrepreneurs and small businesses were treated correctly in our code.

Mr. HOYER. Reclaiming my time, I want to thank the gentleman from Illinois (Mr. EMANUEL) for his contribution tonight, but more importantly, for his contribution to spurring the effort of tax simplification and tax fairness for middle-class Americans, but I would suggest to him that those families, of course, cannot site an offshore post office box and therefore avoid taxes. But to some degree, we ourselves have created 10,000 pages in which Americans normally look to how do I reduce my obligation in taxes. That is a normal thing for people to do, and the fact that we have made it so complicated allows some people to take advantage of loopholes that perhaps were not contemplated but exist; and the unfairness then is not only to our working-class, middle-class families but also to those competitors of theirs who do not take advantage of those loopholes, who keep jobs in America, who are paying their fair share of taxes here in America.

So tax fairness is not only tax fairness in terms of middle-class taxpayers but, frankly, all taxpayers so they can have the confidence that their liability based upon the income that they make will be proportionately the same as their competitor, as their fellow citizen.

Mr. Speaker, I now yield to another member of the Committee on Ways and Means, extraordinarily able member of our caucus, who does an extraordinary job in focusing on fairness to working families, the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I first off want to thank the distinguished minority whip for his leadership of the entire United States Congress on the issue of tax simplification and fairness, an issue that affects every working family in America.

□ 2320

Just last week our whip said, ''Taken individually, of course, nearly all of the tax preferences that clutter the code can be rationalized. Collectively, however, they are a jumble of confusion that leads to unfairness.''

That is certainly being kind. So we appreciate all that the whip is doing to lead not just our caucus but the entire Congress in this issue that affects us all.

For more than 10 years, my friends on the other side of the aisle have made tax reform and simplification a cornerstone of the economic program. However, for all of their expertise, or maybe all of their obsession, they seem to have fallen far short.

In Texas we would say that the record strongly suggests that on tax issues the Republican majority is ''all hat and no cattle.'' The Republican majority talks a lot about giving the American people their money back. We all agree on that. We all agree that the American people are better stewards of their own money than is the government. However, the Republican tax themes and schemes have the perverse effect of taking from Peter to pay Paul, and in virtually every instance, the middle-class Peter is paying the millionaire Paul.

Middle-class families are feeling a serious pinch from the economy. Ten years ago they had no problem making their house and car payments, putting food on the table or sending their kids to college. Ten years ago, more likely than not, they had a stable and secure job in America, not China, not India, and they had benefits like health insurance and a pension that they took for granted. Faded memories, how they linger.

Ten years later and 10 years into the Republican contract on America, those same families are getting the squeeze.

Foreclosures and personal bankruptcy are at record levels in this country. Consumer debt has a stranglehold on the average American family. Tuition is skyrocketing while student aid is being cut year in and year out. Secure employment with health insurance and a pension has been replaced with reduced pay and no benefits.

Just ask yourselves, are things getting better or worse? Do you have more money for your family or do you have less? The middle class is hurting, but where is Congress?

While the Republican majority is cutting student aid while talking about the importance of education in the 21st century marketplace, the middle class is getting squeezed out. The Republican majority refuses to fully fund the centerpiece of President Bush's education policy, No Child Left Behind, while handing out annual $100,000 tax cuts to individuals making $1 million or more per year in income.

We have passed permanent extensions of the child tax credits and marriage penalty relief, but to no avail. And why is that? What the Republican majority knows, but apparently does not want to talk about, is how its failure to enact meaningful reform of the alternative minimum tax has the perverse effect of eliminating, that is eliminating any benefit middle-class families would realize from the enhanced child tax credit and marriage penalty relief.

My friend and colleague, the gentleman from Massachusetts (Mr. NEAL) has devoted untold hours to devising a reasonable solution to the AMT problem, but the Republican majority absolutely refuses to fix this serious and enormous problem which Nina Olson, the IRS' National Taxpayer Advocate, labeled the most serious problem faced by American taxpayers.

The alternative minimum tax was enacted in the late 1960s and was designed to affect only the wealthiest Americans as it was explained earlier tonight by the minority whip, and in the interest of time, I am not going into that. However, the reality is far from that ideal.

For most of its existence, the AMT has affected few taxpayers, less than 1 percent in any year before 2000, but its impact is expected to grow rapidly in the next few years and affect more than 20 percent of the taxpayers by the year 2010, many of them middle-class taxpayers. Call it what you will. It is a Republican tax increase, that is what it is.

So I ask you, where is the solution? The gentleman from Massachusetts (Mr. NEAL) offered one, maybe there are others, but the Republican majority prefers the status quo just as it is today.

What does the status quo foretell for America? Twenty percent of all taxpayers and 40 percent of married couples will owe AMT in 2010. This again is a Republican income tax increase on the American public. And where is the fairness? While only about 30 percent of taxpayers with an adjusted gross income over $500,000 will pay the AMT in 2010, in comparison, two-thirds of American taxpayers with an adjusted gross income between $50,000 and $100,000 will have AMT liability in 2010, two-thirds, again, a Republican tax increase on the middle class.

Taxpayers with an AGI between $100,000 and $250,000 will be hit the hardest by the AMT. In 2010, over 90 percent of those individuals will have AMT liability. So despite the symbolism of passing marriage penalty relief and other relief, the Republican majority's refusal to meaningfully reform the AMT eliminates most of the benefits for middle-class families, totally eliminating them. And not only does it eliminate the benefits, it passes on increased tax liabilities to American working families.

You can call it Ray or you can call it Jay, but whatever you call it, it is a Republican income tax increase on the working class in America.

I thank the whip again for his fine work on this issue, and we appreciate his leadership.

Mr. HOYER. I thank the gentleman from Texas (Mr. SANDLIN) for his comments and very important observations.

Clearly he is correct. We need to not talk about simplification; we need to do simplification. We need to do fairness so that the American public is better served by their system and better able to support themselves and their families.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GONZALEZ), a member of the very important Committee on Energy and Commerce.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman. It is a pleasure joining the gentleman on such an important topic. It may be late at night, as someone observed, but I think most American families, they are used to staying up late right before April 15. And as a matter of fact, people get extensions, so I think there will be other late nights because no one is going to go through 10,000 pages looking for the answer unless they have a lawyer or an accountant.

The Democrats do not have a monopoly on this particular issue. What I do believe we have is a sincere interest in doing something about it. A very distinguished colleague of ours who happens to have a seat on the other side of the aisle recently stated, ''We have been here long enough. We had better deliver a simplified Tax Code. I think this should be a centerpiece of reform for congressional Republican candidates. Instead of tax cuts, we should be talking tax simplification.''

Now, those are words. They were in the majority. They could make it happen. But it is not happening. So wherein lies the problem? It is all talk.

Let me read something to you which I have always found interesting. I cut this article out 2 years ago because I thought it was so incredibly demonstrative of plain words lacking real intention and action. We were looking at that time, or the administration was looking for a commissioner to head the Internal Revenue Service. They hired a firm, a head-hunting firm to proceed with the search. This was the ad.

''Our firm has been awarded the assignment by the Department of Treasury through Secretary O'Neill and a Presidential oversight board to identify possible candidates to become the Commissioner of Internal Revenue Service. From this list the Secretary will recommend to the President individuals for his nomination to the United States Senate for confirmation.''

This is the part that I enjoy. ''The individual does not need to have any in-depth exposure to the tax system or code.'' They need not understand the problem. They need not understand the code. But what was the most important thing the administration was looking for? Here it is. ''As an appointee of the President, he or she is expected to fully support the President's position and his administration's position.''

You are going to get your marching orders from the administration, which means you are not going to simplify anything. I think someone said earlier tonight that the President may be viewing as his base those individuals that find aid and comfort in 10,000 pages of complex legislation, that does not inure to the benefit of the average American.

□ 2330

Speakers before me pointed out I think a real basic tenet in our democracy. Everybody will do their own fair share, including the payment of taxes.

According to the Treasury Department, actual corporate income tax revenues fell 36 percent from fiscal year 2000 to 2003, 3 years, 36 percent drop.

From 1996 to 2000, 95 percent of corporations paid than less 5 percent of their income in taxes. From 1996 to 2000, 60 percent of U.S.-based corporations paid no corporate tax at all. Among large corporations, those with sales of more than $50 million or assets of at least $250 million, 33 to 45 percent paid no taxes. Do you know why? Therein, somewhere in those 10,000 pages, we allowed this to exist today.

Warren Buffet declared, ''If class warfare is being waged in America, my class is clearly winning.''

This is not an anti-business message. The Democratic Party and the policies and agenda and philosophy is pro-business. All we can ask is that everyone carry an equal burden and make their equal contribution. That is not so unfair. That is as American as anything that exists in any political philosophy.

The leader touched on what is happening within the IRS and how his hands are tied because of obviously fiscal constraints and policy. The IRS says that its number of corporate audits has declined because of the explosive growth in tax shelters which allow

companies to take advantage of complex tax code provisions. In other words, the increasingly complex tax code has made it more difficult for the IRS to go after corporate tax evaders. In the meantime, middle class families remain open and increasing targets for the audits.

To quote David Keating, of the conservative National Taxpayers Union, ''If we had simpler tax laws, it would be simpler for taxpayers to follow and simpler for the IRS to enforce and administer.''

I recognize we are running out of time, but to give my colleague a clear example of what we have contained in those 10,000 pages, unknown to most of the average taxpayers is section 179. What is section 179? I am going to read you from an article that appeared in the Washington Post on September 26, 2003.

This is a sales representative for Hummer of Alaska. You know what Hummer is, the huge car. Allow me to introduce you to a fabulous opportunity, he writes in a prominent letter, a tax loophole so big you can drive a Hummer H2 through it. Imagine being able to purchase the number one large, luxury SUV in America today and receive a deduction for the entire purchase amount from your taxes this year. How is this possible, the salesman asks? Thanks to the Bush administration's recent economic stimulus package, small businesses and the self-employed are eligible to deduct the entire purchase cost of new equipment up to $100,000 the year of the purchase.

Now, we need to remind our colleagues, these provisions are supposed to help farmers and small business owners buy equipment to transport merchandise and haul equipment. No matter.

The letter continues: The Hummer H2 qualifies for this IRS section 179 deduction by its gross vehicle weight of over 6,000 pounds. Cars and medium-sized SUVs do not qualify for this deduction. If you are seriously considering acquisition of a new vehicle, step up to the vehicle that can take you where you want to be, financially and otherwise.

It does not stop there, because I will tell my colleague, you can go out and buy a Porsche SUV for about $90,000, and it will qualify for section 179 in those 10,000 pages that some taxpayer gets to write off in that 1 year to drive that luxury vehicle.

I do want to remind my colleagues that someone on the Democratic side has introduced legislation to correct that. It will never see the light of day because we are not in the majority. That is what we are talking about. We have already talked about the different tax breaks for families that they could figure out.

Taxpayers overpay their taxes by an estimated $1 billion a year because they fail to claim itemized deductions. How many taxpayers actually go through the trouble of figuring the code out so they can itemize? About one-third of taxpayers who are eligible for the earned income tax credit which is designed to help the working poor fail to claim it because it is too complicated. It is so complicated that tax preparers are responsible for nearly 70 percent of the errors and overclaims on returns. The people that are supposed to know the business cannot figure it out.

I will leave you with one thought. Time is money. Simplification does translate into savings and responsibility and sharing the tax burden equally. Time is money, and I say this to the American taxpayer. It is your time and it is your money, and you deserve a heck of a lot better treatment.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments and his very important contribution to this discussion.

In closing, let me say that we are committed to working, not only on our side of the aisle but working with our Republican colleagues as well, towards simplifying this code, making it fairer, reducing these 10,000 pages so that the anomalies of which the gentleman from Texas just spoke in terms of the deduction for the Hummer and for the Porsche will not make our tax code unfair so that the average working American who goes to work every day, and as Bill Clinton said, plays by the rules, will not have an undue tax burden placed upon them because so many others take advantage of one of the loopholes included in these 10,000 pages and do not pay their fair share.

That is not fair. That is not good tax policy. That is not good for America. So we are pledged as Democrats, as Americans, as Members of this House sent up by our neighbors here to represent them, to work unceasingly and tirelessly on making this code simpler, making it fairer, making it more efficient, making for a better code, a better America.

RECESS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 38 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9267. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Taiwan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

9268. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Hungary, The Netherlands, Mexico, China, The United Arab Emirates and various other countries pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

9269. A letter from the Chairman, National Credit Union Administration, transmitting the 2003 Annual Report of the National Credit Union Administration, pursuant to 12 U.S.C. 1752a(d); to the Committee on Financial Services.

9270. A letter from the Executive Secretariat, Federal Energy Regulatory Commission, transmitting the 2003 Annual Report of the Federal Energy Regulatory Commission, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

9271. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Safety Standards for Cigarette Lighters; Adjusted Customs Value for Cigarette Lighters — received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9272. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule — Defect and Noncompliance Responsibility and Reports Defect on Noncompliance Notification [Docket No. NHTSA-2004-18341] (RIN: 2127-AG27) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9273. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Arlington, The Dalles, Moro, Fossil, Astoria, Gladstone, Portland, Tillamook, Coos Bay, Springfield-Eugene, Manzanita and Hermiston, Oregon, and Covington, Trout Lake, Shoreline, Bellingham, Forks, Hoquiam, Aberdeen, Walla Walla, Kent, College Place, Long Beach and Ilwaco, Washington) [MB Docket No. 02-136; RM-10458; RM-10663; RM-10667; RM-10668] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9274. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Jackson, Mississippi) [MM Docket No. 01-43; RM-10041] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9275. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Amboy, Baker, and Desert Center, California; Kingman, Mohave Valley, Parker, and Seligman, Arizona; and Boulder City, Caliente, Henderson, and Pahrump, Nevada) [MB Docket No. 02-124; RM-10446] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9276. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Ponce, Puerto Rico) [MB Docket No. 04-78; RM-10866] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9277. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Roswell, New Mexico) [MB Docket No. 04-16; RM-10840] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9278. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Anniston, Alabama) [MB Docket No. 03-229; RM-10795] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9279. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Mitigation of Orbital Debris [IB Docket No. 02-54] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9280. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Newcastle, Pine Haven, Warren AFB, Centennial, Casper, Wright, Douglas, and Kaycee, Wyoming, Rapid City, South Dakota, and Gehring and Scottsbluff, Nebraska) [MB Docket No. 03-258; RM-10833; RM-10864] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9281. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Boradcast Stations. (Tullahoma, Tennessee, and New Market, Alabama) [MB Docket No. 03-244; RM-10825] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9282. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Sierra Vista and Corona de Tuscon, Arizona) [MB Docket No. 03-141; RM-10703] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9283. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dinosaur and Rangley, Colorado, Franklin and Preston, Idaho, Beaver, COalville, Elsinore, Manila, Monroe, Nelphi, Richfield, Smithfield and Tremonton, Utah, and Fort Bridger, Green River, Lyman, Rock Springs, Saratoga and Wamsutter, Wyoming) [MB Docket No. 02-290; RM-10527; RM-10772; RM-10773] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9284. A letter from the Associate Buerau Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 1.80(b) of the Commission's Rules; Adjustment of Forfeiture Maxima to Reflect Inflation — received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9285. A letter from the AMD — Performance Eval. & Records Mgmt., Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2004 [MD Docket No. 04-73] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9286. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Free Annual File Disclosures (RIN: 3084-AA94) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9287. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 04-19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9288. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Canada and Australia (Transmittal No. DDTC 048-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9289. A letter from the Paralegal, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1—732 and 1—734(a)(1)(A); to the Committee on Government Reform.

9290. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003, through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

9291. A letter from the Chair, CPB Board of Directors, Corporation of Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9292. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9293. A letter from the Acting Assistant to the Secretary for Policy, Planning, and Preparedness, Department of Veterans Affairs, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Department's inventory of commerical activities for calendar year 2003; to the Committee on Government Reform.

9294. A letter from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9295. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, ''Federal Student Loan Repayment Program FY 2003,'' pursuant to 5 U.S.C. 5379(a)(1)(B) Public Law 106–398, section 1122; to the Committee on Government Reform.

9296. A letter from the Director, Office of Personnel Management, transmitting the Office's report on law enforcement classification, pay, and benefits, pursuant to Public Law 108–196, section 2(b); to the Committee on Government Reform.

9297. A letter from the Architect of the Capitol, transmitting a report discussing the AOC's activities to improve worker safety during the first and second quarters of FY04, pursuant to the directives issued in the 107th Congress First Session, House of Representatives Report Number 107-169; to the Committee on House Administration.

9298. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To modify the boundary of the Barataria Unit of Jean Lafitte National Historical Park and Preserve, and for other purposes''; to the Committee on Resources.

9299. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a report entitled ''U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2003,'' pursuant to Public Law 108–193, section 6(a); to the Committee on the Judiciary.

9300. A letter from the Attorney, National Council on Radiation Protection and Measurements, transmitting the 2003 Annual Report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, a federally chartered corporation, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

9301. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Exceptions to Definition of Date of Receipt Based on Natural or Man-made Disruption of Normal Business Practices (RIN: 2900-AL12) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9302. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative Simplification of Section 481(a) Adjustment Periods in Various Regulations [TD 9131] (RIN: 1545-BB47) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9303. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Changes in Use under Section 168(i)(5) [TD 9132] (RIN: 1545-BB05) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9304. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue: Credit for Increasing Research Activities — Qualified Research Expenses — received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9305. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004-66) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9306. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Return of information as to payments of $600 or more (Rev. Proc. 2004-43) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9307. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rules applicable with respect to distributions of money and other property (Rev. Rul. 2004-79) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9308. A letter from the Acting Chief, Publications and Regulations Branch, Internal

Revenue Service, transmitting the Service's final rule — Exchange of Stock and Securities in Certain Reorganizations (Rev. Rul. 2004-78) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9309. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Income Affected By Treaty (Rev. Rul. 2004-76) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9310. A letter from the Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-71) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9311. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To authorize the transfer of administrative jurisdiction of land between the Secretary of the Interior and the Secretary of Transportation at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes''; jointly to the Committees on Resources and Transportation and Infrastructure.

9312. A letter from the Assistant Secertary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To implement the Agreement on Conservation and Management of the Alaska-Chukotka Polar Bear Population''; jointly to the Committees on Resources, Ways and Means, International Relations, and the Judiciary.

N O T I C E

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our fathers and mothers, who surrounds us with shields of grace, mercy, and peace, thank You for our national and world leaders. Shower them with wisdom. Give them faith to exercise responsible stewardship of Your many blessings and an abiding awareness of their accountability to You. Remind them that abundance must be used unselfishly and that we enter the grave with empty hands.

Inspire our lawmakers today with a love that comes from a pure heart, a good conscience, and a sincere faith. Strengthen them in their work to wage the good fight against freedom's enemies. Bless all who labor with them. May the harvest of our work enable the people of our global village to lead peaceful and quiet lives that are pleasing to You. Give us Your peace at all times in every way.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the acting majority leader.

SCHEDULE

Mr. MCCONNELL. Mr. President, today following the 90-minute period for morning business, the Senate will resume consideration of the Morocco free-trade agreement. The agreement reached last night provides for a vote on final passage to occur at 11:30 this morning.

As a reminder, last night the majority leader filed a cloture motion on the nomination of Henry Saad to be U.S. Circuit Judge for the Sixth Circuit. That vote will occur tomorrow. We expect debate today on the Saad nomination, as well as other pending judicial nominations.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

DOING RIGHT BY AMERICA

Mr. DASCHLE. Mr. President, in just over 100 days, the American people will make an historic and fateful decision. They will decide whether we stay the course we are on or move our country in a new and better direction.

As I have traveled around South Dakota and the Nation, I have heard a lot about the hopes and dreams Americans have for their families. I have listened to ranchers and farmers, teachers and mothers, police officers and firefighters. I am always humbled by the honesty of their message.

Families in South Dakota and across our Nation aren't asking for special deals or special advantage. All they want is a fair opportunity on a level playing field. They want to know that there is only one set of rules, and that the game isn't rigged against them. Most of all, they want to know that as we make decisions affecting the future of our country, our first priority is doing right by America.

If a policy isn't going to make us stronger and safer, if it is not going to expand opportunity and put common sense ahead of ideology, then it is not doing right by America.

Doing right by America rejects the defeatist view that we have enough money to rebuild Iraq, but not enough resources to take care of America.

At its heart, doing right by America means fulfilling our moral responsibility—together—to create a better future for our children and grandchildren. It is a simple value that Americans have always lived by, but it has been pushed aside these last 4 years. Boardroom priorities have crowded out kitchen-table needs, and special interests—like Enron, Halliburton, and the giant oil companies—have undermined our common purpose. Years of progress in spreading opportunity for regular Americans has been turned on its head.

We are all proud that America is a place of great wealth and success. But the genius of America has never been just the ability of the rich to get richer. The true genius of America has always been the promise that all Americans who work hard and play by the rules will have the opportunity to succeed.

The promise of opportunity is what inspired my grandparents, and tens of millions of other immigrants, to start a new life here. And nearly every day, I hear a new story that reminds me that my most important responsibility is defending the opportunity of regular Americans to build a better life for themselves and their children.

Middle-class families deserve an opportunity to compete for good jobs that reward work. They deserve an opportunity to send their children to good schools, and then on to good colleges and universities, without busting the family budget. They deserve an opportunity to purchase health insurance at a reasonable price so they can see a doctor—one they choose—when they are sick or injured, and so they can fill a prescription if their doctor writes

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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one. They deserve the opportunity to be safe—safe in their communities and safe in their homes. And, after a lifetime of hard work and years of paying into Social Security, they deserve the opportunity to retire with dignity and security.

That is not a lot to ask. But in some ways, it is everything. Widening the circle of opportunity and prosperity—year after year, decade after decade—is what makes America great. It is our heritage, and it must be our legacy.

But today, those with power often seem to have lost sight of this fundamental value and the difference between right and wrong. We saw that a few months ago, when a major telecommunications company gave one of its executives a severance package worth more than $8 million. This executive had worked there for only 7 months, and he was leaving because he hadn't done his job well. As the company handed the failed executive his $8 million check, it handed out something else to 12,000 of its rank-and-file workers: pink slips. That is not doing right.

Around that same time, a man I have known for years called my office. His name is Brad Besler. He is 47 and a fourth-generation rancher in western South Dakota. He and his wife, Fern, have five children—four have graduated from college, and the youngest is still in grade school. Brad called my office because South Dakota is entering its fifth straight year of drought and he is worried. Two years ago, the drought was so bad, and trying to survive it was so stressful, that he suffered a stroke that left him blind in one eye. A few months ago, he had another stroke.

If the drought is anywhere near as bad this year, he says he will have to sell his entire herd of cattle—the only income his family has. If that happens, he will have to drop his family's health insurance, which runs $896 a month.

He is trying desperately to avoid that because—with a blind eye, a bad back, and a history of strokes—he knows that if he loses his coverage, it will be next to impossible for him to ever get health insurance again.

Listening to Brad Besler, two things strike you. The first is his incredible courage and willingness to work hard to support his family. The second is that Brad's government seems to have forgotten about him.

We are not doing right by Brad Besler. And in my view, we are not doing right by America when we hand over millions to a lucky few who already have so much, while ignoring the real needs of those who are working so hard and so honestly.

But that is exactly what is happening in America today. There is an ever growing list of government policies that reward wealth, not work. That is not an accident; it is a conscious choice.

With Republicans in control of the entire Federal Government, it often seems as if their leaders are trying to narrow the circle of opportunity and prosperity in America. And they have put the needs of middle-class families on the back burner.

We see that even as the economy slowly improves. Corporations reap most of the benefits, while regular workers continue to struggle. In fact, during this recovery, corporations have gotten twice their normal share of the increase in national income, while workers have received their lowest share in over 50 years.

As the chief economist at Merrill Lynch observed: ''We've had a redistribution of income to the corporate sector.''

Or as Warren Buffett, one of the wealthiest men in America, put it: ''If there's class warfare going on, my class is winning.''

That isn't good for most American families, and it isn't doing right by America.

We can do better, and we have done better. During the Clinton administration, America created 21 million new private-sector jobs. Now, just 4 years later, the Bush administration is on track to have the worst job-creation record since the Great Depression.

During the first 2½ years of the Bush administration, we lost over 3 million private-sector jobs. And although the economy has finally started to recover some jobs in recent months, the new jobs pay, on average, 13 percent less than the jobs they are replacing.

As a result, too many average families are losing ground, even as they work harder and harder. And to make matters worse, the Bush administration continues to demand that millions of employees lose their right to overtime pay.

Since President Bush took office, real weekly earnings for average Americans have not grown at all—but their expenses have soared. Gas prices have gone up 23 percent; college tuition has gone up 28 percent; and health care premiums have gone up 36 percent.

And while the middle class is getting squeezed, huge corporations are growing rich. While consumers are struggling with record gas prices, Chevron-Texaco is reporting record profits. While family incomes have stagnated, overall corporate profits have risen by more than 50 percent.

A generation ago, the average American CEO made about 50 times more than the average worker. Now, thanks to bad policies and even worse values, the average CEO makes 300 times more than the average worker.

That is just not right. And unless we change course, it is going to get worse.

Instead of fighting to keep good jobs here, Republican leaders in Washington are using tax breaks to reward companies for shipping jobs overseas. Businesses are walking jobs out of the country, and the government is holding the door for them.

A few months ago, President Bush's top economic adviser told us that sending jobs overseas ''is probably a plus for the economy, in the long run. The President believes this.''

The President also seems to believe it is okay to send millions of dollars in unemployment pay to former Iraqi soldiers, while denying help to American workers whose jobs have been shipped overseas.

That is doing wrong by America.

As the election nears, the President's economic team has been grasping for ways to make a bad economy sound good. To deal with the loss of more than 2 million manufacturing jobs, they floated the idea of redefining ''manufacturing jobs'' to include fast-food workers preparing Big Macs and Whoppers. Manufacturing once meant building cars or fabricating steel for good wages. Now the Bush administration says it might mean putting a burger on a bun for minimum wage.

That is not being straight with America.

And we are not doing right by America by running up trillions in new debt and pretending it is not a problem.

During the Clinton administration, we turned huge deficits into record surpluses. Now, just 4 years later, $5 trillion of expected surpluses have turned into $3 trillion of new debt. As a result, we are giving our children something they don't want and don't deserve: a $25,000 birth tax. That is the share of our national debt owed by every child in America. My two grandchildren both inherited that debt the moment they were born.

It wasn't long ago that Republicans came to Washington promising fiscal discipline. Instead of keeping that promise, they have taken us on a 4-year fiscal binge that has squandered record budget surpluses and created record budget deficits.

In 2000, Republican leaders, including President Bush, promised that ''[t]he Social Security surplus is off-limits, off budget, and will not be touched.'' Four years later, they have already raided $500 billion from Social Security to pay for tax cuts, and they are planning to take another $2.4 trillion—$2.4 trillion—over the next 10 years.

That is your money. It comes out of your paycheck. It is supposed to be there when you retire. It is not supposed to be used to pay for tax breaks for millionaire CEOs or to reward companies for shipping American jobs overseas.

Looting Social Security is not doing right by American workers and retirees, and we can't let it happen.

The Bush administration is draining trillions from Social Security, borrowing hundreds of billions from China and Japan to pay our debts, sending billions of dollars to Iraq for roads and schools, and then planning on cutting billions here at home for education, environmental protection, medical research, Head Start, and nutrition programs for pregnant women and children. The administration even wants to cut $1 billion from homeland security at the very time it is warning of likely new terrorist attacks.

That is not doing right by America, and it doesn't make any sense. But this administration is making a habit of decisions that don't make much sense.

A couple of months ago, the Secretary of Health and Human Services defended the administration's plan to provide health care to all Iraqis, but not to all Americans. He said, ''Even if you don't have health insurance in America, you get taken care of. That could be defined as universal coverage.''

Try telling that to the nearly 44 million Americans who are uninsured—4 million more than when George Bush took office—and the millions more who are under-insured.

Try telling that to the millions of families who, year after year, are watching out-of-control health insurance premiums bust the family budget.

Or try telling that to the Lakota woman in South Dakota whose sister died a few months ago from a stomach cancer that went undetected because the Indian Health Service didn't have money to refer her to a specialist.

In America today, seniors can't afford the medicine they need and have discovered that last year's Medicare law is a sham that provides billions to insurance and drug companies. Many veterans can't use the VA health system anymore because of arbitrary, budget-driven barriers to care. And 32,000 National Guard members and reservists who are serving in Iraq will lose their health coverage when they come home because the Bush administration refuses to extend their coverage.

These aren't unintended consequences. They are clear choices.

When record debt makes it difficult to repair our crumbling roads and bridges, fund our children's schools, support our police and firefighters, and honor our commitment to America's veterans, that is the result of bad choices.

When American soldiers are sent into combat without armor in their protective vests, when they are losing limbs and sacrificing their lives because there aren't enough armored cars, when health services are being cut for veterans, and when the Bush administration says that there isn't enough money to let reservists and Guard members buy into the military health system, that is the result of bad choices.

These choices don't do right by America, and we need to change them.

There is something else we need to change. In the last 4 years, we have seen more and more secrecy and less and less accountability in the Bush administration.

During the past few years, a small group of courageous individuals has stepped forward and said things this administration didn't want to hear and didn't want anyone else to know. In every case, their patriotism, honesty, or competence was attacked.

Senator JOHN MCCAIN found that out. So did the President's former Treasury Secretary Paul O'Neill. And so did Medicare actuary Richard Foster, former Army Chief of Staff General Eric Shinseki, and former White House counterterrorism adviser Richard Clarke.

When Ambassador Joe Wilson told the truth about the administration's misleading claims about Iraq's nuclear weapon capability, some Government officials retaliated by disclosing that his wife was a deep-cover CIA agent. For nothing more than political gain, they were willing to endanger the life of one of the people who protect our national security.

That is not doing right by America. Those aren't our morals, and they aren't our values.

In the America I know, moms and dads sit at the kitchen table every month and balance the family checkbook. When the car breaks down or there are unexpected doctor visits, there is a pinch. They don't expect the Government to bail them out when that happens, but they want a fair shake. They want their Government to focus on jobs and health care and education, and they don't want their Government to take their Social Security money to pay for tax breaks for millionaires and big corporations.

They want their Government to do right by them, and they have a right to expect that. But when they see oil industry interests coming before their interests, HMO profits coming before the health of seniors, and special deals for Halliburton coming before the safety of their sons and daughters in Iraq, they know their Government isn't doing right by America.

I am as frustrated as they are about these choices, but I am not discouraged about our ability to fix things. We can and we will. We can get America back on track by doing right by America.

Doing right by America means putting our common interests ahead of the special interests. It means paying as much attention to middle America as we are paying to the Middle East. And it means bringing common sense back to Government.

We should be thinking not just about the people who own Wal-Mart, but about the millions of Americans who work and shop there.

We should be changing tax polices so corporations have an incentive to keep jobs here at home, not ship them overseas, and we should aggressively enforce our trade laws to protect workers from unfair competition.

We should be improving roads and bridges and creating millions of jobs along the way, and investing in education, training, and technological innovation so workers who have lost jobs can find new ones, and workers who have jobs can get better ones.

And if we are truly going to do right by American workers, it is long past time that we increase the minimum wage, and it is absolutely essential that we stop the Bush administration from following through with its plan to strip millions of workers of their right to overtime pay.

Doing right by America means honestly confronting the health care crisis in our country, not pretending that it doesn't exist. As a first step, we should provide every American with the opportunity to choose from the same health care options, at the same price, as Members of Congress have. If it is good enough for those of us in Government, it ought to be an option for every American who needs health insurance.

Doing right by America means an honest prescription drug policy that doesn't funnel billions of dollars in windfalls to drug companies and HMOs, but instead offers seniors the medications they need at a fair price—without the mind-boggling complexity of the Bush administration's drug plan.

It means properly funding our children's schools and giving every American family a guarantee: If your sons and daughters work hard in school and get good grades, they will have a first-rate and affordable college education waiting for them the day they graduate from high school.

And it means putting our Nation on the road to energy independence. The next generation should be able to look forward to a future that is not put at risk by unrestrained pollution and a dangerous dependence on foreign oil.

Finally, doing right by America means being honest about performance, both at home and abroad. It is not pessimistic to acknowledge the problems workers have endured over the past 4 years; it is pessimistic to think that we can't do better.

And it doesn't endanger our troops to ask questions that might save their lives. If we are going to do right by them, we have to stand up for them, even if that means asking tough questions about the administration and its policies. And when our troops return home, we have to make sure they receive the medical attention they earned. We owe them more than empty promises.

We will have a clear choice in November. We can continue on the course we are on, where special interests come before common interests, where boardroom issues come before kitchen-table issues, and where opportunity is reserved for a small, members-only club. Or we can choose a new and better direction.

Doing right By America means that our values guide our policies. Our strength comes from opportunity and responsibility—and a commitment to making sure that our middle-class has a fair chance. It means fixing health care, creating good jobs again, and making education affordable.

Mr. President, we can do this, and we should do it together. Doing right by America shouldn't be an idea we just talk about, it should be the value that guides all our decisions in Congress.

I yield the floor.

The PRESIDENT pro tempore. The Chair inquires of the Democratic leader, the Democratic leader has used

time in excess of his leader time. Is it the intent that be charged against the time he had under his control under the previous order, or is that time outside that previous order?

Mr. DASCHLE. Mr. President, I ask that 10 minutes of the time that I consumed be applied against the Democratic morning business time.

The PRESIDENT pro tempore. The Senator has consumed more than that time. He wishes to have 10 minutes of that time counted against that time?

Mr. DASCHLE. Correct.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for statements only for up to 90 minutes; the first half of that time under the control of the Democratic leader or his designee—that is now 35 minutes—and the second half under the control of the majority leader or his designee.

Who seeks time?

The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. On behalf of Senator DASCHLE, we yield 15 minutes to Senator STABENOW and 10 minutes to Senator HARKIN.

The PRESIDENT pro tempore. Senator STABENOW is recognized for 15 minutes.

LOWERING THE COST OF MEDICINE

Ms. STABENOW. Mr. President, first I commend our Democratic leader for an outstanding vision of what we should be doing to do right by America. His eloquence this morning certainly speaks to every single person in Michigan and what we care about, the priorities and values that we have, and certainly it speaks to the sense of urgency that I believe we need to get something done for the people we represent in this wonderful country. We need to do right by America.

There is something wrong when we have provided funding for health care in Iraq for a broad, universal health care system, yet we cannot focus on health care at home for over 44 million people and focus on the costs of prescription drugs or make sure there is a real Medicare bill that works. There is something wrong with this picture. It is truly time for us to do right by America. That is our job.

I speak today specifically about a topic that I frequently think about on the floor of the Senate that needs to have a sense of urgency about it as we come to the end of this week. We will not be in session in August. We will come back only for a few weeks in the fall. There is a sense of urgency at home about the need to lower the cost of medicine, the access to prescription drugs in this country.

I rise to express great concern today because at this very moment the Senate HELP Committee was supposed to be marking up a bill that hopefully would lead to the safe importation of FDA-approved prescription drugs from Canada and other countries where it can be done safely. But, once again, the markup has been delayed. I am deeply concerned that with the number of legislative days winding down, we will not see a bill coming from committee to the floor of the Senate any time this year.

We know the prices of prescription drugs continue to rise and continue to place a tremendous burden not only on our seniors but on everyone who uses medicine on a regular basis.

We have a strong bipartisan bill that we put together to allow the reimportation of prescription drugs. It has been carefully discussed and deliberated. There is no reason that Americans should not benefit from the passage of this new law so we can have access to safe, FDA-approved drugs that come from FDA-inspected facilities in other countries. In fact, Sav-Rx, one of the companies that is offering a Medicare drug card now, is even promoting reimportation as part of their marketing.

As reported in Tuesday's Washington Post, the company's Web site reads:

> Sav-Rx is giving you the opportunity to save an additional 20%-30% on your mail order prescriptions through the use of our Canadian Mail Order Pharmacy.

This is one of our Medicare cards that is using a Canadian mail order pharmacy.

I have to say I am more concerned about mail order or Internet sales—particularly Internet sales—where we do not have the safeguards, or may not know where the prescriptions are coming from, rather than what our bill does, which is allow the local pharmacist in Michigan or the pharmacist in any other State to do business with the pharmacist across the border in a safe, FDA-approved way, with a closed supply chain that brings the medicine from one place to another so we know where it comes from and we can assure its safety.

But here we have one of those providing a Medicare card to seniors who are using right now a Canadian mail order pharmacy as part of this process. Yet we can't get the support to pass a bill that would guarantee this process is available for everyone through the local pharmacy—one pharmacy to another—and which is done in the safest possible way. We don't have regulations right now that mirror what we have in our bill in terms of promoting the safety of reimportation of prescription drugs.

If we are going to continue to see mail order and Internet sales, we certainly need to address the issues that we have addressed in our bill to make sure this process is safe.

This is all about numbers, as usual. The opposition is all about numbers. It is about the $17 billion annually that the drug companies stand to profit from the new Medicare law versus the $5 billion cost that American consumers can save per month from reimporting prescription drugs from Canada or allowing the local pharmacists in America to do business with the pharmacists in Canada.

It is about requiring our seniors to go through this complicated process under Medicare to attempt to get a discount through a Medicare card that would set up much more to profit the drug companies than to profit the seniors. It is about a process that we are forcing people to go through to try to get help. It is complicated. There are multiple cards. The prices can change every 7 days. The discounted drugs can change every 7 days.

We heard testimony on Monday from Dr. McClellan in charge of the Center for Medicare. What we are hearing is this massive effort of spending money to market and try to explain to people this complicated process. Why do we have this complicated process? Because it benefits the pharmaceutical companies. It doesn't allow Medicare to negotiate group prices to get the best deal for people. So we have this complicated, costly process going on to guarantee that the profits of the industry are protected.

On the other hand, all we need to do is bring to the floor this bipartisan bill that would allow our local pharmacists to do business safely with pharmacists in Canada and other countries. We could drop prices in half immediately for consumers. We would save over $5 billion a month for consumers. We would truly begin to address the stories we hear all the time—it is happening; they are not just stories—of people who are choosing between food and medicine, paying their electric bill or paying their rent. We don't make up those stories. It is happening every day, and I am sure it is happening right now as I am speaking. We can fix that, too.

If the HELP Committee brought up a bill, had a meeting and voted this bill out today, we would have on the floor a means for us to be able to work together to adopt a bill that works, is safe, and lowers prices. But instead one more time this is delayed—delayed, delayed. Unfortunately, folks can't delay their bills. When they go to the pharmacy to get their medicine, they can't say: I would be happy to pay you but nothing is happening in Congress yet. The President won't support lowering prices. So I can't afford to pay this right now. Can you wait? Can I pay it next year when they finally get around to fixing this, maybe? People can't do that when they go into the pharmacy. They have to pay for their medicine.

There is a sense of urgency which they feel that, unfortunately, is not felt in this body, or by the leadership. Those of us who have been working

across the aisle to get something done certainly feel it, but leadership does not. Unfortunately, the White House does not.

What we see is a continual unwillingness to schedule a bill, to bring it out, to give us an opportunity to vote and to get this done in the Senate.

We have legislation, S. 2328, the Pharmaceutical Market Access and Drug Safety Act, that is widely supported. It has been crafted carefully by Senate leaders on both sides of the aisle. It will work. It will guarantee that we put in place the safe precautions we need and that will allow us to finally be able to address the issue of lowering prices.

There are many concerns that I and my colleagues have about the bill before the HELP Committee. I will not go into all the specifics at this time, except to say we feel confident that the legislation we have introduced would fix the concerns and the problems, and that we can work together to get this done in the right way.

I am deeply concerned that right now seniors of this country are being asked to wade through Medicare card after Medicare card trying to find out whether there is anything that can be done for them in terms of lowering prices. They are wading through all the other complexities of the Medicare bill. We are not taking action as we could on something that would immediately make a difference.

I go back to what our Democratic leader spoke about so eloquently this morning. Senator DASCHLE spoke about doing right by America.

How is it that there is a sense of urgency here to be providing funds to make sure those in Iraq have access to health care? Certainly we want them to have access to health care. But what about us? What about doing right by America as well? What about taking just a portion of the funds we are spending abroad to build roads and schools and create health care systems and use that here at home to help Americans who are desperate about being able to afford the medicine they need?

I might also say that this is directly related to the health insurance premiums our small businesses and large businesses are paying in America. We know that about half the cost increases on health care premiums comes from the explosion of prescription drug prices.

When we pass the reimportation bill that we are coming forward with in a bipartisan way, we not only help our seniors who need our help and the disabled and their families and workers, we are helping businesses be able to lower prices. We are helping universities that have medical schools to be able to allow their pharmacies to do business with those across the border in a safe way. We are helping the local hospitals be able to lower their costs which in turn helps them lower the cost of health care and health insurance premiums.

Just one proposal has very broad implications to bring down prices and make sure we are addressing one of the fastest rising components of health insurance for businesses in our country.

We have a bipartisan bill before the Senate that is endorsed by the AARP, Families USA, the Alliance for Retired Americans, numerous senior, consumer groups, and health groups. I am deeply troubled by the fact it will be very difficult to bring this bill before the Senate and pass it before we break on Friday. This debate has gone on far too long.

As I have indicated, this can help business and individuals with the high cost of health care. It is time to get it done. We have the greatest country in the world. Give us a chance to make this change and we can help every American have access to the medicine they need. We can take an important step forward in doing right by America.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Iowa.

Mr. HARKIN. How much time do I have in morning business?

The PRESIDING OFFICER. There is 10 minutes.

LEAK INVESTIGATION

Mr. HARKIN. Mr. President, it has now been 1 year and 1 week, 1 year and 7 days since senior White House officials leaked the identity of a clandestine officer of the CIA, Valerie Plame, to Washington journalists. According to the Washington Post, there were two senior White House officials who called a number of reporters—at last count, maybe six—to reveal the name of Valerie Plame as being a covert CIA agent. Of course, only one reporter sought to publish that—was Mr. Novak—in one of his columns.

This criminal act was a brazen act of revenge and retaliation to punish Ms. Plame's husband, who dared to question one of the administration's key justifications for invading Iraq.

One year and 7 days and nothing has been done, nothing.

Here is what the White House had to say yesterday, July 20. Deputy Attorney General James Comey said:

> We take issues of classified information very, very seriously. As you know, we have prosecuted or sought administrative sanctions against any number of people throughout the years for mishandling of classified information.

Say again? After they exposed Valerie Plame, what happened? It took 6 months from the time of the leak of the Plame matter for Attorney General Ashcroft to recuse himself. Not until December 30 was a special prosecutor appointed. The President and Vice President have never appeared to take this leaking of her name and her identity very seriously—or even seriously.

In his only public statement about this leak, here is what the President said:

> I don't know if we are going to find out the senior administration official. Now, this is a large administration, and there's a lot of senior officials. I don't have any idea.

That was George W. Bush, October 7, 2003.

If you look at the video of this, he is smiling when he says it. He has kind of a smirk on his face. Does that sound like a matter being taken very seriously? One year and 1 week later we are still awaiting any sign that prosecutions or even sanctions will be brought against anyone in this matter.

This dismissive attitude on the part of the President and the Vice President is not acceptable. We are not talking about a Washington game of gotcha. We are talking about a calculated act of betrayal and treachery against our Nation. A clandestine officer of the CIA was brazenly exposed by a couple of senior White House officials who somehow got access to this information. Who gave them access? Who in the CIA or the National Security Council gave her name to these White House officials? How did they come by it? She was a very deep undercover agent.

This betrayal has real consequences in terms of the national security of the United States. This single act by the White House has undermined the clandestine capabilities of the CIA. It has damaged our national security. It has weakened our country. In this respect, the Valerie Plame incident fits a much broader pattern, a pattern of actions by this administration that have made our Nation weaker, less secure, more vulnerable to terrorist attacks.

Don't take my word for it, take the word of some former CIA people. Here is Larry Johnson, former CIA analyst and State Department employee:

> For this administration to run on a security platform and allow people in the administration to compromise the security of intelligence assets, I think is unconscionable.

And here is James Marcinkowski, former CIA operations officer:

> The deliberate exposure and identification of Ambassador Wilson's wife, by our government, was unprecedented, unnecessary, harmful and dangerous.

Yes, the leaking of Valerie Plame's name weakened our country, made us less secure, more vulnerable to future attacks.

Almost 4 years ago, when President Bush was running for election, he went around the country raising his right hand, saying I swear to restore honesty and integrity to the White House.

It is time for Mr. Bush and Mr. CHENEY to raise their right hands again and to take an oath to tell the truth, the whole truth, and nothing but the truth regarding the Valerie Plame incident and what they know and what they have done to find out who exposed her name.

We had an example of this a few years ago when a President of the United States was put under oath and was filmed. We sat in the Senate and we looked at that film on video monitors during the impeachment of former President Bill Clinton. Regardless of how you felt about the impeachment, whether you thought it was good

or bad or what, the fact that the President of the United States was put under oath sent a clear message to the people of this country. No President is above the law, neither then nor now. It is time for this President and this Vice President to be put under oath. What happened 1 year and 7 days ago is unconscionable, unprecedented, harmful, dangerous to the security of our country.

The President of the United States could have solved this in 24 hours by calling in every one of his top senior officials, have them sign a piece of paper, have them swear under oath that they did not do this and had nothing to do with this. We could have solved it in 24 hours, but the President of the United States dismissed this. He sort of pooh-poohed the whole thing, smiled about it, and said, I don't think we will catch whoever did this.

Where is the sense of outrage by this President and Vice President that two senior officials would so brazenly, with such calculation, expose the cover, expose the person in the CIA with assets around the world, giving human intelligence to our CIA which we need so desperately in our war against terrorism.

I task the Senate this morning, as I will every day, to call upon the President and the Vice President and to call upon the special prosecutor to put the President and Vice President under oath. If this is not resolved, America will become weaker, less secure, and more vulnerable. We cannot allow that to happen to this country.

The people who exposed Valerie Plame are guilty of violating a law and they should be punished to the full extent of that law. That sends the signal to any other administration, be it Democrat or Republican, that this kind of treachery, this kind of violation of our laws, will not be permitted under any administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. There is 11 minutes remaining.

THE SENATE SCHEDULE

Mr. REID. Mr. President, I would like to direct a question through the Chair to the distinguished Senator from Illinois, who is on the floor.

Will the Senator from Illinois comment on the Senate schedule? We wasted a week, as the Senator may recall, on class action, where nothing was done. Then we spent a week on the marriage amendment when everyone knew, before it started, there were not enough votes. And then so far this week we spent yesterday on a judge. Nothing happened on that. The rest of the day we spent on a free-trade agreement with Morocco, where the actual time on that bill has been less than an hour and a half on actual speeches given. Even though there was 20 hours allotted, we were willing to yield back our time from early on in that debate. Now we are told we are still not going to go to legislative session, that we are going to work on more judges even though we have approved almost a record number of judges.

I ask my friend, does the Senator from Illinois think it is important we deal with other issues people in Illinois and Nevada talk to us about, such as doing an appropriations bill for homeland security or moving to something that is important to the people of Nevada, and that is maybe consider raising the minimum wage?

These are just a couple thoughts that come to the mind of the Senator from Nevada. Will the Senator from Illinois comment?

Mr. DURBIN. Mr. President, I would say, in response to my colleague from Nevada, I have had a number of jobs in my lifetime, and we are fortunate we are on salary on this job because if our pay depended on what we did and what we produced, we would not be drawing a paycheck around here for weeks at a time. We waste so much time on the floor of the Senate, it is hard to imagine.

We spent a whole week on a class action bill that went nowhere. Then we spent a better part of a week on a constitutional amendment on same-sex marriage that went nowhere. Now we are about to waste a third week in a row.

At the same time, I think there are 12 appropriations bills that have not been considered. During this period of time, we had notification from Secretary Ridge at the Department of Homeland Security and our FBI Director that America was going to face an attack. Most Americans stood up and took notice, as they should, and called our offices and said: What should we do? And we said: Lead your lives. Keep your eyes open.

But it is clear what we should do. Take a look at this Calendar. Right on the back of our Senate Calendar, the lead items are the Homeland Security appropriations bills. These are multibillion-dollar bills that will appropriate money to give to State and local governments as well as Federal agencies to make America safer—sitting on the Calendar for a month, without even being considered.

We will take a break, at the end of this week, for 6 weeks. We will be gone. We will come back, and they will still be sitting on the Calendar. God forbid anything happens in America. We are not going to do anything to deal with them.

Then you page through this Calendar and find bills waiting for action dealing with security at nuclear powerplants, security at ports across America, security at chemical plants, security on rail lines. If we paid any attention to Secretary Ridge, as we should, and Director Mueller, we would be meeting today with Senators on the Senate floor passing this legislation. Instead, we are killing time. We are doing nothing.

Now, it is hard to explain why this do-nothing Congress is wasting time when it should be, in fact, doing things to make America safer. I do not understand why the leaders in this Congress cannot pick up the very Calendar they print every day, turn to the back page and read the top line: homeland security. Pretty clear: homeland security. Yet we have not passed this legislation.

Mr. REID. Mr. President, I will direct another question through the Chair to my friend from Illinois.

I am not proud of this, but the State of Nevada is the least insured State for medical care in the country. We lead the Nation in uninsured. But there are 44 million people in America who have no health insurance. Even if we did not pass legislation dealing with the calamities facing American families because of no health insurance, don't you think we could talk about it? Don't you think we could bring something up?

For example, I know the Senator from Illinois has worked on this, the Senator from North Dakota has been a leader on this, as has been the Senator from Michigan, Ms. STABENOW: How about making it easy on the American people by allowing us to buy the same drugs we pay a fortune for here in America cheaper from the country just north of us, Canada? Wouldn't that be a good thing to work on?

Mr. DURBIN. Mr. President, I say, in response to the Senator from Nevada, he obviously does not understand the world as the folks across the aisle from us see it. They believe that families across America get up every morning and want to know whether the latest constitutional amendment has passed. They think that is what families do—rush to the television set, turn it on, and say quickly: Honey, did they pass a constitutional amendment?

That is not what I find. What I find at home is that families get together and say: I hope we can keep our job. I hope, for goodness' sake, that next year health insurance doesn't cost as much as it did last year and cover less.

That is the reality. That is the reality of life for families across America. So you wonder if those of us elected to the Senate really represent America and are listening to American families and businesses and labor unions, who tell us time and time again: The cost of health insurance is killing us. Why don't you do something?

Instead, the leadership in the Senate, in this do-nothing Congress, comes forward and says: We are going to blow off 3 days on the floor of the U.S. Senate debating a constitutional amendment about same-sex marriage.

Well, my wife and I have been married for 37 years. We believe in traditional marriage. But, for goodness' sake, why do you need to amend the

Constitution—in a Presidential election year, I might add—instead of talking about the cost of health insurance and making it more affordable and more accessible for people across America? That is a real issue, and it is an issue that has been really avoided by the leadership in this Senate.

Mr. REID. Mr. President, I direct another question to my distinguished friend.

About 6 weeks ago, I asked all 17 superintendents of school districts in Nevada to meet with me. We have 17 counties in Nevada. Each county has a superintendent of schools. The largest school district has about 300,000 students; the smallest, Esmeralda County, with 88 students. I don't know what their political affiliation is, but I will bet a lot more are Republicans.

We met for a couple hours. They were all asked the question: How is the Leave No Child Behind Act treating you in your school district? Without exception, every one of the superintendents said: The Leave No Child Behind Act is leaving children of Nevada behind, without exception. They said: Please change this. Give us some resources.

I say to my friend, education is important in Nevada. The Leave No Child Behind Act has been a disaster for Nevada. Shouldn't we be spending some time talking about education in the U.S. Senate rather than class action, marriage, and a few judges. We have approved more than 100. They want to defer attention away from the real issues of this country, so we are spending days of our existence on the Senate floor talking about judges. Shouldn't we be dealing with education?

Mr. DURBIN. Mr. President, I agree with the Senator from Nevada. In response, I would say, the reason why the Senate does not talk about education is because the President's education bill, No Child Left Behind, has been underfunded by $20 billion. We put Federal mandates on school districts that cost them enormous sums of money, which changed the way teachers teach in a classroom.

This administration—the President and his followers in Congress—has refused to send the money to help kids who are not scoring well on tests, kids who need someone to sit next to them and help them read, someone to help them understand basic math, someone to be there after school to sit down and work with them on their homework, someone to be with them in the summer months so they can do something and not lose all the knowledge they gained in the previous school year.

It takes people—dedicated men and women—who are teachers. It takes money. This administration says the money should go for tax cuts for wealthy people; it should not go for education. We should continue to spend $1.5 billion a week in Iraq, with no end in sight. That is why we don't talk about education.

This administration will not budget the money to pay for the Federal mandates the President included in No Child Left Behind. Ask any school district—in Nevada, Illinois, across America—what do you think of No Child Left Behind? We like accountability, but where is the promised money the President said would come to the school district to help us improve test scores? It is not there. That is why this do-nothing Congress avoids the issue of education, like the issue of helping families and businesses pay for health insurance.

Mr. REID. Mr. President, I believe our time has expired.

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, it is interesting to listen to my friends on the other side of the aisle this morning talk about any number of issues, in particular what we have been doing over the last several weeks—really the last several months—relative to the legislative agenda in the Senate. This is the only legislative body, I am sure, anywhere in the world that, because it is the most deliberative body in the world, allows the minority to in effect set the agenda because they have the ability to stop any legislation or debate or control the debate on any legislation unless the majority can obtain 60 votes to bring the debate to an end.

Here we have folks standing up this morning being critical of the leadership on this side of the aisle for not moving forward with a legislative agenda when, for the first time in the history of our great country, certainly the first time in the history of this great deliberative body, we have the folks on the other side of the aisle filibustering circuit court judge nominees of the President of the United States. That has never happened before.

There is one simple reason it is happening now. That is, in spite of this body approving hundreds of more liberal-leaning judges during the 8 years of the previous administration, the Democrats in the Senate refuse to allow more conservative judges to be appointed and confirmed by this President. We had another yesterday relative to another judge that is now being filibustered. That takes time.

In addition, the folks on the other side of the aisle are doing something I have never heard of in my 10 years of service on Capitol Hill; that is, they are demanding that before we go to conference on any bill, the end result of that conference be deemed to be so-and-so, which is to their way of liking, before they will agree to appoint conferees. That is not the way the legislative process works. The American people select the majority party in the Senate and the House to pass legislation. The majority should control, but, unfortunately, it does not.

Lastly, I am a big supporter of the No Child Left Behind program. I am a huge supporter of public education. It is the foundation of the future of America. I am happy to be the husband of a 30-year former schoolteacher. My daughter starts next week teaching in the public schools in my home county. My mother was a public school teacher. My brother is a public school teacher. I am a huge fan.

In spite of what I have just heard, I have yet to meet a teacher anywhere in America who doesn't say: I love the idea of providing accountability to the American people for the quality of education that I am providing to the children I teach. That is the basic concept of No Child Left Behind.

Sure, we have had problems with No Child Left Behind. Every major reform is going to have bumps in the road. I did four hearings in my State, invited every single school superintendent in all 159 counties, plus the city schools in my State to get together to bring their administrative personnel, but primarily bring me your teachers. I wanted to hear from them what complaints they had. They had serious complaints that were discussed with representatives of the U.S. Department of Education and the Georgia Department of Education. We resolved—we didn't resolve all of them, but we went to work and we got their complaints answered. We made changes in the regulations. All I heard this morning is: Well, No Child Left Behind doesn't work. Everybody is upset.

Everybody is not upset with it. I assure my colleagues, there has been no legislation coming forward from the other side of the aisle to try to correct it. It is simply a political year. It is unbelievable what we hear on the floor of the Senate these days. That is not what I got up here to talk about this morning, but I couldn't listen to that and not comment on it.

INTELLIGENCE

Mr. CHAMBLISS. Mr. President, I want to say something about Ambassador Wilson and his activities, but I see Senator BOND is here. He is going to follow me, and I know he is going to talk about that. Suffice it to say, only one comment needs to be directed about the issue of Mr. WILSON; that is, he didn't tell the truth. He didn't tell the truth, and that is explicitly set forth in the Senate intelligence report. It was also set forth in the report issued by Mr. Butler in Britain last week.

On the 7th of July, Chairman ROBERTS and Vice Chairman ROCKEFELLER of the Senate Intelligence Committee released a report on the U.S. intelligence community's prewar intelligence assessments on Iraq prepared by the Senate Select Committee on Intelligence. This 511-page report is highly critical of our intelligence analysis and collection capabilities, especially in the field of human intelligence or what we refer to as HUMINT.

Yesterday, the Senate Intelligence Committee began the first of a series of

hearings on intelligence reform. We heard from our colleague Senator FEINSTEIN about her proposal to create a new position of director of national intelligence to oversee the entire intelligence community. We also heard from three prominent experts—former Deputy Secretary of Defense John Hamre; former Director of Central Intelligence, Jim Woolsey; and Lieutenant General Odom, former Director of the National Security Agency—on how best to structure the intelligence community to meet the needs of the threats we face today and will face tomorrow.

This was a very interesting hearing. Senator FEINSTEIN does her homework. She studied this issue. She presented a very insightful presentation regarding her bill. I look forward to continuing this debate and continuing to review the process, looking both at what we have in place today as well as what reforms we should make relative to the intelligence community.

Tomorrow, we expect the 9/11 Commission to release its report on events leading up to the attack of September 11. There is no doubt that the intelligence community will also come under heavy criticism in that report.

These various reports and hearings are getting wide coverage in the media. I am glad they are. It is important for our debate on reforming the intelligence community to be as inclusive as possible. Intelligence reform is a bipartisan issue. The problems we have uncovered span more than a decade, under both Republican and Democratic administrations and Republican- and Democratic-controlled Congresses. The fact is, the systemic changes and reforms in the intelligence community, which would have made it more difficult for terrorists to strike us on 9/11 or to have more accurate information on Iraq's WMD capabilities, simply did not take place.

As more and more information gets into the public domain, especially in this highly charged political year, there will surely be attempts to politicize the complex issues of intelligence failures and intelligence reform. What I would like to do is to put some clarity on this for the American people.

First, there is only one principle to follow on intelligence reform. Intelligence is our first line of defense against terrorism, and we must improve the collection capabilities and analysis of intelligence to protect the security of the United States and its allies.

We should beware of anyone who tries to twist this principle in a political fashion. The truth is our country, our people, our liberties, and our way of life are under attack by radical Islamic terrorists who kill and destroy in the name of religion.

The security of the United States, which is so dependent on having accurate and timely intelligence, is not a Republican or a Democratic issue. It is a responsibility of all of us in the Congress to make sure we legislate and appropriate moneys so we have the best possible intelligence community.

Second, let's be clear about our tasks ahead. We are talking about amending the National Security Act of 1947, which has been the cornerstone of our security and intelligence structure for over half a century. While change is needed, it should be deliberate. It should also be substantive, even radical, if necessary.

The first comprehensive report detailing critical shortfalls within the United States intelligence community's performance was conducted by the House Subcommittee on Terrorism and Homeland Security. As the chairman of that subcommittee, I released its report on July 17, 2002. Following this, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence conducted a joint inquiry into the intelligence community's activities before and after the terrorist attacks of September 11, 2001, and issued its report in December 2002.

The Senate Intelligence Committee report released on July 7 reflects my deep concern that a number of issues identified both by the Subcommittee on Terrorism and Homeland Security and the joint inquiry have not yet been acted upon. For example, the subcommittee identified that information sharing among intelligence agencies was abysmal, and the joint inquiry report pointed out the CIA was too heavily reliant on foreign liaison reporting and that it had not taken the steps necessary to penetrate hard targets, such as the inner circle of al-Qaida. These issues have not yet been corrected to my satisfaction.

Third, as we address the question of how to reform the intelligence community, including the possible creation of a director for national intelligence, there are five important objectives for us to focus on.

First, coordination and information sharing throughout the intelligence community must be improved.

Second, HUMINT capabilities must be increased, and we must be willing to accept the risks associated with aggressive HUMINT operations. And that is a critical part of this. We must be willing to accept some of the risks that are going to be necessary to secure the type and quality of information on the intelligence side that we need.

Third, analytical competition needs to be preserved.

Fourth, our counterintelligence capabilities need improvement.

And fifth, the role and scope of the military's position in the intelligence community should be reviewed.

I included this last point because I want to ensure that the military's capability to support the intelligence requirements of our unified combatant commanders is maintained in any reformation of the intelligence community. That is absolutely critical. All one had to do was listen to our panel yesterday to understand the real importance of that point.

The scope of the military's direct involvement in intelligence is enormous and it needs to have a proper role in the intelligence community. Eight of the fifteen members of the intelligence community belong to the Department of Defense. In the current structure, each one of these DOD elements acts more or less independently, representing one small segment of the overall intelligence interests of our military. The creation of the Under Secretary of Defense for Intelligence has helped somewhat to bring a common intelligence policy to DOD, but we should also consider the creation of a single DOD intelligence command as part of any extensive and meaningful intelligence reform.

The Congress directed the establishment of the Unified Combatant Command for Special Operations, or what is known as SOCOM, over the objections of the Department of Defense because our colleagues had the vision to foresee the requirement. At the time, the DOD and Chairman of the Joint Chiefs of Staff objected, but in hindsight, the creation of SOCOM was the correct path. The rationale for establishing a Unified Combatant Command for Intelligence, or INTCOM, is very much the same, and I believe now is the proper time to explore this idea.

As we found in our review on the intelligence on Iraq, the intelligence community is made up of hard-working, dedicated men and women, and Chairman ROBERTS, in his statement, referred to giving them an intelligence community worthy of their efforts. So I welcome the proposal of Senator FEINSTEIN for establishing a Director of National Intelligence as one of the several ideas and issues for us to address and debate.

One final point. As President Bush has said many times, he is determined to make sure American intelligence is as accurate as possible for every challenge we face. America's enemies are secretive, they are ruthless, and they are resourceful. That is why the President supports intelligence reform as much as we do in the Congress.

In the coming months, the Senate Select Committee on Intelligence will solicit a broad range of views on reforming the intelligence community, and we will vigorously debate each intelligence reform measure that comes before us. I look forward to this challenge, and I will do everything in my power to ensure that the United States has the intelligence collection and analytical capabilities necessary to protect our lives, our property, our way of life, and our liberties.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I commend my colleague from Georgia for his very thoughtful and incisive comments. I believe he is a great addition to the Senate with his experience working on

intelligence issues in the House. On the Senate Intelligence Committee, he makes great contributions. I appreciate and second what he has said.

SENATE INTELLIGENCE COMMITTEE REPORT

Mr. BOND. Mr. President, it is interesting today that some of our colleagues are on the floor talking about the wonderful expose Ambassador Joe Wilson made. Joe Wilson and his wife have become quite a cause celebre. He has had 30 appearances, he is writing books and, oh, yes, now he is on the Web site of Senator KERRY. The Web site is ironically entitled ''RestoreHonesty.com.''

On that Web site, Mr. Wilson said:

. . . this President misled the nation in his State of the Union Address.

Then he goes on to say:

They tried to intimidate me and others who were willing to speak up and tell the truth. . . . I was courageous to speak truth to the power of the Bush White House. . . .

George Bush's Administration has betrayed our trust—I know that personally.

That is quite an indictment. It goes along with quite a few other points.

I understand on the first page of his book—I did not buy it and I do not intend to. I was told that three times on page 7 he said President Bush lied. Why did he do that? It was all because of 16 words in the State of the Union Address on January 28, 2003.

I addressed this issue last week in this body, and I think I raised some very serious questions about the veracity of Ambassador Wilson's suggestions. I was given the opportunity last night on the Jim Lehrer PBS ''NewsHour'' to have a discussion with Mr. Wilson. Margaret Warner was the interviewer. Unlike many of the other sound-bite discussions on TV these days, we had a full 10 minutes. It was a very interesting discussion because I had the opportunity to make my points, and Mr. Wilson made his points. I commend PBS for giving us the opportunity.

What I cited when the interviewer asked me about my contentions that Mr. Wilson was not truthful was I noted that the basis of his charge and the basis of so much nonsense we have seen disseminated in the press and repeated by some of my colleagues on this floor and covered in scam political pieces being put out by friends of the Democratic nominee that President Bush lied was totally debunked, among other things, by the finding of Lord Butler's commission in the United Kingdom.

He said in paragraph 499 of the report released last week:

We conclude that on the basis of intelligence estimates at the time covering both Niger and the Democratic Republic of Congo, the statements on Iraqi attempts to buy uranium from Africa in the Government's dossier and by the Prime Minister and the House of Commons were well-founded.

This is the important point. This is the examination of British intelligence:

By extension, we conclude also that the statement in President Bush's State of the Union Address of January 28, 2003, ''The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa'' was well-founded.

Mr. President, the British went back and looked at it, and they said what President Bush said about British intelligence was well-founded. He says:

The British Government had intelligence from several different sources indicating that this visit was for the purpose of acquiring uranium.

Now, we get a little bit more of that. Actually, the one piece of information that Ambassador Joe Wilson brought back from his trip to Niger in February-March of 2003—the only useful data he brought back was the fact that the Prime Minister of Niger told him the Iraqi delegation met with him in 1999 to begin discussions to establish commercial contacts. What do you think they wanted to import from Niger? Well, there are a couple of choices. Niger's second and third largest exports are mung beans and goats. Niger's largest export—three-quarters—is yellowcake uranium. The Prime Minister reasonably concluded that they were probably seeking yellowcake uranium. There is no evidence they actually purchased it. It was not conclusive. There was a forged document about purchases that was not truthful, but that does not debunk or in any way take away from the fact that President Bush was correct, and the British intelligence is still correct in saying that Iraq was seeking uranium from Africa.

Based on that, and since Ambassador Wilson, who came back finding only that there had been one contact, and that contact, according to most analysts, suggested there was even more of a basis for the conclusion in the State of the Union Address—he came back and debunked the whole thing, made it a lie.

The conclusion, unanimously reached in the Senate Select Committee on Intelligence, after over a year of investigation, 15,000 documents reviewed, over 200 interviews, signed on by all members of the committee, including Senator JOHN EDWARDS, says in conclusion 12:

It was reasonable for analysts to assess that Iraq may have been seeking uranium from Africa based upon Central Intelligence Agency reporting and other available intelligence.

Conclusion 13 says:

The report on the former ambassador's trip to Niger, disseminated in March 2002, did not change any analyst's assessment of the Iraq-Niger uranium deal. For most analysts, the information in the report lent more credibility to the original Central Intelligence Agency reports on the uranium deal.

You talk about thoroughly debunking the debunker. Our staff asked Mr. Wilson how he knew some of the things he was stating publicly with such confidence. On at least two occasions, he admitted he had no direct knowledge to support some of his claims, and he was either drawing on unrelated past experience or no information at all. For example, when they asked him specifically how he knew the intelligence community had rejected the possibility of a Niger uranium deal, or even exploration for a deal, as he wrote in his book, he told the committee his assertion may have involved a ''little literary flare.''

That is a heck of a thing to call a whopping lie, a ''little literary flare.'' Back home, we call that a fraud and a hoax. Now, I suggest to Mr. Wilson once again that he owes a public apology to the President and the Vice President. By the way, he said he knew the Vice President knew of his report. The Vice President did not get his report. There is no evidence of that. If he had, it would have been with the analysts' conclusion that his report probably made it more likely and not less likely that Iraq was seeking uranium from Niger. Anyhow, he stood by it.

I tell you, the whole premise of this smear campaign that was started by Ambassador Wilson to call the President a liar has been totally debunked by the British intelligence report, by Lord Butler, and by our own Senate Intelligence Committee's unanimous report.

By the way, we have been hearing a lot—and I understand we are going to hear a lot more—about Ambassador Wilson's wife. Let me deal with that. In our report, we found good evidence that she had actually made recommendations to the CIA to send her husband to Niger. On page 39 of the Intelligence Committee report, we state:

The former Ambassador had traveled previously to Niger on the CIA's behalf. The former ambassador was selected for the 1999 trip after his wife mentioned to her supervisors that her husband was planning a business trip to Niger in the near future and might be willing to use his contacts in the region.

Also, on page 39:

. . . interviews and documents provided to the Committee indicate that his wife, a CPD employee, suggested his name for the trip. The CPD {} reports officer told Committee staff that . . . . On February 19, 2002, CPD hosted a meeting with [Mr. Wilson], intelligence analysts from both the CIA and INR, and several individuals from the DO's Africa and CPD divisions. The purpose of the meeting was to discuss the merits of [sending the Ambassador]. . . . The INR analyst's notes indicate that the meeting was apparently convened by the former ambassador's wife, who had the idea to dispatch him to use his contacts to sort out the Iraq-Niger uranium issue. She left after she set it up, but she managed to get the job done.

But we didn't stop there. Even though Mr. Wilson had angrily denied and used barnyard expletives in Time magazine to say that his wife had nothing to do with the trip to Africa, and Joshua Marshall quoted him saying that it defies logic that his wife sent him, the most compelling answers of all that his wife gave to our staff when interviewed in January 2004, 6 months after the Wilson hoax began, and the

months and months of charges and Joe Wilson's fierce denials that his wife had anything to do with his selection—let me repeat. Ambassador Wilson angrily said his wife had nothing to do with his trip to Africa.

> That is bull [expletive]. That is absolutely not the case.

That is what Wilson told Time magazine on July 17, 2003.

So he had denied it. What did she say? Did she deny it? Six months after she heard her husband angrily denying it and knowing what he had been saying for months and what he wrote in his book, I had staff go back and see what she said when asked about this issue. Her quote was:

> I honestly do not recall if I suggested it to my boss. . . .

That is what she said. That is from the transcript. Frankly, I think that is very telling. She doesn't recall if she suggested it to her boss after 6 months, and her husband has been out there saying she had nothing to do with it. Are you kidding? Just who is the Ambassador's source for all of his denials? Yet 6 months later she cannot remember if she suggested it to her boss?

I know the occupant of the chair has interviewed some witnesses and tried some cases. When you get a person who has knowledge that is right on point, and it is an issue that has been the focus of great discussion for months and you ask them, Did you, in fact, say what the other witnesses said, you can do two things: Say, absolutely not, I didn't say it. But if that is not true, you have all these other witnesses who said you did. So what do you say? You say: I honestly do not recall.

I think that leaves us pretty clearly in the camp of saying that what the analysts and others said the February 12 memo she prepared means, and that is that she was the one who proposed sending her husband to Iraq.

Joe Wilson said that the CIA said to a couple of reporters who asked about that—and this is from last night—that she did not recommend her husband to undertake the Niger assignment. He stated that the officers who did ask him to check the uranium story were aware of who he was married to, which is not surprising; she did not recommend her husband.

Well, Ambassador Wilson may have found some people who were willing to say that, but we sent this whole report to the CIA. They fact-checked the whole thing. We even set out the facts that she recommended sending her husband. The CIA commented on almost everything that we had in the report. It was a lengthy report. It took them a long time. Not one comment, not one change, in the findings in our report that she was the one who recommended him to go.

That has been discussed at great length on the floor by people who are charging that somehow there was a criminal conspiracy to ''out'' Ambassador Wilson's wife in retaliation.

I believe the Wall Street Journal has been doing a very interesting analysis of this, and I ask unanimous consent that yesterday's Wall Street Journal article ''Mr. Wilson's Defense,'' be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. In fact, it was such a traumatic experience to have Mr. Wilson's wife identified that I saw their pictures in the paper. They posed for Vanity Fair in front of the White House. It must have been a crushing blow to them to have her identity publicly disclosed. So they had to get on the cover and make 30 appearances? And I trust his book sales are going well. Maybe he will even have a movie contract.

Anybody who reads the Kerry Web site, listens to his interviews, or goes to a movie should know that his whole thesis is a fraud and a hoax.

Regrettably, that is merely a continuation of a plan that we have seen implemented by opponents of President Bush and Vice President CHENEY.

I joined the Intelligence Committee in January of 2003 because I realized that intelligence is absolutely critical in the war on terrorism. We cannot stop terrorism by retaliating against suicide bombers. We cannot prosecute them. We cannot find enough to identify them, much less prosecute them. So I joined the Intelligence Committee.

Clearly, we used to have a history that politics stops at the water's edge. Well, I understood that politics stopped at the entrance to the Intelligence Committee, but it has not been that way.

There are those in the Intelligence Committee on the other side who want to use the Intelligence Committee as a vehicle not to improve our intelligence, not to find out what the weaknesses are and how to build a stronger case, but to attack the President. That is what this November 2003 minority staff memo says: Here are our options under the rules and we have identified the best approach. Our plan is as follows: One, pull the majority along as far as we can on issues that may lead to major new disclosures regarding improper or questionable conduct by the administration. And they certainly they have done it.

Two, essentially prepare Democratic additional views to attach to any interim or final reports, and we intend to take full advantage of it. They have done that, and either today or tomorrow I will discuss the politicization in those views.

They also go on to say: We will identify the most exaggerated claims and contrast them with the intelligence estimates that have since been declassified.

Well, tough luck, guys. There were no exaggerated claims, nothing to contrast with the intelligence estimates. In fact, the big claim that they make that the administration was pressuring analysts to change their conclusion has been debunked. It has been debunked thoroughly and repeatedly throughout, and I have described this on the floor numerous times.

The conclusions are there was no pressure to change conclusions on weapons of mass destruction or on terrorism. We found in the conclusions that the Vice President's visits and questions to CIA were not only not pressuring to change the views but were expected.

One of the problems we find is that there is not enough questioning by policy users. By the way, one of the things they are attacking and one of the things that some of my colleagues have attacked is the office of Doug Feith, special policy—a two- or three-man operation—had a Defense Intelligence Agency analyst working with him. They reviewed for the Department of Defense the Secretary of Defense, the intelligence estimates they had, and they questioned them. That is what they should have done.

Somehow this office is being called unlawful by one of my colleagues. How bizarre. That is so far beyond the pale it is bizarre to say it is unlawful for a DIA agent working for the Secretary of Defense to question the CIA. Come on, gang. We need the CIA and the DIA to interact, get rid of group think, challenge those assessments.

Unfortunately, this attack on Doug Feith in the Office of Special Projects has heavy overtones of anti-Semitism. We can see the charges. They talk about the ''neocons'' who are warping our intelligence. Unfortunately, that is their code word for Jewish public servants, and I believe that is an unacceptable way to go about challenging policy. It is not a fruitful endeavor.

Going back to the political memo of 2003, as I said, they wanted to contrast the views. They also said:

> Once we identify solid leads the majority does not want to pursue, we could attract more coverage and have greater credibility in that contact than one in which we simply launch an independent investigation based on principled but vague notions regarding the ''use'' of intelligence.

Well, they are doing that because they are saying they want to go back and investigate Doug Feith's office. They had no findings of anything that Mr. Feith did was illegal, unlawful, or unwarranted pressure, but they are choosing to attack him because he represents the ''neocons.'' I think my colleagues get what I mean.

They go on to say:

> In the meantime, even without a specifically authorized independent investigation, we continue to act independently when we encounter foot-dragging on the part of the majority.

They say, in summary, that intelligence issues are clearly secondary to the public's concern regarding the insurgency in Iraq. Yet we have an important role to play in revealing the misleading, if not flagrantly dishonest, methods and motives of the senior administration officials who made the

case for a unilateral preemptive war. The approach outlined above seems to offer the best prospect for exposing the administration's dubious motives and methods.

That was the game plan that some of my colleagues took into this investigation of pre-Iraq war intelligence. That is deeply disappointing—disgusting, I would say—to say this is the game plan being played out on the floor to politicize intelligence.

Their conclusions about ''misleading,'' about ''pressure,'' unfortunately, are not supported by the facts. There was exhaustive examination and interviews. Chairman ROBERTS invited in anybody who claimed to know about improper pressure on the analysts and nobody could come forward with anything. Nobody could come forward with any. No wrongdoing by Doug Feith, but they are still going at it.

My colleagues on the other side of the aisle are not troubled by an absence of fact. They have a political jihad. They have their crusade. They have sold, to too many people, the base canard that President Bush and Vice President CHENEY were not telling the truth when, in fact, the whole basis of that charge was a fraud and a hoax.

As my colleague from Georgia said, we need to improve the intelligence operations. We have a lot of work to do. But we also have some work to do in the Congress, and that is to get over attempting to use the Intelligence Committee and the intelligence community as a political weapon to attack our opponents.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, July 20, 2004]

MR. WILSON'S DEFENSE

After U.S. and British intelligence reports exposed his falsehoods in the last 10 days, Joe Wilson is finally defending himself. We're therefore glad to return to this story one more time, because there are some larger lessons here about the law, and for the Beltway media and Bush White House.

Mr. Wilson's defense, in essence, is that the ''Republican-written'' Senate Intelligence Committee report is a partisan hatchet job. We could forgive people for being taken in by this, considering the way the Committee's ranking Democrat, Jay Rockefeller, has been spinning it over the past week. But the fact is that the three most damning conclusions are contained not in Chairman Pat Roberts's ''Additional Views,'' but in the main body of the report approved by Mr. Rockefeller and seven other Democrats.

Number one: The winner of last year's Award for Truth Telling from the Nation magazine foundation didn't tell the truth when he wrote that his wife, CIA officer Valerie Plame, ''had nothing to do with'' his selection for the Niger mission. Mr. Wilson is now pretending there is some kind of important distinction between whether she ''recommended'' or ''proposed'' him for the trip.

Mr. Wilson had been denying any involvement at all on Ms. Plame's part, in order to suggest that her identity was disclosed by a still-unknown Administration official out of pure malice. If instead an Administration official cited nepotism truthfully in order to explain the oddity of Mr. Wilson's selection for the Niger mission, then there was no underlying crime. Motive is crucial under the controlling statute.

The 1982 Intelligence Identities Protection Act was written in the wake of the Philip Agee scandal to protect the CIA from deliberate subversion, not to protect the identities of agents and their spouses who choose to enter into a national political debate. In short, the entire leak probe now looks like a familiar Beltway case of criminalizing political differences. Special Prosecutor Patrick Fitzgerald should fold up his tent.

Number two: Joe Wilson didn't tell the truth about how he supposedly came to realize that it was ''highly doubtful'' there was anything to the story he'd been sent to Niger to investigate. He told everyone that he'd recognized as obvious forgeries the documents purporting to show an Iraq-Niger uranium deal. But the forged documents to which he referred didn't reach U.S. intelligence until eight months after his trip. Mr. Wilson has said that he ''misspoke''—multiple times, apparently—on this issue.

Number three: Joe Wilson was also not telling the truth when he said that his final report to the CIA had ''debunked'' the Niger story. The Senate Intelligence report—again, the *bipartisan* portion of it—says Mr. Wilson's debrief was interpreted as providing ''some confirmation of foreign government service reporting'' that Iraq had sought uranium in Niger. That's because Niger's former Prime Minister had told Mr. Wilson he interpreted a 1999 visit from an Iraqi trade delegation as showing an interest in uranium.

This is a remarkable record of falsehood. We'll let our readers judge if they think Mr. Wilson was deliberately wrong, and therefore can be said to have ''lied.'' We certainly know what critics would say if President Bush had been caught saying such things. But in any event, we'd think that the news outlets that broadcast Mr. Wilson's story over the past year would want to retrace their own missteps.

Mr. Wilson made three separate appearances on NBC's ''Meet the Press,'' according to the Weekly Standard. New York Times columnist Nick Kristof first brought the still anonymous Niger envoy to public attention in May 2003, so he too must feel burned by his source. Alone among major sellers of the Wilson story, the Washington Post has done an admirable job so far of correcting the record.

Also remarkable is that the views of former CIA employee Larry Johnson continue to be cited anywhere on this and related issues. Mr. Johnson was certain last October that the disclosure of Ms. Plame's identity was a purely ''political attack,'' now disproven. He is also a friend of Ms. Plame and the author of a summer 2001 op-ed titled ''The Declining Terrorist Threat.'' You'd think reporters would at least quote him with a political warning label.

The final canard advanced by Mr. Wilson's defenders is that our own recent editorials and other criticism was somehow ''orchestrated.'' Well, by whom? Certainly not by the same White House that has been all too silent about this entire episode, in large part because it prematurely apologized last year for the ''16 words'' in a State of the Union address that have now been declared ''well-founded'' by Lord Butler's inquiry in Britain. If Mr. Bush ends up losing the election over Iraq, it won't be because he oversold the case for war but because he's sometimes appeared to have lost confidence in the cause.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. How much time do we have remaining?

The PRESIDING OFFICER. There is 4½ minutes remaining.

SENATE STANDARD OF MEASUREMENT

Mr. THOMAS. Mr. President, of course we all have spent a good deal of time concerned about the direction we are taking here, the number of things we are accomplishing, the fact that many of the things we would like to do have not been accomplished. I think that is a legitimate concern. We ought to try to deal with some of those issues.

On the other hand, there have been a number of things done, of course. I think we have had the most obstruction in the movement here that we have seen in many years. Many important issues have been stopped, have been obstructed, frankly, because our friends on the other side of the aisle did not want to go forward with these issues, or wanted to hold them up where they could add all kinds of unrelated amendments to them.

The Class Action Fairness Act, of course, was blocked. The fairness in asbestos injury resolution was blocked. The Patients First Act, the energy policy—probably one of the most important issues we could have dealt with this entire year is still there. Charity aid, recovery, and empowerment legislation, which gave strength to do things in the private sector, we were unable to do that; Personal Responsibility, Work, and Family Promotion Act; workforce investment; five judges were held up simply for the purpose of holding them up.

It is too bad. It is something we need to change. We ought to be concerned here with issues, not politics, not Kerry, not Bush, but talk about what the issues are here and the things we ought to be doing. Politics, of course, is part of our lives, but so is accomplishing something in the legislature.

We have done some things. The Omnibus appropriations bill for this fiscal year was passed this year. It was delayed but nevertheless passed. The Pension Stability Act had to do with changing the requirements for putting money into pensions. That made that better. The accountability, flexibility and efficiency—the transportation bill—again, one of the most important bills we could possibly pass, we passed it in the Senate but, unfortunately, it is still hung up in conference. The Internet bill which allows for the moratorium of taxation on the Internet, a good thing, was passed by the Senate.

The Jumpstart Our Business Strength Act, of course, is one that is pending and ready to go, I hope, to the conference committee. This is the one that the WTO had the penalties on exports from the United States and we had a 3-percent reduction for those that exported goods and that gave us a penalty. Now we are changing that. There is also a great deal in that bill with regard to encouraging the economy to grow.

So we have done a number of things. We have done some things to reduce

the redtape and the consumer initiative, taxpayer protection, and IRS accountability that strengthens the protection the taxpayers have in terms of what information is made public on their taxes.

Strengthening and improving health care; we did the project bioshield. These things have passed the Senate but have not been completed yet largely because we have not been able to go to conference on many of them.

Here again we find obstacles in our way this year that we have never seen before. I guess it means we need to take a little look at our system.

Keeping Americans safe at home—of course, we passed the unborn victims of violence bill that amends the Federal law regarding women who are assaulted, and an unborn child is killed, to allow the assailant to be charged.

Flood insurance reform is very important. It amends the Flood Act to encourage damage mitigation. Homeland security has been something, of course, we have passed.

Regarding crime, we have done a lot of things, even though we could do a great deal more, I am sure.

Educational initiatives—the NASA Workforce Flexibility Act offers scholarships, incentives, for highly qualified students to move forward.

IDEA reauthorization, the Individuals with Disabilities Act, is one that is very important to be reauthorized and moved through. It was passed by the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THOMAS. Mr. President, I ask unanimous consent to continue for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. The point is, we have a problem with the process here. Obstruction is available. I don't think that is what is intended.

At the same time, we have accomplished a good many things that certainly are important and that we need to recognize.

I want to mention something that I believe is important, and that is taking a little look and having a way to have some measurement of the kinds of things that are brought up that are legitimately congressional—Federal kinds of issues.

I understand everyone has issues they would like to bring up. Frankly, some of them are inappropriate to be here on the Federal level. We continue to have more spending; we have more government; we have more involvement in people's lives. One of the reasons is we have not set up some criteria to say this is a good idea, but is it the thing that ought to be done in the Federal Government as opposed to State government or city government or county government?

TOM FEENEY, from Florida, one of the House Members, put out an interesting idea. He has a little card like a credit card. It measures these things against issues.

No. 1 is less government: Does the bill tend to reduce government regulations, the size of government, eliminate entitlements or unnecessary programs? That is one of the tests he has against the issue.

No. 2 is lower taxes: Does the bill promote individual responsibility in spending or reducing taxes? It is a good idea to take a look at that.

No. 3 is personal responsibility: Does the bill encourage responsible behavior among individuals and families, and encourage them to take care of their own issues to an extent? Remember, we don't want the government in our lives, yet things have to be done. It is a choice: do we do them ourselves?

No. 4 is individual freedom: Does the bill offer opportunities for individuals to do those kinds of things?

No. 5 is stronger families: Is it something that contributes to the family function, the family structure in our country, which is obviously one of the most important things we have?

Finally, No. 6, does it add to domestic tranquility and national defense?

I think those are interesting concepts, interesting measurements that one might take—in their own mind, of course. Each person would have a different view of how to deal with it but to see if what is before us meets some of these measurements and does these things.

First, I think we are going to have to do something about the kind of obstructionism we have seen that moves to keep us from doing what we need to do. Second, we need to recognize we have done a number of things and passed them in the Senate. Unfortunately, they are not fully done. Maybe a little unrelated, but important to me, we ought to have some kind of standard we measure in our minds as to whether this is a legitimate thing, necessary thing, appropriate thing to be done at the Federal level or indeed should be done other places.

Mr. President, I yield the floor.

UNITED STATES-MOROCCO FREE-TRADE AGREEMENT IMPLEMENTATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2677, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2677) to implement the United States-Morocco Free-Trade Agreement.

The PRESIDING OFFICER. Under the previous order, time until 11:30 p.m. is equally divided for debate on or between the chairman and ranking member.

The Senator from Wyoming.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, what is the pending matter?

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JOHNSON. Mr. President, I rise to discuss the Morocco-United States free-trade agreement, FTA, and the impact this bilateral free trade agreement will have on agricultural producers in my State of South Dakota. While I retain concerns on a number of agreements negotiated under Trade Promotion Authority, TPA, as part of fast track trade negotiations navigated by the current administration, I see a potential positive impact on the South Dakota economy from a number of provisions in this agreement. I am pleased that the needs of many sectors in our agricultural community were accounted for while hammering out the terms included in this FTA.

I am disappointed at the recent passage of the Australian free-trade agreement, AFTA, which seriously weakens our ability to foster growth in the agricultural sector. It is concerning that the adoption of the AFTA will hinder the retention of our agriculture producers, exacerbate supply, and consequently undermine our Federal price support programs. When dealing with sensitively priced commodities and a delicate supply and demand balance, I believe we must prudently evaluate the economic ramifications from any proposed trade agreement. I am concerned for the rural communities in my home state of South Dakota, and I will continue to evaluate trade agreements on a case by case basis to ascertain the potential benefits and negative impacts.

Despite these concerns, I am pleased to see that the Moroccan free-trade agreement holds promise and provides a number of potentially rewarding terms for United States producers and ranchers. The agreement encompasses a wide variety of commodities that are important to the health of the rural economy in South Dakota, including beef, soybeans, wheat, corn and sorghum. As in the case of beef, for example, increasing market access under this agreement is imperative for ensuring our producers and ranchers maintain ample opportunity for promoting quality American beef. This opportunity will be facilitated by a low in-tariff quota that will promptly be zeroed out.

As in the case of soybeans, duties on soybeans used for processing will cease immediately. Duties on soybeans for processed soy products and other uses will be reduced by half in the first year, and eliminated entirely within a 5-year timeframe. Additionally, wheat will benefit from this bilateral FTA. Fluctuating weather conditions present problematic conditions for Moroccan farmers, and as a significant

wheat importer, a beneficial trading relationship can be established from increased market access to the Kingdom of Morocco.

While I retain reservations about the direction the administration's free trade agenda has taken, I am pleased that a free trade agreement has been proposed that has garnered the support of many American agriculture producers, and will facilitate increased market access and positive economic impact for our rural communities.

Mr. ALLEN. Mr. President, I rise today to speak on the pending measure before the Senate, the U.S.-Morocco free-trade agreement. Soon this body will likely pass the implementing legislation and send it to the President for signature and subsequent enactment. Before that takes place, I believe it is important to outline to the people of the Commonwealth of Virginia my position on this matter and why I will vote in favor of its passage though it is not a perfect agreement.

The enactment of free trade agreements have the potential to increase the profitability of U.S. companies, increase U.S. jobs, open new markets for U.S. products and services and engender stronger relationships with other nations. However, the central tenet of such agreements must be fairness, clear benefit to all parties and a relatively equitable number and degree of concessions. Understanding that in any negotiation there must be some give and take, it is counterproductive and damaging for the U.S. to agree to provisions within these agreements that leave U.S. industries susceptible to loopholes that allow a non-party country duty free access to our market.

In the case of the Morocco free-trade agreement I am speaking of the textile provisions. This agreement, while in many ways better than previous free trade agreements, would still allow for non-party countries to export yarn or fabric to Morocco and upon production into apparel, be imported into the United States duty-free. If our government is going to negotiate an agreement with another country and make concessions to secure an equally beneficial arrangement, I cannot comprehend why loopholes would be included to permit a third party to benefit from the agreement without having to meet the requirements or make the concessions of those party to the trade pact.

Under a tariff preference level, the Morocco agreement will allow the use of fabric and yarn from a non-party of up to thirty million square meters equivalent. It is difficult to understand why such an exception is necessary, given that the total Moroccan trade in fabric and yarn with the U.S. in 2003 was 16.477 million square meters equivalent. I have been in contact with many in the domestic textile industry and have to sincerely agree with them that such a provision appears to be a substantial loophole that will ultimately allow a country other than the U.S. or Morocco to benefit from the U.S.-Morocco free-trade agreement.

The U.S. government has an obligation to the American worker to do away with the practice of providing exceptions like tariff preference levels. A third-party country that would provide yarn and fabric under these loopholes will have conceded nothing nor offered greater access to its market as it benefits from the agreement negotiated between the U.S. and Morocco. Make no mistake, concessions like this can adversely affect American jobs. Domestic textile production has provided Americans stable, well-paying jobs for generations; however the enactment of free trade agreements that allow a party to go outside of the agreement but enjoy duty-free access has contributed to the growing number of unemployed textile workers in this country.

Going forward, I would strongly recommend to those negotiating trade agreements on behalf of the American people to visit Southside Virginia and gain a first-hand perspective on how the concessions made in trade pacts can impact not only a few families, but entire communities. We must make sure that when we are opening our markets to other countries through trade agreements that we do not allow a third party to benefit without being party to the requirements and concessions of that trade agreement.

Even with the grave concerns I have with the textile provisions of this agreement, I believe that on balance, it provides a net-plus for the working people of the United States. The reduction in tariffs and protection of intellectual property and trademarks will provide great benefit to hundreds of thousands of U.S. jobs and further the global market share of their enterprises. Additionally, the relatively balanced nature of the U.S.-Morocco free-trade agreement sets a valuable example with the other developing countries around the world.

The removal of tariffs on 95 percent of bilateral trade on the day of enactment should greatly benefit the majority of U.S. industries and their employees. Given that Morocco currently places a 20 percent duty on U.S. exports while the U.S. only assigns a four percent tariff on Moroccan exports this agreement makes a strong initial push for free and open trade. With strong U.S. industries like information technology, machinery and construction equipment poised to gain immediate duty-free access to Morocco; the U.S. should see positive gains in exports to Morocco in the near future.

The domestic farming community will see tariffs on a large number of agriculture products cut significantly or eliminated immediately. The reduction of tariffs and the implementation of new tariff-rate quotas on products like beef, poultry and wheat will likely result in a tremendous growth in the amount of U.S. agriculture products exported to Morocco.

The U.S. has had a difficult time convincing its trading partners to actively protect intellectual property and fully prosecute those found to be pirating or counterfeiting U.S. software, movies and music. I am pleased the Morocco agreement establishes new protections for intellectual property rights and increases penalties for those found to engage in the piracy and counterfeiting of U.S. products.

Finally, the enactment of the U.S.-Morocco free-trade agreement sends a powerful message to developing nations around the world. It is a clear indication that the U.S. is interested in developing mutually beneficial economic and trade relationships that can result in greater access to the U.S. market and hopefully closer ties with the U.S. Agreements like the Morocco trade pact provide a clear example for those countries in Africa and the Middle East willing to make political and economic reforms.

In closing, I will vote in favor of the U.S.-Morocco free-trade agreement because comprehensively, it is beneficial to the U.S. business community. The reduction of tariffs and increased access to markets will improve the profitability of many U.S. companies and provide an example for future agreements with tolerant, reform-minded, developing nations. This could have been an outstanding, purely positive agreement, rather than a good agreement on balance.

Mr. McCAIN. Mr. President, the United States has enjoyed a close relationship with Morocco since 1777, when Morocco became the first nation to recognize the sovereignty of our fledgling Government. Since then we have stood together through thick and thin, and Morocco today remains one of America's dear friends. This free-trade agreement, FTA, will further strengthen the bond between our two nations, and illustrates the benefits of greater economic ties with countries in the greater Middle East.

Initially, the decision to begin negotiations with Morocco was controversial. But Morocco's economic liberalization and political reform efforts, combined with its role as a stabilizing force in the region, made the decision a simple one.

The trade negotiations produced an agreement that will render more than 95 percent of bilateral trade in consumer and industrial products duty-free immediately. U.S. investors in Morocco will be increasingly able to rely on a secure, predictable legal framework mandated by the FTA. U.S. banks, insurance companies, telecommunications companies and others will get new access to markets within Morocco.

In addition, U.S. firms are guaranteed a fair and transparent process for selling goods and services to a wide range of Moroccan Government entities, via the FTA's government contracting anti-corruption provisions. These kinds of measures are what we expect from a free-trade agreement. Unfortunately, this agreement also

contains protectionist language antithetical to the tenets of free trade.

As with the Australian FTA approved by the Senate last week, and the Singapore agreement that went into effect in January, the United States Trade Representative included language that could impair Congress's ability to pass and implement drug importation legislation. Such legislation is not only something Congress has worked on for the past several years, but has also enacted.

The provisions USTR slipped into the Singapore, Australia and Morocco FTAs have significant implications for drug importation. Let us be clear about this language—it is antifree trade, serves only to block American consumers from accessing lower cost goods and services, and contravenes clear congressional intent.

Congress has repeatedly voted, with bipartisan majorities, to allow drug importation. States and local governments are doing the same. An overwhelming majority of Americans believe that they have a right to import more affordable medicines. So a simple question comes to mind: what is our Trade Representative, who is charged with representing the interests of the American people, doing? Why deliberately include language in bilateral trade agreements that could thwart importation efforts? Why flagrantly disregard the intent of Americans and their elected representatives? It seems to me that the special interests have again found friendly territory.

When Americans wonder how this continues to happen, they should take a glance at the list of intellectual property ''advisors'' that worked with the negotiators. These advisors include representatives from drug companies, the pharmaceutical industry as a whole, and other lobbyists with a direct interest in blocking drug importation. How many public health and consumer advocacy groups were included on this committee? Zero.

The Singapore FTA was the first free-trade agreement to include language that could impact drug importation. The Morocco FTA must be the last.

Our trade negotiators must be less mindful of special interests and more responsive to the express intent of the Congress. We granted the President trade promotion authority, TPA, in 2002 to demonstrate our Nation's re-energized commitment to negotiating strong free-trade agreements. TPA was designed to lead to free trade, not more protection.

This agreement is not the first in which the administration has made use of TPA to promote its politically expedient policy priorities. Last year, immigration provisions were included in the Singapore and Chile FTAs. If the Administration is to continue to enjoy the privilege of TPA, trade agreements must no longer be vehicles that include items rightfully addressed by Congress under the Constitution.

The United States has been and should be the leading promoter of an open global marketplace. Steel tariffs, agricultural subsidies in the farm bill, and other forms of protection, however, have damaged America's free-trade credentials. If special interest carve-outs, like the one for the pharmaceutical industry in this FTA, continue to pollute our trade agreements, we will all be worse off. Our economy will suffer and our leadership role on trade will further decline.

I will vote yes, but let me reiterate what I said last week with respect to the Australia agreement: Should another FTA being negotiated now or in the future come before the Senate with similar protections for special interests, I will find it even more difficult to vote in favor of it.

Mr. LEVIN. Mr. President, I am disappointed to see that the U.S.-Morocco Free-Trade Agreement contains patent protection language similar to that contained in the U.S.-Australia Free-Trade Agreement. Although I will not oppose this agreement on this one basis, I will oppose the use of this language as a precedent for any future free-trade agreement.

Mr. FEINGOLD. Mr. President, I opposed the Morocco free-trade agreement. Unfortunately, it is one more in what has become an increasing number of deeply flawed trade agreements. These agreements continue to jeopardize U.S. jobs and businesses. They undermine environmental, health, and safety protections. They hinder our ability to loosen restrictions on reimportation of FDA-approved prescription drugs. They limit our ability to use our tax dollars to help our own businesses and workers through buy American policies, and to discourage corporations from reincorporating overseas, and they limit the ability of our democratic institutions to regulate essential services.

But though I opposed this trade agreement, I want to underscore my firm belief that our bilateral relationship with Morocco is extremely important. We need our Moroccan partners if we are to succeed in pursuing our first foreign policy priority: the fight against al-Qaida and associated global terrorist organizations. The United States cannot afford to ignore this critical North African ally which has suffered, as we have, brutal terrorist attacks. We cannot fight terrorists without a strong international coalition sharing crucial intelligence, drying up sources of financial and political support for terrorism, and tracking down terrorist leaders. In order to have a strong partner to count on, the U.S. must support the Moroccan people in their fight for basic human rights, their efforts to combat corruption, and their work to create the kinds of economic opportunities that the country's large population of youth need. Without these efforts, this population will stagnate and resentment will grow. The U.S. should be cultivating future partners in Morocco, not future antagonists.

Mr. LAUTENBERG. Mr. President, this Free Trade Agreement should have been easy for me to support.

It is an agreement with a moderate Arab nation, an FTA that will integrate Morocco's economy with that of America. This FTA will aid Morocco's economy, strengthen our ties with the Kingdom, and help to bolster the contention that market economics can lead to a peaceful and prosperous moderate Islam.

What troubles me is the Bush administration's ongoing inattention to the labor and environmental protections in trade agreements, which is inexcusable. This administration has refused to live up to the gold standard on labor and environmental protections, a standard set by the Clinton administration when it negotiated the United States-Jordan Free Trade Agreement.

Instead, President Bush and U.S. Trade Representative Robert Zoellick have backtracked, endorsing less stringent protections in agreements with Chile and Singapore. The administration ignored the disapproval of many in Congress of those provisions. Stunningly, the administration did not include Jordan-style provisions in the Morocco agreement, even though Moroccan officials announced they would be willing to accept them.

In short, President Bush settled for weaker protections than he could have gotten, and he did it for what would seem to be no reason other than to antagonize labor groups, environmental groups and some in Congress. I find that deplorable.

Despite the shortcomings of this agreement, however, and because Morocco is making progress on its labor and environmental laws, I will support this FTA to strengthen our ties with a moderate Arab nation that has been a good global citizen.

Mr. BURNS. I have always said that I support free trade, as long as it is fair trade. The Morocco free-trade agreement before us today is an excellent example of that principle. Once this agreement goes into effect, 95 percent of the tariffs on consumer and industrial goods are eliminated, with the remaining tariffs eliminated in 9 years. This deal represents the best access to a developing country yet. I applaud Ambassador Zoellick for his hard work in achieving a balanced free trade agreement that provides significant benefits to both trade partners.

Morocco imports more than $11 billion in goods each year, with $475 million coming from the United States. We have an opportunity to increase the United States presence in this emerging market. Current circumstances are certainly less than ideal for American goods: imports from the United States face a stiff tariff, over 20 percent. In Montana, we have not yet benefited from trade with Morocco, and I can only hope that passage of this agreement today will allow us to begin exploring the advantages that it can offer

Montanans and Moroccans alike, without unreasonable tariff barriers for our products.

I am especially pleased at the agriculture provisions in this FTA. Too often, free trade agreements represent a losing deal for Montana's farmers and ranchers, but I believe this agreement shows a commitment to fair trade for agriculture. In 2003, the United States exported over $152 million in agricultural products to Morocco. Under this agreement, that number could more than double, and I expect that some of that increase will be Montana beef and grains. According to an analysis by the American Farm Bureau Federation, ''the agreement is expected to result in a 10-to-1 gain for the U.S. agriculture sector, which already enjoys a positive trade balance with Morocco.''

I commend the Trade Representative for the wheat provisions in this FTA. I know that Morocco expressed some serious concerns about negotiating access for U.S. wheat, and Ambassador Zoellick worked hard to keep wheat on the table. Under this agreement, U.S. wheat exports could experience a fivefold increase. At the same time, the Agreement is sensitive to Moroccan domestic wheat producers. While we would always prefer tariffs to be completely eliminated, the expansion of tariff rate quotas, TRQs, in this agreement will allow Montana wheat producers vastly expanded access to Moroccan markets. Currently, wheat tariffs on U.S. exports to Morocco run as high as 135 percent. The commitments to reduce tariffs and expand TRQs are positive changes for our wheat producers.

In addition, the agreement includes an important provision that ensures long-term fair access. If Morocco provides other trading partners preferential access that is better than what we have here today, Morocco has agreed to immediately extend that treatment to the same U.S. product. This guarantees a level playing field for our agriculture producers. Finally, Morocco has also agreed to work with us at the WTO negotiations to limit the trade-distorting power of state trading enterprises. This is the same agreement that we secured in the Australia Free Trade Agreement approved last week. I am pleased to see a growing international consensus that state trading enterprises, like the Canadian Wheat Board, must be addressed to provide for real free and fair trade. I urge Ambassador Zoellick to continue focusing on this important issue.

Montana cattle producers also stand to benefit from this deal. Access to Moroccan markets for high quality beef—the kind of beef American cattle producers are known for is greatly increased. Tariffs on U.S. beef are often as high as 275 percent. The commitment to reduce these tariffs and to expand TRQs will allow domestic cattle producers to send prime and choice beef into Morocco hotels and restaurants, providing Morocco substantial tourism industry with the quality it demands. In addition, Morocco has agreed to accept U.S. inspection standards for beef, which will allow our products immediate access to Moroccan markets. This is a fair deal for our cattle producers.

In addition to the benefits to agriculture, service providers, such as telecommunications and construction, will have enhanced access to Moroccan markets. Telecommunications will be provided with non discriminatory access to the network. Intellectual property protection is provided, as are agreements on labor and environmental standards. The Morocco free-trade agreement represents an important step toward the President's goal of establishing a Middle East Free Trade Area, and I am pleased to offer my support.

Mr. BAUCUS. Mr. President, I spoke yesterday about the Morocco free-trade agreement and its benefits for both the United States and Morocco.

I hope and expect that when we vote on the Morocco implementing bill, the bill will pass by an overwhelming margin.

That is a fitting way to cap a busy month on trade and head into the summer recess.

As I look back at the accomplishments on trade since the beginning of the year, I am pleased at how much we have done. It would be considered a full plate in any year, but in an election year, it is especially gratifying to have achieved so much.

We passed the JOBS Bill, a complex tax measure that will help create jobs in America and bring the United States into compliance with the WTO. That bill passed the Senate overwhelmingly with 92 votes.

We extended and enhanced an important trade and development program for Africa—the Africa Growth and Opportunity Act through a unanimous vote.

We created a different trade and development program for Haiti, also through a unanimous vote.

And of course, just last week, we passed the Australia free-trade agreement implementing bill with 80 votes.

It has been a busy year.

I am heartened by the strong votes all these measures attracted. No victory is ever easy. They are hard fought by people working every day to do the right thing.

I want to congratulate Senator GRASSLEY and his staff for their leadership, and Ambassador Zoellick and his excellent negotiating team for all their hard work.

As I look ahead, there will be some difficult issues to confront. I believe we have more work to do to rebuild a strong consensus on trade. We could do better on both the substance of trade agreements and on the process of considering them.

I also believe we should be devoting more of our resources toward enforcing trade agreements we already have.

But today, I would like to focus on our successes on all we have already accomplished, and on what we are about to do.

When we vote to approve the Morocco legislation, we will be solidifying our oldest diplomatic relationship in the world.

We will be giving reform-minded governments in developing countries around the world incentive to redouble their efforts to modernize their economies.

We will also be setting a new standard for agreements with developing countries in a variety of important areas. These include intellectual property, market access, and even agriculture.

The Morocco agreement is a good agreement. I urge my colleagues to vote for it.

Mr. GRASSLEY. Mr. President, just over 2 months ago I expressed my interest in seeing both the U.S.-Australia and the U.S.-Morocco free-trade agreements pass the Congress by the August recess. A lot of people resisted this effort, arguing that it would be impossible for both the House and Senate to hold hearings, prepare the legislation, conduct mock mark-ups, report the bills, and pass implementing legislation for two free trade agreements in just two months. While the task was indeed difficult, I am very pleased to say that we are on the verge of achieving my goal today.

In just a few moments the U.S. Senate will have an historic opportunity to strengthen our relations with Morocco with the passage of the United States-Morocco Free-Trade Agreement Implementation Act. While nothing is certain, I expect this legislation to pass with strong bipartisan support. Passage of this legislation follows on the heels of a strong Senate vote in favor of the United States-Australia Free-Trade Agreement last week. The Australia bill itself was preceded by renewal and extension of the Africa Growth and Opportunity Act, which passed the Senate by unanimous consent on June 24 of this year. Prior to that, the Senate was able to work out its differences and pass the JOBS Act by a vote of 92 to 5. I will note that each of these bills passed in an election year, a year in which many pundits argued that nothing would get done. I also want to point out the broad bipartisan support which each of these bills received. In my mind, it is that element—bipartisanship—that is the key to our success.

I want to thank my ranking member, Senator BAUCUS, and the members of the Finance Committee for working with me to bring these bills to fruition. There are a lot of demands placed upon Finance Committee members and their staffs, and I appreciate their hard work and dedication in helping us produce legislation that will receive broad bipartisan support in the Senate.

Turning to the bill at hand, passage of the United States-Morocco Free-

Trade Agreement Implementation Act will help strengthen our relationship with a long-standing friend and ally of the United States. For over two hundred years, our two nations have enjoyed a strong and mutually beneficial relationship. Today, Morocco is a country in transition. It is a country that recognizes that its long-term economic prosperity lies not in shutting itself off to the world, but in opening up to the world. It is in large part Morocco's willingness to embrace free market and democratic principles that led President Bush to select Morocco as a potential free trade partner. This free-trade agreement will help lock in and hasten reforms that the Moroccan Government embraced on its own initiative. I am confident that this agreement will spur growth and opportunity for Morocco and its people.

This trade agreement is also very good for the United States, especially U.S. agriculture. Implementation of the agreement is expected to help advance U.S. agriculture exports to Morocco to unprecedented heights, enabling us to better compete with the European Union, Canada, and South America in the Moroccan market.

Many people worked hard to see today's vote become a reality. First and foremost, this would not have happened without the leadership of President George W. Bush. As I have noted before, President Bush is committed to building the U.S. economy by opening the world's markets to U.S. goods and services. The United States-Morocco Free-Trade Agreement is just the latest of his achievements in this regard.

The United States Trade Representative, Ambassador Robert B. Zoellick, also merits special recognition and commendation for his efforts in negotiating this agreement. His commitment to expanding U.S. trade opportunities is steadfast, for which I am grateful. I also want to express my thanks to John Veroneau, the general counsel in the Office of United States Trade Representative, Matt Niemeyer, the Assistant U.S. Trade Representative for Congressional Affairs, and Lisa Coen, Deputy Assistant U.S. Trade Representative for Congressional Affairs, for their many efforts to ensure that the committee was fully apprised of developments during the negotiations and their efforts to resolve concerns raised by members as the committee informally considered proposed implementing legislation for this trade agreement. In addition, I thank Michael Smythers, a special assistant to the President working in the White House Office of Legislative Affairs, for his efforts to facilitate our consideration of this implementing legislation.

I commend my colleagues on the Finance Committee for their interest in seeing that this trade agreement was concluded and that the implementing legislation was passed without delay. I would like to extend a special thanks to the ranking member of the committee, Senator BAUCUS. We have worked together over the years to expand trade opportunities for the benefit of U.S. farmers, ranchers, manufacturers, and service workers, and to benefit U.S. consumers. I am quite pleased with the outcome of our current efforts with the imminent passage of this implementing bill today.

My trade staff on the Finance Committee worked diligently over the past several weeks on developing the implementing bill and other materials connected with it. My goal was to have this legislation passed prior to the August recess, and they were instrumental in making this happen. Moreover, my trade staff engaged in consultations with officials from the Office of the United States Trade Representative throughout the negotiations, which began way back in January 2003, so this has been a long process for them. I greatly appreciate their hard work.

My chief counsel and staff director, Kolan Davis, deserves recognition. His dedication and skills are instrumental in advancing the Finance Committee's agenda. The Chief International Trade Counsel of the Finance Committee, Everett Eissenstat, also deserves special mention. His expertise in trade policy and his ability to juggle multiple trade priorities simultaneously are key to the Committee's success. I would also like to recognize the other members of my trade staff—my two trade counsels, David Johanson and Stephen Schaefer, for their invaluable technical assistance throughout this process. Additionally, the work of Zach Paulsen, Dan Shepherdson, and Tiffany McCullen, is appreciated, for their dedication to the Finance Committee's work and to the people of Iowa. Without the diligence and hard work of my staff, we would not be at the point we are today.

Senator BAUCUS' trade staff also deserves recognition. The Democratic staff director on the Finance Committee, Russ Sullivan, and the deputy staff director, Bill Dauster, worked well with my staff throughout the process. I also appreciate the efforts of Tim Punke, Senator BAUCUS' Chief International Trade Counsel, as well as Brian Pomper, John Gilliland, Shara Aranoff, Sara Andrews, and Pascal Niedermann.

Finally, I would like to thank Polly Craighill of the Office of the Senate Legislative Counsel for the many hours she put into drafting the implementing bill. Without her patience, hard work, and drafting skills, today's vote would not have been possible.

I look forward to the signing of this legislation into law by President Bush.

Mr. ALEXANDER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—85

Alexander	Dayton	Lugar
Allard	DeWine	McCain
Allen	Dodd	McConnell
Baucus	Domenici	Mikulski
Bayh	Durbin	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (FL)	Pryor
Brownback	Grassley	Reed
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Inouye	Smith
Chambliss	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Corzine	Levin	Warner
Craig	Lieberman	Wyden
Crapo	Lincoln	
Daschle	Lott	

NAYS—13

Akaka	Graham (SC)	Sessions
Byrd	Harkin	Shelby
Dole	Hollings	Voinovich
Dorgan	Leahy	
Feingold	Reid	

NOT VOTING—2

Edwards	Kerry

The bill (S. 2677) was passed, as follows:

S. 2677

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States-Morocco Free Trade Agreement Implementation Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.

Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Enforcement relating to trade in textile and apparel goods.
Sec. 205. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Business confidential information.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and Morocco entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Morocco for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States-Morocco Free Trade Agreement approved by Congress under section 101(a)(1).

(2) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(3) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Morocco Free Trade Agreement entered into on June 15, 2004, with Morocco and submitted to Congress on _____, 2004; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on _____, 2004.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Morocco has taken measures necessary to bring it into compliance with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Morocco providing for the entry into force, on or after January 1, 2005, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2004 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.15.1(a)(i)(C) or article 10.15.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, the provisions of this Act (other than

this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 4.1, 4.3.9, 4.3.10, 4.3.11, 4.3.13, 4.3.14, and 4.3.15, and Annex IV of the Agreement.

(2) EFFECT ON MOROCCAN GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall terminate the designation of Morocco as a beneficiary developing country for purposes of title V of the Trade Act of 1974 on the date of entry into force of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Morocco regarding the staging of any duty treatment set forth in Annex IV of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Morocco provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Tariff Schedule of the United States to Annex IV of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL SAFEGUARD GOOD.—The term ''agricultural safeguard good'' means a good—

(A) that qualifies as an originating good under section 203;

(B) that is included in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement; and

(C) for which a claim for preferential treatment under the Agreement has been made.

(2) APPLICABLE NTR (MFN) RATE OF DUTY.—The term ''applicable NTR (MFN) rate of duty'' means, with respect to an agricultural safeguard good, a rate of duty that is the lesser of—

(A) the column 1 general rate of duty that would have been imposed under the HTS on the same agricultural safeguard good entered, without a claim for preferential tariff treatment, on the date on which the additional duty is imposed under subsection (b); or

(B) the column 1 general rate of duty that would have been imposed under the HTS on the same agricultural safeguard good entered, without a claim for preferential tariff treatment, on December 31, 2004.

(3) F.O.B.—The term ''F.O.B.'' means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

(4) SCHEDULE RATE OF DUTY.—The term ''schedule rate of duty'' means, with respect to an agricultural safeguard good, the rate of duty for that good set out in the Tariff Schedule of the United States to Annex IV of the Agreement.

(5) TRIGGER PRICE.—The ''trigger price'' for a good means the trigger price indicated for that good in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement or any amendment thereto.

(6) UNIT IMPORT PRICE.—The ''unit import price'' of a good means the price of the good determined on the basis of the F.O.B. import price of the good, expressed in either dollars per kilogram or dollars per liter, whichever unit of measure is indicated for the good in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement.

(b) ADDITIONAL DUTIES ON AGRICULTURAL SAFEGUARD GOODS.—

(1) ADDITIONAL DUTIES.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, and subject to paragraphs (3), (4), (5), and (6) of this subsection, the Secretary of the Treasury shall assess a duty on an agricultural safeguard good, in the amount determined under paragraph (2), if the Secretary determines that the unit import price of the good when it enters the United States is less than the trigger price for that good.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty assessed under this subsection on an agricultural safeguard good shall be an amount determined in accordance with the following table:

If the excess of the trigger price over the unit import price is:	The additional duty is an amount equal to:
Not more than 10 percent of the trigger price.	0.
More than 10 percent but not more than 40 percent of the trigger price.	30 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.
More than 40 percent but not more than 60 percent of the trigger price.	50 percent of such excess.
More than 60 percent but not more than 75 percent of the trigger price.	70 percent of such excess.
More than 75 percent of the trigger price.	100 percent of such excess.

(3) EXCEPTIONS.—No additional duty shall be assessed on a good under this subsection if, at the time of entry, the good is subject to import relief under—

(A) subtitle A of title III of this Act; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(4) TERMINATION.—The assessment of an additional duty on a good under this subsection shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Tariff Schedule of the United States to Annex IV of the Agreement.

(5) TARIFF-RATE QUOTAS.—If an agricultural safeguard good is subject to a tariff-rate quota under the Agreement, any additional duty assessed under this subsection shall be applied only to over-quota imports of the good.

(6) NOTICE.—Not later than 60 days after the date on which the Secretary of the Treasury assesses an additional duty on a good under this subsection, the Secretary shall notify the Government of Morocco in writing of such action and shall provide to the Government of Morocco data supporting the assessment of additional duties.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a heading or sub-heading, such reference shall be a reference to a heading or subheading of the HTS.

(b) ORIGINATING GOODS.—

(1) IN GENERAL.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, a good is an originating good if—

(A) the good is imported directly—

(i) from the territory of Morocco into the territory of the United States; or

(ii) from the territory of the United States into the territory of Morocco; and

(B)(i) the good is a good wholly the growth, product, or manufacture of Morocco or the United States, or both;

(ii) the good (other than a good to which clause (iii) applies) is a new or different article of commerce that has been grown, produced, or manufactured in Morocco, the United States, or both, and meets the requirements of paragraph (2); or

(iii)(I) the good is a good covered by Annex 4–A or 5–A of the Agreement;

(II)(aa) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in such Annex as a result of production occurring entirely in the territory of Morocco or the United States, or both; or

(bb) the good otherwise satisfies the requirements specified in such Annex; and

(III) the good satisfies all other applicable requirements of this section.

(2) REQUIREMENTS.—A good described in paragraph (1)(B)(ii) is an originating good only if the sum of—

(A) the value of each material produced in the territory of Morocco or the United States, or both, and

(B) the direct costs of processing operations performed in the territory of Morocco or the United States, or both,

is not less than 35 percent of the appraised value of the good at the time the good is entered into the territory of the United States.

(c) CUMULATION.—

(1) ORIGINATING GOOD OR MATERIAL INCORPORATED INTO GOODS OF OTHER COUNTRY.—An originating good or a material produced in the territory of Morocco or the United States, or both, that is incorporated into a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PROCEDURES.—A good that is grown, produced, or manufactured in the territory of Morocco or the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the value of a material produced in the territory of Morocco or the United States, or both, includes the following:

(A) The price actually paid or payable for the material by the producer of such good.

(B) The freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant, if such costs are not included in the price referred to in subparagraph (A).

(C) The cost of waste or spoilage resulting from the use of the material in the growth, production, or manufacture of the good, less the value of recoverable scrap.

(D) Taxes or customs duties imposed on the material by Morocco, the United States, or both, if the taxes or customs duties are not remitted upon exportation from the territory of Morocco or the United States, as the case may be.

(2) EXCEPTION.—If the relationship between the producer of a good and the seller of a material influenced the price actually paid or payable for the material, or if there is no price actually paid or payable by the producer for the material, the value of the material produced in the territory of Morocco or the United States, or both, includes the following:

(A) All expenses incurred in the growth, production, or manufacture of the material, including general expenses.

(B) A reasonable amount for profit.

(C) Freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant.

(e) PACKAGING AND PACKING MATERIALS AND CONTAINERS FOR RETAIL SALE AND FOR SHIPMENT.—Packaging and packing materials and containers for retail sale and shipment shall be disregarded in determining whether a good qualifies as an originating good, except to the extent that the value of such packaging and packing materials and containers have been included in meeting the requirements set forth in subsection (b)(2).

(f) INDIRECT MATERIALS.—Indirect materials shall be disregarded in determining whether a good qualifies as an originating good, except that the cost of such indirect materials may be included in meeting the requirements set forth in subsection (b)(2).

(g) TRANSIT AND TRANSSHIPMENT.—A good shall not be considered to meet the requirement of subsection (b)(1)(A) if, after exportation from the territory of Morocco or the United States, the good undergoes production, manufacturing, or any other operation outside the territory of Morocco or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of the United States or Morocco.

(h) TEXTILE AND APPAREL GOODS.—

(1) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 4–A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Morocco or the United States.

(C) YARN, FABRIC, OR GROUP OF FIBERS.—For purposes of this paragraph, in the case of a textile or apparel good that is a yarn, fabric, or group of fibers, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the yarn, fabric, or group of fibers.

(2) GOODS PUT UP IN SETS FOR RETAIL SALE.—Notwithstanding the rules set forth in Annex 4–A of the Agreement, textile or apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(i) DEFINITIONS.—In this section:

(1) DIRECT COSTS OF PROCESSING OPERATIONS.—

(A) IN GENERAL.—The term ''direct costs of processing operations'', with respect to a good, includes, to the extent they are includable in the appraised value of the good when imported into Morocco or the United States, as the case may be, the following:

(i) All actual labor costs involved in the growth, production, or manufacture of the good, including fringe benefits, on-the-job training, and the costs of engineering, supervisory, quality control, and similar personnel.

(ii) Tools, dies, molds, and other indirect materials, and depreciation on machinery and equipment that are allocable to the good.

(iii) Research, development, design, engineering, and blueprint costs, to the extent that they are allocable to the good.

(iv) Costs of inspecting and testing the good.

(v) Costs of packaging the good for export to the territory of the other country.

(B) EXCEPTIONS.—The term ''direct costs of processing operations'' does not include costs that are not directly attributable to a good or are not costs of growth, production, or manufacture of the good, such as—

(i) profit; and

(ii) general expenses of doing business that are either not allocable to the good or are not related to the growth, production, or manufacture of the good, such as administrative salaries, casualty and liability insurance, advertising, and sales staff salaries, commissions, or expenses.

(2) GOOD.—The term ''good'' means any merchandise, product, article, or material.

(3) GOOD WHOLLY THE GROWTH, PRODUCT, OR MANUFACTURE OF MOROCCO, THE UNITED STATES, OR BOTH.—The term ''good wholly the growth, product, or manufacture of Morocco, the United States, or both'' means—

(A) a mineral good extracted in the territory of Morocco or the United States, or both;

(B) a vegetable good, as such a good is provided for in the HTS, harvested in the territory of Morocco or the United States, or both;

(C) a live animal born and raised in the territory of Morocco or the United States, or both;

(D) a good obtained from live animals raised in the territory of Morocco or the United States, or both;

(E) a good obtained from hunting, trapping, or fishing in the territory of Morocco or the United States, or both;

(F) a good (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Morocco or the United States and flying the flag of that country;

(G) a good produced from goods referred to in subparagraph (F) on board factory ships registered or recorded with Morocco or the United States and flying the flag of that country;

(H) a good taken by Morocco or the United States or a person of Morocco or the United States from the seabed or beneath the seabed outside territorial waters, if Morocco or the United States has rights to exploit such seabed;

(I) a good taken from outer space, if such good is obtained by Morocco or the United States or a person of Morocco or the United States and not processed in the territory of a country other than Morocco or the United States;

(J) waste and scrap derived from—

(i) production or manufacture in the territory of Morocco or the United States, or both; or

(ii) used goods collected in the territory of Morocco or the United States, or both, if such goods are fit only for the recovery of raw materials;

(K) a recovered good derived in the territory of Morocco or the United States from used goods and utilized in the territory of that country in the production of remanufactured goods; and

(L) a good produced in the territory of Morocco or the United States, or both, exclusively—

(i) from goods referred to in subparagraphs (A) through (J), or

(ii) from the derivatives of goods referred to in clause (i),

at any stage of production.

(4) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the growth, production, manufacture, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the growth, production, or manufacture of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment and buildings;

(D) lubricants, greases, compounding materials, and other materials used in the growth, production, or manufacture of a good or used to operate equipment and buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the growth, production, or manufacture of the good can reasonably be demonstrated to be a part of that growth, production, or manufacture.

(5) MATERIAL.—The term ''material'' means a good, including a part or ingredient, that is used in the growth, production, or manufacture of another good that is a new or different article of commerce that has been grown, produced, or manufactured in Morocco, the United States, or both.

(6) MATERIAL PRODUCED IN THE TERRITORY OF MOROCCO OR THE UNITED STATES, OR BOTH.—The term ''material produced in the territory of Morocco or the United States, or both'' means a good that is either wholly the growth, product, or manufacture of Morocco, the United States, or both, or a new or different article of commerce that has been grown, produced, or manufactured in the territory of Morocco or the United States, or both.

(7) NEW OR DIFFERENT ARTICLE OF COMMERCE.—

(A) IN GENERAL.—The term ''new or different article of commerce'' means, except as provided in subparagraph (B), a good that—

(i) has been substantially transformed from a good or material that is not wholly the growth, product, or manufacture of Morocco, the United States, or both; and

(ii) has a new name, character, or use distinct from the good or material from which it was transformed.

(B) EXCEPTION.—A good shall not be considered a new or different article of commerce by virtue of having undergone simple combining or packaging operations, or mere dilution with water or another substance that does not materially alter the characteristics of the good.

(8) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that result from—

(A) the complete disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing of those parts that is necessary for improvement to sound working condition.

(9) REMANUFACTURED GOOD.—The term ''remanufactured good'' means an industrial good that is assembled in the territory of Morocco or the United States and that—

(A) is entirely or partially comprised of recovered goods;

(B) has a similar life expectancy to, and meets similar performance standards as, a like good that is new; and

(C) enjoys a factory warranty similar to that of a like good that is new.

(10) SIMPLE COMBINING OR PACKAGING OPERATIONS.—The term ''simple combining or packaging operations'' means operations such as adding batteries to electronic devices, fitting together a small number of components by bolting, gluing, or soldering, or packing or repacking components together.

(11) SUBSTANTIALLY TRANSFORMED.—The term ''substantially transformed'' means, with respect to a good or material, changed as the result of a manufacturing or processing operation so that—

(A)(i) the good or material is converted from a good that has multiple uses into a good or material that has limited uses;

(ii) the physical properties of the good or material are changed to a significant extent; or

(iii) the operation undergone by the good or material is complex by reason of the number of processes and materials involved and the time and level of skill required to perform those processes; and

(B) the good or material loses its separate identity in the manufacturing or processing operation.

(j) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annex 4–A and Annex 5–A of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS, as included in Annex 4–A of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Morocco pursuant to article 4.3.6 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS, as included in Annex 4–A of the Agreement.

SEC. 204. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Morocco to conduct a verification pursuant to article 4.4 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination—

(A) that an exporter or producer in Morocco is complying with applicable customs laws, regulations, procedures, requirements, or practices affecting trade in textile or apparel goods; or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203 of this Act, or

(ii) is a good of Morocco,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A), in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such goods; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action referred to in subsection (c) includes—

(1) publication of the name and address of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(3) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

SEC. 205. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (i) of section 203;

(2) amendments to existing law made by the subsections referred to in paragraph (1); and

(3) proclamations issued under section 203(j).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) MOROCCAN ARTICLE.—The term ''Moroccan article'' means an article that qualifies as an originating good under section 203(b) of this Act or receives preferential tariff treatment under paragraphs 9 through 15 of article 4.3 of the Agreement.

(2) MOROCCAN TEXTILE OR APPAREL ARTICLE.—The term ''Moroccan textile or apparel article'' means an article that—

(A) is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) is a Moroccan article.

(3) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)).

(3) CRITICAL CIRCUMSTANCES.—Any allegation that critical circumstances exist shall be included in the petition.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Moroccan article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Moroccan article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (d).

(4) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Moroccan article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Moroccan article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff

Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930) (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to that described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief (including provisional relief) that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex IV of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(C) In the case of a duty applied on a seasonal basis to such article, an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles for the immediately preceding corresponding season; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization of such relief at regular intervals during the period in which the relief is in effect.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 3 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving an affirmative determination from the Commission under subparagraph (B), may extend the effective period of any import relief provided under this section if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—(i) Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 5 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that—

(1) is subject to an assessment of additional duty under section 202(b); or

(2) has been subject to import relief under this subtitle after the date on which the Agreement enters into force.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle with respect to a good after the date that is 5 years after the date on which duty-free treatment must be provided by the United States to that good pursuant to Annex IV of the Agreement.

(b) PRESIDENTIAL DETERMINATION.—Import relief may be provided under this subtitle in the case of a Moroccan article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the President determines that Morocco has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States-Morocco Free Trade Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, a Moroccan textile or apparel article is being imported into the United States in such increased quantities,

in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry to import competition.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 2 years, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 5 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) the article has been subject to import relief under this subtitle after the date on which the Agreement enters into force; or

(2) the article is subject to import relief under chapter 1 of title II of the Trade Act of 1974.

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. BUSINESS CONFIDENTIAL INFORMATION.

The President may not release information which is submitted in a proceeding under this subtitle and which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information to the President in a proceeding under this subtitle, the party also shall submit a nonconfidential version of the information, in which the confidential business information is summarized or, if necessary, deleted.

EXECUTIVE SESSION

NOMINATION OF HENRY W. SAAD TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Calendar No. 705, the nomination of Henry W. Saad, of Michigan, to be U.S. Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Henry W. Saad, of Michigan, to be U.S. Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to proceed, along with Senator COLLINS, as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LIEBERMAN and Ms. COLLINS pertaining to the introduction of S. 2701 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Might I inquire of the Chair what the pending business is.

The PRESIDING OFFICER. The pending business is the nomination of Henry Saad, of Michigan, to the Sixth Circuit Court of Appeals.

Mr. KYL. Mr. President, Senator HATCH is chairing a subcommittee hearing and asked that I open the debate with respect to the nomination and confirmation of Judge Henry Saad. So I think my comments are reflective of Chairman HATCH's views, but I will present them as my own as well.

I will first speak a little bit about Judge Saad and his nomination to this court and why we have had a problem in getting this far with his nomination but why I hope our colleagues will be willing to vote to confirm him.

As the Chair noted, he is a nominee to the U.S. Circuit Court for the Sixth Circuit. He was nominated, and I ask my colleagues to think of this date for a moment, on November 8, 2001. It is now 2004. He is a distinguished State court of appeals judge from the State of Michigan with nearly a decade of experience in that court. He has been there since 1994. In that capacity, he is actually elected and reelected, and he has been reelected twice to serve on the court of appeals with broad bipartisan support within the State of Michigan.

The American Bar Association has rated Judge Saad qualified to sit on the U.S. Court of Appeals for the Sixth Circuit. Therefore, his nomination should have come before us long before now. He should be confirmed, obviously.

I will mention a bit about the Sixth Circuit. There are 16 authorized seats on the circuit, but there are 4 vacancies. Obviously, one-fourth of the authorized seats on that court remain vacant today. President Bush has nominated four very well-qualified individuals from Michigan to fill these vacancies. The seat to which Judge Saad has been nominated has been deemed a judicial emergency and, of course, it is not hard to see why with that number of vacancies.

Interestingly, President George H.W. Bush, President Bush No. 41, first nominated Judge Saad to the Federal bench in 1992, but the Democratic Senate failed to act on his nomination at that time, as well as one other from Michigan, prior to the end of President Bush's term. So this is the second time he has been nominated for this prestigious court.

A bit about his personal history. Judge Saad was born in Detroit. He is a lifelong resident of the State. He would be the first Arab-American appointee to the Court of Appeals for the Sixth Circuit. According to the Detroit Free Press, Bush's nomination of Saad in the wake of the September 11 attacks—remember, it was only 2 months to the day following the September 11 attacks:

> conveys an important message to all the citizens and residents of this country that we embrace and welcome diversity and that we are extending the American dream to anyone who is prepared to work hard.

Judge Saad has had a distinguished career as a practicing attorney and law professor before serving on the State bench. From 1974 until 1994 he practiced law, first as an associate and then a partner with the prestigious Detroit firm of Dickinson, Wright. He built a national practice and reputation there in the areas of employment law, school law, libel law, and first amendment law. He serves as an adjunct professor at both Wayne State University Law School and the University of Detroit Mercy School of Law. He received his

bachelor's degree in 1971 and his law degree, magna cum laude, in 1974, both from Wayne State University. He received a special Order of the Coif award in 2000, which is bestowed by a vote of the faculty of the school upon a distinguished graduate who has earned his degree before the law school was inducting members into the Order of the Coif.

Judge Saad has significant appellate experience in both civil and criminal matters, authoring well over 75 published majority opinions. His nomination has broad bipartisan support, including endorsements from such disparate groups as the United Auto Workers and the Michigan Chamber of Commerce.

Judge Saad is dedicated to improving the law and helping his State and local community through volunteer work. He was chairman of the board of the Oakland Community College Foundation, president of the Wayne State University Law School Alumni Association, and he is currently a member of the board of visitors to the Ave Maria Law School.

Judge Saad was a board member of the National Council of Christians and Jews and the American Heart Association, as well as trustee of WTVS Channel 56 Education Television Foundation.

Judge Saad received the ''Salute to Justice John O'Brien Award'' for outstanding volunteer service to the people of Oakland County in 1997, and he received the Arab-American and Chaldean Council Civic and Humanitarian Award for outstanding dedication to serving the community with compassion and understanding in 1995.

Let me read a few statements from people who have endorsed the nomination and confirmation of Judge Henry Saad. The Secretary of Energy, former Senator from the State of Michigan, said:

> I have known Henry for twenty years on a personal and professional level. He is a person of unimpeachable integrity and will serve our country and our justice system remarkably well.

John Engler, the former Governor of Michigan, said:

> The President selected individuals [including Henry Saad] who are experienced judges and whose reputations for intellect, knowledge of the law, diligence and temperament are well established. Judge Saad has established a distinguished reputation on Michigan's appellate court which he will take to the federal appeals court.

The President of the United Auto Workers, Stephen Yokich, said:

> I have known Judge Saad for twenty-five years. He is a man of the highest integrity and a judge who is fair, balanced and hard working. I strongly support President Bush's nomination of Judge Saad to the federal appellate bench.

Congressman JOSEPH KNOLLENBERG, who is a Representative from the State of Michigan, said:

> I have known Judge Saad for over twenty-five years. He was an outstanding lawyer and is a highly regarded appellate jurist, known for his scholarly opinions, balance and fairness. I am confident he will be a great addition to the Federal appellate bench.

Justice Stephen Markman from the Michigan Supreme Court said:

> In his seven years on the Michigan Court of Appeals, Judge Saad has been one of its most thoughtful and fair-minded jurists. His opinions and his judicial integrity have earned him the respect of a remarkably broad range of his colleagues.

Finally, Judge Hilda Gage of the Michigan Court of Appeals said:

> I have served with Judge Saad on the Michigan Court of Appeals for six years. I admire his judicial independence and his scholarly analysis of the law. I applaud the President's nomination of Judge Saad to the Sixth Circuit Court of Appeals.

Those are some of the people who have worked with him, who have known him a long time, who represent a diverse point of view within the State of Michigan, and yet all of whom endorse the President's nomination of Judge Saad to the Sixth Circuit.

Let me speak for a moment about the status of his circuit because, as I noted at the beginning, there are four vacancies. One-fourth of the active seats on this court, are vacant. The President has nominated four very well-qualified individuals to fill these vacancies. All four of these vacancies have been deemed judicial emergencies by the Administrative Office of the U.S. Courts.

I might, for those who are not aware, describe what this means. The Administrative Office of the U.S. Courts characterizes, in some rare circumstances, vacancies on the court as judicial emergencies by virtue of the caseload of the court, the nature of the cases before the court, the ability of the court to turn out decisions and opinions, and the number of judges available to serve on the court. They balance all of those considerations. When the court does not have enough people to do the job it is required to do, when litigants are taking too long to get their matters heard before the court, and in effect when justice is not being done because it is being delayed, then the Administrative Office of the U.S. Courts declares judicial emergencies.

All four of these vacancies in the Sixth Circuit have been so designated. The confirmation of two judges in late April and early May of this year filled two of then six vacancies, but the circuit remains overburdened.

By the way, let me quantify what I said a moment ago. When I spoke of judicial emergency, in the court of appeals, that occurs specifically when adjusted filings per panel are in excess of 700, or any vacancy is in existence more than 18 months where adjudicated filings are between 500 and 700. All four of the Michigan vacancies on the Sixth Circuit have been in existence for more than 18 months and the adjusted filings total 588. That is why it is so important that we act now to fill this vacancy.

Only a substantial commitment on the part of the senior judges of the Sixth Circuit, and the district judges from within the circuit filling in, as well as visiting appellate judges from other circuits, has kept the caseload of this important circuit manageable. It is the third busiest court of appeals in the country. Chief Judge Boyce Martin has asked Congress to authorize a 17th judge for the court.

So if we filled all four of these vacancies today, not only would we have at least filled those judicial emergencies, but the chief judge of the circuit has said we need additional judges in addition to these.

Among the 12 U.S. Courts of Appeals, the Sixth is the 11th in the timeliness in the disposition of cases. Only the Ninth Circuit takes longer to issue its opinions. I am familiar with that, having practiced before the Ninth Circuit. When it takes so long for litigants who have disputes before the court to get action on their cases, justice is denied. This circuit, being the next to the bottom in terms of the speed with which its decisions are made, makes it a clear candidate for the Senate to act. It is unconscionable that we have not been able to confirm Judge Saad as well as the other three nominees to this court.

The district court judges within the Sixth Circuit have complained that what has turned out to be regular duty as substitute judges on the court of appeals has slowed down their own dockets considerably. In other words, they have not been able to do their own jobs because they have had to fill in for the circuit court judges. According to Judge Robert Bell, who is a district judge from the Western District of Michigan:

> We're having to backfill with judges from other circuits, who are basically substitutes. You don't get the same sense of purpose and continuity you get with full-fledged court of appeals judges. . . . Putting together a federal appeals court case often takes a Herculean effort in a short time for visiting district judges. ''We don't have the time or the resources that the circuit court has,'' Bell said. You can't help to conclude that if we had 16 full-time judges with a full complement of staff that each case might get more consideration, not to say results would be different.

This quote, by the way, was the Grand Rapids Press, February 21, 2002.

U.S. attorneys in Michigan likewise have complained that the vacancy rate in the Sixth Circuit has slowed justice and complicated the ability to prosecute wrongdoers. It has enabled defendants to commit more crime while awaiting trial. It has led to less consistencies in the court's jurisprudence and effectively deprived the use of en banc review in some cases. En banc review is the situation where a panel of three judges has made a decision and the litigants have asked the full court to hear—in effect to rehear or have a mini-appeal—a case from the decision of the panel of three. If you do not have the full complement of judges on the court, you can't have the same kind of en banc review.

Let me quote a letter from 31 assistant U.S. attorneys in the Eastern District of Michigan sent to our colleague,

Senator CARL LEVIN, on January 16, 2002:

In years past, it was the normal practice of the Sixth Circuit that a case would be heard by the Court approximately three months after all briefs were filed, and in most cases an opinion would issue in about three additional months. At present, due to the large number of vacancies on the Court . . . it has been taking on average between twelve and eighteen months longer for most appeals to be completed than was the case for most of the 1990's.

These are the prosecuting attorneys. These are the people who I noted have complained that the vacancy rate has complicated their ability to prosecute wrongdoers. Our failure to act in the Senate has real-life consequences on the people of Michigan. When justice cannot be dispensed with because there are not enough judges and wrongdoers are awaiting trial and they are able to go out and commit additional crimes, we have a responsibility to solve that problem. That is why it is so important for us to vote and to vote up or down on the confirmation of Judge Saad.

I serve on the Judiciary Committee. I heard some questions raised about whether he would be a good addition to the court. You heard just a summary of the many people who spoke on his behalf with a wide diversity of opinion. He has a ''qualified'' rating from the Bar Association.

If my colleagues want to vote no on his nomination, they are free to do so. On rare occasions, I have voted no against judicial nominees. I voted no on very few occasions when President Clinton was making the nominations, but I felt that I always had the right to express my view one way or the other. That is all Judge Saad is asking for. With the nomination pending now for almost 4 years, it is time that he have a vote up or down.

Let me read to you a letter from 31 assistant U.S. attorneys in the Eastern District to Senator LEVIN:

[D]elays in criminal cases hurt the government; the government has the burden of proof, and the longer a case goes on the more chance there is that witnesses will disappear, forget, or die, documents will be lost, and investigators will retire or be transferred.

I go on from a different portion of this letter:

In some cases, convicted criminal defendants are granted bond pending appeal. The elongated appellate process therefore allows defendants to remain on the street for a longer period of time, possibly committing new offenses. In addition, the longer delay makes retrials more difficult if the appeal results in the reversal of a conviction.

Further quoting from this letter:

The Sixth Circuit has resorted to having more district judges sit by designation as panel members. This practice has contributed to a slowdown of the hearing of cases in district courts, because the district judges are taken out of those courtrooms. The widespread use of district judges also provides for less consistency in the appellate process than would obtain if full-time Circuit judges heard most of the appeals.

In some cases, the small number of judges on the Court has served to effectively deprive the United States of en banc review. . . . Achieving a unanimous vote of all of those judges of the Court who were not part of the original panel is, as a matter of practice, impossible, and not worth seeking. However, if the Court was at full strength, an en banc review could have been granted with the votes of about two-thirds of the active judges who were not part of the original panel.

Why haven't we been able to vote on Judge Saad? The two Senators from the State, notwithstanding the fact that there are four vacancies in their own State, that the prosecutors from the State have written as I have just indicated, that people of wide disparate views in their State support his nomination, the two Senators from the State have urged their colleagues not to allow the vote to go forward. The reason is because two nominees to fill vacancies in Michigan were left without hearings at the end of the Clinton administration in 2001. It is not uncommon at the end of an administration for there to be nominations pending. I predict that because of opposition from the minority party, there will be a lot of nominations President Bush would like to have confirmed but which will not be confirmed because the other party will not allow it to happen. Sometimes nominations are made too late in the year for the vetting to be done, for the Bar Association to report, for the hearings to be held, for the executive work of the Judiciary Committee to report the judges to the Senate floor, and for the full Senate to vote. That is not an uncommon occurrence.

I note, for example, that Senators who are upset that two judges weren't considered at the end of the Clinton administration should also note that two nominees, including John Smietanka, the very well qualified U.S. attorney from the Western District of Michigan, were also left without hearings at the end of President Bush's term in 1993. So President Clinton got to appoint the same number of judges to the Sixth Circuit as the number of vacancies that came open during his Presidency. As with his predecessor, there were a couple of nominations still pending at the time his term ended.

But as these examples illustrate, both parties have had nominations left pending at end of their President's terms. The effort of the Senators from Michigan to block the consideration of Judge Saad as well as the other three nominations of President Bush at the outset of his term in 2001 is unheard of. It might be one thing if these nominations had just occurred and we didn't have time to consider them, but Judge Saad, as I said, was nominated on November 11, 2001, 2 months after the historic event of September 11. Five of the Sixth Circuit active judges—nearly half—were appointed by President Clinton—one President. I don't think it is possible to argue here that there is some kind of political agenda by Republicans or by President Bush to deny President Clinton nominations and confirmations of his nominations.

I might note that an editorial opinion in Michigan confirms this point. It is overwhelmingly opposed to the tactics of the minority to prevent confirmation of the nominees President Bush has made to fill these vacancies.

Let me quote from the Grand Rapids Press of February 24, 2002. This is only 3 months after the nomination of Judge Saad:

The Constitution does not give these Senators from Michigan [Senators Levin and Stabenow] co-presidential authority and certainly does not support the use of the Court of Appeals to nurse a political grudge. . . . [Senators Levin and Stabenow] have proposed that the President let a bipartisan commission make Sixth Circuit nominations or that Mr. Bush re-nominate the two lapsed Clinton nominations. Mr. Bush has shown no interest in either retreat from his constitutional prerogatives. Nor should he. Movement in this matter should come from Senators Levin and Stabenow—and, clearly, it should be backward.

From the Detroit News, June 30, 2002:

It was wrong for the Senate to fail to act on Clinton's Michigan nominees. But another wrong won't make things right for Michigan. Enough is enough. . . . Senators, it is long past time to fill Michigan's voids in the hall of justice.

I will conclude with one comment. Colleagues on the other side of the aisle will argue that we actually have confirmed a lot of President Bush's nominees. The truth is that we have confirmed about the same number of district court judges as is usual for the Senate during the first term of the President. In the first 3½ years of President Bush's term, we have confirmed, so far, 198 judges, and that is pretty close to the other President's by this overall statistic. President Bush would be on about the same pace as President Clinton, who appointed a total of 371 judges in 8 years—just 4 fewer than the 375 appointed by President Reagan. This would be about par.

The problem is, in the circuit court judges, Presidents ordinarily get most of their nominees confirmed, but President Bush is only getting about half of his confirmed.

Here are the statistics. President Clinton saw 71 percent of his circuit court nominees receive a full vote in the Senate; the first President Bush, 79 percent. President Reagan, 88 percent of his circuit nominees were confirmed; President Carter, 92 percent. But in the 107th Congress—our Congress—President Bush has only gotten 53 percent of his circuit court nominees voted on by the full Senate, 17 out of 32.

That is where the problem is and there is no secret why. As has been described many times by my friends on the other side of the aisle, the circuit court is just below the Supreme Court. It is viewed as more powerful and more important than the district courts. There are many more district court judges. They are the court of first resort. Their cases are appealed to the circuit courts.

Most of the time, circuit court decisions are not appealed or the appeals

are not accepted by the Supreme Court. It can only hear maybe 300 cases or so a year, so, as a practical matter, the circuit courts become the court of last resort. That is why Democrats have refused to even vote on President Bush's nominees for circuit courts because they believe President Bush's nominees would not be as capable, have the right political philosophy, or serve the interests of justice as well as a President of their party.

As I have noted, whether Democrat or Republican, the full Senate under Republican control, as well as under Democratic control, has allowed votes on the vast majority of the circuit court nominees of previous Presidents. It is only President George Bush who has only received a vote on half of his circuit court nominees. That is what is going on. It is wrong. We need to vote. We need to vote on a nominee who has been pending now since November 11, 2001, Judge Henry Saad. I urge my colleagues when that opportunity comes within the next several hours, we will have that opportunity, they will agree to permit an up-or-down vote. That is all we are asking for.

If they have objections, and I see a couple of my colleagues are here, perhaps they would like to discuss their objections to Henry Saad. But let the Senate vote on this nominee as we do with most other issues. We bring it to the vote. Our Members want to vote. But at least this man, who has been waiting now for 3 years, would have a chance to have his nomination either confirmed or rejected.

I urge my colleagues to provide him that opportunity.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I ask unanimous consent that I be permitted to speak as in morning business and after I finish, in approximately 15 minutes, the Senator from New York be given an opportunity to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIN LADEN FLIGHT MANIFEST

Mr. LAUTENBERG. Mr. President, today I rise to discuss some disturbing information that was released to the public today. It concerns the aftermath of the terrorist attacks on the United States on September 11, 2001.

A little more than a week after September 11, precisely on September 19, 2001, a luxury airliner 727 took off from Boston Logan Airport. It was wheeled up, at 11 o'clock at night, under the cover of darkness. That airplane left the United States for Gander, Canada, then on to Paris, Geneva, and the final stop was Jeddah, Saudi Arabia.

The question was, Who was on this charter flight carrying people who will never again set foot in the United States? That charter flight, 1 week after September 11, carried 12 members of the bin Laden family out of our country. When they left, they took a million unanswered questions with them.

Now, on this chart is the flight manifest of that fateful flight. I will read the names of those with the last name of bin Laden: ''Najia Binladen, Khalil Binladen, Sultan Binladen, Khalil Sultan Binladen, Shafig Binladen, Omar Awad Binladen, Badr Ahmed Binladen, Nawaf Bark Binladen, Mohammed Saleh Binladen, Salman Salem Binladen, Tamara Khalil Binladen, Sana's Mohammed Binladen, and Faisal Khalid Binladen.''

I ask my colleagues, why in the world would we let 12 members of Osama bin Laden's family leave the country at that moment?

One of the first rules of a criminal investigation when you have the suspect on the run is to interrogate the family members. Osama bin Laden had just murdered over 3,000 Americans, but the administration let his family flee. The question is, Why?

There are reports that some of the bin Ladens were interviewed on the airplane by the FBI. Interviewed on the airplane? Everybody knows when the FBI is conducting a serious interview they do not do it within hearing of everyone else. These people were about to take off. Why would they disclose anything to U.S. law enforcement? They were getting out of here.

I have talked to law enforcement officials who said, at the very least, the bin Laden family should have been detained on a material witness warrant and put under oath and asked the question, Do you know where Osama bin Laden is? Do you know where his safe houses are? Where does he get his money? Who are his associates?

The Saudi PR machine has been spinning that Osama bin Laden is ostracized from his family; no one has any contact with him anymore. Most experts believe that is not the truth. It may be true for some family members but certainly not all.

It is, at the very least, unclear what bin Laden's position on Osama bin Laden really is. Osama bin Laden's brother, Yeslam bin Laden, was interviewed on television recently. He was asked the question, Would you turn Osama bin Laden in, if you knew where he was? He essentially said no.

Before it left this country, this charter flight stopped in several U.S. cities. It started by picking up one bin Laden, Najia bin Laden, in Los Angeles. It then flew to Orlando to pick up more members of the bin Laden family. Once in Orlando, the crew of this charter flight found out who they were carrying as passengers and threatened to walk out. They did not want to fly that flight but the charter company insisted they stay on the job. The airplane was flown from Orlando to Dulles, near Washington, to pick up more bin Ladens. Then the flight landed at Logan Airport in Boston to pick up additional family members to leave the country.

At Logan Airport, the officials there were not eager to let this plane full of bin Ladens take off so easily. The airport officials demanded clearances from the Bush administration before they let this airplane leave. But then, to their astonishment, the clearances quickly came through. Let them leave, was the order from the Bush administration. And we ask, Why?

Look at the names of the bin Laden family members who are allowed to leave the country. It is astounding, 12 of them, all of them with bin Laden last names. That is a pretty good indication that they ought to be questioned, ought to be interpreted, that they ought to tell what they know about Osama bin Laden, the murderer of our Americans.

Millions of Americans were still distraught on September 19. Thousands of foreigners were detained across our Nation and across the world, but the family of the perpetrator was let go. It makes no sense.

Some of these individuals' names raise specific concern. Take Omar bin Laden. He was under suspicion for involvement in a suspected terrorist organization. This was known on September 19, 2001, but the administration allowed him to flee. Once again, we must ask the question, why?

The President of the United States should explain to the American people why his administration let this plane leave. The American people are going to be shocked by this manifest, and they deserve an explanation.

These are 12 names that may have been inconvenienced in September 2001, if we detained them and subjected them to questioning under oath. They might not have liked it. That is 12 people potentially inconvenienced compared to the almost 3,000 names of those murdered on 9/11.

The American people deserve an answer. This information is reliable. Manifests are always filed with flights, especially those going out of the country. The destination: Saudi Arabia, Saudi Arabia, Saudi Arabia—all the way down the line. The passport numbers are blocked out on this chart, but their identity is quite clear.

This is a question that must be answered.

With that, I yield the floor and 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. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I know my colleagues are waiting, so I will try to be brief. I have come to the floor to talk about a resolution Senator CORNYN and I are submitting on human trafficking. Before I get into that, I want to mention a couple of points in reference to my good friend from Arizona. One is a numerical question. He talked about courts of appeals

judges who have been approved under previous administrations and then mentioned the 107th Congress of this administration. It is sort of a bit of comparing not apples and oranges but apples and half apples.

I believe if you look at the number for the whole of President Bush's term, it goes up considerably. It might not be quite as high as some of the others, but it is much higher than the 53 percent Senator KYL mentioned. Senator KYL is a good friend of mine. I mentioned this to him while he was here.

But the second point I would make—I know my good colleague from Michigan, CARL LEVIN, will be bringing this up at some length—to me, the issue is not a tit-for-tat issue. They did a lot of wrongs previously when President Clinton was President and they did not let judges come through, and that created the vacancies in Michigan. But I have some sympathy for the Detroit News article Senator KYL quoted that said there should not be tit for tat here.

Two wrongs don't make a right. It is sort of anomalous for those creating the wrong to say two wrongs don't make a right. But there is a far more important point, and that is this: The reason we have no approval of judges in Michigan is the President has ignored the part of the Constitution that talks about advise and consent. For the vacancies in Michigan, if the President sat down with the Michigan Senators, Mr. LEVIN and Ms. STABENOW—both reasonable people, people who have engaged in many bipartisan relationships themselves—and said: ''How do we work this out?'' it would have been worked out in the first 6 months of the President's term.

The idea that, A, previous Senates have created vacancies, and then the President says to the Senators of that State or to the Senators of this body: ''It's my way or no way. I'm picking the judges. You have no say,'' that is what has created the deadlock.

The Constitution calls for advice as well as consent. In States where there has been advice, it has worked. In my State of New York we have no vacancies. Why? Because the administration has consulted with me. My colleague Senator CLINTON and I have nominated some judges to vacancies in New York. They have nominated the lion's share, but none of them would meet with this body's disapproval.

I am sure, if the President would simply sit down with Senator LEVIN and Senator STABENOW, and say: ''How do we work this out?'' it would be worked out, pardon the expression, in a New York minute. But they do not. They have an attitude: Here is what we want. You approve them. And if you don't approve every single one, then you are obstructionists.

As has been mentioned over and over again, of the 200 judges this body has dealt with, 6 have been disapproved and 194 have been approved. That is a darn good track record. I am a Yankee fan. The Yankees' percentage is up there around .700, .650 in terms of wins and losses. We are all proud of that. The President is doing a lot better than the Yankees.

The idea that ''It's my way or no way'' is not going to work. Furthermore, I would argue to my colleagues, it is not what the Founding Fathers wanted. If they wanted the President to appoint judges unilaterally, they would have said so in the Constitution. But they wanted the Senate to have a say.

I remind my colleagues, one of the first judges nominated by President Washington, John Rutledge of South Carolina, was rejected by the Senate because, of all things, of his views on the Jay treaty. And in that Senate were a good number of Founding Fathers, people who had actually written the Constitution, so clearly the Founding Fathers did not intend the Senate to be a rubberstamp.

Certainly they did not intend for the Senate to hold up a majority of judges, but when the President nominates people way out of the mainstream, when the President refuses to sit down and negotiate, these are the results. And I would guess—again, I defer to Senator LEVIN, who is on the floor—my view is, if the President or his counsel were to pick up the phone and say to Senator LEVIN: ''How do we work this out?'' it is still not too late, even as we enter the twilight of this Congress, to get it done.

That is all I will say on that matter. I will leave the rest to my colleague from Michigan.

(The remarks of Mr. SCHUMER pertaining to the submission of S. Res. 413 are printed in today's RECORD under ''Submitted Resolutions.'')

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from New York for his comments relative to judicial appointments. He is exactly right in terms of the number of judges that this Senate has confirmed with the support of this side of the aisle. He is exactly right when it comes to the willingness of Senator STABENOW and myself to compromise the deadlock that exists with this administration over the Michigan judges. We have been willing to do that from the beginning of this administration. We continue to be willing to attempt some kind of a compromise relative to these vacancies.

What we are unwilling to do is to allow a tactic, which was used relative to these two women who were nominated by President Clinton which denied them hearings for over 4 years and over 1½ years respectively, to succeed, as the good Senator from New York said, to either create these vacancies or to leave these vacancies opened for the next President to fill. That is not the way things should work. It is not the way the Constitution contemplated it. We are going to do our best to continue to press for a bipartisan solution in a number of ways but in the meantime to not simply say, OK, go ahead, fill vacancies which should not exist but only exist because of the denial of hearings for two well-qualified women who were appointed by President Clinton.

I thank the Senator from New York for his comments, for his perception, for his willingness and determination—more than willingness—to look at the full meaning of the Constitution so that it is not just the President who makes appointments in a situation such as this and assumes that the vacancies, which were created by denial of hearings for nominees of the previous administration, will be rubberstamped by this body.

Mr. SCHUMER. Mr. President, will my colleague yield?

Mr. LEVIN. I am happy to yield.

Mr. SCHUMER. First, I compliment my friend from Michigan for his steadfastness on this issue. Everyone knows the desire of the Senator and his colleague, Senator STABENOW from Michigan, to compromise. Over and over and over again, we on this side of the aisle have said: We don't expect the President to appoint judges that we agree with on most things. In fact, for 200 judges, the vast majority of us have voted for judges with whom we don't agree on many issues.

The point is, to blame these vacancies, as my friend from Arizona tried to do, on the Senators, when the President refuses to just pick up the telephone and call them and say, ''How do we work this out,'' is very unfair.

I ask my colleague, once again, is he willing—and is Senator STABENOW, to his knowledge, willing—to sit down with the White House and come up with a compromise to fill these vacancies and that these vacancies don't have to remain vacant except for almost the intransigence of the White House to say, ''If you don't do it our way, we are not doing it any way''? Am I wrong in that assumption?

Mr. LEVIN. The Senator from New York is decidedly right. We have expressed that willingness. There have been a number of suggestions which have been made for compromise. One of the suggestions which we have made was that there be a bipartisan commission appointed in Michigan to make recommendations to the White House to fill these vacancies. The recommendations do not have to include these two women. Bipartisan commissions have been appointed in other States without this kind of a deadlock existing but simply to promote bipartisanship. That suggestion has been rejected by the White House.

There was another suggestion that was made by Senator LEAHY when he was chairman of the Judiciary Committee for that period of time the Democrats were in the majority. That suggestion was actually supported by the then-Republican Governor of Michigan. There was a recommendation by then-Chairman LEAHY as to how to resolve this issue. That was also

rejected by the White House. We continue to be open to suggestions to fill these vacancies, but we are deeply of the belief that the tactic that was used to deny hearings to qualified women—one of whom is a Michigan court of appeals judge and the other one of whom is a celebrated appellate lawyer in front of the Sixth Circuit—should not succeed. Maybe it succeeds in some places where there are not Senators in those States who will object because the new President of their party picks somebody they like and may have recommended.

But in a situation like this, when you have the advise-and-consent clause in the Constitution, and where there has been this kind of a tactic used, which the White House acknowledges was unfair—Judge Gonzalez has acknowledged that that tactic of denying hearings was unfair—simply to then fill the vacancies that were unfairly created is not something we can simply roll over and accept.

Mr. SCHUMER. Will my colleague yield further?

Mr. LEVIN. Yes.

Mr. SCHUMER. I thank the Senator for his steadfastness. He is hardly a person with a reputation of being unwilling to compromise and work things out. To my knowledge, he loves to do that kind of thing.

I will make one more point before yielding the floor. This involves my previous discussion with the Senator from Arizona, to corroborate and clarify the RECORD. There have been 35 court of appeals judges confirmed under President Bush. There were 65 in the 2 Clinton terms, twice as long. At least thus far, we are doing a better job confirming President Bush's court of appeals nominees than the previous Senates did in confirming President Clinton's. The numbers are fairly comparable, with President Bush doing a little bit better.

With that, I yield back to my colleague and tell him I fully support him in his quest for some degree of fairness and comity.

Mr. LEVIN. I thank my friend from New York.

Mr. President, I discussed with the Senator from New York the situation and the background relative to these Michigan vacancies. Two women, Helene White, a court of appeals judge, and Kathleen McCree Lewis, well known in Michigan as a very effective advocate—particularly appellate advocacy—were nominated by President Clinton to be on the Sixth Circuit Court of Appeals.

Judge White was denied a hearing for over 4 years, which is the longest time anyone has ever awaited a hearing in the Senate. She was never given a hearing by the Judiciary Committee. Kathleen McCree Lewis waited over a year and a half without a hearing in the Judiciary Committee.

For a time, there was a refusal to return blue slips on these two nominees by my then-colleague Spence Abraham. But even after Senator Abraham returned the blue slips in the spring of 2000, the women were not given hearings. They never got a vote in the Judiciary Committee or on the floor.

That distortion of the judicial nominating process was unfair to the two nominees. It deprived the previous administration of consideration by the Senate of those two nominees. Senator STABENOW and I have objected to proceeding to the current nominees until a just resolution is achieved.

Moving forward without resolving the impasse in a bipartisan manner could indeed deepen partisan differences and make future efforts to resolve this matter more difficult. I have said repeatedly that the number of Michigan vacancies on the Sixth Circuit provides an unusual opportunity for bipartisan compromise.

Judge Helene White was nominated to a vacancy on the Sixth Circuit on January 7, 1997. I returned my blue slip on Judge White's nomination. The junior Senator from Michigan, Mr. Abraham, did not. More than 10 months later, on October 22, 1997, Senator LEAHY, as ranking member of the Judiciary Committee, delivered what would be the first of at least 16 statements on the Senate floor, made over a 4-year period regarding Sixth Circuit nominations in Michigan. He called for the committee to act on Judge White's nomination. His appeal, like others that were to follow, was unsuccessful.

For instance, in October of 1998, more than a year and a half after Judge White was nominated, Senator LEAHY returned to the floor, where he warned the following:

> In each step of the process, judicial nominees are being delayed and stalled.

His plea was ignored. The 105th Congress ended without a hearing for Judge White.

On January 26, 1999, the beginning of the next Congress, President Clinton again submitted Judge White's nomination. That day, I sent one of many notes to both Senator Abraham and to the chairman of the Judiciary Committee. In that letter, I said the 105th Congress had ended without a Judiciary Committee hearing for Judge White and suggested that fundamental fairness dictated there be an early hearing in the 106th Congress. Again, no hearing.

On March 1, 1999, Judge Cornelia Kennedy took senior status, opening a second Michigan vacancy on the Sixth Circuit. The next day, Senator LEAHY returned to the floor, repeated his previous statement that nominations were being stalled, and raised Judge White's nomination as an example.

On September 16, 1999, President Clinton decided to nominate Kathleen McCree Lewis to that second vacancy. Soon thereafter, within 2 weeks, I spoke with Senator Abraham about both nominations, the Lewis and the White nominations. It had been more than 2½ years since Judge White was first nominated. Twice in the next month and a half, Senator LEAHY urged the committee to act, calling the treatment of judicial nominees unconscionable.

On November 18, 1999, I again wrote to Senator Abraham and Chairman HATCH, urging hearings in January 2000 for the two nominees. I then noted that Judge White had been waiting for nearly 3 years for a hearing, and I stated that confirmation of the two women was essential for fundamental fairness. My appeals were for naught, and 1999 ended without hearings in the Judiciary Committee.

In February of 2000, Senator LEAHY spoke again on the floor about vacancies on the Sixth Circuit. A few weeks later, in February of 2000, I made a personal plea to Senator Abraham and Chairman HATCH to hold hearings on the Michigan nominees. Again, I was unsuccessful and no hearing was scheduled.

On March 20, the chief judge of the Sixth Circuit sent a letter to Chairman HATCH expressing concerns about an alleged statement from a member of the Judiciary Committee that ''due to partisan considerations,'' there would be no more hearings or votes on vacancies for the Sixth Circuit Court of Appeals during the Clinton administration. The judge's concern would turn out to be well-founded.

On April 13, 2000, Senator Abraham returned his blue slips for both Judge White and Ms. Lewis without indicating his approval or disapproval. The day Senator Abraham returned his blue slips, I spoke to Chairman HATCH and sent him a letter reminding him that blue slips had now been returned, that objections had not been raised, expressed my concern about the unconscionable length of time the nominations had been pending, and I urged that they be placed on the agenda of the next Judiciary Committee confirmation hearing.

Those efforts were unsuccessful. Two Michigan nominees were not placed on the agenda. I tried again early May 2000. I sent another note to Chairman HATCH, but those nominations were not placed on the committee's hearing agenda then or ever.

Over the next several months, Senator LEAHY went to the floor 10 more times to urge action on the Michigan nominees. More than once, I also raised the issue on the Senate floor.

In the fall of 2000, in a final attempt to move the nominations of two Michigan nominees, I met with the majority leader, Senator LOTT, and Senator DASCHLE to discuss the situation. I sent a letter to the majority leader urging him, stating, ''The nominees from Michigan are women of integrity and fairness. They have been stalled in this Senate for an unconscionable amount of time without any stated reason.''

Neither the meeting with the majority leader nor the letter resulted in the Judiciary Committee holding hearings on these nominations, and the 106th

Congress ended without hearings for either woman.

Judge White's nomination was pending for more than 4 years, the longest period of time of any circuit court nominee waiting for a hearing in the history of the Senate. And Ms. Lewis's nomination was pending for over a year and a half.

There has been a great debate over the issue of blue slips. I am not sure this is the place for a lengthy debate on that issue, but I will say there has not been a consistent policy, apparently, relative to blue slips, although it would seem as though the inconsistency has worked one way.

In 1997, when asked by a reporter about a Texas nominee opposed by the Republican Senators from Texas, Chairman HATCH said the policy is that if a Senator returns a negative blue slip, that person is going to be dead. In October 7, 1999, Chairman HATCH said, with respect to the nomination of Judge Ronnie White:

> I might add, had both home-State Senators been opposed to Judge (Ronnie) White in committee, John White would never have come to the floor under our rules. I have to say, that would be true whether they are Democrat Senators or Republican Senators. That has just been the way the Judiciary Committee has operated. . . .

Apparently, it is not operating that way anymore because both Michigan Senators have objected to this nominee based on the reasons which I have set forth: that we cannot accept a tactic which keeps vacancies open, refusing hearings to the nominees of one President to keep vacancies open so they can then be filled by another President. That tactic should be stopped. It is not going to be stopped if these nominations are just simply approved without a compromise being worked out which would preserve a bipartisan spirit and the constitutional spirit about the appointment of Federal judges.

It is my understanding that not a single judicial nominee for district or circuit courts—not one—got a Judiciary Committee hearing during the Clinton administration if there was opposition from one home State Senator, let alone two. Now both home State Senators oppose proceeding with these judicial nominees absent a bipartisan approach.

Enough about blue slips. Senator Abraham then did return blue slips in April of 2000. He had marked them neither ''support'' nor ''oppose'', but they were returned without a statement of opposition. And what happened? What happened is, even though those blue slips were returned by Senator Abraham, there still were no hearings given to the Michigan nominees to the Sixth Circuit.

There was also an Ohio nominee named Kent Markus who was nominated to the Sixth Circuit. In his case, both home State Senators indicated their approval of his nomination, but nonetheless, this Clinton nominee was not granted a Judiciary Committee hearing, and his troubling account of that experience shed some additional light on the Michigan situation.

He testified before the Judiciary Committee last May, and said the following. This is the Ohio Clinton nominee to the Sixth Circuit:

> To their credit, Senator DeWine and his staff and Senator Hatch's staff and others close to him were straight with me. Over and over again they told me two things: One, there will be no more confirmations to the Sixth Circuit during the Clinton administration, and two, this has nothing to do with you; don't take it personally—it doesn't matter who the nominee is, what credentials they may have or what support they may have.

Then Marcus went on. This is his testimony in front of the Judiciary Committee:

> On one occasion, Senator DeWine told me ''This is bigger than you and it's bigger than me.'' Senator Kohl, who kindly agreed to champion my nomination within the Judiciary Committee, encountered a similar brick wall. . . . The fact was, a decision had been made to hold the vacancies and see who won the Presidential election. With a Bush win, all those seats could go to Bush rather than Clinton nominees.

We are not alone in the view that what occurred with respect to these Sixth Circuit nominees was fundamentally unfair. Even Judge Gonzales, the current White House counsel, has acknowledged it was wrong for the Republican-led Senate to delay action on judicial nominees for partisan reasons, at one point even calling the treatment of some nominees ''inexcusable,'' to use his word.

The tactic used against the two Michigan nominees should not be allowed to succeed, but as determined as we are that it not succeed, we are equally determined that there be a bipartisan solution, both to resolve a current impasse, but also for the sake of this process. There is such an opportunity to have a bipartisan solution because there are four Michigan vacancies on the Sixth Circuit.

In order to achieve a fair resolution, Senator STABENOW and I have made a number of proposals, and we have accepted a number of proposals. We proposed a bipartisan commission to recommend nominees to the President. Similar commissions have been used in other States. The commission would not be limited to any particular people. The two nominees of President Clinton may not be recommended by a bipartisan commission. Of greater importance, the existence of recommendations of a commission are not binding on the President.

The White House, in response to this suggestion—again, even though it was used in other States—has said that the constitutional power to appoint judges rests with the President, and of course it does. So there is no way anyone would propose or should propose that a bipartisan commission be able to make recommendations which would be binding upon the President of the United States, nor is the recommendation binding upon the Senate of the United States. It is simply a recommendation. This has occurred in other States under these and similar circumstances, and there is no reason why it should not be used here.

We also, again, were given a suggestion by the then-chairman of the Judiciary Committee, Senator LEAHY, who has tried his very best to figure out a solution to this deadlock. Senator LEAHY made a suggestion which was acceptable to both Senator STABENOW and me. It was acceptable even to the then-Republican Governor of the State of Michigan, Governor Engler, but it was rejected by the White House.

We have an unusual opportunity to obtain a bipartisan solution. It is an opportunity which has been afforded to us by the large number of vacancies in Michigan on the Sixth Circuit Court of Appeals. Finding that bipartisan path would be of great benefit, not just as a solution to this problem but to set a positive tone for the resolution of other judicial disputes as well.

In addition to the points which I have made, we made the additional point at the Judiciary Committee relative to the qualifications of Judge Saad. We indicated then and we went into some detail then that it is our belief that his judicial temperament falls below the standard expected of nominees to the second highest court in this country.

The Judiciary Committee considered a number of issues relating to that subject, judicial temperament or shortfall thereof, of this nominee in a closed session of the Judiciary Committee. I will not go into detail further, except to say we have made that point. We feel very keenly about that issue.

The vote in the Judiciary Committee was 10 to 9 to report out this nomination. It was a vote along party lines. The temperament issue, however, was raised, and properly so, in the Judiciary Committee, as well as this basic underlying issue which I have spent some time outlining this afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

THE IRAQ DEBATE

Mr. MCCONNELL. Mr. President, I rise today to discuss a matter of great relevance to the debate about the war in Iraq and the recent Senate report on the intelligence community. This report has illuminated a subject of considerable controversy and partisan criticism of the President.

I also rise to speak about the importance of maintaining a basic standard of fairness in American politics.

I am talking about the controversy that erupted over the infamous ''16

words'' in the State of the Union Address that Senator KERRY and numerous Senate Democrats and the media cited in accusations that the President misled the country into war.

On January 28, 2003, President Bush told the American people that:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

That was in the President's State of the Union address in January 2003.

When doubt surfaced about some—but not all—of the evidence supporting this claim, Joe Wilson, who had traveled to Niger to investigate an aspect of the intelligence, penned an op-ed in the New York Times accusing the administration of manipulating intelligence.

Not pausing for a full investigation, a partisan parade of Democratic Senators and Presidential candidates took to the streets to criticize the President and accuse him of misleading the Nation into war, a very serious charge.

Sensing a scandal, the media pounced.

NBC aired 40 reports on Wilson's claim. CBS aired 30 reports, while ABC aired 18.

Newspapers did not hold back either. The New York Times printed 70 articles reinforcing these allegations, while the Washington Post printed 98.

Pundits and politicians gorged themselves on the story.

Joe Wilson rose to great fame on the back of this inflammatory charge. He wrote a book for which he received a five-figure advance, he was lionized by the liberal left, and he became an adviser to Senator KERRY's Presidential campaign, a campaign to which he is also a financial contributor.

Of course, we now know Wilson's allegation was false. And we know the chief proponent of this charge, Joe Wilson, has been proven to be a liar.

After more than a year of misrepresentation and obfuscation, two bipartisan reports from two different countries have thoroughly repudiated Wilson's assertions and determined that President Bush's 16-word statement about Iraq's effort to procure uranium from Niger was well founded.

In fact, the real 16-word statement we should focus on is the one from Lord Butler's comprehensive report about British intelligence. Here is what he had to say:

> We conclude that the statement in President Bush's State of the Union address . . . is well founded.

Let me repeat Lord Butler's statement:

> We conclude that the statement in President Bush's State of the Union address . . . is well founded.

Those are 16 words to remember.

It is now worth the Senate's time to consider Mr. Wilson's claims.

Claim No. 1 is Wilson's assertion that his Niger trip report should have debunked the State of the Union claim.

On this bold allegation, the Senate's bipartisan report included this important conclusion:

> The report on the former Ambassador's trip to Niger, disseminated in March 2002, did not change any analysts' assessments of the Iraq-Niger uranium deal. For most analysts, the information in the report lent more credibility to the original CIA reports on the uranium deal. . . .

Let me repeat:

> For most analysts, the information in the report lent more credibility to the original CIA reports on the uranium deal. . . .

Claim No. 2 is similarly egregious.

According to the Washington Post, ''Wilson provided misleading information to the Washington Post last June. He said then that the Niger intelligence was based on a document that had clearly been forged . . . '' But ''the documents . . . were not in U.S. hands until eight months after Wilson made his trip to Niger.''

Predictably, this bombshell appeared on page A9. Page A9, Mr. President. After this story had previously enjoyed extensive coverage on Page A1.

There were indeed document forgeries, but these documents were not the only evidence that convinced foreign intelligence services about Iraq's efforts to purchase uranium.

Damningly, the former Prime Minister of Niger himself believed the Iraqis wanted to purchase uranium and according to the Financial Times:

> European intelligence officers have now revealed that three years before the fake documents became public, human and electronic intelligence sources from a number of countries picked up repeated discussion of an illicit trade in uranium from Niger. One of the customers discussed by the traders was Iraq.

And the Wall Street Journal has reported that:

> French and British intelligence (services) separately told the U.S. about possible Iraqi attempts to buy uranium in Niger.—7/19/04

Mr. President, when the French corroborate a story that Iraq is seeking WMD, you're probably in the right ballpark.

Indeed, the Senate's bipartisan report concluded that at the time:

> it was reasonable for analysts to assess that Iraq may have been seeking uranium from Africa based on CIA reporting and other available intelligence.

Claim No. 3 is Wilson's repeated denial that his wife, Valerie Plame, a CIA analyst, never recommended him for the Niger trip.

In his ironically titled book, The Politics of Truth, Wilson claimed:

> Valerie had nothing to do with the matter She definitely had not proposed that I make the trip.

In fact, the bipartisan Senate Intelligence Report includes testimony that Plame ''offered up his name'' and quotes a memo that Plame wrote that asserts ''my husband has good relations with Niger officials.''

The New York Times recently reported that:

> Instead of assigning a trained intelligence officer to the Niger case, though, the C.I.A. sent a former American Ambassador, Joseph Wilson, to talk to former Niger officials. His wife, Valerie Plame, was an officer in the counterproliferation division, and she had suggested that he be sent to Niger, according to the Senate report.

That story can be read on Page A14 of the New York Times.

Claim No. 4 is Wilson's allegation that the CIA warned the White House about the Niger claim and that the White House manipulated intelligence to bolster its argument for war. Wilson charged:

> The problem is not the intelligence but the manipulation of intelligence. That will all come out despite (Sen.) Roberts' effort to shift the blame. This was and is a White House issue, not a CIA issue.
>
> This reckless charge by Wilson was, we know, repeated by many of the President's critics.

Of course, it is not true. It simply is not true.

The Senate Intelligence Report determined the White House did not manipulate intelligence, but rather that the CIA had provided faulty information to policymakers. And the Washington Post recently reported that ''Contrary to Wilson's assertions the CIA did not tell the White House it had qualms about the reliability of the Africa intelligence.'' (Susan Schmidt, Washington Post, A9, 7/10/04)

Again: Front page news on Page A9.

According to the New York Times and the Senate Intelligence Report, Joe Wilson admitted to Committee staff that some of his assertions in his book may have, quote, ''involved a little literary flair.''

''Literary flair'' is a fancy way of saying what ordinary people shooting the breeze on their front porches all across America call by its real name: a lie. That is what it is.

So, the truth is Joe Wilson did not expose the Administration; in fact, he has been exposed as a liar.

He misrepresented the findings of his trip to Niger, he fabricated stories about recognizing forgeries he never saw, he falsely accused the White House of manipulating intelligence, and he misrepresented his wife's role in promoting him for the mission.

Joe Wilson's false claims have been exposed, but the networks aren't rushing to correct the story. Will NBC correct the 40 times it ran Wilson's claims, will CBS correct the 30 times, will ABC correct the 18?

To be sure, a few networks and newspapers have noted the Senate Intelligence Report conclusions, but where is the balance? Where are the lead stories? Where are the banner headlines? In short, where is the fairness?

Sadly, that is the state of political coverage in this election year. Screaming charges about the President made on A1, repudiation of the charges on A9, if they are made at all. Is that fair?

What of the political campaigns? It's a small wonder the Democrat candidates for President and their supporters aggressively picked up the Wilson claim. After all, the media was driving the train, so why not hitch a ride?

However, now that Wilson's false claims have been exposed, shouldn't a

basic sense of fairness prevail? Shouldn't the partisans admit they were wrong, too?

For example, some of my colleagues in the Senate should ask themselves if it's now appropriate to distance themselves from Joe Wilson's distortions. Speaking on this floor on March 23, the Minority Leader praised Wilson and accused the Administration of retaliating against him:

> When Ambassador Joe Wilson told the truth about the administration's misleading claims about Iraq, Niger, and uranium, the people around the President didn't respond with facts. Instead they publicly disclosed that Ambassador Wilson's wife was a deep-cover CIA agent.

Just last month, Senator DASCHLE noted:

> Sunlight, it's been said, is the best disinfectant. But for too long, the administration has been able to keep Congress and the American people in the dark . . . other serious matters, such as the manipulation of intelligence about Iraq, have received only fitful attention.

I hope he will acknowledge now the inaccuracy of his statement, and allow the sunlight to shine on Ambassador Wilson's fictions.

Senator KERRY welcomed Wilson onto his campaign team of advisors, and his campaign hosts Wilson's website, which carries a disclaimer that it is ''Paid for by JOHN KERRY for President, Inc.''

The Kerry/Wilson website includes a collection of articles by and about Joe Wilson that propound his baseless allegations against the Bush Administration, which I don't have time to go into today. Suffice it to say that showcasing Wilson's discredited views should at least be met with some acknowledgement that he was wrong all along.

Perhaps we can learn a thing or two from the recent episode involving Sandy Berger.

Berger, an advisor to President Clinton and Senator KERRY stepped down from the Kerry campaign. He's under investigation for removing and possibly destroying classified documents being reviewed by the 9/11 Commission.

Were I to engage in a little literary flair, I might say it seems Sandy walked out of the National Archives with some PDBs in his BVDs, and some classified docs in his socks. At any rate, I think it is appropriate, and politically wise, for him to leave the Kerry campaign.

It is clear Senator KERRY approved of Mr. Berger's departure. He should certainly ask the discredited Mr. WILSON to leave the team as well.

I close with a simple observation. I believe vigorous political disagreements are the heart of a strong democracy. When our debates are rooted in fact, impassioned political disagreement makes our country stronger.

I also believe Americans value fundamental fairness—fundamental fairness—and deserve a news media that reflects this value. How is it fair to report an accusation with blaring page 1 headlines and around-the-clock television coverage and not give a slam-dunk repudiation of the charge the same kind of attention?

We will watch over the next few days to see if fundamental fairness will be met, and if those who championed Mr. WILSON's charges will set the record straight.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished majority whip, the assistant floor leader, for what is an excellent set of remarks, long overdue and very much on point.

I am on the Senate Select Committee on Intelligence. I remember when this whole brouhaha came up, how demeaned the President of the United States was, not only by the media but by this man, Ambassador Wilson, who immediately took great glee in slamming the President because of 16 words that happened to be accurate. We could not talk about it before now, but the British findings show the President was accurate. And I, for one, am very happy for the Butler report and for what came out.

I agree with the distinguished Senator from Kentucky that this was page 1 offensive media to the President of the United States, undermining what he was saying, what he was doing, and what we have backed him on this floor in doing. Now that this man has been caught in these shall I say discrepancies—some might be a lot stronger than that—we see hardly any comments about it. But having said that, I have to say I have been reading the Washington Post, and they have acted quite responsibly. Many of the other media have not acted that way. But the distinguished Senator from Kentucky covered this matter very well.

I feel sorry whenever partisan politics trumps truth, whenever, in the interest of trying to get a political advantage from one side or the other, anybody of the stature of a former Ambassador of the United States would participate in distorting the record, especially when he knew better.

So again, I thank my colleague.

Mr. MCCONNELL. Mr. President, I thank my friend from Utah. Hopefully, this will be the beginning of a wave of coverage both on the networks and in the newspapers on correcting the record and making it clear that Mr. Wilson's assertions are demonstrably false and have been so found by two different important reports.

Mr. HATCH. Mr. President, I thank my colleague. I want to comment that anybody with brains, when they saw that Iraqi team and knew of the Iraqi team—of course, they could not say much about it until now—knew the Iraqi team had gone over to Niger, why else would they have spent the time? Niger had hardly any exportable products other than food, except for yellowcake uranium. Why would they waste their time going to Niger?

I remember at the time thinking: This smells, this argument that the President has misused 16 words and that the CIA should be held totally responsible because those 16 words were wrong. And now we find they were not necessarily wrong. In fact, they were right.

That smacks of this whole matter of partisanship with regard to the current Presidential race. We have our two colleagues on the other side who are now running for President and Vice President who voted for our actions in Iraq. At least one of them spoke out on how serious the actions of the Iraqi regime under Saddam Hussein were, voted for it, and now they are trying to weasel out because they voted against funding it, saying they wanted to get it done right. Well, that is a nice argument, except that we have well over 100,000 of our young men and women over there, and others as well, who are put at risk if we do not fund the effort once it has started.

Secondly, I heard lots of comments from the other side as to weapons of mass destruction. They knew Saddam Hussein had them in the early 1990s. The U.N. knew they had them. Almost every Democrat of substance spoke out that he had them, were concerned about the fact that he had weapons of mass destruction, that he was trying to obtain weapons of mass destruction, including the distinguished candidate for President in the Democratic Party.

And to get cheap political advantage, they have tried to undermine the President of the United States because, so far, we have not been able to discover except small evidences of actual weapons of mass destruction.

What has not been said, for the most part, is any basement in Baghdad, any swimming pool in Baghdad—a city the size of Los Angeles—could store all of the biological weapons necessary to kill a whole city such as Baghdad or Los Angeles and could store all of the chemical weapons that could cause havoc all over the world. The fact we have not found them yet does not mean they are not there.

It does appear the nuclear program Saddam Hussein had authorized in the early 1990s—and had been well on its way to accomplishing the development of a nuclear device—was not as forward advanced as many of us thought. But there is no question they had the scientists in place. There is no question they had the knowledge in place. There is no question they had the documents in place. There is no question he wanted to do that, no question that he would have done it if he could.

I think as time goes on, more and more information will come out that will indicate that the President of the United States has taken the right course, with the help of this whole body. It seems strange to me that so many are trying to weasel out of the position they took earlier in backing the President of the United States and in backing our country and in backing

our soldiers, and are trying to make political advantage out of some of the difficulties we have over there.

Now that political advantage has been tremendously diminished—tremendously diminished—as of the time that jurisdiction was turned over to the Iraqis. They are now running their country, with us as backup to help them, to help bring about the freedoms all of us in America take for granted every day. I doubt they will ever have the total freedoms we take for granted every day, but they have a lot more freedom now than they ever even contemplated or thought possible under the Saddam Hussein regime.

That is because of our country. That is because of our young men and women who have sacrificed. I particularly resent it when, for cheap political advantage, some of our colleagues get up and moan and groan about what is going on over there. Every time they do it, it undermines the very nature of what our young men and women are sacrificing to accomplish.

Fortunately, it is the few who do that. But nobody on this floor on either side should be undermining our young men and women over in Iraq, who are heroically serving, some dying—over 900, as we stand here today.

Cheap political advantage—that is the era we are in, I take it. Both sides from time to time have used efforts to accomplish cheap political advantage, but I have never heard it worse than what I have seen this year against this President. I have never seen a more vicious group of people than the outside commentators who hate President Bush. In all honesty, we can sit back and let these terrorists run around this world and do whatever they want to do and act like it won't affect us or we can take action to try to solve the problem.

It is a long-term problem; it is not a short-term one. It is going to take a lot of courage and good leadership, and it is going to take people who don't just quit and hope they will go away. They are not going to go away. These people are committed ideologues. They are theocratic ideologues. And in many respects throughout the history of the world, that is where most of the really dangerous difficulties come. It is through vicious, radical, theocratic ideologues. Frankly, that is what we are facing. Anybody who thinks this is going to be just an easy slam dunk to resolve has not looked at any of the intelligence, has not thought it through, and really has not spent enough time worrying about it on the Senate floor or otherwise.

I have not always agreed with our President. I probably have been wrong when I haven't. The fact is, I sure agree with him in supporting our troops and supporting freedom in the world. Think about it. If Saddam Hussein had been allowed to go on unchecked, not only would millions of Iraqis be kept in terrible conditions, upwards of a million killed viciously by that regime, but ultimately he would have developed nuclear weapons, as he was trying to do in the early 1990s and came close to doing by everybody's measure who knew anything about it. Had that occurred and we didn't do anything about it, guess who would have had to. And if they had to, as they did in the early 1980s in taking out the nuclear reactor, we would have world war III without question.

So there is a lot involved here. This is not some simple itty-bitty problem, nor is it something conjured up by the President of the United States, nor is it something that really intelligent, honest, bipartisan people should ignore. We need to work together in the best interests of this country and of the world to make sure that these madmen do not control the world and continue to control our destinies and that these madmen don't get so powerful that they can do just about anything they want to in the world. You can see how they try to intimidate just by threats and even action. Well, great countries cannot give in to threats, nor can we give in to offensive action that needs to be dealt with. This country has led the world in standing for freedom.

I have to say that I loved the comment of Colin Powell when somebody in a foreign land snidely accused the United States of attempted hegemony or trying to be imperial. He basically said: Our young men and women have given their lives all over this world for freedom, and the only ground that we have ever asked in return is that in which we bury our dead. That is true to this day. I think if the rest of the world looks at it honestly, they will have to say America really does stand for that principle: freedom and decency and honor and justice, not just in this land but for other lands as well.

Mr. President, as I understand it, we are on the Saad nomination.

The PRESIDING OFFICER (Mr. TALENT). The Senator is correct.

Mr. HATCH. As we begin the debate on this nomination, I want to put it in the larger context of the judicial nomination process.

On May 9, 2001, President Bush nominated 11 outstanding individuals to serve on the Federal bench. I would note that this was months earlier than previous new Presidents, giving the Senate plenty of time to begin considering his nominees. In the 3-plus years—over 1,100 days—since those nominations, the Senate has confirmed only 8 of the first 11 nominees. By comparison, the previous 3 Presidents saw their first 11 appeals court nominees all confirmed in an average of just 81 days following their nomination. We are now 1,100 days past. Not so for President Bush.

While three of his first nominees were confirmed within 6 months, many others waited for 2 years or more before they were confirmed. But even this long wait was better than the fate of the three remaining nominees who have been subjected to filibusters.

One of those, Miguel Estrada, waited for more than 2½ years and became the target of the first filibuster against a judicial nominee in American history. This Hispanic man deserved better treatment, but he was mistreated for crass partisan purposes. Though a bipartisan majority of Senators supported Miguel Estrada, he had to withdraw after an unprecedented seven cloture votes, meaning seven attempts to try and get to a vote where he could have a vote up or down. Those seven cloture votes, any one of which would have ended the filibuster and allowed that vote up or down, he went through seven of them, the most in the history of this country for any judicial nominee. By the way, the only nominees who have ever had to go through cloture votes in a real filibuster or in real filibusters have been President Bush's nominees. We have had cloture votes before, but there never was any question that the nominees were going to get a vote in the end.

Several weeks prior to those first nominations, shortly after President Bush's inauguration, the Democratic leader stated that the Senate minority would use ''whatever means necessary'' to block judicial nominees they did not like. We have seen the fulfillment of that statement as a variety of techniques have been employed to delay or obstruct the confirmation of nominees, including bottling up nominees in committee, injecting ideology into the confirmation process, seeking all unpublished opinions, requesting nominees to produce Government-owned confidential memoranda, repeated rounds of written questions, and multiple filibusters. It is a sad commentary on the deterioration of the judicial confirmation process that we are now approaching double-digit filibusters in the U.S. Senate of 10 judges or more.

Let me reiterate a few points which I made yesterday concerning the process of confirming judges. Despite this range and frequency of obstructionist tactics which we have seen, some of them entirely new in American history, the Senate has confirmed 198 judges during the past 3 years. I will note that this is behind the pace of President Clinton in his first term. And the minority has made even these confirmations as difficult as possible. Yet some of my colleagues think that the constitutional duty to advise and consent has a time clock attached to it and that the time has run out for the Senate to do its duty. I reject this analysis, either that the previous agreement to allow the vote on the 25 judges was the sum total of our work in the Senate or the notion that judicial nominations cannot be confirmed after some mythical deadline is announced.

There are plenty of examples of confirmation of judges in Presidential election years during the fall, some of which occurred during or after the election was held. Stephen Breyer is a perfect illustration. He now sits on the Supreme Court of the United States.

Stephen Breyer was confirmed to the First Circuit Court of Appeals. That is just one example. I was the one who helped make that possible because Reagan had been elected.

The Republicans had won the Senate for the first time in decades. There was no real reason to allow what many thought was a liberal Democrat to be appointed to any court at that point or to be confirmed to any court at that point. But Stephen Breyer was an exceptional man. He not only had been chief of staff to Senator KENNEDY on the Judiciary Committee, and not only was he a Harvard law professor and a brilliant legal theorist, he was a very honest, decent, honorable man. I helped carry that fight. It wasn't much of a fight in the end because the Republicans agreed, and we confirmed Stephen Breyer late in the year after the election took place.

I helped facilitate that confirmation which took place after the November 1980 presidential election. That nomination was made by President Carter, who had just been defeated by President Reagan, and yet we acted on it. I note that Senator Thurmond was the ranking member at that time. Yet his name continues to be invoked as the authority of a binding precedent. I reject the notion of this purported rule and would hope that the service of the longest serving and oldest Member to have served in this body would not be used in the manner I have heard repeated in the committee and on the Senate floor.

Besides, Senator Thurmond was chairman of the committee, and at one time he did say: We have had enough confirmations, and this is what we are going to do. We are going to stop this year.

But even then he didn't.

Under the Senate Democrats' theory, the Senate has apparently confirmed enough judges. The remaining vacancies, half of which are classified as judicial emergencies because of the backlog, just don't seem to matter to them. According to their analysis, because of some acceptable vacancy rate or because of the mythical time clock, the remaining 25 judges pending before the Senate should be dismissed out of hand. This is not logical, nor is it the proper approach to take under the Constitution.

I will also respond to some of the arguments made that Senate Democrats have only rejected six or seven nominees. The fact is, the Senate has not rejected the nominees which have been filibustered. If they have the votes to defeat the nominee, then let those votes be cast and let the results stand. But a minority of Senators are denying the Senate from either confirming or defeating some of these nominees. That is what we are seeking today—an up or down vote.

Mr. President, unfortunately, one of the battlegrounds of this judicial obstructionism has been the Sixth Circuit Court of Appeals. Despite President Bush's attempt to fill four critical vacancies on that court, and two district vacancies in Michigan, these nominations remained stalled in the Senate. There are many factors contributing to the stalemate we have found ourselves in with regard to confirmations on the Sixth Circuit, some of which go back to the Clinton administration. I will discuss that in detail at a later point, but for now, everyone knows that I have been working to reach an accommodation that would help move this process forward.

I have great respect for Senators LEVIN and STABENOW. I have worked for many years with Senator LEVIN and have reached agreements with him on many difficult issues. For example, Senator LEVIN and I worked with Senators BIDEN and MOYNIHAN to dramatically revise the regulations pertaining to heroin addiction treatment. That effort is paying off. I remain hopeful that we can do so here.

On this issue, I have continued to work with Senators LEVIN and STABENOW. I have carefully listened to their concerns. And while the Michigan Senators' negative blue slips were accorded substantial weight—that is why this has taken so long—I delayed scheduling a hearing on any of the Michigan nominees because of the Michigan Senators' views. Their negative blue slips are not dispositive under the committee's Kennedy-Biden-Hatch blue slip policy. It was started by Senator KENNEDY, confirmed by Senator BIDEN, and I have gone along with my two liberal colleagues on the committee.

I don't think there is any doubt that I have attempted to reach an accommodation that would fill these seats. Unfortunately, my efforts have not been successful. I remain hopeful that we can come to a resolution, and I will keep trying to do so. But I must emphasize, in my view, integral to any accommodation is the confirmation of Judge Saad, Judge Griffin, and Judge McKeague—at least votes up or down. Since they have a majority of people in the Senate who would vote for them, I believe they would be confirmed in the end.

These are exceptional individuals. Judge Saad and Judge Griffin both serve on the Michigan Court of Appeals. Judge McKeague is a district Judge for the United States District Court for the Western District of Michigan. He was unanimously confirmed by the U.S. Senate.

It has been nearly 1 year since the Judiciary Committee first considered the nomination of Henry W. Saad, who has been nominated for a position on the United States Court of Appeals for the Sixth Circuit. This is an historic appointment. Upon his confirmation, Judge Saad will become the first Arab-American to sit on the Sixth Circuit, which covers the States of Kentucky, Ohio, Tennessee, and Michigan.

It is long past time for the Senate to consider Judge Saad's nomination. He was first nominated to fill a Federal judgeship in 1992, when the first President Bush nominated him for a seat on the United States District Court for the Eastern District of Michigan. The fact that he did not get a hearing may have worked to his benefit, since he was appointed in 1994 by Governor Engler to a seat on the Michigan Court of Appeals. He was elected to retain his seat in 1996 and again in 2002, receiving broad bipartisan support in each election.

On November 8, 2001, President Bush nominated Judge Saad for a seat on the Sixth Circuit, the position for which we are considering him today. When no action was taken on his nomination during the 107th Congress, President Bush renominated him to the Sixth Circuit on January 7, 2003. All told, Judge Saad has been nominated for a seat on the Federal bench three separate times. It is high time the Senate completed action on his nomination.

Judge Saad's credentials for this position are impeccable. He graduated with distinction from Wayne State University in 1971 and magna cum laude from Wayne State University Law School in 1974. He then spent 20 years in the private practice of law with one of Michigan's leading firms, Dickinson, Wright, specializing in product liability, commercial litigation, employment law, labor law, school law and libel law. In addition, he has served as an adjunct professor at both the University of Detroit Mercy School of Law and at Wayne State University Law School.

Judge Saad is active in legal and community affairs. Some of the organizations he has been involved with include educational television, where he serves as a trustee, the American Heart Association, Mothers Against Drunk Driving, and other nonprofit organizations that serve the elderly and impaired. As a leader in the Arab-American community, Judge Saad has worked with a variety of organizations in promoting understanding and good relations throughout all ethnic, racial, and religious communities. He is an outstanding role model.

Judge Saad enjoys broad bipartisan support throughout his State, as evidenced by endorsements in his last election by the Michigan State AFL–CIO and the United Auto Workers of Michigan. He has received dozens of letters of support from leading political figures, fellow judges, law professors, private attorneys, the Michigan Chamber of Commerce, and a variety of other groups.

Let me quote from just a few of the letters received in support of Judge Saad's nomination. Maura D. Corrigan, Chief Justice of the Michigan Supreme Court, wrote: ''Henry Saad has distinguished himself as a fair-minded and independent jurist who respects the rule of law, the independence of the judiciary, and the constitutional role of the judiciary in our tripartite form of government. . . . Judge Saad is a public servant of exceptional intelligence

and integrity. He has the respect of the bench and the bar.'' Other judges have written that he is ''a hard-working and honorable individual'' and that he is ''an outstanding appellate jurist with a strong work ethic.'' Roman Gribbs, a lifelong Democrat and retired judge, wrote, ''Henry Saad is a man of personal and professional integrity, is fair-minded, very conscientious and is above all, an outstanding jurist.'' Judge Saad has clearly earned the respect and admiration of his colleagues on the Michigan State court bench. His nomination deserves consideration by this Senate.

I hope that our consideration of Judge Saad's nomination is not overshadowed by collateral arguments about the propriety of his nomination, the committee blue slip process, an attack on his personal character and qualifications, or other diversionary arguments. The question before the Senate is the qualifications of Judge Saad to sit on the Federal bench.

We have heard from the other side about the President just steamrolling these nominations, without consulting with the home state Senators.

Mr. SESSIONS. Mr. President, I join the distinguished chairman of the Judiciary Committee, Senator HATCH, in supporting Henry Saad for the U.S. Circuit Court for the Sixth Circuit. He is an exceptionally qualified nominee who has great support in his area. He graduated with distinction from Wayne State University and then magna cum laude at Wayne State University School of Law. He has served for a decade on the Michigan Court of Appeals. He was nominated for this position by former President Bush 10 years ago and was held up, blocked, and did not get a hearing, and now he is back and being held up again.

He has the necessary experience to serve. He has been active in his community. He is a Heart Association board member, Oakland College Community Foundation chairman, member of the board of the Judges Association, Michigan Department of Civil Rights hearing referee. He is a Community Foundation of Southeast Michigan board member. He has written a number of articles on subjects such as employment discrimination, AIDS in the workplace, libel standards, and legal ethics. He has given a number of speeches, primarily on appellate advocacy. He has been nominated for a position as an appellate judge, so this is good experience. Appellate judges do not try cases, as the Presiding Officer knows. Appellate judges review trials that went on before. They review briefs carefully and they hear arguments from attorneys involved in a case and who have written briefs in summary, and then they make written rulings to decide whether the trial was properly tried or not. We need him on this circuit.

I have to share some thoughts about this matter because it is important and something smells bad. It is not good what has occurred with regard to this nominee and other nominees to the Sixth Circuit. There has been an orchestrated effort to block rule of law nominees for some time now.

The House of Representatives had hearings on this matter some time ago and was highly critical about what has occurred. Frankly, I am not sure we fully know the story yet of all that occurred. Let's take recent history when the Democrats were in the majority in the Senate and they controlled the Judiciary Committee and could decide what nominees came up for vote.

The Democrats made a number of questionable decisions, and they took care of some outside groups, and they took certain steps that were quite significant. A number of nominees were delayed or blocked. As I recall, even then there were four, maybe six, vacancies in this circuit. Right now, 25 percent of the circuit is vacant. It is an emergency situation, according to the courts, because we have so many vacancies there.

Thirty-one assistant United States attorneys—these are the prosecutors who try cases every day, not a political group, but a group of workhorse attorneys trying cases—have expressed concern about the failure to fill these appointments and how long it takes their criminal appeals to be decided. But I want to share this with my colleagues because I think we might as well talk about it. I wish it had not happened, but it has.

Take the case of Julia Gibbons of Tennessee. She was a very talented nominee to the Sixth Circuit early on. When the Democrats were in control of the Judiciary Committee, her nomination in 2001 was mysteriously slowed down. It did not move. At one point in March of 2002, Senator MCCONNELL spoke on the floor, and he complained that she had waited 164 days and never had a hearing, and we wondered what was going on and why this fine nominee was being held up.

We now know through the release of internal memos that were published in newspapers, in the Wall Street Journal and other places that discussed this case, what happened. Frankly, I do not think these memos should have been made public—under the circumstances, they were, based on what I know. But things leak around here. That is the way it is. I have to share with this body what occurred.

What we know is that in April of 2002, there was a staff memorandum to Senator KENNEDY from his staff that indicates that the NAACP, which was a party to a Sixth Circuit case, the Michigan affirmative action case to be exact, that they considered to be an important case—this is what the memorandum says: That the NAACP

> would like the Judiciary Committee to hold off on any Sixth Circuit nominees until the University of Michigan case regarding the constitutionality of affirmative action in higher education is decided by the en banc, Sixth Circuit. . . .

> The thinking is that the current Sixth Circuit will sustain the affirmative action program, but that if a new judge with conservative views is confirmed before the case is decided, the new judge will be able . . . to review the case and vote on it.

The Kennedy memorandum further states that some ''are a little concerned about the propriety of scheduling hearings based on the resolution of a particular case. We are also aware that the Sixth Circuit is in dire need of judges.''

The memorandum goes on to conclude:

> Nevertheless we recommend that Gibbons be scheduled for a later hearing: The Michigan case is important.

Even though it was understood to be wrong to influence the outcome of a pending case, it was recommended that Gibbons be delayed.

Now, people like to suggest that the holdup in these nominations is some flap with the home State Senators, that it is tit for tat. I remember a good friend who former President Bush nominated, John Smietanka, for this circuit. He was blocked. He was a wonderful nominee, a saintly person really, a great judge. He was blocked, so they say this is all tit for tat, but I do not think so.

I am afraid what really is at work is this circuit was narrowly divided. In fact, as I recall, the University of Michigan case was decided by one vote. Had the new judge been confirmed and voted the other way, it would have been a tie vote. That verdict would not have come out as it did. So I think there is an attempt to shape the makeup of this court. Let's not make any mistake about this whole issue. The judiciary debate is not about politics; it is not Republican versus Democrat. This debate is about the beliefs, the value judgment, and the legal philosophy of President Bush, and I dare suggest a vast majority of American citizens. President Bush and the American people believe that judges should be bound by the law, they should follow the law, they should strictly follow the law, and that unelected, lifetime appointed Federal judges are not in power to set social policy because they are unaccountable to the public. So that is the big deal.

There are people who believe otherwise. There are people who can no longer win these issues at the ballot box, if they ever could. They want judges to declare things that they do not want to have their fingerprints on, like taking God out of the Pledge of Allegiance. These are activist decisions. So I believe this is a matter far deeper than just Republican versus Democrat; it represents a debate about the nature of the American judiciary—do we stay true to an Anglo-American tradition that judges are not political, that they are independent, that they wear that robe to distinguish themselves from the normal person, that they isolate themselves from politics, and that they study the law and rule on the law?

That is what I believe a judge ought to do. That is the ideal of American law. It is very important that we maintain that.

When we have nominees held up explicitly to affect the outcome of a case that might come before them, a very important and famous case, indeed perhaps the most significant case that year—maybe even in the last half-dozen years—to be shaped and blocked simply because of that case is bad. In fact, after the case was over, Judge Gibbons was confirmed 95–0 by this body. There never was any objection to her other than they were afraid it would affect the outcome of the case.

There are vacancies on the Sixth Circuit. The President is empowered to make the appointments. He is empowered to make the appointments according to the legal philosophies and principles he announced to the American people when he ran for office. President Bush declared that he was going to nominate and fight for judges who would follow the law, not make law, who would show restraint, who would be true to the legitimate interpretation of the statutes and the Constitution, not using that document to further promote their own personal agendas. That is what he has done, and that is what Judge Saad's record is. He is not going to impose his values on the people of the Sixth Circuit. That is not his philosophy of judging. His philosophy is to follow the law, not to make the law. We have no fear of that kind of judge. We ought to confirm him.

The people of this Nation need to know that the Democratic leader, Senator DASCHLE, and the Democratic machine is time after time mustering 40 votes to block these nominees from even getting an up-or-down vote. In fact, when we vote on cloture to shut off debate and we have to have 60 votes, we are constantly getting 53, 54, 55 votes for these nominees, which is more than enough to confirm them, but we cannot shut off the debate and get an up-or-down vote. So by the unprecedented use of the filibuster, these judges are not getting an up-or-down vote. I say to the American people, they need to understand this. I believe the rule of law in this country is jeopardized by the politicization of the courts. We must not allow that to happen. I believe the collegiality and traditions of this Senate are being altered. There is no doubt we have not had filibusters of judges before. In fact, about 4 years ago, Senator LEAHY was denouncing filibusters when President Clinton was in office, and now he is leading it. The ranking member of the Judiciary Committee is leading a host of filibusters. It is an unprincipled thing.

I remember Senator HATCH, as chairman of the Judiciary Committee and a guardian of the principles and integrity of the Senate, on many occasions told Republicans when they said, Well, we do not like this judge, we ought to filibuster him, why do we not filibuster him, and he said, You do not filibuster judges; we have never filibustered judges; that is the wrong thing to do. And we never filibustered President Clinton's judges.

I voted to bring several of them up for a vote and cut off debate even though I voted against those judges because they should not be on the bench. I did not vote to filibuster the judge, and I think that is the basic philosophy of this Senate.

I hope we will look at this carefully. These nominees are highly qualified. They are highly principled. Many of them have extraordinary reputations, like Miguel Estrada, Judge Pickering, Bill Pryor, and Priscilla Owen from Texas, a justice on the Texas Supreme Court who made the highest possible score on the Texas bar exam. These are highly qualified people who ought to be given an up-or-down vote. If they were given an up-or-down vote, they would be confirmed just like that.

Unfortunately, we are having a slowdown, unprecedented in its nature. If this does not end and we cannot get an up-or-down vote on these judges, those of us on this side need to take other steps. And we will take other steps. We need to fight to make sure that the traditions of this Senate and the constitutional understanding of the confirmation process are affirmed and defeat the political attempts to preserve an activist judiciary that our colleagues, it appears, want to keep in power so that they can further their political agenda, an agenda they cannot win at the ballot box.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS SPENDING BILL

Mr. BYRD. Madam President, there are only 22 legislative days left in this fiscal year. The Senate seems to be frittering away those precious days. To date, the Senate has only passed one appropriations bill, the Defense bill. Only four bills have been reported from the Senate Appropriations Committee.

The House has passed nine appropriations bills, but apparently the Senate would rather work on political messagemaking than to take care of the Nation's vital business. So I fear, once again, that the Senate Republican leadership is setting a course for a massive omnibus spending bill. That is what it looks like. That is what we are going to do, have a massive omnibus spending bill, in all likelihood.

This year, with the failure of the Senate Republican leadership to even bring the Homeland Security bill before the Senate, the Omnibus appropriations bill may include as many as 12 of the 13 annual appropriations bills. That is very conceivable to ponder.

On July 8, Homeland Security Secretary Tom Ridge and FBI Director Robert Mueller announced that another terrorist attack is likely before the November elections, yet the Homeland Security appropriations bill, which the committee reported 4 weeks ago, has not even been presented to the full Senate for its consideration. What is wrong? What is wrong with this picture? Talk about fiddling while Rome burns. The flames are all around us.

The Senate Republican leadership is setting the stage for another one of these massive spending bills that may be brought up in the Senate in an unamendable form. And one shudders to think what will go on behind closed doors. Who among the 100 Senators will be in the meetings that produce a massive bill that appropriates over $400 billion for veterans, education, homeland security, highways, agriculture, and the environment? Who among the 100 Senators will be in the meetings when decisions are made about including provisions on drug importation, gun liability, farm bill issues, nuclear waste storage at Yucca Mountain, overtime rules, or on the outsourcing of government services? Does anybody know?

And, who knows what surprises, that were never debated or even contemplated in the Senate, will find their way into such an omnibus? What kind of interesting bugs will crawl into this big bad apple of a bill? I cannot tell you how many Senators will be in the room, but I can assure you of one thing. The White House will be there. You can bet on that. They will be there with their pet projects and their pet peeves and their opportunities to move certain items into their favorite States—doing their bidding, legislating right along with the Senators. They will be there. White House bureaucrats and soothsayers will suddenly become legislators for a day, or perhaps several days.

That is not the way our Constitution contemplated the writing of appropriations bills. The Framers believed that Congress ought to have the power of the purse. This White House would like to have it. They would like very much to have it. But all of those constitutional niceties get blurred and blended when it comes time to deal on Omnibus appropriations bills. The checks and balances gets thrown out the window when it comes time to deal with Omnibus appropriations bills.

One could conclude that the only thing the President wants from the fiscal year 2005 appropriations bill is the Defense appropriations bill. That is the only thing the President would want from the 2005 appropriations process—the Defense appropriations bill.

On June 24, 2004, in its Statement of Administration Policy, the White House urged the Congress to pass the Defense bill before the start of the August recess. Why?

In February, the President did not ask for one thin dime, not one thin dime did he ask for as far as the costs

of the war in Iraq—nothing. Administration officials had the temerity to insist that the costs of the war were not knowable. Then suddenly, on May 12, 2004, the President saw the light and realized that he needed more money for the war in Iraq. It must have come to him in a sudden vision. So, like a teenage driver, he put the foot on the gas and insisted that the Congress give him a $25 billion blank check for the escalating costs of his war in Iraq.

With the help of Senator STEVENS of Alaska, the blank check got canceled, but the defense conference report will include the $25 billion in additional funds. The President will get the one thing he wanted out of this year's appropriations process; he will get the Defense appropriations bill.

So I must ask the American people, why is it the President has not sent messages to the Congress urging prompt action on the bill that funds the veterans health care system? I am sure the veterans are concerned about what is going to happen with respect to their needs.

Moreover, does the President not know that the bill that funds our Nation's schools is stuck in subcommittee? What about the appropriations bill that funds our highway system that has not yet been considered by the House or the Senate? In February, the President proposed to put a man on Mars, but the bill that funds the space program has not been marked up by either the House or Senate appropriations committees.

According to President Bush, Congress must urgently send him the Defense appropriations bill; but for all of the other appropriations bills, the attitude is ho hum; so what.

According to the administration, we are facing another terrorist attack. Are we not even going to debate whether a 5-percent increase for the Department of Homeland Security is enough?

Last year, we fell prey to a 7-bill omnibus, but at least the Senate debated as freestanding bills 12 of the 13 bills. Now we are down to only one debate this year on the Defense bill. That is one bill, and only one debate this year, on the Defense bill.

Where do we go from here on funding the needs of the people? One of the options that has been discussed by the Republican leadership is to pass the full-year continuing resolution and leave town, get out of town, catch the next train, all aboard. That is right. The exalted servants of the people may just decide to enjoy a summer vacation if some in the Republican leadership have their druthers. What does it matter if all of the Federal Government, except the Pentagon, operates on automatic pilot for a full year? Who needs guidance from the Congress on the priorities? Who needs careful scrutiny of Federal programs? What about the new initiatives? Shouldn't they be under careful scrutiny? Shouldn't questions be asked and questions answered?

Let me give you, my colleagues, a few examples of what would happen under a full-year continuing resolution. If that is what you want, I tell you what you are going to get.

If the Senate Republican leadership refuses to allow the Senate to debate the Homeland Security appropriations bill, important funding in new programs would not be available to the Department.

As we all know, on March 11, 2004, nearly 200 people were killed by a series of bombs detonated on the transit system in Madrid, Spain. The Department of Homeland Security responded by sending out a list of security recommendations for mass transit and rail systems in the United States. These recommendations included moving garbage cans and asking commuters to be more alert to suspicious people and packages, like unattended backpacks. However, despite my efforts, no moneys were approved for fiscal year 2004 for mass transit or rail security. Are we comatose in the Senate? Perhaps we better reach back in our desks somewhere and get our living wills.

On an average workday, 32 million people travel on mass transit. Get that, 32 million people travel on mass transit on an average workday. However, under a continuing resolution, there would be no funding to help secure our mass transit and rail systems. There would be no funds for additional law enforcement presence, no funds for additional K–9 teams, no funds for additional surveillance, no funds for additional public education about the threat. Is that OK with the Senate?

Following the tragic events of September 11, the administration established a firm goal for the number of Federal air marshals so that a high percentage of critical flights could be protected. The exact number of air marshals is classified, but the fact is, the Federal air marshals program has never reached the staffing level called for in the wake of the September 11 attacks.

Instead, the White House has allowed the number of air marshals to fall by 9 percent, falling far below the goal. As air marshals leave the program, budget constraints prohibit the hiring of replacements. The number of air marshals continues to dwindle and the number of critical flights they are able to cover remains on a steady downward spiral. If forced to operate under a continuing resolution, the number of air marshals protecting domestic and international flights could fall by another 6 percent, putting Americans in greater danger. How can we contemplate such irresponsibility? Doesn't public safety count?

How about funding for our Nation's schools? Two and a half years ago the President promised to leave no child behind. The No Child Left Behind Act authorized $20.5 billion in fiscal year 2005 for title I, the Federal program designed to help disadvantaged students in kindergarten through high school, those students who are most at risk of being left behind. A continuing resolution would freeze title I funding at just $12.3 billion. That would leave behind 2.7 million students who would not receive the title I services that were promised to them in the No Child Left Behind Act.

A continuing resolution would also freeze funding for special education. Two months ago, the Senate voted overwhelmingly by a vote of 96 to 1 to authorize a $2.3 billion increase for the Individuals With Disabilities Education Act—better known, perhaps, as IDEA—in fiscal year 2005, and fully fund the law within 7 years. A CR would put the lie to that pledge.

As candidate for President in 2000, President Bush said:

> College is every parent's dream for their children. It's the path to achievement. We should make this path open to all.

But, my dear friends, under the Bush administration, the cost of tuition has gone up by 26 percent, making it harder and harder for low- and middle-income students to pursue that dream.

The Pell grant: A maximum Pell grant now covers only 34 percent of the average annual cost of college compared to 72 percent in 1976. Under a continuing resolution, there would be no increase in the maximum Pell grant now set at $4,050. There would be no increases for the College Work-Study Program or for other campus-based aid programs. So much for dreams, so much for promises, so much for empty talk.

For the construction and restoration of our Nation's highways and bridges, a long-term continuing resolution would stifle the flow of billions of new dollars going to our States to improve safety conditions, minimize congestion, and create badly needed jobs.

Just this past February, more than three-quarters of the Senate, 76 Senators, approved a surface transportation bill that called for an overall commitment of highway funds for fiscal year 2005 of $37.9 billion. Under a long-term continuing resolution, highway funding would be $4.25 billion less than that amount, a $4.25 billion shortfall. That difference represents more than 200,000 jobs across America, jobs that are desperately needed all across our States. But the Senate is in gridlock, much like the gridlock on our Nation's highways.

Our Nation's military is serving gallantly in Iraq and Afghanistan, but under a continuing resolution the Veterans Health Administration, unbelievably, would get drastically reduced health care services for our fighting men and women. Approximately 237,000 veterans would not be able to receive care, and veterans outpatient clinics would schedule 2.6 million fewer appointments. The waiting list for veterans seeking medical care would grow to over 230,000. What a way to treat our brave men and women. Shabby and shameful are the two words that come to mind.

Al-Qaida operatives are in the United States preparing for another terrorist

attack. The FBI must mobilize to find those terrorists before they attack us. But a full-year continuing resolution would force the FBI to freeze all hiring in fiscal year 2005. That would result in the FBI losing 500 special agents and negating the proposed increase of 428 special agents. Nor would the FBI be able to fund any of the new initiatives proposed in the fiscal year 2005 budget request, including resources for the new office of intelligence counterterrorism investigations, counterintelligence, and fighting cyber crime.

Another casualty of a full-year continuing resolution would be programs to combat HIV/AIDS, particularly in eastern Europe and Asia where the epidemic is spreading out of control. Only one in five people worldwide have access to HIV/AIDS prevention programs. Yet a continuing resolution would reduce funding for those programs by almost half a billion. That means there would be hundreds of thousands of new infections of the deadly virus—infections that could have been prevented, lives that could have been saved.

The list goes on and on and, like Tennyson's book, goes on. Members of this Congress have a duty and a responsibility to the American people. They do not want us to approve massive omnibus spending bills that no one has bothered to read. They do not want us to pass mindless continuing resolutions that put the Government on automatic pilot and their safety on the line. They do not want us to cash our own paychecks without doing the work we were sent here to do.

We are paid to debate legislation. We are paid to make careful choices on behalf of the people. The elections are coming, and if we are not going to do our work, then we should not claim the title of Senator. Just like Donald Trump, come November, the American people might decide to send us a very straightforward message: You're fired.

Last week, the Republican leadership jammed into the defense conference report a provision ''deeming'' the level of spending for fiscal year 2005 at the level in the budget resolution conference report. It seems now we are ''deeming'' our way through budget debates. ''Deeming''—this provision was not contained in the Senate or House version of the Defense bill. It was not debated here on the Senate floor. Yet this innocuous-sounding ''deeming'' provision will have far-reaching consequences. That provision will result in appropriations bills that inadequately fund homeland security, education, veterans, transportation, and other programs to meet domestic needs. And the consequences are not just on paper. The American public is being cheated year after year by the steady erosion of money available to fund the public's priorities. They are being ''deemed'' down the river.

This year, even while the directors of Homeland Security, the FBI, and the CIA are warning us of al-Qaida in our midst, we still are unaccountably and stubbornly sitting on the Homeland Security appropriations bill as if in total defiance of the dangers to our country and to the people's safety.

None of this is the fault of our able Appropriations Committee chairman, Senator TED STEVENS. Early on, I encouraged Chairman STEVENS to move 13 freestanding, fiscally responsible appropriations bills through the committee and on to the Senate floor. Senator STEVENS instructed his 13 subcommittee chairmen to produce balanced and bipartisan bills; however, the Senate Republican leadership has refused to free up floor time for the appropriations bills.

I will not be a party to such chicanery, and I implore the leadership of this body to stop the games and stop the politics. And I ask the majority leadership to set aside the pending business and proceed to the consideration of Calendar Order No. 588, H.R. 4567, the fiscal year 2005 Homeland Security appropriations bill.

Madam President, I yield the floor.

Mrs. FEINSTEIN. Madam President, I echo the comments of Senator BYRD, the ranking member of the Appropriations Committee. While I do not have the perspective of his years of service in the Senate and on the Appropriations Committee, I share his concern about the breakdown we are seeing in this year's appropriations process.

There are only 2 days left before the Senate leaves for an extended August recess. Yet the Appropriations Committee has reported out only 4 of the 13 appropriations bills we must pass this year. The Senate has passed only one Appropriations bill—the Defense Appropriations bill. This is a dereliction of our primary duty in the Senate, funding the functions of Government.

The blame for this situation does not go, in my view, to the Appropriations Committee. In the limited work the committee has done this year, it has operated in an efficient, bipartisan manner. But we all know that the committee has been hampered by the failure to enact a budget resolution.

A budget is a clear articulation of priorities. We are having these problems because of a failure to prioritize, or because of skewed priorities. As we all know, the Congressional Budget Office is projecting a $477 billion deficit in fiscal year 2004.

But some in the Congress continue to believe that more tax cuts should be the priority in this Congress. And they refuse to subject these tax cuts to the discipline of pay-as-you-go rules, which would require offsetting revenue increases, or spending cuts.

They insist that we can balance the books by ''controlling'' nondefense, nonhomeland security, discretionary spending. Yet, no one has shown any inclination to significantly cut discretionary spending. Just the opposite. As BILL YOUNG, the chairman of the House Appropriations Committee notes:

No one should expect significant deficit reduction as a result of austere non-defense discretionary spending limits. The numbers simply do not add up.

The notion of balancing the budget, while further reducing revenue, is simply wrong-headed. Or, as Chairman YOUNG succinctly puts it, ''the numbers simply do not add up.''

The Senate is scheduled for 19 legislative days after August. It does not appear that there is much hope for completing our appropriations work in that time. Indications in the media from the chairman and from the Republican leadership are that we will be faced with moving an omnibus appropriations bill when we return, possibly with some bills held over for a lame-duck session of Congress. That is a terrible way to do business, and I sincerely hope it does not come to that.

In the remaining 2 days before we recess, I am hopeful that we can at least take up my subcommittee's bill, the military construction bill. The subcommittee chairman, Senator HUTCHISON, and I have worked well together to craft a good bill with the support of Senators STEVENS and BYRD. I believe that it deserves the support of the full Senate.

And when the Senate reconvenes, in September, I hope that we on the Appropriations Committee will work efficiently, and on a bipartisan basis, to report freestanding bills to the Senate.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CORNYN pertaining to the submission of S. Res. 413 are printed in today's RECORD under ''Submitted Resolutions.'')

The PRESIDING OFFICER. The Senator from Michigan.

(Mr. CORNYN assumed the Chair.)

Ms. STABENOW. Mr. President, I rise today to express deep disappointment about what is taking place on the Senate floor in the cloture vote scheduled for tomorrow. For the past 3½ years, Senator LEVIN and I have been urging the Bush administration to work with us to develop a bipartisan solution regarding the Michigan nominees to the Sixth Circuit Court. We have met on several occasions with Judge Gonzales, the current White House counsel, and other White House staff, but the White House has rejected all of our efforts at a compromise. We also had numerous meetings with Chairman HATCH and testified before the Senate Judiciary Committee several times on the need for a bipartisan solution.

Chairman HATCH had expressed a willingness to work with us and to work with Senator LEAHY on a bipartisan solution to this impasse, but it seems these efforts have been abandoned by Republican leadership in

favor of scoring political points before the party conventions.

I still believe the best way to end this impasse is to forge a compromise. I hope the Bush administration and the Republican leadership will not continue down this road of what appears to be politically motivated and partisan cloture votes instead of working with us to develop a fair solution. A ''nay'' vote on cloture will preserve potential negotiations toward the bipartisan compromise we have been seeking. A ''yea'' vote will destroy these efforts and, unfortunately, be a vote for preconvention politics.

Let me start by saying a few words about Judge Saad's nomination. Judge Saad is before us now. After listening to people in Michigan who have shared serious concerns with both Senator LEVIN and I, and having had an opportunity to review the FBI background materials, I have to say that I have serious concerns about Judge Saad's temperament and appropriateness for serving on this important bench. While I cannot go into specifics, I urge my colleagues to review the Judiciary Committee's FBI background materials for themselves.

Judge Saad's lack of fitness for this appointment is also evidenced in the record he has put together as it relates to his work on the Michigan Court of Appeals. Most troubling, perhaps, are his decisions and reversals in cases involving the application of the law in civil rights cases—particularly in sexual harassment cases.

His decisions also demonstrate hostility to the rights of whistleblowers. We know in this day and age, as we have learned through those who were courageous and came forward in the Enron and Halliburton cases, and others where employees have come forward, how important it is to be able to protect the rights of employees who see that something is wrong and they step forward. They are what we call whistleblowers.

His decisions also have been hostile to the rights of people who are injured. For example, in Coleman v. State, Judge Saad joined in deciding against the plaintiff in a sexual harassment case, which was later reversed by the Michigan Supreme Court. Coleman, a State prison employee, was subjected to comments by her supervisor about her allegedly provocative dress and to daily inspections of her clothing, after she was the victim of an attempted assault and rape by an armed prison inmate. She was the one who was questioned, as too often we hear as it relates to women who are told it was their fault, because of the way they dress, and that is why they were assaulted. The Michigan Supreme Court reversed the decision, holding that there was sufficient evidence for the victim to go to trial.

In Haberl v. Rose, Judge Saad dissented from the court of appeals' reinstatement of a jury verdict for the plaintiff who was injured by a Government worker who was doing Government work but driving her own automobile.

In the complicated case, the majority found that Michigan's sovereign immunity statute was not applicable, since a more specific civil liability statute said that car owners are not immune from liability. Car owners have liability in these kinds of cases.

The dissenting Judge Saad stated that the sovereign immunity statute applied but the civil liability statute did not and, thus, the injured plaintiff could not recover.

Judge Saad was harshly criticized for his dissent by the majority of the judges, who essentially called him a judicial activist:

> Indeed, it is the dissent that urges ''rewriting'' the statutes in question and advocates overstepping the bounds of proper judicial authority.

Based on these concerns, I do not believe Judge Saad has the necessary judicial temperament to serve a lifetime appointment—a lifetime appointment—on the Sixth Circuit Court of Appeals.

Mr. President, I wish to speak more broadly now about the process of bringing the Sixth Circuit nominees to the floor of the Senate. Senator LEVIN has spoken eloquently about the history of the Sixth Circuit nominees prior to my serving in the Senate. He has explained how two extremely well-qualified women—Judge Helene White and Kathleen McCree Lewis—failed to get a hearing before the Judiciary Committee for more than 4 years and 1½ years, respectively, during the previous administration.

In fact, if she had been confirmed, Kathleen McCree Lewis would have been the first African-American woman on the Sixth Circuit Court of Appeals.

Senator LEVIN and I are not alone in the view we hold that what occurred with respect to these nominees was fundamentally unfair.

On more than one occasion, Judge Gonzales, the current White House counsel, has acknowledged that it was wrong for the Republican-led Senate to delay action on judicial nominees for partisan reasons, at one point even calling the treatment of some nominees during the Clinton administration ''inexcusable.''

Senator LEVIN and I have repeatedly proposed to settle this longstanding conflict by appointing a bipartisan commission to make recommendations to the White House on judicial nominations.

Our proposal would be based on the commission that is set up and working just across Lake Michigan in Wisconsin. The State of Wisconsin commission has produced bipartisan nominees for both district and circuit courts since its inception under the Carter administration.

In fact, just recently, the Senate confirmed Judge Diane Sykes for a vacancy on the Seventh Circuit Court of Appeals. Judge Sykes, a Bush administration nominee, was recommended by the bipartisan Wisconsin commission and had the support of both of her Democratic home State Senators.

This process works. The Wisconsin commission includes representatives from the Wisconsin Bar Association, the deans of the State's law schools, as well as members appointed by both Republicans and Democrats. They only recommend qualified candidates who have the support of the majority of the commission. The President then looks to the recommendations of the commission when making his nominations.

The Wisconsin commission's recommendations have always been followed by the President, regardless of political party. Again, this system has worked.

This type of commission preserves the constitutional prerogatives of both the President and the Senate. It allows the President to pick one of the recommended nominees and protects the Senate's advise and consent role.

Wisconsin is not the only State where this type of bipartisan commission works. In a similar form, it has worked in several other States, including Washington, California, and Vermont.

Unfortunately, the White House continues to reject this proposal from Michigan, despite having agreed to similar commissions in other States with other Democratic Senators.

Senator LEVIN and I are interested in finding a real bipartisan solution to this problem. We have stated on numerous occasions that we are willing to accept the commission's recommended nominees, even if they do not include Helene White and Kathleen Lewis, or any other person we would choose if it were up to us.

Instead of divisive cloture votes, let's look to the future and restore civility to this process. It is time to do that with the Sixth Circuit.

I hope we can still accomplish this and that the Bush administration and Chairman HATCH will work with us to develop a fair compromise to this longstanding problem.

Let me take a moment to reiterate this is not about being unwilling to fill vacancies. As other colleagues have indicated, we have, in fact, confirmed 198 judicial nominees of this President, and I have voted for the overwhelming majority of those nominees. This is more judicial nominees than were confirmed for President Reagan in all 4 years of his first term, more nominees than were confirmed for first President Bush during his 4-year Presidency, and for President Clinton in all 4 years of his second term. Mr. President, 100 judges were confirmed in the 17 months of the Democratic Senate majority.

So under Democratic control, we confirmed 100 judges, and we were only in the majority for 17 months of the last almost 4 years. Now, 98 more judges have been confirmed in the 25 months of Republican leadership. In other words, the Democrats were in the majority less time and confirmed more

judges for this President during the last 3½ years. So this is not about being unwilling to support filling judgeships, but it is about a very specific concern about what has been happening in Michigan and the lack of willingness of the administration to work with both Senators to fulfill our equal responsibilities of being able to pick the best people to serve our great State for a lifetime appointment.

These are not Cabinet appointments of this President. They are lifetime appointments. The reason the Framers of the Constitution divided the responsibility—half with the President and half with the Senate, as we know—is because this is a third branch of Government with lifetime appointments, and it is very important there be the maximum amount of input, balance, and thoughtfulness brought to this process.

Unfortunately, regarding the Sixth Circuit, until we have a fair solution, I believe I have no other option than to oppose this cloture vote and to urge my colleagues to do the same.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Parliamentary inquiry, Mr. President. What is the business before the Senate?

The PRESIDING OFFICER. The nomination of Henry Saad to the Sixth Circuit Court of Appeals is the pending business.

Mr. HARKIN. I thank the Chair.

UNITED STATES-MOROCCO FREE-TRADE AGREEMENT

Mr. HARKIN. Mr. President, I wish to take a few minutes of the Senate's time to discuss the reasons behind my decision to vote against the Morocco free-trade agreement implementing legislation which the Senate passed earlier today. I want to make very clear that my vote was not in any way against a free-trade agreement with Morocco. My vote, as was my vote against the Chilean free-trade agreement, was a protest against the continued determination by this administration to undermine and to do away with provisions that address labor issues, especially the worst forms of child labor, that we had contained in the Jordan free-trade agreement and relevant provisions in the Generalized System of Preferences.

In fact, I welcome this affirmation of the strong economic and political relationship that exists between the United States and the Kingdom of Morocco which can be strengthened by this agreement. I recognize this legislation is almost certain to pass the House this week very easily, and the United States-Morocco Free-Trade Agreement will go into effect next January.

The Kingdom of Morocco is a politically moderate Muslim nation that has been a long-time friend of the United States, a friendship that has been demonstrated most recently with their support in the aftermath of the tragedy of September 11, 2001.

Morocco has been a valuable partner in fighting the global war on terror, and so it is appropriate for the U.S. Government to reciprocate that support with a bilateral free-trade agreement so long as it leads to expanded economic opportunities for both partners.

Once in place, this agreement will generate significant economic benefits to both Morocco and the United States, and with Morocco's strategic position on the continent of Africa and easy access into Europe through the Strait of Gibraltar, it could serve as a gateway to even more markets.

This bilateral free-trade agreement could also serve as the foundation for a far wider free-trade agreement with the entire region of the Middle East and northern Africa.

With respect to agriculture, this free-trade agreement provides modest but clear opportunities to a wide range of U.S. commodities.

The opportunities provided in the free-trade agreement in non-agricultural goods and services will be substantial as well, and it reflects the determination of the Government of Morocco to modernize their economy to the benefit of the people of Morocco.

So count me as a friend of Morocco. Morocco has been a strong ally of the United States. It is a moderate nation. I have had the privilege of visiting Morocco on at least two occasions, maybe more, and I have a great deal of respect and admiration for the Moroccan people. Nonetheless, I decided to vote against it because I intend to call attention to the decision of U.S. negotiators to retreat from the provisions under the Generalized System of Preferences that requires the U.S. Government to monitor our trading partners on their progress in meeting international standards on the use of child labor, and these provisions in the GSP also provide leverage to encourage those countries to continue to make progress by permitting sanctions to be imposed against those who backtrack.

The Bush administration has taken a weak stand toward child labor in this latest trade agreement. In 2000, I, along with then-Senator Helms of North Carolina, authored an amendment that unanimously passed the Senate that extended GSP benefits to countries that took steps to implement ILO Convention 182 on the worst forms of child labor, and it mandated that the President report on the progress of these countries. If the President determined that countries were not taking steps to implement the ILO Conventions, benefits would be withheld.

The trade agreement that we passed with Chile earlier, and with Morocco, takes a step backward. As I said at the time, I first proposed we have a free-trade agreement with Chile in 1993, 11 years ago. So I had mixed emotions when I had to vote against the free-trade agreement with Chile because Chile's Government is making great progress. But this administration sought to undermine what we had achieved in the Jordanian free-trade agreement and in the Generalized System of Preferences.

Morocco does have problems with child labor. Although not employed in regular manufacturing, child labor is commonly used in cottage industries, such as rug making, and many Moroccan middle-class households use children as domestic servants. The Government of Morocco did pass new labor laws last month which included raising the minimum working age from 12 to 15 and reducing the workweek from 48 to 44 hours, but a recent U.S. Department of Labor report indicates that enforcement of existing laws is severely constrained.

So while Morocco has been a good friend, while they are trying to make progress, I think our trade laws ought to bolster that progress in doing away with the worst forms of child labor.

I take into account these considerations when I determine whether I will support a given trade agreement, as well as the economic gains that may be generated.

As in the case of Chile, my concern about the lack of direct protection against the use of child labor was the overriding factor, so I voted no on the free-trade agreement with Morocco. Again, as I say, I do not want this to be misinterpreted in any way as any lack of support for our mutual friendship and the continued development of relations between the United States and Morocco.

APPROPRIATIONS

Mr. HARKIN. I was watching on the monitor when Senator BYRD was recently on the floor talking about the lack of considering appropriations bills. In 2 days, we are going to adjourn for recess. What do we have to show for it? By this point, the Senate should have passed most, if not all, of the 13 appropriations bills, but this year under the Republican leadership we have only passed one, the Defense bill. We have not even debated the 12 others, much less put them to a vote.

Why is that? Is it because we are so busy in the Senate that we cannot debate these? Hardly. We spent days talking about judges who stand no chance of being confirmed; days on an amendment to ban gay unions that everyone knew would not pass, could not even get a majority vote, let alone 67 votes needed for a constitutional amendment. We spent weeks on a class action bill because Republican leadership did not want to consider amendments on which they thought they might lose.

Meanwhile, the Senate leadership has taken no action on increasing the minimum wage or extending unemployment benefits that could really make a difference for hard-working Americans.

The highway bill, which would create thousands of jobs, is now almost a year overdue, hung up by a veto threat of the White House. The bill to authorize Corps of Engineers projects that are important to farmers in my State was passed by the committee a month ago. There is no sign of any consideration in the Senate.

According to the Senate leadership, there is no time to take up appropriations bills that provide funding for critically important Government services. Passing the appropriations bills ought to be one of our top priorities. These bills pay for everything from roads and veterans health to homeland security and education. But here it is, July 21, with only 21 legislative days remaining in the fiscal year, and we have passed one appropriations bill.

That is all.

As the ranking Democrat on the Labor, Health, Human Services and Education Appropriations Committee, I find this very troubling. It is not the committee chairman's fault. I know Senator STEVENS is anxious to pass these bills. The same goes for the chairman of the Labor, Health, Human Services and Education Appropriations Subcommittee, Senator SPECTER. Our staffs have worked together closely on a bill. We are ready to mark it up on a moment's notice, but the White House and the Republican leadership in the Senate seem to have no interest in moving any appropriations bill other than Defense.

The reason is simple when one thinks about it. If these appropriations bills get debated on the Senate floor, everyone will see what the Republican Party's priorities are. It will be very clear. The Republican Party is out of touch with middle-class and low-income Americans. Education is a case in point. Two and a half years after President Bush signed the No Child Left Behind Act, it is obvious he has no intention of providing the funding to make it work. President Bush's budget for next year shortchanges the No Child Left Behind Act by a whooping $9.4 billion.

No wonder we hear from school boards, teachers, and principals all over our States complaining about the No Child Left Behind Act. It is an unfunded Government mandate, the biggest of all, telling our local schools what they have to do, and yet we do not provide the funding that was promised by the President, $9.4 billion less than what he promised, and it is shortchanging our schools.

Look at title I in education. That is the Federal program that specifically serves disadvantaged children who are at the most risk of falling behind and being left behind. The President's budget shortchanges this program by more than $7 billion. Now we are up to $16 billion in two cases of education.

It is the same story with kids with disabilities. The President's budget provides less than half of the level Congress committed to paying when the Individuals with Disabilities Education Act was passed in 1975. Meanwhile, Mr. Bush continues to oppose the bipartisan legislation Senator HAGEL and I have offered to fully fund this law.

On higher education, the President offers virtually no help to low- and middle-income students who cannot afford to go to college. Under President Bush's budget, the maximum Pell grant award would be frozen for the third straight year while college tuitions continue to rise through the roof.

The level of Pell grants in the President's budget next year will be lower than it was in 2002. One wonders why so many students cannot afford to go to college now or why they are borrowing more money and graduating with these big debts. Well, maybe that is the administration's goal: Get these kids to borrow more money from the banks, pay these big interest rates, pay it back, rather than making Pell grants, which they should be providing.

Meanwhile, President Bush's budget eliminates funding entirely for programs like school counselors, arts and education, gifted and talented programs, and dropout prevention, all zeroed out in the President's education budget.

The administration says there is no money to do this, no money to make good on the pledges made only 2 years ago.

Well, I am sorry if I strongly disagree. Bear in mind that in this same budget with all of these cuts to education, the President calls for another $1 trillion in tax cuts.

It seems to me if there is room for $1 trillion in tax cuts, surely there is room for $9.4 billion to fund the No Child Left Behind education bill. That would be less than 1 percent of the proposed new tax cuts.

Time and again we hear this administration say, well, education reform is not about money. It is true, education reform is not only about money, but let's be real: If we are going to modernize school buildings, it costs money. If we are going to buy up-to-date textbooks and school technology, guess what. It costs money. If we are going to reduce class sizes, it costs money. If, under the No Child Left Behind Act, we want highly qualified teachers in the subjects in which they teach, guess what. It costs money. And if we want to ensure all kids with disabilities are learning at the proficient level as required by the new law, guess what. It costs money. If we want to ensure all young people, regardless of income, have a shot at going to college, guess what. It costs money. Unfortunately, money is something we do not get very much of in the President's education budget.

If they want a tax break for the wealthy, they get $1 trillion. If we want to fund education, forget it in the President's budget.

We Democrats tried to increase funding for education during the debate on the budget resolution in March. We offered amendments on the No Child Left Behind Act, on afterschool centers and Pell grants, but the Republican majority rebuffed us every time. Now the Republican leadership in the Senate will not even give us a chance to debate an education appropriations bill and offer amendments on the floor of the Senate. They will not even give us a chance to do that.

A couple of years ago when the President signed the No Child Left Behind bill, he seemed to think that education was an important Federal responsibility—Federal, not local. The President signed the No Child Left Behind Act, a Federal mandate to local schools. If the President thought 2 years ago that education was an important Federal responsibility, why is the President so reluctant to have us take up an appropriations bill that would fund this law?

I believe I know why. The Republicans have backed themselves into a corner. They are doling out so many tax cuts for the rich that they do not have any money left to fund our Nation's schools. They know if they offer an education bill with the limited amount of money they are willing to spend on students, there is going to be a huge outcry across the country. The American people would see what the President really stands for. They would see, in black and white, that this administration has no real interest in leaving no child behind.

Four years ago we were looking at over $5 trillion in surpluses over 10 years, with the Federal Reserve talking about the great economic effects of completely paying off the Federal debt by 2009. That was 4 years ago.

Four years later, now, this year, we are facing a record deficit of over $400 billion just this year. There are many reasons for that turnaround, but the biggest by far is the tax cuts. About half of the tax cuts we have passed here go to people averaging an income of over $1 million a year. Let me repeat that: Over one-half of those tax cuts that we have passed here go to people averaging an income of over $1 million a year.

This administration's misguided tax policies are undermining our Nation's fiscal strength; they are weakening our economy, jeopardizing Social Security, and reducing our ability to provide for the needs of our children and our Nation's education. It is no wonder that the Senate Republican leadership wants to avoid the issue of education funding. They do not want to bring the education funding bill out on the floor for open debate and amendments. They just want to sweep it under the rug and hope that no one notices.

The Republican Party controls the Senate schedule, so they have that power. But I urge them to reconsider. Let's mark up the bill in subcommittee, to the full committee, and bring it to the floor.

As I said, Senator SPECTER has done his job. My staff worked with his staff. We have a bill that is ready to go. Bring it out here. Let's have a good debate about how much we want to fund education. Give the public a chance to weigh in and see an open debate. Let's have amendments. Let's vote on them. I thought that was the way the process was supposed to work.

Maybe my friends on the other side of the aisle are right. Maybe people

really do care more about tax cuts for the rich than about funding education. I don't think that is so, but there is only one way to find out. That is to bring the education appropriations bill to the floor in open debate and let Senators on both sides of the aisle offer their amendments. Let's vote on those amendments, and let's see how the elected Representatives of the people of this country feel about funding education after those debates and after those votes. As I said, it seems to me this is the way our democratic system is supposed to work.

Again, I urge the Republican leadership: Bring out our appropriations bills. I focus on education because I happen to be the ranking member on the appropriations subcommittee dealing with education, health, and labor. There are so many more, as I mentioned, such as the highway bill and homeland security, that we need to get through on the Senate floor. There are 21 days left, and we have passed only one appropriations bill.

The Senate is not doing its business. It is time we do.

I yield the floor and 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized to speak as if in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Thank you, Mr. President.

DARFUR, SUDAN

Mr. DURBIN. Mr. President, 1,000 people died there yesterday, 1,000 people will die there today, 1,000 more will die tomorrow and the day after that, and then the next day for as long as we can possibly imagine. I am speaking of Darfur, Sudan. In that region of the world this year, 300,000 people may be dead; 1½ million people in Sudan are homeless. Villages have been decimated, women have been systematically raped, crops have been destroyed, and wells have been poisoned with human corpses. This is genocide. Let us not mince words. It demands action.

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide requires signatories, including the United States of America, to prevent and punish acts that are ''committed with the intent to destroy, in whole or in part, a national, ethical, racial or religious group.'' That is exactly what is taking place in Sudan today.

We in the United States have to join with civilized nations around the world to stop the genocide in Darfur because we have failed sometimes before. We failed knowingly time and time again in the 20th century. Ten years ago we failed the people of Rwanda.

Samantha Power is the author of a book which I have read, a book which haunts and inspires me. It is a book entitled ''A Problem From Hell: America and the Age of Genocide.'' She wrote, ''The United States had never in its history intervened to stop genocide and had in fact rarely even made a point of condemning it as it occurred.''

That is a terrible condemnation on our Nation, and it is one that I think calls us all to action in Sudan.

This is not a partisan issue. I want to salute my colleagues on the Democratic side, Senator JON CORZINE of New Jersey, and on the Republican side Senator SAM BROWNBACK of Kansas and Senator MIKE DEWINE of Ohio. They have spoken out on this floor time and time again about the genocide in Sudan. They remember, as I remember, what happened in Rwanda—what happened while I was a Member of Congress, and while I did not pay as much attention as I should have.

Ten years ago, between 800,000 and a million people were butchered in Rwanda. The killings took place with terrifying efficiency. The weapons of mass destruction were simple: the machete, the club, the torch. Those with enough money in Rwanda were sometimes able to pay their killers to shoot them rather than hack them to death with a machete. These killings were crudely carried out and executed, but they were carefully orchestrated. They were designed to wipe out an ethnic group, the Rwandan Tutsis, from the face of the Earth, along with any other moderate Hutus who dared to question the ruling ideology.

Bill Clinton, a man I count as a friend, was President of the United States when this occurred. He read a series of articles about the killings in Rwanda. He turned to his National Security Adviser Sandy Berger and asked, Is what they are saying true? How did this happen? Bill Clinton came to realize after the genocide in Rwanda that the United States had made a historic, tragic mistake of not speaking up, of not moving with other nations to stop what happened in Rwanda. He visited that country and apologized on behalf of our country and the rest of the world for ignoring, for standing idly by, while a million people died. That happened in Rwanda because the United States allowed it to happen.

I am dwelling on Rwanda today, but the crisis is in Sudan. Why? Because years from now I don't want those of us serving in Congress to be asked about Sudan, How did this happen? We know how it is happening, and we know it continues to happen even as we speak.

Ten years ago, seven Tutsi pastors trapped in a hospital that was no sanctuary wrote to the world pleading for intervention and assistance. Here are their words: ''We wish to inform you that we have heard that tomorrow we will be killed with our families.'' There was no intervention. There was no help. And the next day, these Christian pastors and their families were killed, and hundreds of others with them.

We failed to act in Rwanda. We cannot fail to act in Darfur, Sudan. For months, in western Sudan, the janjaweed, Arab militias—death squads—have waged war on the ethnic African villagers. They have killed thousands outright. They have engaged in massive, systematic rape and told their victims that they hoped they would produce ''light-skinned'' babies. They have made 1.5 million people homeless, some internally displaced and some forced into Chad and other neighboring nations. The Sudanese Government, a government which should be protecting its people, has conspired in this mass murder and contributed to it by deliberately shutting out international humanitarian efforts to reach the refugees. Starvation, disease, and exposure to the elements are also the weapons of genocide.

My family grew up in Springfield, IL in a typical American community and typical American neighborhood. Next door were our closest friends, the Mays family. There was a young woman, a young girl when I first met her, who grew up with my kids. Her name is Robin Mays. She is an amazing young woman who succeeded in so many different facets of life and decided to enlist in the Air Force right out of college. She was in the Air Force for 7 years as an officer in charge of logistics. When she came out of the Air Force, she came to me and said, I would like to do something that uses my skills that might help people. I put her in contact with the World Food Program. She went to Ethiopia, and she was involved in dealing with the refugee problems and feeding thousands. She came back to the United States and went to work for USIA. A few months ago, she was sent to the Sudan, and she is there. She is working in Sudan now with the victims of genocide, with the refugees. The other day she sent an e-mail to her family. She shared it with me. She was so excited because she heard there were actually people in the United States talking about what was happening in Sudan. It was encouraging to her that the rest of the world even knew what was happening in Sudan. She didn't hold any great hope that we would run to her aid and find some relief for these poor victims, but she was so encouraged that we even knew and that we even cared.

What a sad commentary on a great nation like the United States and many other great nations around the world, that that is the best we can do to acknowledge the problem, to express our concern.

An estimated 180,000 Sudanese have fled to Chad, one of the poorest countries in the world. Hundreds of thousands more are displaced within Sudan, roaming around, trying to look for a safe place or something to feed their children. When you look at the images

of the mothers in the Darfur region, Sudanese mothers and their children with matchstick legs, covered with flies, dying, starving right before our eyes, we have to ask, are we doing what we should? Is the United States doing what it should?

We have to take steps, and we have to take them now, to stop this mass slaughter. We start by calling it what it is—genocide—and by labeling it a genocide. It calls all who signed the treaty to action to prevent genocide, not just to care but to do something. The United States and the United Nations must both label this for what it is. Secretary of State Powell has stated that Sudan is ''moving toward a genocidal conclusion.'' That is short of calling it a genocide, but I give the Secretary of State credit. In many times gone by, when a genocide was occurring, we could not even bring ourselves at the official level to acknowledge it. Secretary of State Powell is doing that, and I salute him for it. Sudan has reached the stage of genocide, but that genocide has not reached its final conclusion. There is still time to save the lives of hundreds of thousands.

On Friday of this week, many of us will leave this Chamber. We will be off to political conventions, campaigns, time with our families, vacations. The first part of September, we will return. Six weeks from now, 45 days from now, we will be back, but during that 45-day period of time, 40,000 or 50,000 innocent people will die in the Sudan. There is no vacation from genocide. There is certainly no vacation from the Sudan. I try to imagine, as I stand here with all the comforts of being a U.S. Senator in this great country, what it must be like to be a mother or a father in that country now watching your children starve to death, fearing systematic rape, torture, and killing, which have become so routine.

We have to do something. We have to do it now. Congress should move to pass resolutions to let the world know we are prepared to move forward. Senator BROWNBACK, a Republican from Kansas, and Senator CORZINE, a Democrat from New Jersey, are pushing forward a resolution that we should not leave this city for any length until it is enacted. But we need not just words. We need to continue to send assistance, as we have, and we deserve credit as a nation for caring and reaching out, but we need to do more—food, water, medicine, but also security for foreign aid workers to get in and to allow the Sudanese refugees to return home.

The United Nations Security Council has failed as well. It has been stymied by several nations which don't want to hold the Sudanese Government responsible for what is happening. We need to move immediately. I know our new U.N. ambassador, Jack Danforth, a man whom I greatly respect, a man of conscience, understands this, as we do. He needs to push those members of the Security Council to get the United Nations to act on Darfur and the Sudan immediately. We need to intervene. We need to see whether, in the 21th century, international institutions such as the United Nations can succeed where others have failed.

The United States also has rich intelligence resources and capabilities that track militia activity. We have 1,800 troops on Dijibouti who could join an international humanitarian mission. Ultimately, it is the African Union that must supply the personnel to enforce security, but we can help.

President Bush—and I disagree with him on so many things, but I have to give him credit where it is due—helped in Liberia with a handful of marines prepared to act. They brought stability to a situation that seemed out of control. We need that same leadership again from this White House, from this Department of Defense, from the State Department, and from this Congress.

Security is a prerequisite in this country of Sudan for helicopter and truck transport which is going to carry supplies to those who are literally starving to death. The Sudanese Government has to rein in these militias. It cannot continue to look the other way. It recently allowed some relief supplies to be offloaded, but the Government has helped unleash the genocide in the Sudan, helped arm and direct the Janjaweed. They cannot be trusted to see to their disarmament without international supervision. We have voted to extend millions in emergency assistance to Sudan, but that assistance will never reach them unless we create conditions on the ground that allow its distribution.

Mine is only one voice in a Chamber of 100 Senators, in a nation of millions of people. I don't know that what I have to say in the Senate will have an impact on anyone, but I could not and many of my colleagues could not countenance leaving Washington in good conscience for an August vacation recess and acting like the carnage in Sudan is not occurring. It is genocide. Those in the civilized world must stand up and not only condemn it but take action to bring it to an end as quickly as possible.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Minnesota.

Mr. COLEMAN. Madam President, I rise to speak on a matter different than what my friend and colleague from Illinois has spoken about, but before I do, I associate myself with his comments.

I stand with him and others on both sides of the aisle in asking the question, Are we doing all that we should be doing in the Sudan? Genocide is occurring. We can have debate about the legal definition of genocide, but for the folks who are experiencing the pain and the suffering, the torture, they are not interested in legal debate.

I hope we heed the call of my friend from Illinois, that before we leave, before we go home to be with our families and do the things we do in our State and throughout this country, that we at a minimum speak out, that at a minimum the voice of this Congress be heard, and that we then move forward on the path, beyond speaking out, that will provide some action, that will provide a level of safety, security, and comfort, the basic things that need to be done in the Sudan.

As I listened, I want my friend from Illinois to know that his words have had impact. I hope they echo far beyond these halls and that we do what should be done, that we make a statement in this Congress, that statement be turned into action, and that action has some impact.

(The remarks of Mr. COLEMAN pertaining to the introduction of S. 2715 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. COLEMAN. 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. FRIST. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Madam President, last night I filed a cloture motion on the Sixth Circuit judicial nomination of Henry Saad. That vote will occur tomorrow morning. Two additional Sixth Circuit nominations are on the Executive Calendar, ready for consideration. I am prepared to ask unanimous consent for time agreements and up-or-down votes on these nominations; however, I understand that there will be objection from the other side.

I ask the Democrat leadership if it is true they would not agree to a time agreement on these Sixth Circuit nominations?

Mr. REID. The majority leader is correct.

NOMINATION OF RICHARD A. GRIFFIN TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

NOMINATION OF DAVID W. MCKEAGUE TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

Mr. FRIST. With that objection, I ask unanimous consent that the Senate proceed en bloc to the nominations of Calendar No. 789, Richard Griffin, to be U.S. Circuit Judge for the Sixth Circuit, and No. 790, David McKeague, to be U.S. Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. Without objection, the clerk will report the nominations.

The legislative clerk read the nominations of Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit;

David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

CLOTURE MOTIONS

Mr. FRIST. I send a cloture motion to the desk on the first nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in according with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 789, Richard A. Griffin of Michigan, to be U.S. circuit judge for the Sixth Circuit.

Bill Frist, Orrin Hatch, Lamar Alexander, Charles Grassley, Mike Crapo, Pete Domenici, Lincoln Chafee, Mitch McConnell, Ted Stevens, George Allen, Lindsey Graham, John Warner, Jeff Sessions, John Ensign, Trent Lott, Jim Talent, Pat Roberts.

Mr. FRIST. I now send a cloture motion to the desk on the second nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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, hereby move to bring to a close debate on Executive Calendar No. 790, David W. McKeague of Michigan, to be U.S. circuit judge for the Sixth Circuit.

Bill Frist, Orrin Hatch, Lamar Alexander, Charles Grassley, Mike Crapo, Pete Domenici, Lincoln Chafee, Mitch McConnell, Ted Stevens, George Allen, Lindsey Graham, John Warner, Jeff Sessions, John Ensign, Trent Lott, Jim Talent, Pat Roberts.

Mr. FRIST. I ask the mandatory quorums under rule XXII be waived and further that the votes on these nominations occur tomorrow in a stacked sequence, on Thursday, following the Saad cloture vote, unless cloture is invoked on any of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period for morning business with Senators speaking for 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING EL MUNDO ON 24TH ANNIVERSARY

Mr. REID. Madam President, I rise today to congratulate El Mundo on its 24th anniversary and to recognize the tremendous importance of this weekly newspaper to Nevada's Spanish-speaking community.

The oldest continuing Spanish language newspaper in southern Nevada, El Mundo has grown dramatically over the last 24 years to a current readership of more than 120,000. The newspaper not only provides insightful coverage of important issues facing Nevada and the Nation, but also provides a window into the life and times of southern Nevada's Latino community.

By giving consumers the information they need to make important purchase decisions about everything from clothing to cars to homes, El Mundo's commercial listings have helped thousands of new residents acclimate to life in the region, and fueled the economic engine of southern Nevada.

The growth of El Mundo has paralleled the growth of Nevada's Latino community. When El Mundo was founded in 1980, about 50,000 Latinos lived in Nevada, representing 6 to 7 percent of the population. Today the Latino population approaches the half million mark and accounts for as much as 25 percent of our State's population.

El Mundo not only reflects the growing prominence of Latinos in Southern Nevada but also provides a channel through which this vibrant and diverse community is helping to shape the future of Nevada's economic, political, and cultural life.

I also want to take a moment to recognize Edward Escobedo, the founder and publisher of El Mundo, whose dedication and leadership has been indispensable to the growth of the newspaper. He and his colleagues can take great pride in transforming their vision into a southern Nevada institution. Eddie has been a leader in charitable and civic affairs in the greater Las Vegas area for decades. Nevada is a better place because of Eddie Escobedo.

LAS VEGAS INTERNATIONAL FOLK FESTIVAL

Mr. REID. Madam President, I rise today to recognize the Las Vegas International Folk Festival, which was held June 18 through 20.

Hosted by the Mexico Vivo Dance Company, the Festival brought together artists from around the world to celebrate the artistic traditions of the United States, Latin America, Europe, Asia, Africa, and the Caribbean.

All of the festival's performances were free to the public, providing the residents of Las Vegas with a wonderful opportunity to experience the world's diverse artistic and cultural heritages. Some 500 performing artists and dance students participated in this 3-day event.

I want to take a moment to recognize Ixela Gutierrez, the festival's founder and artistic director, who helped make this wonderful event possible. Among the leading artists in Nevada, Ms. Gutierrez has enjoyed a successful soloist dance career with The National Folkloric Ballet of Mexico, served as company director of Ballet Ollimpaxqui, and choreographed six seasons for the Las Vegas Civic Ballet. She also founded the Mexico Vivo Dance Company in Las Vegas in 1995 to preserve and share the rich artistic heritage of Mexican and Latin American folk dances.

Ms. Gutierrez has been recognized by many organizations throughout her career, and she received a special Award of Distinction in Culture from the Latin Chamber of Commerce of Las Vegas. She also has enjoyed the honor of performing for President Bush at the White House's Cinco de Mayo celebration. She is now focusing her energy and talent on building a new Las Vegas tradition, by making the International Folk Festival an annual event.

I also recognize the sponsors of this outstanding event: Fitzgerald's Hotel and Casino, Fremont Street Experience, Nevada Youth Alliance, and Mexican Patriotic Committee.

The inaugural Las Vegas International Folk Festival was a great success, and I am sure everyone who attended is looking forward to next year's event.

HONORING OUR ARMED FORCES

SERGEANT 1ST CLASS LINDA TARANGO-GRIESS

Mr. NELSON of Nebraska. Madam President, I rise today to honor SFC Linda Tarango-Griess of Sutton, NE.

Sergeant First Class Tarango-Griess served bravely in the 267th Ordnance Company of the Nebraska National Guard, which was deployed in February from Fort Riley, KS. She selflessly gave her time and her expertise to preserving American ideals through her service to the Guard. At the time of her death, she was serving in Samarra, Iraq, when an improvised explosive device detonated near her convoy vehicle.

Those who knew Sergeant First Class Tarango-Griess were continually inspired by the example of leadership she set, her positive attitude and her confidence were great assets to her and her colleagues. Her family recently set up a memorial in North Platte, NE. One poster, especially, demonstrated the ongoing optimism that she helped others to see. This poster reads: ''We will miss you. No goodbyes. See you later.''

My thoughts and prayers are with the family and friends of SFC Linda Tarango-Griess, but she will remain as a beacon of dedication and patriotism to all Americans from her shining example of commitment through her service to the Armed Forces.

SERGEANT JEREMY FISCHER

Mr. NELSON of Nebraska. Mr. President, I rise today to honor SGT Jeremy Fischer of Lincoln, NE.

SGT Jeremy Fischer bravely dedicated his life to our Nation through his service with the 267th Ordnance Company of the Nebraska National Guard. Sergeant Fischer was deployed in February from Fort Riley, KS, and was serving in Samarra, Iraq at the time of his death on July 11, 2004, when an improvised explosive device detonated near his convoy vehicle.

While SGT Fischer was in Iraq, he used his knowledge and skills to serve

the National Guard as a chemical repair specialist, and was part of a team that installed armor kits on Humvees to protect soldiers.

Those who knew him know that he embodied all the qualities people admire about Nebraskans. His presence was an asset in any situation. His warmth and personality will be missed among his fellow troops, his friends, and especially his wife and his family.

I extend my sincerest thoughts and my deepest thanks to the family of SGT Fischer. He will be remembered for the service he has given to the American Armed Forces, and the ultimate sacrifice he has made for our country.

REMEMBERING THE NAPER 28

Mr. NELSON of Nebraska. Madam President, August 3, 2004 marks the 60th anniversary of what is believed to be the worst military aviation disaster in the history of the State of Nebraska. At 8:25 p.m. an Army C–47 transport airplane dropped from the sky near Naper, NE, killing 28 brave World War II servicemen. The dead included 26 Army pilots, one flight surgeon, and an aircraft crew chief. They were traveling from the Bruning, NE air base to Pierre, SD to complete their training before being shipped off to war.

On August 8, Naper Historical Society of Boyd County, NE will dedicate a permanent memorial to the Naper 28. They raised funds for the Naper 28 Memorial through a donation campaign. What is perhaps most touching about this fundraising effort is not the funds themselves, not even the speed with which they came, but it was the sentiments attached by way of note or letter from other World War II veterans or their widows. At the time of the disaster, very little attention was paid to this aviation disaster. Though it commemorates the tragedy that befell the Naper 28, the memorial at Knollcrest Cemetery in Naper, NE, also bears witness to a more enduring lesson in bravery and valor and preserving the freedom that defines America.

No doubt, the town of Naper, and citizens throughout Boyd County are delighted finally to have a fitting memorial for the 28 servicemen who lost their lives in 1944. It is fitting that the Naper 28 Memorial will be dedicated the same year as the National World War II Memorial in Washington, DC. This year marks an especially commemorative year for America's veterans, and is a year when all Americans gratefully remember and honor the bravery and valor with which America fought in World War II.

Anniversaries, like the 60th anniversary of D–Day and the 60th anniversary of the Naper 28, are important reminders about our history as a Nation, and about our character as Americans.

As America pauses to recall the thankless bravery and sacrifice of those who died protecting our freedoms on D–Day, the people of Naper and all Nebraska also pause to remember the tragedy and sacrifices and lost opportunities of the Naper 28.

I submit the names of the brave souls of the Naper 28, as they appear on the memorial in Naper, NE, as further commemoration of their sacrifice.

They are as follows:

THE NAPER 28

F/O John F. Albert
2nd Lt. Willam F. Acree
2nd Lt. William Armstrong
2nd Lt. Millard F. Arnett, Jr.
2nd Lt. Herbert A. Blakeslee
2nd Lt. George E. Broeckmann
2nd Lt. Robert K. Bohle
2nd Lt. Jack L. Brown
2nd Lt. Richard E. Brown
2nd Lt. James C. Burke, Jr.
2nd Lt. Donald J. Clarkson
2nd Lt. Lloyd L. Hemphill
Sgt. Orson I. Hutslar
2nd Lt. Arthur Johnson
Capt. Clayton R. Jolley
Capt. Leonard C. Jolley
2nd Lt. Gerald C. Keller
2nd Lt. Jack E. Lytle
Capt. Stanley J. Meadows
2nd Lt. Robert E. Nesbitt, Jr.
2nd Lt. Bernard W. O'Malley
2nd Lt. Anthony J. Paladino
2nd Lt. Bruce S. Patterson
2nd Lt. Lelan A. Pope
2nd Lt. Charles V. Porter
Capt. Leslie B. Roberts
2nd Lt. Pat N. Roberts, Jr.
2nd Lt. LaVon H. Sehorn

MASS MURDER OF ROMA AT AUSCHWITZ SIXTY YEARS AGO

Mr. CAMPBELL. Madam President, during World War II, some 23,000 Roma were sent to Auschwitz, mostly from Germany, Austria, and the occupied Czech lands. Sixty Years ago, on the night of August 2 and 3, the order was given to liquidate the ''Gypsy Camp'' at Auschwitz. Over the course of that night, 2,898 men, women, and children were put to death in the gas chambers. In all, an estimated 18,000 Roma died at Auschwitz-Birkenau.

During the intervening years, Aug. 2 and 3 have become days to remember the Porrajmos, the Romani word that means ''the Devouring,'' and to mourn the Romani losses of the Holocaust.

As the U.S. Holocaust Memorial Museum has suggested, Roma are ''understudied victims'' of the Nazis. What we don't know about the Romani experiences during the war is far greater than what is known.

But we do know that the fate of the Roma varied from country to county, and depended on many factors. We know that, in addition to the atrocities in Auschwitz, thousands of Roma were gassed at Chelmno. We know that an estimated 90 percent of Croatia's Romani population—tens of thousands of people—were murdered. We know that approximately 25,000 Roma were deported by the Romanian regime to Transnistria in 1942, where some 19,000 of them perished there in unspeakable conditions. We know that in many places, such as Hungary, Roma were simply executed at the village edge and dumped into mass graves. We know that in Slovakia, Roma were put into forced labor camps, and that in France, Roma were kept in internment camps for fully a year after the war ended.

Still, far more research remains to be done in this field, especially with newly available archives like those from the Lety concentration camp in the Czech Republic. I commend the Holocaust Museum for the efforts it has made to shed light on this still dark corner of the past, and I welcome the work of nongovernmental organizations, such as the Budapest-based Roma Press Center, for collecting the memories of survivors.

I do not think I can overstate the consequences of the Porrajmos. Some scholars estimate that as many as half of Europe's Romani minority perished. For individuals, for families, and for surviving communities, those losses were devastating. Tragically, the postwar treatment of Roma compounded one set of injustices with others. Those who were most directly involved in developing the Nationalist-Socialist framework for the racial persecution of Roma—Robert Ritter and Eva Justin—were never brought to justice for their crimes and were allowed to continue their medical careers after the war. The investigative files on Ritter—including evidence regarding his role in the forced sterilization of Roma—were destroyed. German courts refused to recognize, until 1963, that the persecution of Roma based on their ethnic identity began at least as early as 1938. By the time of the 1963 ruling, many Romani survivors had already died.

During my years of service on the leadership of the Helsinki Commission, I have been struck by the tragic plight of Roma throughout the OSCE region. It is not surprising that, given the long history of their persecution, Roma continue to fight racism and discrimination today. I commend Slovakia for adopting comprehensive antidiscrimination legislation in May. As the OSCE participating states prepare for a major conference on racism, discrimination, and xenophobia, to be held in September, I hope they will be prepared to address the persistent manifestations of racism against Roma—manifestations that often carry echoes of the Holocaust.

NEED FOR THE INDEPENDENT NATIONAL SECURITY CLASSIFICATION BOARD

Mr. GRAHAM of Florida. Madam President, I am delighted to join my colleagues Senator WYDEN, Senator LOTT and Senator SNOWE in introducing a bipartisan bill that will begin to address our Government's dangerous tendency toward excessive secrecy.

I start from the belief that, in our democratic society, the people should have access to all information which their Government holds in their behalf. The only exceptions should be for necessary personal and company privacy concerns, such as tax returns, and for

legitimate national security threats, such as protecting the sources and methods of gathering extremely sensitive information. The current level of abuse of our classification system is so egregious as to be laughable.

To make matters worse, when the Congress has sought to declassify important information, we have allowed the fox to guard the henhouse—we have allowed the CIA and other agencies to determine what gets released to the American public from reports that are critical of their conduct.

I am personally most familiar with the report of the House and Senate Intelligence Committees' Joint Inquiry into the intelligence failures surrounding 9/11. After our report was filed in December 2002, it took 7 months to get a declassified version that we could release. And after all those months, the intelligence agencies and the White House refused to declassify pages and pages of information that might have caused them embarrassment—but certainly did not threaten our national security.

The most famous instance of censorship is the 27 pages that detail foreign sources of support of two of the 19 hijackers while they were living among us and finalizing their evil plot. For all we know, that pattern of support continues to this day. But our report found a number of instances where failures to share information were in and of themselves threats to national security.

Had Federal agencies' watch lists of terrorist suspects been shared, especially with State and local law enforcement officials, police might have detained prior to 9/11 several of the hijackers when they were stopped for traffic offenses. We also have learned that the President's Daily Brief of August 6, 2001, listed a number of pending threats to our homeland, including hijackings of commercial aircraft. If only that information had been shared with the airlines through the FAA, the airlines could have heightened security on board aircraft and more thoroughly screened their passenger lists. Instead, no steps were taken.

One of the Joint Inquiry's recommendations, No. 15, called on the President and the intelligence agencies to review executive orders, policies and procedures that govern national security classification of intelligence information:

> in an effort to expand access to relevant information for Federal agencies outside the Intelligence Community, for State and local authorities, which are critical to the fight against terrorism, and for the American public.

The recommendation also called on Congress to review statutes, policies and procedures governing classification. As the recommendation states:

> Among other matters, Congress should consider the degree to which excessive classification has been used in the past and the extent to which the emerging threat environment has greatly increased the need for real-time sharing of sensitive information.

The report called on the Director of Central Intelligence, the Attorney General, the Secretary of Defense, the Secretary of Homeland Security and the Secretary of State to review and report to the House and Senate committees with ''proposals to protect against the use of the classification process as a shield to protect agency self-interest.''

Regrettably, none of the executive branch agencies have responded to the Joint Inquiry's directives on this issue. So I am pleased to join my colleagues in cosponsoring this legislation, which will create an Independent National Security Classification Board within the executive branch to force the administration and the intelligence agencies to respond and to implement new procedures and standards. Once a new classification system has been adopted, the independent board will have access to all documents that are classified on the basis of national security concerns and the authority to review classification decisions made by executive branch employees. If the board disagrees with a decision, it can make a recommendation to the President to reverse or alter the classification.

If the President doesn't adopt the board's recommendation, he must within 60 days explain his decision to Congress:

> and post such notification and written justification on the White House website.

This will, at the very least, let the American people know that they are being denied information.

COSPONSORSHIP OF S. 2623

Mr. FEINGOLD. Madam President, I discuss a very important issue to my home State of Wisconsin, and that is the time limits placed on Supplemental Security Income, SSI, benefits for refugees and other humanitarian immigrants.

Due to a provision included in the 1996 welfare reform law, some refugees and other humanitarian immigrants legally residing in the United States, including many members of the Hmong ethnic group, are beginning to lose their eligibility for SSI. The provision states that refugees and other humanitarian immigrants are only eligible for SSI for 7 years. Some of these legal immigrants have already lost their benefits, and for others the 7-year deadline is quickly approaching.

Many of the Hmong who currently reside in Wisconsin and throughout the U.S. provided invaluable assistance to the U.S. military during the Vietnam War. The Hmong made great sacrifices in fighting against communists in Laos and providing intelligence to the CIA, and could no longer stay in the region out of fear for their safety. In return for their sacrifices for our Nation, we relocated them to the United States, along with their families, to live under refugee or humanitarian immigrant status.

The refugees and other humanitarian immigrants who depend on SSI are elderly or disabled and often lack any other financial resources. Many Hmong currently have applications for citizenship pending, and have been waiting for over 2 years for their applications to be processed by the Immigration and Naturalization Service and now the Department of Homeland Security. Others are suffering from serious mental or physical disabilities that prevent them from completing the requirements necessary to obtain citizenship. Losing their SSI eligibility will cause significant strain to those Hmong who rely on SSI as their only financial means.

I am proud to cosponsor S. 2623, the SSI Extension for Elderly and Disabled Refugees Act, which was introduced by Senator SMITH. This bill would extend the 7-year deadline by 2 years, giving those refugees who depend on SSI some additional time to navigate the naturalization process.

It is my sincere hope that this bill will be taken up and passed quickly, since time is of the essence for this population. Many of the Hmong risked their lives to help the United States and I believe that the U.S. Government should do all it can to provide for them in their time of need.

AMERICAN HOSTAGES IN COLOMBIA

Mr. DODD. Madam President, last February, I rose before the Senate to draw attention to the fate of three Americans taken hostage by the Revolutionary Armed Forces of Colombia (FARC)—Marc Gonsalves, Keith Stansell, and Thomas Howes. It has been 5 months since then—17 months since Marc, Keith and Tom were captured. Since that tragic day, these Americans and their families have lived in fear, never knowing what tomorrow may bring. I say today what I said then—there must be no higher priority than ensuring that Marc, Keith and Tom return safely home. I commend the actions taken thus far by United States and Colombian officials to find these brave Americans, but I urge them to redouble their efforts.

Marc, Keith and Tom were taken captive when their plane crashed in FARC controlled territory on February 13, 2003. Two individuals, an American pilot, Tom Janis, and a Colombian intelligence officer, were killed by the FARC at the crash site, and Marc, Keith and Tom have remained in captivity since that time. A video documentary released last year containing interviews with the three men dramatically underscores the urgency of their dire situation.

I know that all of our prayers remain with these Americans and their families. As any parent knows, it is impossible to describe the pain these families suffer knowing that their sons are in danger, unable to communicate with them, and uncertain whether they will ever see them again. Marc Gonsalves' mother, Jo Rosano, is a Connecticut

resident. When I met with her in February, I pledged that I would do everything possible to return her son. I stand by that pledge today.

To that end, I have met with President Uribe and Colombian officials and urged them to secure Marc, Keith and Tom's release. President Uribe has assured me that Colombian authorities are working to locate these Americans and that Colombia will not end its search until they are found.

I have likewise urged the Bush administration to provide all necessary assistance to locate and gain the release of Marc, Keith and Tom. During a hearing last year before the Senate Foreign Relations Committee, I urged William Wood, Ambassador to Colombia, to make their well-being and safe release his highest priority. Ambassador Wood agreed to do so and promised to keep me informed about developments as they occur. I thank him for his efforts to date.

Unfortunately, rescuing these three Americans will not be easy. But while doing so may not be easy, it is essential—it is our duty. We must leave no stone unturned in our efforts to secure their release. And we must make sure that their families know that we have not forgotten their sons and will not rest until we find them. I will continue to work tirelessly on behalf of Marc, Keith and Tom, and I urge the Bush administration and the Colombian government, to do everything in their power to expedite their return.

NOMINATION OF WILLIAM G. MYERS III

Mr. JOHNSON. Madam President, yesterday the Senate voted on the nomination of William G. Myers III who has been nominated for a position on the Ninth Circuit Court of Appeals. The Ninth Circuit includes most western States as well as Alaska and Hawaii. These western States contain a vast portion of our natural resources and is home to many of our Native Americans, Alaskan Natives and Hawaiian natives.

President Bush nominated Mr. Myers on May 15, 2003 while he served as Solicitor General for the Department of Interior. He was voted out of the Judiciary Committee on April 1, 2004, by a party line vote of 10–9.

A large portion of Mr. Myers' 22-year legal career has been in Washington working as a lobbyist and as a governmental lawyer in Republican administrations. During his legal career, Mr. Myers has never served in a judiciary capacity; he has never participated in a trial, and has received a partial Not Qualified rating from the American Bar Association, its lowest rating.

During his tenure as Solicitor General he has shown his contempt for environmental protections and has disregarded the necessary input of Native Americans into decisions that directly affect them. As Solicitor, he reversed an opinion made by his predecessor during the Clinton administration regarding the interpretation of a statute. This reversal led to the issuanc of a permit to the Glamis Company to open and operate the Glamis Imperial Mine on Quechan Indian Sacred land. The decision to overturn this opinion was done without government-to-government consultation with the Quechan Indian Tribe, which is required by the policies implemented by the executive branch. Despite requests made by the Quechan Indian Tribe to meet with the Interior Department, he never made any attempts to convene with the tribe while Solicitor, yet had several meetings with the Glamis Company regarding this gold mine.

Mr. Myers placed his mining industry ties before all others. It is his judgment demonstrated here that lead the nonpartisan National Congress of American Indians to oppose this judicial nomination for the first time in this organization's 60-year existence.

The nomination of Mr. Myers is opposed by more than 175 environmental, Native American, labor, civil rights, disability rights, women's rights and other organizations. The New York Times, the Los Angeles Times, and the San Francisco Chronicle have editorialized in opposition to his confirmation.

Now, I point out that I have voted and the Senate has confirmed many conservative judges. Do I like their politics? Probably not. Will I be happy with their rulings all of the time? No. Do I think they can resist partisan activism while serving on the bench? Yes. Regardless of a judge's political leanings, I will support a nominee who understands and is respectful of the rule of law. It is apparent that Mr. Myers will put industry ahead of our environment, the sacred land rights of Native Americans, and most importantly what is in the best interest of the general public.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On April 2, 2000, in Cedar Rapids, IA, Jason Allen was charged with allegedly attacking another man because he believed the man was gay.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

• Mr. KERRY. Madam President, I am pleased to join my colleagues in the Senate—Chair of the Committee on Small Business and Entrepreneurship OLYMPIA SNOWE and former House Small Business Committee Chairman JIM TALENT—in support of legislation that will ensure the National Veterans Business Development Corporation is able to continue serving veteran small business owners.

In a letter to the Office of Management and Budget on March 19, 2004, the Department of Justice concluded that the Veterans Corporation is a government agency, and therefore subject to the laws, regulations, and guidance applicable to all executive branch agencies. This opinion by the admiration not only goes against congressional intent, but it severely undermines the ability of the corporation to deliver needed assistance to veteran entrepreneurs.

As a supporter of the original legislation that established the Veterans Corporation, I can tell you that Congress fully intended the Veterans Corporation to be a private entity and not a Federal agency. This bipartisan legislation simply clarifies the status of the Veterans Corporation and reaffirms Congress's original objective.

I urge all of my colleagues to support this legislation, which we seek to pass today. Passing this legislation expeditiously will mean that the Veterans Corporation can continue to carry out its congressionally mandated mission and that our veteran-owned small business are able to receive the development assistance they need to start and expand. •

THE SMART PROGRAM

• Mr. SMITH. Madam President, today I rise to recognize a proven early literacy program called SMART, which stands for ''Start Making A Reader Today.'' The program gives children who have difficulty reading the extra support and one-on-one attention they need to learn to read and succeed.

Each year, SMART matches more than 11,000 young children in Oregon with adult volunteers for weekly one-on-one reading sessions. Independent research shows that these relationships have a measurable impact on the students' reading performance. At a time when we are striving to better serve our Nation's students, this Oregon program is a model for the Nation. SMART has improved young Oregonians' performance on important benchmark exams, and has given students an important boost of confidence for continued academic success.

Twelve years ago, Johnell Bell was a first grader struggling to learn to read.

His teacher noted Johnell toiling to keep pace with his classmates, and recommended him for SMART. For several years, Johnell worked with one of SMART's 10,000 volunteers to develop his reading skills. With free books at his disposal, Johnell practiced reading at home and quickly developed into a star student and a dynamic young leader. Now a student at Portland State University, he is returning the favor. Every week, he spends time between classes with two SMART readers.

We should learn from proven successes and invest in programs that have a measurable impact on our children's future. By successfully mobilizing communities to improve the lives of thousands of children, SMART, and other programs like it, provide hope for America's children.●

U.S. INSTITUTE OF PEACE 2004 NATIONAL PEACE ESSAY CONTEST WINNER

● Mrs. CLINTON. Madam President, I would like to bring to my colleagues' attention the nationally recognized essay of one of my constituents, Vivek Viswanathan, a junior at Herricks High School in New Hyde Park, NY. I had the pleasure of meeting Mr. Viswanathan on June 23, 2004, when he visited my office during the United States Institute of Peace 2004 National Peace Essay Contest, NPEC Awards Week in Washington. The mandate of the United States Institute of Peace, as established by Congress, is to support the development, transmission, and use of knowledge to promote peace and curb violent international conflict. The Institute's annual NPEC, one of its oldest programs, is based on the belief that expanding the study of peace, justice, freedom and security is vital to civic education.

Mr. Viswanathan's essay, ''Establishing Peaceful and Stable Postwar Societies Through Effective Rebuilding Strategy'' was awarded first-place among the essays of his peers representing all 50 States, U.S. territories and overseas schools. In his essay, Mr. Viswanathan argues that to be effective, reconstruction efforts should be tailored to the specific post-war situation, obtain a large commitment of resources and assistance from the international community, and involve ''a nation's own people in a way that allows them to ultimately control their destiny and that eventually provides a clear exit strategy for international actors.'' I am proud of Mr. Viswanathan's commendable essay and congratulate him and his teachers at Herricks High School. Mr. Viswanathan is a bright and energetic student who will be a leader in his future endeavors. I would like to share with my colleagues a copy of Mr. Viswanathan's first-place essay. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTABLISHING PEACEFUL AND STABLE POSTWAR SOCIETIES THROUGH EFFECTIVE REBUILDING STRATEGY

While the resolution of armed conflict may bring initial order within a war-torn nation, it does not guarantee long-term peace and stability. Establishing an orderly society from the ruins of war—enacting a workable political, economic, and social structure in a place where violence and instability have been the rule—is an undertaking that is necessarily complex. Moreover, the discontinuation of armed conflict does not imply resolution of the underlying concerns that caused the conflict. Humanitarian crises can compound problems. An inability to deal with these factors intelligently and effectively can cripple the rebuilding process and lead to renewed strife.

History has shown that the most effective rebuilding efforts integrate three important strategies. Firstly, they are tailored to the postwar situation with which they are dealing. An assessment of which factors-pose the gravest challenges to rebuilding in each post-conflict situation is absolutely necessary. Factors that destabilize rebuilding must not be addressed haphazardly but rather at their roots. Secondly, successful rebuilding involves a vast commitment of resources and assistance on the part of the international community. Piecemeal efforts will not suffice. Finally, rebuilding efforts must involve a nation's own people in a way that allows them to ultimately control their destiny and that eventually provides a clear exit strategy for international actors.

Case studies of the Marshall Plan in Western Europe and the U.N. and U.S.'s rebuilding efforts in Somalia in the early 1990s demonstrate the necessity of correctly identifying the most fundamental and pressing challenges of rebuilding, dealing with them in a powerful and forceful way, and involving a nation's people in rebuilding efforts in order to build a strong, self-sustaining society.

The Marshall Plan is a study in successful rebuilding. When World War II ended in 1945, the European continent was in tatters. America initially believed that limited aid and relaxed trade barriers would be enough to spur Europe to economic recovery. But by 1947, the economic situation was dire. The UN reported that postwar labor productivity in Europe was 40–50% of prewar levels, and low wages and food shortages compounded the problems. As the economy tanked, support for the Communist party in various countries began to grow. The U.S. began to fear Soviet domination of Western Europe.

By 1947, Secretary of State George Marshall understood the plight of the European continent and the danger it faced. ''The patient is sinking while the doctors deliberate,'' he told the American people. In a now-famous speech that year at Harvard University, Marshall laid out the European Recovery Program—the Marshall Plan—and brilliantly addressed the three important strategies of rebuilding. Firstly, he correctly assessed the situation in Europe. Marshall realized that the root problem that afflicted rebuilding efforts was economic and not political in nature. He emphasized that the effective way to stifle Communism was to address Europe's economic troubles. ''Our policy is directed not against any country or doctrine but against hunger, poverty, desperation, and chaos,'' Marshall said. ''Its purpose should be the revival of a working economy . . . to permit the emergence of political and social conditions in which free institutions can exist.''

Secondly, Marshall understood that for rebuilding to succeed, a massive investment of resources into Europe on the part of the U.S. was necessary. ''Assistance . . . must not be on a piecemeal basis . . . [it] should provide a cure rather than a mere palliative,'' he said.

Finally, Marshall understood that the chances of a rational and cohesive rebuilding effort would be greatly increased by allowing Europeans to retain much control over the rebuilding program. The U.S., he said, should limit itself to ''friendly aid'' and advice. The Marshall Plan's four-year timetable also provided a framework for success.

Eventually, between 1948 and 1952, the U.S. appropriated $13.3 billion dollars—a staggering sum in that day—for the Marshall Plan. The money was spent toward greatly increasing European productivity and modernizing factory and transport systems. And the Europeans had a hand in formulating a workable rebuilding policy.

The Plan was incredibly successful. Western Europe's gross national product climbed 32 percent during the Marshall Plan, and by 1952 agricultural production and industrial output exceeded prewar levels by 11 and 40 percent, respectively. Through the revived economy, Western Europe had been re-integrated into the free world; even as the U.S.S.R. dominated Eastern Europe, Western Europe would stand for four decades as a bulwark against Soviet expansion. Calling him a man who ''offered hope to those who desperately needed it,'' TIME named him its 1947 Man of the Year. And in 1953, Marshall was awarded the Nobel Peace Prize.

In contrast, the U.N. and U.S.'s post-conflict reconstruction experience in Somalia in the early 1990s demonstrates the consequences of an incompetent and halfhearted approach to nation-building. With the collapse of Mohamed Siad Barre's regime in 1991, Somalia plunged into civil war as various Somali clans engaged in a power struggle. The chaos triggered a great humanitarian crisis. Finally, after thousands were killed in intense fighting in Mogadishu, a U.N.-brokered cease-fire between rival clan leaders Mohamed Farah Aidid and Ali Mahdi Mohamed was achieved in March of 1992.

However, the U.N. and U.S.'s response afterward showed a disregard for the three important strategies of rebuilding. Firstly, the U.N. and the U.S. did not accurately assess the Somali situation. The immense humanitarian crisis blinded the international actors to the fact that the root problem that was afflicting reconciliation was political in nature. The initial U.N. and U.S. response in Operation Restore Hope sought to be purely hunianitarian in nature, when in fact the humanitarian and political situations were intertwined. The U.S. Deputy Chief of Mission to Somalia later wrote, ''The country's entire political and economic systems essentially revolved around plundered food'' that was stolen from the relief effort. Eventually, confronted with the deteriorating political situation, the U.N. Security Council authorized Resolution 794 in December of 1992, which allowed U.S. and international troops to use '''all necessary means'' to establish ''a secure environment for humanitarian relief operations in Somalia.'' Even at this point, guaranteeing political stability was seen as only a means for providing humanitarian relief, rather than an end in itself. This is a fine strategy for saving people's lives in the short-term—in fact, the intervention in Somalia saved tens of thousands of lives—but it is a poor strategy for rebuilding the fabric of a nation.

Secondly, the international community was not eager to put forth the significant monetary and troop commitment that successful nation-building entails. However, reductions in the troop force—from 25,000 to 4,200 by June of 1993—ultimately proved counterproductive. As James Dobbins, who

oversaw various postwar reconstruction efforts (including Somalia) while serving Bush and Clinton, put it, ''Only when the number of stabilization troops has been low in comparison to the population have U.S forces suffered or inflicted significant casualties.'' The international effort in Somalia was strikingly deficient.

Finally, the Somali mission failed to include many of the Somali people in rebuilding efforts. The cease-fire efforts attempted to treat the conflict as one between two major warlords, when there were actually many other disaffected people who went uninvited to peace talks. In fact, warlord Ali Mahdi Mohamed, given stature by his inclusion in the talks, attacked smaller clans the day after the U.N. invitation to talks. One U.N. advisor wrote that the international community's inability to recognize the importance of representation in Somali politics was ''central to nearly every failed peace conference.'' In the end, the concept of an effective exit strategy for international actors, which is designed to focus efforts on goals and results, instead degenerated in Somalia into a rationale for getting out.

After a clash between warlord Mohamed Farah Aidid and a U.N. force on June 5, 1993, and the battle between Aidid and U.S. forces on October 3, 1993 that left eighteen soldiers dead, Clinton ordered a withdrawal of American troops that was completed by March of 1994. The final U.N. troops left in February of 1995 as rival clans continued to fight. As his troops prepared to leave Somalia, Pakistani brigadier general Saulat Abbas lamented, ''We've been able to save a lot of people from hunger, disease. But we've not been able to contribute anything politically.'' The nation-building effort had failed.

The lessons of the Marshall Plan and international efforts in Somalia are clear. For those nations overrun by war, the cessation of violence is only a beginning. A careful and well-reasoned rebuilding and reconciliation effort that is uniquely relevant to the intricacies of each situation is necessary for the re-emergence of a strong society that can endure. In addition, international actors such as the U.N. and U.S. must truly be committed to investing all the resources necessary to build an orderly environment. This often means going against the prevailing political winds. Finally, the rebuilding of a nation must involve that nation's own people and provide for their society to eventually prosper on its own. With the proper approach and commitment in place, post-conflict rebuilding efforts can lead to societies that are peaceful, stable, and secure.●

WALTER JOHNSON—HALF A CENTURY OF SERVICE

● Mrs. BOXER. Madam President, I am pleased and honored to salute Walter Johnson, the distinguished secretary-treasurer of the San Francisco Labor Council, AFL–CIO. Walter is retiring after nearly two decades in this position and more than 50 years of outstanding service to the labor community and the people of the San Francisco Bay Area.

Born in North Dakota, Walter Johnson served his country in World War II and settled in San Francisco after his discharge. He got a job as an appliance salesperson at Sears Roebuck and joined Local 1100 of the Department Store Employees Union. Rising through the ranks of the union, he became its business agent in 1957 and was elected president a year later. He was elected secretary-treasurer in 1964 and reelected 11 times.

Walter was elected secretary-treasurer of the labor council in 1985, and has held this top post ever since. As the leader of more than 80,000 workers in 140 local unions and constituency groups, Walter Johnson represents the face and voice of San Francisco's labor movement.

He also embodies its heart. Walter's compassion and commitment to social justice are legendary. In the 1950s, he played a key role in breaking the color line by helping the first African American woman secure a position behind the counter at Woolworth's. Over the past half century, he has fought for workers' rights at home and in foreign lands including China and South Korea. A cancer survivor himself, he has been a leader in the fight against breast cancer. He is also active in his church, in promoting sports for children, and in the United Way of the Bay Area.

Walter has become a trusted friend and adviser to me and to other elected officials, but he never lets us forget that we work for the people not the other way around. Even after he retires, I will still hear Walter's voice and feel him tapping on my shoulder, reminding me never to forget the working men and women I represent.

After more than 50 years of service, even Walter Johnson needs a little time off. Along with thousands of his friends and admirers throughout the Bay Area, I wish him a long and pleasurable retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3574. An act to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

H.R. 3936. An act to amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, DC, metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation, and for other purposes.

H.R. 4259. An act to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes.

H.R. 4816. An act to permit the Librarian of Congress to hire Library of Congress Police employees.

H.R. 4850. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 308. Concurrent resolution recognizing the members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day.

The message further announced that the House has passed the following joint resolution and bill, without amendment:

S.J. Res. 38. Joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

S. 741. An act to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

At 5:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4600. An act to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions.

The message also announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 4492. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

H.R. 2694. A bill to amend title XVIII of the Social Security Act to provide for the automatic enrollment of medicaid beneficiaries for prescription drug benefits under part D of such title, and for other purposes.

S. 2695. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2704. A bill to amend title XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 2714. A bill to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

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–8614. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model BAE 125 Series 800A, 800A (C–29A0), and 800B Airplanes and Model Hawker 800 Airplanes Doc. No. 2003–NM–244'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8615. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model 330-202, 203, 223, and 243 Airplanes and A330–300 Airplanes Doc. No. 2003–NM–183'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8616. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC9081 MD82, DC–9–83 MD 83, DC 9–87 MD87, and MD 88 Airplanes Doc. No. 2000–NM–110'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8617. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737-600, 700, 700C, 800, and 900 Airplanes Doc. No. 2002–NM–323'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8618. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330, A340–200, and A340–300 Airplanes Doc. No. 2003–NM–111'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8619. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Przedsiediorstwo Doswiadczalno Prdoukcykne Szybownictwa ''PZL–Bielsko'' Model SZD–50–3 ''Puchacz'' Doc. No. 2003–CE–66 Doc. No. 2003–CE–66'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8620. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Alexander Schleicher Model ASW 27 Sailplanes Doc. No. 2003–CE–53'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8621. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A318, 319, 320, and 321 Airplanes Doc. No. 2004–NM–100'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8622. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Sytems (Operations) Limited Model BAE Airplanes Doc. No. 2003–NM–94'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8623. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B2 and A300 B4 Airplanes Doc. No. 2002–NM–337'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8624. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model BAe 125 Series 800A Including C–29A and U–125 Variant and 800 B Airplanes; and Model Hawker 800 (Including U–125A Variant) and 800 XP Airplanes Doc. No. 2003–NM–216'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8625. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400 and 400F Airplanes Equipped With Rolls-Royce Engines Doc. No. 2003–NM–202'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8626. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Defense and Space Group Model 234 Helicopters Doc. No. 2004–SW–09'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8627. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC 130 B4 and AS 350 B3 Helicopters Doc. No. 2003–SW–29'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8628. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Augusta S.p.A. Model A109E Helicopters Doc. No. 2003–SW–32'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8629. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F28 Mark 0070 Airplanes Doc. No. 2002–NM–251'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8630. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB SF340A and SAAB 340B Airplanes Doc. No. 2003–NM–18'' (RIN2120–AA64) received on July 19 , 2004; to the Committee on Commerce, Science, and Transportation .

EC–8631. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A319 and A320 Airplanes Doc. No. 2003–NM–187'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8632. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB SF340A and SAAB 340B Airplanes Doc. No. 2003–NM–17'' (RIN2120–AA64) received on July 19 , 2004; to the Committee on Commerce, Science, and Transportation .

EC–8633. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL-600 2B19 (Regional Jet Series 100 and 440) Airplanes'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8634. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 200B, and 200F Airplanes Doc. No. 2002–NM–149'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8635. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasilera de Aeronautica S.A. (EMBRAER) Model EMB–135 and 145 Airplanes Doc. No. 2003–NM–104'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8636. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–102, 103, 106, 201, 202, 301, 311, and 315 Doc. No. 2001–NM–331'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8637. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–301, 3100, 315 Airplanes Doc. No. 2002–NM–297'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8638. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives:

Boeing Model 747–400 and 400 D Series Airplanes Doc. No. 2003–NM–126'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8639. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems (operations) Limited (Jetstream) Model 4101 Airplanes Doc. No. 2002–NM–208'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8640. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B2 Airplanes Model A300 B4 Airplanes and Model A300 B4 Airplanes and Model A300 B4–600R Variant F, and F4–600R (Collectively Called A300–600 Airplanes) Doc. No. 2003–NM–53'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8641. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Short Brothers Model SD3–60 SHERPA Airplanes Doc. No. 2003–NM–200'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8642. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Short Brothers Model SD3–60 Airplanes Doc. No. 2003–NM–236'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8643. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aircraft Equipped with Garmin AT Apollo GX Series Global Positioning System (GPS) Navigation Units with Software Versions 3.0 through 3.4 Inclusive Doc. No. 2002–NM–254'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8644. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasilera de Aeronautica S.A. (EMBRAER) Model EMB–120 Airplanes Doc. No. 2003–NM–65'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8645. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc RB211 Trent 875–17, Trent 877–17, Trent 884–18, Trent 884B–17, Trent 892–17, Trent 892B–17, and Trent 895–17 Turbofan Engines Doc. No 202–NE–19'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8646. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Augusta S.p.A. Model A109C, A109E, and A109K2 Helicopters Doc. No. 2001–SW–15'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8647. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Short Brothers Model SD3–SHERPA Airplanes Doc. No. 2003–NM–235'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8648. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter Deutschland Model MBB–BK 117, A–1, A–3, A–4, B–1, B–2, and C–1 Helicopters Doc. No. 2003–SW–38'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8649. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lycoming Engines (Formerly Textron Lycoming) Direct-Drive Reciprocating Engines CORRECTION Doc. No. 89–ANE–10'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8650. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Kimball, NE Doc. No. 04–ACE–31'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8651. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Scottsbluff, NE Doc. No. 04–ACE–28'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8652. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Zanesville OH CORRECTION Doc. No. 03–AGL–14'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8653. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; CORRECTION Broken Bow, NE Doc. No. 04–CE–39'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8654. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Trinidad, CO CORRECTION Doc. No. 03–ANM–04'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8655. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (16) Amendment No. 3099'' (RIN2120–AA65) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8656. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (16) Amendment No. 449'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8657. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; St. Cloud, MN Modification of Class E Airspace; St. Cloud, MN Doc. No. 03–AGL–21'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8658. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Restricted Area 6604; Chincoteague Inlet, VA Doc. No. 04–AEA–05'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8659. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Cooperstown, NY Doc. No. 04–AEA–04'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8660. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace; Goldsoro, NC Doc. No. 04–ASO–5'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8661. A communication from the FMCSA Regulatory Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Carrier Regulations; Hazardous Materials Safety Permits'' (RIN2126–AA07) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8662. A communication from the Attorney-Advisor, Maritime Administration, Department, transmitting, pursuant to law, the report of a rule entitled ''Maritime Security Program'' (RIN2133–AB62) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8663. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, a report relative to a multiyear procurement for the Tomahawk Cruise Missile (Block IV All-Up-Round (AUR)) Fiscal Year 2004 through 2008; to the Committee on Armed Services.

EC–8664. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to information for 2003 on the country of origin and the sellers of uranium and uranium enrichment services purchased by owners and operators of U.S. civilian nuclear power reactors; to the Committee on Energy and Natural Resources.

EC–8665. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled the ''Lowell National Historical Park Boundary Adjustment Act''; to the Committee on Energy and Natural Resources.

EC–8666. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding Certain Cross Chain Transactions'' (Rev. Rul. 2004–83) received on July 19, 2004; to the Committee on Finance.

EC–8667. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Transfers to Provide for Satisfaction of Contested Liabilities'' (RIN1545–BA90) received on July 19, 2004; to the Committee on Finance.

EC–8668. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Application of Section 904 to Income Subject to Separate Limitations'' (RIN1545–AX88) received on July 19, 2004; to the Committee on Finance.

EC–8669. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—August 2004'' (Rev. Rul. 2004–84) received on July 19, 2004; to the Committee on Finance.

EC–8670. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Bankruptcy Implications on Golden Parachute Payments'' (Rev. Rul. 2004–87) received on July 19, 2004; to the Committee on Finance.

EC–8671. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Participation on Department of Health and Human Services Programs by Religious Organizations; Providing for Equal Treatment of All Department of Health and Human Services Program Participants'' (RIN0991–AB34) received on July 19, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8672. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities during Calendar Year 2003 pursuant to the Equal Credit Opportunity Act; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–474. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to income guidelines for senior citizens; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, Louisiana's senior citizens, with their wealth of lifetime experiences and knowledge, represent a valuable asset to our state; and

Whereas, according to the latest federal decennial census, 108,634 Louisiana citizens age sixty or older live at or below the federal poverty level; and

Whereas, only 40,754, less than thirty-eight percent, of these low-income senior citizens qualified for participation in the federal food stamp program at the end of February 2004, according to the Louisiana Department of Social Services; and

Whereas, many of these low-income senior citizens subsist on fixed incomes or have supplemental security income (SSI) as their only source of income; and

Whereas, many of these low-income senior citizens find that, even after being allowed certain medical deductions from income, their incomes disqualify them from receiving assistance through the federal food stamp program or qualify them only for a minimal amount of assistance; and

Whereas, as a result, many of these low-income senior citizens find themselves at the end of the month without enough money to buy food after meeting other monthly expenses: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the Congress of the United States of America to study and consider revising the income guidelines for senior citizens and reduce them by ten percent so that they may participate in or receive more assistance through the federal food stamp program; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–475. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to eliminating the ''new shipper'' bonding privilege; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 152

Whereas, antidumping and countervailing duties on imports are implemented to protect domestic fishery, agricultural, and industrial industries from unfairly subsidized imports; and

Whereas, under the present United States antidumping law, a ''new shipper'' may choose to post low-cost bonds on their imports or the full cash deposit as security for the amount of duties the United States Customs and Border Protection may assess against the imports; and

Whereas, many exporters, especially from China, are claiming ''new shipper'' status as means of evading the payment of any duties on their imports; and

Whereas, some ''new shippers'' evade payment of any duties by defaulting or dissolving the company, as shown by the fact that in 2003, the United States Customs and Border Protection failed to collect on $130 million in import duties, with over $100 million of such uncollected duties from Chinese imports; and

Whereas, the elimination of the option of posting a bond over a full cash deposit will close the loophole used by ''new shippers'' to avoid the payment of antidumping and countervailing duties on imports: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation eliminating the ''new shipper'' bonding privilege; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and clerk of the United States House of Representatives, and to each member of the Louisiana congressional delegation.

POM–476. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to emergency supplemental appropriations to strengthen security and increase staffing at United States-Canada border crossings; to the Committee on Appropriations.

SENATE RESOLUTION NO. 118

Whereas, for generations, the friendly, shared border of 4,000 miles between our country and our Canadian neighbors has been a symbol of the blessings of peace. The recent terrorist attacks have, however, shattered our sense of security and prompted a reexamination of how we can better protect ourselves; and

Whereas, a major component of any new strategy must be making a stronger investment of resources and personnel along our northern border, especially at the crossings between the United States and Canada. The free flow of people and materials crossing our northern border every day reflects our close economic and cultural ties with Canada. The hard lessons learned on September 11, 2001, make it clear that greater scrutiny must be applied at entry points. The United States Customs Service processed 489 million passengers in 2000. To monitor this volume of traffic effectively, especially in the era of increased terrorist threats we now face, will require a far greater allocation of staffing, funding, and technology; and

Whereas, there is widespread agreement that the Customs Service and the Immigration and Naturalization Service are seriously understaffed. This seems to be especially true along our Canadian border when compared to efforts along the Mexican frontier. Allocating a significant portion of the emergency appropriations the President has called for is fundamentally important to our national security and the security of our Canadian neighbors: Now, therefore, be it

Resolved by the Senate, That we memorialize Congress and the President of the United States to provide emergency supplemental appropriations to strengthen security and increase staffing at United States-Canadian border crossings; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–477. A concurrent resolution adopted by the Senate of the General Assembly of the state of Ohio relative to retention and expansion of all military bases and centers in Ohio; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 31

Whereas, the United States Department of Defense is required by law to prepare a list of military bases to be closed or realigned for the Base Closure and Realignment Commission by May 16, 2005. The Department has announced that the 2005 round of closures could have an impact as great as the previous four rounds combined, closing nearly 100 bases; and

Whereas, the Commission will submit its list to the President of the United States by September 8, 2005, and, if the President approves the list, he will forward it to the United States Congress by September 23, 2005. The Congress will either vote on the approved list, or it will become effective 45 days after submission; and

Whereas, Ohio's military bases and centers are critical to our national security and impact the present and future capability of our defense force structure nationwide. The state of Ohio has always worked on behalf of a strong national defense and has a long history of outstanding community and state support of Ohio's military bases and centers; and

Whereas, Ohio has 38,000 defense jobs with a more than $4 billion economic impact on our state and local economies, including Wright Patterson Air Force Base as the largest single-site employer in Ohio. Thus, significant closures or defense job losses during the 2005 base realignment and closure process would have an extremely detrimental effect at both the state and local levels: Now therefore be it

Resolved, That we, the members of the 125th General Assembly of the State of Ohio, express our support for retention and expansion of all military bases and centers in Ohio

and encourage all local governments to support the continued operation of those bases and centers at full capacity; and be it further

Resolved, That we, the members of the 125th General Assembly of the State of Ohio, urge the Governor's All-Ohio Task Force to Save Defense Jobs to work with communities, legislators, local officials, and industry and labor leaders to protect any threatened defense bases and centers and urge local governments and community, industry, and labor leaders to work with the Task Force to enhance the efficiency and effectiveness of Ohio's military bases and centers so that the Department of Defense will fully appreciate the military value of Ohio's defense contributions and exploit those capabilities by moving additional missions to our state, thereby strengthening national defense; and be it further

Resolved, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, to the United States Secretary of Defense, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate, to the members of the Ohio Congressional delegation, to the Governor of Ohio, and to the news media of Ohio.

POM–478. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to the posthumous promotion of Colonel Edward Ephraim Cross; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 17

Whereas, Colonel Edward Ephraim Cross, a native of Lancaster, New Hampshire, was named a colonel by the governor of New Hampshire in 1861 at the outbreak of the Civil War and was given command of the 5th Regiment, New Hampshire Volunteers; and

Whereas, Colonel Cross valiantly led his regiment through many battles of the Civil War, including the battles of Fair Oaks, Glendale, Antietam, Chancellorsville, Fredericksburg, and Gettysburg, and was wounded several times; and

Whereas, prior to Colonel Cross's untimely death after suffering a wound by a sniper at the Battle of Gettysburg on July 2, 1863, he was informed by his division commander, Major General Winfield Scott Hancock, that he was to be promoted to brigadier general; and

Whereas, a number of Civil War historians and enthusiasts have over the years made requests of New Hampshire's governor and congressional delegation that Colonel Cross be promoted to brigadier general or brevet brigadier general: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court finds that Colonel Cross's record of conduct, performance, and devotion to duty reflect his allegiance to the highest standards of the military profession and that, if not for his untimely death at Gettysburg, Colonel Cross would have received a promotion to brigadier general; and

That the New Hampshire general court urges the governor and the federal government to take the procedural steps necessary to posthumously promote New Hampshire native Colonel Edward Ephraim Cross to the rank of brigadier general; and

That copies of this resolution be sent by the house clerk to the governor, the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and the members of the New Hampshire Congressional delegation.

POM–479. A joint resolution adopted by the General Assembly of the State of Colorado relative to Colorado's reservists and national guard members; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION NO. 04–1006

Whereas, our volunteer military is one of the best in the world; and

Whereas, a key to the success of this force is its ability to combine active duty troops from the Army, Navy, Air Force, and Marines with the citizen soldiers of the Colorado Reserve and National Guard; and

Whereas, throughout the history of this state Coloradans have contributed commendable service to this country, and currently Colorado is the proud home of active military bases as well as the ''Home of Heroes'', which has produced 5 Congressional Medal of Honor winners; and

Whereas, the War on Terrorism may go on for many years and may consist of smaller deployments of troops requiring mass support and rapid response; and

Whereas, there is a great reliance on our Colorado Reserve and National Guard units; and

Whereas, currently there are over 3,000 Colorado citizen soldiers who have been called up to fight this War on Terrorism both at home and abroad; and

Whereas, these citizen soldiers are our friends and neighbors; people who live, work, and raise their families here in Colorado; and

Whereas, these citizen soldiers are standing in the gap for us, activated to fill an essential need, protecting us both here at home and abroad from those who wish us harm; and

Whereas, while these citizen soldiers stand in the gap for us in our armed forces, keeping the War on Terrorism away from our homes and families, a gap is created in the families they leave behind; and

Whereas, these Colorado Reservists and members of the Colorado National Guard are often not only spouses, but also parents and frequently the primary breadwinners for their families; and

Whereas, the stress and financial difficulties resulting from the gap created by the volunteer's absence adds to the burdens of an already worried family; and

Whereas, while limited emergency relief funds do exist to help ease these financial burdens, these funds are not enough. It is unacceptable for us to stand by and let the burdens that our Reservists, National Guard members, and their families face continue to mount. It is time for the people of Colorado to take action and stand in the gap here at home for Colorado's fighting men and women; and

Whereas, neighbors helping neighbors is a Western tradition that is still alive and well here in Colorado; and

Whereas, we, the people of Colorado, must do our part to ensure that our fighting forces may take comfort in knowing that the entire state of Colorado is helping to fill the gap occasioned by their absence from their families so that they may focus on protecting us; and

Whereas, our role as citizens in the War on Terrorism is not only to function at a heightened state of vigilance throughout our daily lives in order to help prevent another terrorist attack, but also to ensure that our brave Colorado fighting men and women and their families are supported financially, emotionally, and spiritually; and

Whereas, currently, no Colorado organization exists that allows citizens to help their fellow citizen soldiers who serve either in the Reserves or National Guard lessen these financial burdens; and

Whereas, recently, The Stand in the Gap Project, Inc., was formed as a not-for-profit organization under section 501(c)(3) of the Internal Revenue Code to unite leaders and citizens in working toward a real, financial, and long-term solution for the burdens carried by military families; and

Whereas, the Stand in the Gap Project, Inc., aims to provide a method by which Colorado citizens can help by contributing their time, treasure, and talent to assist their fellow Coloradans who are standing in the gap through military service; and

Whereas, the Stand in the Gap Project, Inc., hopes to serve as a catalyst and a focal point for other organizations within the state to help effectively and efficiently reduce the stresses experienced by National Guard and Reserve families here in Colorado: Now, therefore, be it

Resolved by the House of Representatives of the Sixty-fourth General Assembly of the State of Colorado, the Senate concurring herein:

(1) That we, the members of the Sixty-fourth General Assembly, support the efforts of The Stand in the Gap Project, Inc., and urge our fellow Coloradans to join us in taking responsibility for our troops and their families who struggle to help protect us.

(2) That we, as Colorado citizen legislators, are committed to doing everything humanly possible to address this problem and that we pledge to stand in the gap for Colorado Reservists, National Guard members, and their families in our own districts and throughout Colorado.

(3) That we encourage our fellow Coloradans to contact The Stand in the Gap Project, Inc., at www.thestandinthegapproject.org to find out how to contribute to this effort, both financially and through the organization of Stand in the Gap events in their own communities.

(4) That we urge all Coloradans to join in this effort and to continue to work to stand in the gap for our citizen soldiers until they all come safely home; be it further

Resolved, That copies of this joint resolution be sent to George W. Bush, President of the United States; Dick Cheney, Vice President of the United States; Donald H. Rumsfeld, Secretary of Defense; J. Dennis Hastert, Speaker of the United States House of Representatives; Ted Stevens, President Pro Tempore of the United States Senate; the members of Colorado's congressional delegation; The Stand in the Gap Project, Inc.; and the local affiliates of the Colorado Reserve and National Guard.

POM–480. A joint resolution adopted by the Legislature of the State of California relative to military airfares; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 16

Whereas, many thousands of Californians are serving in the United States military in stations spread throughout the world; and

Whereas, many of these men and women are in grave danger due to their engagement in, or exposure to, combat situations; and

Whereas, military service often requires individuals to be separated from their families on short notice for long periods of time under stressful conditions; and

Whereas, it is the patriotic duty of all Americans to support the men and women of the United States Armed Forces who are defending American interests around the world at great personal sacrifice: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges all airline companies in the United States to permanently establish, for active duty military personnel, a reduced price airfare equal to, or lower than, the lowest airfare offered for each ticketed flight, and that the airfare be free from time restrictions and fees or penalties for changes; and be it further

Resolved, That the Legislature of the State of California expresses gratitude to the commercial airline companies currently supporting our active duty military personnel through company policies that provide reduced airfares, flexible policies, and the use of frequent flyer award programs; and be it further

Resolved, That the Legislature of the State of California commends those commercial airline companies that support their employees who participate in National Guard and Military Reserve duty and are on leave from those companies for military duty; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to all Members of the Congress of the United States, to the Chair of the Federal Aviation Administration, and to the chief executive' officer of every airline company in the United States.

POM–481. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to funding for the dredging of canals around the city of Gibraltar; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 234

Whereas, the city of Gibraltar in Wayne County is a unique community, with more than five miles of canals bisecting the city and its four islands of residences. These public transportation routes include access to public and private facilities, including boat ramps and marinas. Thousands of people use the canals each year; and

Whereas, with no dredging of the Gibraltar canals since the late 1950s, the use of the canals is today significantly threatened by the buildup of sediment throughout the system. Boating traffic is hampered by the buildup. The task of dealing with the Gibraltar canals is made more complex by the results of testing that has identified contamination in the sediment. This fact will greatly increase the costs of dredging and disposal of the sediment; and

Whereas, the costs of dredging the canals is far beyond the resources available within the community of Gibraltar, and the canals are available to and used by many more people than residents of Gibraltar. This work clearly needs to be completed. The Gibraltar canals are notable components of the Detroit River system, and maintaining the quality of the canals is work that is strongly related to the quality of this vital part of our water transportation network. It is essential that necessary resources be directed to this task: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide funding for the dredging of canals around the city of Gibraltar; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–482. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to responsibility for surface transportation policy; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT MEMORIAL NO. 2003

Whereas, the motoring public in this state pays a federal fuel tax of 18.4 cents per gallon, and Congress has recently considered raising that tax by 5.4 cents per gallon, an increase of nearly one-third, with ongoing increases by indexation thereafter; and

Whereas, for nearly half a century the federal fuel tax has supported the Federal Highway Administration, which was formed in 1956 to build the interstate highway system and which successfully completed that mission by the mid-1980s; and

Whereas, most of the transportation problems that confront travelers today are local or regional, and state and local governments can respond to them more effectively than distant bureaucracies; and

Whereas, a growing share of the federal fuel tax is diverted to purposes other than highways and roads, including urban mass transit, ferry boats, commuter rails, historic renovation, hiking trails, landscaping, covered bridges, scenic byways and Appalachian redevelopment, which benefit narrow yet influential constituencies at the expense of the motoring public; and

Whereas, the federal government often threatens to withhold a state's share of federal highway money in order to force the state to comply with a variety of federal mandates, including clean air and safety standards, law enforcement and union contracts; and

Whereas, the federal management of highway funding results in a subsidy to wealthier states and slower growing states at the expense of less affluent states and fast growing states with greater transportation needs; and

Whereas, ''turnback'' legislation that would give each state full control of the federal fuel tax revenues collected by that state has been proposed in several past sessions of Congress and has again been introduced as H.R. 3113, the Transportation Empowerment Act.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States enact legislation that would return to the states full responsibility to formulate and implement their own surface transportation priorities by allowing each state to retain the revenues from the federal tax on fuel that is sold within its borders.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the Senate and the Speaker of the House of Representatives of each state's legislature and each Member of Congress from the State of Arizona.

POM–483. A resolution adopted by the Senate of the Legislature of the State of Illinois relative to the cost of motor fuel; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 102

Whereas, the price of gasoline has reached an average $1.70 per gallon nationwide; and

Whereas, the price of gasoline continues to climb, to the extent that some experts have predicted prices of $2.50 per gallon in the near future: Therefore, be it

Resolved, by the Senate of the Ninety-Third General Assembly of the State of Illinois, That we call upon the United States Congress to investigate and determine why the cost of motor fuel is so high and climbing; and be it further

Resolved, That suitable copies of this resolution be delivered to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

POM–484. A resolution adopted by the Council of the City of Parma of the State of Ohio relative to the No Oil Producing and Exporting Cartels Act of 2004 (NOPEC); to the Committee on Energy and Natural Resources.

POM–485. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to Luke Air Force Base and Yuma Army Proving Ground; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL NO. 2011

Whereas, the State of Arizona, its local governments and its people recognize the vital role Arizona's Barry M. Goldwater Range and other military facilities play in ensuring our military's unparalleled training, combat readiness and air superiority in protecting American freedom; and

Whereas, Luke Air Force Base has operated continuously since 1951 as a top rate pilot training facility, plays a vital role in our nation's military superiority, is the home of the largest fighter wing in the United States Air Force, trains all F–16 pilots and crew chiefs for the United States Air Force and is strategically located within fifty miles of the Barry M. Goldwater Range; and

Whereas, in 1951 Luke Air Force Base and its related auxiliary fields was located in an unurbanized, agricultural portion of the Phoenix metropolitan area, but is now within one of the fastest growing counties and municipal areas in the Nation and State of Arizona, which has exacerbated the challenges caused by urbanization in the Phoenix metropolitan area; and

Whereas, the preservation of Luke Air Force Base is an issue of national, state and local concern; and

Whereas, the State of Arizona, local communities and landowners surrounding Luke Air Force Base and its related auxiliary fields have made substantial strides in preserving the mission of Luke Air Force Base and those efforts have been held as a model around the Nation for military facilities preservation; and

Whereas, the preservation efforts have placed a considerably disproportionate burden on the surrounding landowners of protecting a vital national defense asset; and

Whereas, despite the efforts Luke Air Force Base and its related auxiliary fields continue to face the increasing challenges caused by considerable growth; and

Whereas, additional land use restrictions surrounding Luke Air Force Base and its related auxiliary fields are impractical to implement without imposing an even greater and disproportionate burden on the landowners, many of whom's families have owned and farmed the surrounding lands before the presence of Luke Air Force Base; and

Whereas, the federal government has extraordinary landholdings in Arizona and the best long-term public policy solution for the preservation of Luke Air Force Base and its related auxiliary fields is a voluntary land exchange between the United States Bureau of Land Management and the owners of the vacant land and farm land within the high noise or accident potential :ones surrounding Luke Air Force Base and its related auxiliary fields; and

Whereas, the United States Army Yuma Proving Ground was established in 1942 and has continuously operated as a multipurpose training and testing facility able to test nearly every weapon system in the ground combat arsenal; and

Whereas, at one thousand three hundred square miles, Yuma Army Proving Ground has the size to allow Army weapon systems to fully exercise their capabilities, and to continue testing advanced systems capable of reaching greater distances requiring a

larger footprint without endangering the public; and

Whereas, Yuma Army Proving Ground is a national and international testing site for innovations in security, surveillance and weaponry systems; and

Whereas, Yuma Army Proving Ground is the United States Army's center for desert natural environment testing and its climate, terrain and excellent range facilities make almost perfect testing and training conditions; and

Whereas, in the last ten years, Yuma Army Proving Ground has become a key location for training operations for all services because of the similarity of its terrain and climate to the Middle East; and

Whereas, the mission of Yuma Army Proving Ground is an issue of national, state and local concern; and

Whereas, there remains within the boundaries of the Yuma Army Proving Ground testing and training ranges many parcels of property owned by both private land owners and the State of Arizona; and

Whereas, these privately and publicly owned lands within the boundaries of the Yuma Army Proving Ground testing and training ranges are a safety concern and compromise the overall mission and safety of the base; and

Whereas, the federal government has vast land holdings in the vicinity of Yuma Army Proving Ground and the best long term policy solution for the preservation of the Yuma Army Proving Grounds is a voluntary exchange of land between the United States Bureau of Land Management and the owners of private property, and between the Bureau of Land Management and the State of Arizona for the property that is located within the boundaries of the testing and training ranges; and

Whereas, such land exchanges would otherwise compromise the overall safety establish protections needed to eliminate the challenges caused by growth, pressures.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress, through statutory authority, authorize the United States Bureau of Land Management to prepare and execute a land trade of equitable value between the United States and the landowners of vacant land and farm land within the high noise or accident potential zones of Luke Air Force Base and its related auxiliary fields.

2. That the United States Congress, through statutory authority, authorize the United States Bureau of Land Management to prepare and execute a land trade between the United States and the private property owners and between the United States and the State of Arizona for land outside the boundaries of the Yuma Army Proving Ground testing and training ranges.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–486. A resolution adopted by the California State Lands Commission relative to the federal moratorium on oil and gas leasing off the California Coast; to the Committee on Energy and Natural Resources.

POM–487. A resolution adopted by the California State Lands Commission relative to the Commission on Ocean Policy and the Pew Oceans Commission report; to the Committee on Energy and Natural Resources.

POM–488. A concurrent resolution adopted by the Legislature of the House Representatives of the Legislature of the State of Louisiana relative to water-related environmental infrastructure and resource development and protection projects in Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 61

Whereas, during Fiscal Year 2000, the United States Congress appropriated the sum of twenty-five million dollars through Section 592 of the Water Resources Development Act for the establishment of water-related environmental infrastructure and resource protection and development projects in the state of Mississippi; and

Whereas, it has been indicated that congress is now considering the allocation of additional Section 592 funds to the state of Mississippi; and

Whereas, the state of Louisiana is experiencing water-related environmental problems, such as the depletion of portions of the Sparta and Chicot Aquifers and the contamination of available water supplies by effluent from wastewater treatment plants; and

Whereas, the public interest is served by utilizing federal funds to establish programs in the state of Louisiana to provide water-related environmental infrastructure and resource development and protection projects, including but not limited to wastewater treatment and related facilities, elimination or control of combined sewer overflows, water supply and related facilities, environmental restoration, and surface water resource protection and development: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to appropriate funds for design and construction assistance for water-related environmental infrastructure and resource development and protection projects in Louisiana; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–489. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to Mississippi River Gulf Outlet; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 68

Whereas, the Mississippi River Gulf Outlet (MRGO), a seventy-mile long manmade navigation channel which connects the Gulf of Mexico to the Port of New Orleans was authorized by the United States Congress in 1956 to be six hundred fifty feet wide at the surface, five hundred feet at the bottom, and to have a guaranteed channel depth of thirty-six feet; and

Whereas, initial expectations were that the channel would create a regional economic boom in the short term due to construction jobs, but also in the long term due to the industrial development associated with the commerce that would come to the area through the shipping concerns; and

Whereas, the impact of the MRGO on the surrounding parishes has been more loss than boom—loss of nearly three thousand five hundred acres of fresh and intermediate marsh, loss of over ten thousand acres of brackish marsh, loss of over four thousand acres of saline marsh, loss of nearly fifteen hundred acres of cypress swamps and forest; and

Whereas, although the channel was authorized for only six hundred fifty feet across and thirty-six feet deep, today the channel is more than twenty-two hundred feet across, and the United States Army Corps of Engineers has routinely dredged the channel to over forty feet deep to accommodate bigger ships than were authorized by the United States Congress at an average cost of more than twenty-two million dollars; and

Whereas, the loss of marsh and land has put the surrounding area at much greater risk for more frequent and more drastic tidal surges and more prolonged flooding as a result of tropical storms and hurricanes, with the severity getting worse as there is greater and greater loss; and

Whereas, the loss of marsh habitat has altered the ecosystem throughout the basin resulting in the loss of habitat for more than six hundred fifty thousand fur-bearing animals and similar losses to waterfowl, a movement from a dominant white shrimp fishery toward a dominant brown shrimp fishery, and the movement of oyster production farther and farther inland with the movement inland of the saltwater line, all of which alters the economic foundation for the region; and

Whereas, in addition to the alterations caused in the fishery and wildlife dependent enterprises, there are impacts on the everyday lives of the people who live in the area—impacts which are being felt by a significantly larger population that must live with the threat of storm-driven flood surge, which will cause death and destroy personal property, both land and homes, and their communities through the loss of schools, libraries, public facilities including water purification plants and sewerage treatment plants; and

Whereas, also in danger of destruction due to the loss of land caused by the MRGO are major oil refineries and miles of pipelines, a sugar refinery, gas condensate recovery plants, and manufacturing plants which together can be valued in excess of three hundred billion dollars with a work force of nearly fifty thousand people at a time when the state is desperately seeking economic development opportunities; and

Whereas, as long ago as the 1960s it was becoming apparent that the anticipated economic benefits were not likely to materialize, and St. Bernard Parish officials began to call attention to the environmental impacts and damages to the point where by the 1980s the MRGO began to be termed an ''environmental nightmare''; and

Whereas, in 1993 the Lake Pontchartrain Basin Foundation first called for the closure of the MRGO because of its environmental impact throughout the Pontchartrain Basin, and this was followed in 1998 by the ''Coast 2050 Plan'', adopted by the Department of Natural Resources, including its recommendation for closure of the MRGO; and

Whereas, in 1999, a MRGO task force convened by the Environmental Protection Agency at the request of Congressman Tauzin also recommended closure of the channel; and

Whereas, the Congress of the United States has authorized the construction of a new lock on the Inner Harbor Navigation Canal which will serve to provide access to ocean going vessels which are now using the MRGO; and

Whereas, the Congress of the United States has failed to provide full funding capability for the lock project and thereby delayed its completion: Therefore be it

Resolved by the Legislature of Louisiana, That the United States Congress and the Louisiana Congressional Delegation are hereby memorialized to authorize the full funding capability of the United States Army Corps of Engineers for the Inner Harbor Navigation Canal lock project; be it further

Resolved by the Legislature of Louisiana, That the time for study and recommendation has passed and that the United States Congress, the Louisiana Congressional Delegation, and the United States Army Corps of

Engineers are hereby memorialized to promptly close the Mississippi River Gulf Outlet in the manner contemplated by the Coast 2050 Plan; be it further

Resolved, That a copy of this Resolution be forwarded to the United States Congress, the Louisiana Congressional Delegation, and the United States Army Corps of Engineers.

POM–490. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to a hurricane evacuation route in Louisiana Mississippi; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 20

Whereas, every hurricane season raises the prospect and threat of a hurricane hitting southeastern Louisiana from such a direction as to wreak enormous flooding, loss of life, and other devastation; and

Whereas, Louisiana's hurricane evacuation routes are growing increasingly vulnerable to coastal storm surge and flooding, and measures need to be taken as soon as possible to ensure the safe navigation of the residents inland; and

Whereas, due to the large population in the southern part of Louisiana and vulnerability to the destruction of property and businesses due to hurricanes and tropical storms, the development of a hurricane evacuation route is necessary for the protection and safe evacuation of the residents of south Louisiana; and

Whereas, the proposed evacuation route would offer a four-lane route from New Orleans, Louisiana along Highway 25 to the Mississippi state line, and continue along Mississippi Highway 27 to Crystal Springs, Mississippi to intersect with Interstate 55; and

Whereas, additionally, the proposed evacuation route should include a four-lane route from Paris Road, which is also known as Louisiana Highway 47, and connect in New Orleans into the proposed four-lane evacuation route from New Orleans, Louisiana to the Mississippi state line; and

Whereas, since Highway 25 and Highway 47 are already designated as evacuation routes, each of the proposed four-lanes would become a critical element to move thousands of people from New Orleans and the North Shore to safe areas northward: therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to appropriate and expedite funding for the development of a hurricane evacuation route in Louisiana and Mississippi; be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–491. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to ownership of mineral rights and surface rights on state and federal lands in Michigan; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 171

Whereas, State-owned land in Michigan amounts to approximately 12 percent of the acreage, and the federal government manages another 8 percent of Michigan's surface area. This large percentage of state and federal land ownership is especially significant in the situations in which ownership of mineral rights is not consistent with the ownership of the surface rights; and

Whereas, the degree to which the rights to minerals do not align with rights to the surface of the land is cause for considerable litigation and frustration in Michigan. This frustration is felt by citizen groups, energy companies, local units of government, and all consumers of gas and oil; and

Whereas, the state of Michigan has jurisdiction over both mineral and surface rights on 3.8 million acres of land and mineral rights alone on another 2.1 million acres. Maps showing ownership of property in Michigan reflect a crazy quilt of ownership. The common situation of surface land ownership differing from ownership of the mineral rights below presents many problems to our state. This nonalignment of ownership makes it difficult to protect land from development and difficult to develop to extract the energy that our society needs. Instead, expensive and minimally productive litigation can be the result; and

Whereas, it would be far more productive for the state and federal governments to work together to do all possible to minimize conflicts in ownership between surface rights and mineral rights: now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States, the Department of Interior, the Bureau of Land Management, the National Forest Service, and the Department of Energy to work with Michigan officials to exchange property to align the ownership of mineral rights and surface rights on state and federal lands in Michigan and to express our intent to take actions to achieve this goal; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Bureau of Land Management, the Department of Interior, the National Forest Service, and the Department of Energy.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. COLLINS for the Committee on Governmental Affairs.

*Neil McPhie, of Virginia, to be Chairman of the Merit Systems Protection Board.

*Barbara J. Sapin, of Maryland, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2007.

By Mr. ROBERTS for the Select Committee on Intelligence.

*Larry C. Kindsvater, of Virginia, to be Deputy Director of Central Intelligence for Community Management.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mrs. CLINTON):

S. 2701. A bill to provide incentives for the sharing of homeland security information, promote the development of an information sharing network, provide grants and other support to achieve communications interoperability, and establish an Office of Information Sharing, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CHAMBLISS (for himself, Mr. INHOFE, Mr. ALLEN, and Mr. LOTT):

S. 2702. A bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes; to the Committee on Rules and Administration.

By Mrs. HUTCHISON:

S. 2703. A bill to provide for the correction of a certain John H. Chafee Coastal Barrier Resources System map; to the Committee on Environment and Public Works.

By Mr. GRAHAM of Florida:

S. 2704. A bill to amend title XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs; read the first time.

By Mr. BIDEN (for himself and Mr. DEWINE):

S. 2705. A bill to provide assistance to Sudan, and for other purposes; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself, Ms. SNOWE, and Mr. DASCHLE):

S. 2706. A bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes; to the Committee on Finance.

By Mr. LOTT:

S. 2707. A bill to amend title XVIII of the Social Security Act to recognize the services of respiratory therapists under the plan of care for home health services; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 2708. A bill to develop the National Strategy for Homeland Security, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SMITH:

S. 2709. A bill to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG (for himself, Mr. SESSIONS, and Mr. FRIST):

S. 2710. A bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida:

S. 2711. A bill to establish a National Windstorm Impact Reduction Program; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself, Mr. SARBANES, Mr. BOND, Ms. MIKULSKI, and Mr. SHELBY):

S. 2712. A bill to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI (for himself and Mr. KENNEDY):

S. 2713. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE:

S. 2714. A bill to amend part D of title XVIII of the Social Security Act, as added by

the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs; read the first time.

By Mr. COLEMAN:

S. 2715. A bill to improve access to graduate schools in the United States for international students and scholars; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORNYN (for himself, Mr. SCHUMER, Mr. GRAHAM of South Carolina, Mr. LEAHY, and Mrs. CLINTON):

S. Res. 413. A resolution encouraging States to consider adopting comprehensive legislation to combat human trafficking and slavery and recognizing the many efforts made to combat human trafficking and slavery; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mr. SCHUMER, Mr. GRAHAM of South Carolina, Mr. LEAHY, and Mrs. CLINTON):

S. Res. 414. A resolution encouraging States to consider adopting comprehensive legislation to combat human trafficking and slavery and recognizing the many efforts made to combat human trafficking and slavery; considered and agreed to.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. Con. Res. 129. A concurrent resolution encouraging the International Olympic Committee to select New York City as the site of the 2012 Olympic Games; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CRAIG, Mr. BIDEN, Mr. FEINGOLD, Mr. KENNEDY, and Mr. DEWINE):

S. Con. Res. 130. A concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1223

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1223, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. CONRAD), the Senator from Missouri (Mr. BOND), the Senator from Arizona (Mr. MCCAIN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1840

At the request of Mr. CONRAD, the name of the Senator from New York (Mr. SCHUMER) 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. 1888

At the request of Mr. SPECTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1888, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents.

S. 2077

At the request of Mr. CRAIG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2077, a bill to amend title XIX of the Social Security Act to permit additional States to enter into long-term care partnerships under the Medicaid Program in order to promote the use of long-term care insurance.

S. 2158

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2199

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2199, a bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

S. 2202

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2202, a bill to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes.

S. 2283

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 2352

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2352, a bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

S. 2395

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2395, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 2437

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2437, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2515

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2515, a bill to establish the Inspector General for Intelligence, and for other purposes.

S. 2519

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2519, a bill to authorize assistance for education and health care for women and children in Iraq during the reconstruction of Iraq and thereafter, to authorize assistance for the enhancement of political participation, economic empowerment, civil society, and personal security for women in Iraq, to state the sense of Congress on the preservation and protection of the human rights of women and children in Iraq, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2566

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2566, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2568

At the request of Mr. BIDEN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2603

At the request of Mr. SMITH, the names of the Senator from Alaska (Mr.

STEVENS) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. 2659

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2659, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S.J. RES. 41

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S.J. Res. 41, a joint resolution commemorating the opening of the National Museum of the American Indian.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mr. PRYOR) 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. 33

At the request of Mr. CRAIG, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Washington (Mrs. MURRAY), the Senator from South Dakota (Mr. DASCHLE), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. CON. RES. 110

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Con. Res. 110, supra.

S. CON. RES. 124

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Con. Res. 124, a concurrent resolution declaring genocide in Darfur, Sudan.

At the request of Mr. CORZINE, the names of the Senator from California (Mrs. BOXER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 124, supra.

S. RES. 223

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. Res. 223, a resolution expressing the sense of the Senate that the life and achievements of Antonio Meucci should be recognized, and for other purposes.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 318

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Res. 318, a resolution expressing the sense of the Senate that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin.

S. RES. 389

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

S. RES. 398

At the request of Mr. LUGAR, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Wyoming (Mr. ENZI), the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Ms. STABENOW) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 398, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 401

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. NELSON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Res. 401, a resolution designating the week of November 7 through November 13, 2004, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 408

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Missouri (Mr. TALENT), the Senator from Florida (Mr. NELSON) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 408, a resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks, condemning the decision of the International Court of Justice on the legality of the security fence, and urging no further action by the United Nations to delay or prevent the construction of the security fence.

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 408, supra.

S. RES. 409

At the request of Mr. BAYH, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mr. SCHUMER), the Senator from Louisiana (Mr. BREAUX), the Senator from Nebraska (Mr. NELSON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Delaware (Mr. CARPER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 409, a resolution encouraging increased involvement in service activities to assist senior citizens.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mrs. CLINTON):

S. 2701. A bill to provide incentives for the sharing of homeland security information, promote the development of an information sharing network, provide grants and other support to achieve communications interoperability, and establish an Office of Information Sharing, and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Madam President, I rise today with Senator COLLINS to introduce legislation that would promote the sharing of homeland security information across all levels of our Government, and to provide funding and support necessary to enable our first responders to communicate better with one another than they are able to do now during a terrorist attack.

I am delighted that the chairman of the Governmental Affairs Committee, Senator COLLINS, is my lead cosponsor on this legislation, and that another member of the committee, Senator AKAKA, is a cosponsor, as is Senator CLINTON.

One of the most painful and enduring lessons we should have learned from the September 11 attacks is that information about terrorist activities must be shared among Federal and other agencies to protect the American people's security. Unfortunately, almost 3 years after the attacks we have still not seen the kind of improvement and information sharing at all levels we need to have.

The widely respected, nonpartisan Markle Foundation, in alliance with the Brookings Institution and the Center for Strategic and International Studies, has looked at this problem at length and concluded that an entirely new approach is needed to the sharing of security information.

According to the Markle Foundation, the cold war paradigm that strictly limited access to information is simply ill-suited to the challenges we face today in an age of terrorism. Sharing information among relevant law enforcement agencies and other public agencies is vital to protecting our people's security precisely because we cannot predict from which direction the first signs of potential attack will come as we pretty much could during

the cold war. Yet the Federal Government has still developed neither a comprehensive strategy nor actual policies to change the 50-year-old cold war paradigm. We have to catch up quickly to win the war on terrorism.

Equally troubling is that too many first responders still lack, believe it or not, the basic ability to talk to one another when responding to emergencies, including, of course, a terrorist attack, because their equipment does not communicate directly. We use a complicated term called ''interoperability'' to describe this situation.

One of the most painful parts of the September 11 attacks in New York was the loss of more than 300 New York City firefighters and other law enforcement personnel who perished inside the collapsing Twin Towers of the World Trade Center. The look-backs at that day, probably including the one we will hear tomorrow from the September 11 Commission, lead a lot of people to conclude that we lost a lot of New York's finest—firefighters, police officers, other public servants—because they could not communicate with one another on the equipment they had. That is no longer acceptable.

The legislation we are introducing today addresses those challenges. First, we authorize $3.3 billion over 5 years to provide reliable and consistent funding to help law enforcement agencies around the country find solutions to this so-called interoperability problem. We create an Office of Information Sharing within the Department of Homeland Security to develop and implement a national strategy to achieve that goal. It simply is outrageous that those who are in uniform every day to protect our security cannot communicate with one another in a time of emergency because we have not given them good enough equipment to do that.

Second, our legislation would require the Secretary of Homeland Security, in conjunction with the intelligence community and other Federal agencies, to establish a broad information exchange network modeled after the Markle Foundation recommendations which would break out of the cold war paradigm and allow full sharing of security information.

Third, our legislation requires implementation of performance measures and genuine incentives to encourage employees to implement the changes that are necessary.

As part of the continuing fight to keep America safe from terrorism, the test of our generation, all the cultural, technological, and administrative barriers that impede the flow of critically important homeland security information among different levels of Government and among agencies at the same level simply must be broken down. That requires an act of will and leadership, and then it requires funding. It is not going to come cheaply, but security of the American people never does come cheaply. We have the best military in the history of the world because we have invested in it. We are only going to have the best security at home from terrorism if we invest with similar generosity.

A nonpartisan task force of the Council on Foreign Relations recommended that the Nation spend double what Senator COLLINS and I are proposing in this bill to ensure dependable interoperable communications. What we are asking seems like a lot of money, but it is half of what an independent group thinks is necessary to protect our Nation. This legislation will help us develop a new structure, a new paradigm of information sharing to guarantee that first responders and preventers can communicate effectively with one another and with other governmental agencies when they respond to terrorist attacks or any other emergencies that threaten the safety or well-being of people throughout our country.

Madam President, I ask unanimous consent that text of the legislation Senator COLLINS and I are introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2701

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 ''Homeland Security Interagency and Interjurisdictional Information Sharing Act of 2004''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The effective use of information is essential to the Nation's efforts to protect the homeland. Information that may prove important to those efforts, however, is often widely dispersed and may be uncovered or held by any of a number of Federal agencies, by 50 States or by the Nation's 650,000 local law enforcement officers who form the front lines of the war against terrorism, among others. Finding ways to share this information in an efficient and timely manner with those who need it is central to both preventing and responding to potential terrorist attacks on our Nation.

(2) Current approaches to information sharing are woefully inadequate and largely ad hoc. State and local officials frequently report that they do not receive adequate homeland security information from Federal officials, nor is there a consistent, easy way for State and local officials to effectively provide homeland security information in their possession to Federal officials. Federal agencies have often not shared information even with other Federal agencies, and State and local governments have few formalized means to share information with other States and localities.

(3) There are a number of barriers, both structural and cultural, to the more effective sharing of homeland security information including—

(A) a lingering cold war paradigm that emphasizes information security and maintaining strict limits on access to information;

(B) mistrust among historically rival agencies and between Federal and State officials; and

(C) few incentives to reward Government employees who share information outside their agencies.

(4) A further barrier to information sharing among police, firefighters and others who may be called on to respond to terrorist attacks and other large-scale emergencies is the lack of interoperable communications systems, which can enable public safety agencies to communicate and share important, sometimes critical, information in an emergency.

(5) A new approach to the sharing of homeland security information (a new ''information architecture'') is urgently needed to overcome these barriers and to meet the homeland security needs of the Nation. One useful model for such a network is the Systemwide Homeland Analysis and Resource Exchange Network (SHARE) proposed by the Markle Foundation in reports issued in October 2002 and December 2003. Like the envisioned SHARE Network, a new approach, to be successful, must be comprehensive, encompassing the many participants, at many levels of government, who strive to protect the homeland, and the system should be largely decentralized, permitting participants throughout the system to exchange information directly in a timely and effective matter without having to go through a central hub.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) HOMELAND SECURITY INFORMATION.—The term ''homeland security information'' means information relevant to, or of potential use in, the prevention of, preparation for, or response to, terrorist attacks upon the United States.

(4) NETWORK.—The term ''Network'' means the Homeland Security Information Sharing Network established under section 4.

SEC. 4. HOMELAND SECURITY INFORMATION SHARING NETWORK.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish a Homeland Security Information Sharing Network.

(2) FUNCTIONS.—The Network shall—

(A) to the maximum extent possible, consistent with national security requirements and the protection of civil liberties, foster the sharing of homeland security information—

(i) among offices and divisions within the Department;

(ii) between the Department and other Federal agencies;

(iii) between the Department and State, local, and tribal governments;

(iv) among State, local, and tribal governments; and

(B) provide for the analysis of homeland security information obtained or made available through the Network.

(b) COOPERATIVE DEVELOPMENTS.—In developing the Network, the Secretary shall work with representatives of other governmental entities that possess homeland security information or will otherwise participate in the network, including the Intelligence Community, the Department of Justice and Federal Bureau of Investigation, and the Department of Health and Human Services, and State, local government and tribal officials.

(c) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit status reports on the development and implementation of the Network to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Select Committee on Homeland Security of the House of Representatives; and

(C) the Committee on Government Reform of the House of Representatives.

(2) CONTENTS.—The status reports shall include—

(A) a detailed description of the work completed to date with attached relevant documents produced in the development of the Network, including documents describing the strategy for the Network and the Network's design or architecture; and

(B) a detailed timetable and implementation plan for remaining work.

(3) SUBMISSION.—Status reports under this subsection shall be submitted—

(A) not later than 6 months after the date of enactment of this Act;

(B) not later than 12 months after the date of enactment of this Act; and

(C) at 1-year intervals thereafter.

SEC. 5. HOMELAND SECURITY INFORMATION COORDINATING COUNCIL.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—HOMELAND SECURITY INFORMATION COORDINATING COUNCIL

"SEC. 1801. HOMELAND SECURITY INFORMATION COORDINATING COUNCIL.

''(a) DEFINITION.—In this section, the term 'homeland security information' means information relevant to, or of potential use in, the prevention of, preparation for, or response to, terrorist attacks upon the United States.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, in coordination with the Attorney General, the Director of Central Intelligence, the Secretary of Health and Human Services, and other Federal departments and agencies in possession of homeland security information, as identified by the President, shall establish the Homeland Security Information Coordinating Council (in this section referred to as the 'Coordinating Council').

''(2) COMPOSITION.—The Coordinating Council shall be composed of—

''(A) a representative of the Department;

''(B) a representative of the Department of Justice;

''(C) a representative of the Central Intelligence Agency;

''(D) a representative of the Department of Health and Human Services;

''(E) a representative of any other Federal department or agency in possession of homeland security information, as identified by the President; and

''(F) not fewer than 2 representatives of State and local governments, to be selected by the Secretary.

''(3) RESPONSIBILITIES.—The Coordinating Council shall—

''(A) develop, monitor, and update procedures and protocols for sharing homeland security information among Federal departments and agencies;

''(B) develop, monitor, and update procedures and protocols for sharing homeland security information with State and local governments so as to minimize the difficulties of State and local governments in receiving information that may reside in multiple departments or agencies;

''(C) establish a dispute resolution process to resolve disagreements among departments and agencies about whether particular homeland security information should be shared and in what manner;

''(D) review, on an ongoing basis, current issues related to homeland security information sharing among Federal departments and agencies and between those departments and agencies and State and local governments;

''(E) where appropriate, promote the compatibility and accessibility of technology, including computer hardware and software, used by Federal departments and agencies to facilitate the sharing of homeland security information; and

''(F) ensure that there is coordination—

''(i) among Federal departments and agencies that maintain homeland security information;

''(ii) multi-organization entities that maintain homeland security information, including the Terrorist Threat Integration Center and Joint Terrorism Task Forces; and

''(iii) the Homeland Security Information Network, in actions and policies relating to the sharing of homeland security information.

''(c) ADMINISTRATION.—The Department shall provide administrative support to the Coordinating Council, which shall include—

''(1) scheduling meetings;

''(2) preparing agenda;

''(3) maintaining minutes and records; and

''(4) producing reports.

''(d) CHAIRPERSON.—The Secretary shall designate a chairperson of the Coordinating Council.

''(e) MEETINGS.—The Coordinating Council shall meet—

''(1) at the call of the Secretary; or

''(2) not less frequently than once a month.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by adding at the end the following:

TITLE XVIII—HOMELAND SECURITY INFORMATION COORDINATING COUNCIL

''Sec. 1801. Homeland Security Information Coordinating Council.''.

SEC. 6. INCENTIVES TO PROMOTE SHARING OF HOMELAND SECURITY INFORMATION.

(a) AGENCY PERFORMANCE MEASURES.—

(1) PERFORMANCE PLAN.—Consistent with the requirements of section 1115 of title 5, United States Code, the Secretary shall prepare an annual performance plan that establishes measurable goals and objectives for information sharing between the Department and other appropriate entities in Federal, State, local, and tribal governments. The plans shall identify action steps necessary to achieve such goals.

(2) PERFORMANCE REPORT.—Consistent with the requirements of section 1116 of title 5, United States Code, the Secretary shall prepare and submit to Congress an annual report including an evaluation of the extent the Department's information sharing goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the previous year's performance plan.

(3) PERFORMANCE MANAGEMENT.—The Secretary shall incorporate the performance measures in the performance plan required under paragraph (1) into the Department's performance appraisal system. These performance measures shall be used in evaluating the performance of appropriate managers and employees. If appropriate, determinations for performance awards, bonuses, achievement awards, and other incentives for Departmental managers and employees shall include consideration of these performance measures.

(b) INCENTIVES PROGRAMS.—

(1) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—AWARDS TO PROMOTE HOMELAND SECURITY INFORMATION SHARING

"§ 4521. Awards to promote homeland security information sharing

''(a) In this section—

''(1) the terms 'agency' and 'employee' have the meanings given under paragraphs (1) and (2) of section 4501, respectively; and

''(2) the term 'homeland security information' means information relevant to, or of potential use in, the prevention of, preparation for, or response to, terrorist attacks upon the United States.

''(b)(1) The head of an agency may pay a cash award to, grant time-off without charge to leave or loss of pay, or incur necessary expense for the honorary recognition of, an employee who—

''(A) develops and implements innovative policies, practices, procedures, or technologies to foster appropriate sharing of homeland security information with other agencies and with State, local, and tribal governments; and

''(B) through such innovations, achieves measurable results.

''(2) A cash award under this section may not exceed the greater of—

''(A) $10,000; or

''(B) 20 percent of the basic pay of the employee.

''(3) A cash award may not be paid under this section to an individual who is appointed to, or who holds—

''(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

''(B) a position in the Senior Executive Service as a noncareer appointee (as such term is defined under section 3132(a); or

''(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

''(4) Consistent with paragraphs (1), (2), and (3), the Secretary of Homeland Security shall establish an awards program specifically designed to recognize and reward employees (including managers) of the Department of Homeland Security. An employee of the Department of Homeland Security may not receive an award under paragraph (1).

''(5) Not later than 1 year after the date of enactment of this section, and annually for 5 years thereafter, the Secretary of Homeland Security shall submit to the Committee on Governmental Affairs of the Senate, the Select Committee on Homeland Security of the House of Representatives, and the Committee on Government Reform of the House of Representatives a report detailing the implementation of programs under this section, including—

''(A) the number of managers and employees recognized;

''(B) the type of recognition given;

''(C) the number and dollar amount of awards paid to individuals holding positions within each pay grade, pay level or other pay classification;

''(D) the relationship between awards under this program and other incentive or awards programs; and

''(E) the extent to which the program is assisting in overcoming cultural and other barriers to sharing homeland security information.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—AWARDS TO PROMOTE HOMELAND SECURITY INFORMATION SHARING

''4521. Awards to promote homeland security information sharing.''.

SEC. 7. OFFICE OF INFORMATION SHARING.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding after section 801 the following:

"SEC. 802. OFFICE OF INFORMATION SHARING.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) COMMUNICATIONS INTEROPERABILITY.—The term 'communications interoperability'

means the ability of public safety service and support providers, including law enforcement, firefighters, and emergency management, to communicate with other responding agencies and Federal agencies if necessary, through information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Information Sharing.

''(3) ELIGIBLE STATE.—The term 'eligible State' means a State that—

''(A) has submitted a plan under subsection (d)(3); and

''(B) the Secretary determines has not achieved adequate statewide communications interoperability.

''(4) OFFICE.—The term 'Office' means the Office of Information Sharing established under subsection (b).

''(5) PUBLIC SAFETY AGENCIES.—The term 'public safety agencies' means law enforcement, firefighters, emergency technicians, public health officials, and such other persons that the Secretary determines must communicate effectively with one another to respond to emergencies.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established the Office of Information Sharing within the Office for State and Local Government Coordination and Preparedness, which shall be headed by a Director of Information Sharing appointed by the Secretary.

''(2) ADMINISTRATION.—The Secretary shall provide the Office with the resources and staff necessary to carry out the purposes of this section, including sufficient staff to provide support to each State, consistent with the responsibilities set forth in paragraph (3).

''(3) RESPONSIBILITIES.—The Office established under paragraph (1) shall—

''(A) foster the sharing of homeland security information among State and local governments and public safety agencies, and regional consortia thereof, and between these entities and the Federal Government by—

''(i) facilitating the creation of regional task forces with representation from State and local governments and public safety agencies and from the Federal Government to address information sharing needs; and

''(ii) facilitating the establishment of 24-hour operations centers in each State to provide a hub for Federal and State and local government intelligence and public safety agencies to share information;

''(B) foster the development of interoperable communications systems by State and local governments and public safety agencies, and by regional consortia thereof, by—

''(i) developing and implementing a national strategy to achieve communications interoperability;

''(ii) developing and maintaining a task force that represents the broad customer base of State and local governments, public safety agencies, as well as Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve communications interoperability;

''(iii) promoting a greater understanding of the importance of interoperability among all levels of Federal, State and local government;

''(iv) facilitating collaborative planning and partnerships among Federal, State, and local government agencies in all States where necessary;

''(v) facilitating the sharing of information on best practices for achieving interoperability;

''(vi) identifying and working to overcome the cultural, political, institutional, and geographic barriers within the public safety community that can impede interoperability among public safety agencies, including among Federal agencies;

''(vii) developing appropriate performance measures and systematically measuring the Nation's progress toward interoperability;

''(viii) coordinating with other offices in the Department and other Federal agencies providing grants for communications interoperability or for other equipment and training necessary to prevent, respond to, or recover from terrorist attacks, including the development of common guidance for such grants and consistent technical advice; and

''(ix) making recommendations to Congress about any changes in Federal law necessary to remove barriers to achieving communications interoperability;

''(C) provide technical assistance to State and local governments and public safety agencies, and regional consortia thereof, on the design of regional information sharing networks and technology needed to support such governments, agencies, and consortia;

''(D) provide technical assistance to State and local governments and public safety agencies, and regional consortia thereof, on planning, interoperability architectures, acquisition strategies, and other functions necessary to achieve communications interoperability;

''(E) in conjunction with the Directorate for Science and Technology—

''(i) provide research, development, testing, and evaluation for public safety communications technologies and equipment;

''(ii) evaluate and validate new technology concepts, and promote the deployment of advanced broadband communications technologies; and

''(iii) encourage the development of flexible and open architectures and standards, with appropriate levels of security, for short- and long-term solutions to interoperability; and

''(F) in coordination with State and local governments, develop a system for collecting and distributing best practices in homeland security.

''(c) BASELINE ASSESSMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Director, shall conduct a nationwide assessment to determine the degree to which communications interoperability has been achieved to date and to ascertain the needs that remain for interoperability to be achieved.

''(2) REPORTS.—The Secretary, acting through the Director, shall submit to the Committee on Governmental Affairs of the Senate, the Select Committee on Homeland Security of the House of Representatives, and the Committee on Government Reform of the House of Representatives—

''(A) not later than 1 year after the date of enactment of this section, a report of the findings of the assessment required by subsection (c); and

''(B) not later than 18 months after the date of enactment of this section, a plan for achieving all necessary communications interoperability throughout the Nation.

''(d) PREPAREDNESS GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary, through the Office, shall make grants to—

''(A) eligible States for initiatives necessary to achieve interoperability within each State, including—

''(i) statewide communications planning;

''(ii) system design and engineering;

''(iii) procurement and installation of equipment;

''(iv) operations and maintenance of equipment; and

''(v) testing and technology development initiatives; and

''(B) local governments (including a consortium of local governments), and public safety agencies within eligible States, to assist with any aspect of the communications life-cycle, including—

''(i) planning, system design, and engineering;

''(ii) procurement and installation of equipment;

''(iii) operations and maintenance of equipment; and

''(iv) testing and technology development.

''(2) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with other entities of the Department and other Federal entities so that grants awarded under this subsection, and other grant programs related to homeland security, fulfill the purposes of this Act and facilitate the achievement of communications interoperability nationally.

''(3) ELIGIBILITY.—

''(A) SUBMISSION OF PLAN.—To be eligible to receive a grant under this subsection, each eligible State, or local governments or public safety agencies within an eligible State, shall submit a communications interoperability plan to the Secretary that—

''(i) addresses any aspect of the communications life cycle, including planning, system design and engineering, procurement and installation, operations and maintenance, and testing and technology development;

''(ii) if the applicant is not a State, includes a description of how the applicant addresses the goals specified in any applicable State plan or plans submitted under this section; and

''(iii) is approved by the Secretary.

''(B) INCORPORATION AND CONSISTENCY.—A plan submitted under subparagraph (A) may be part of, and shall be consistent with, any other homeland security plans required of the submitting party by the Department.

''(4) AWARD OF GRANTS.—

''(A) CONSIDERATIONS.—In approving plans and awarding grants under this subsection, the Secretary shall consider—

''(i) the nature of the threat to the eligible State or local jurisdiction;

''(ii) the location, risk, or vulnerability of critical infrastructure and key national assets;

''(iii) the number, as well as the density, of persons who will be served by interoperable communications systems;

''(iv) the extent of the partnerships, existing or planned, established between local jurisdictions and agencies participating in the development of interoperable communications systems, and their coordination with Federal and State agencies;

''(v) the extent to which the communications interoperability plan submitted under paragraph (3) adequately addresses steps necessary to implement short-term or long-term solutions to communications interoperability;

''(vi) the extent to which eligible States and local governments, in light of their financial capability, demonstrate their commitment to expeditiously achieving communications interoperability by supplementing Federal funds with non-Federal funds;

''(vii) the extent to which grants will expedite the achievement of interoperability in the relevant jurisdiction with Federal, State, and local agencies; and

''(viii) the extent to which grants will be utilized to implement advanced communications technologies to promote interoperability.

''(B) COORDINATION.—To the maximum extent practicable, the Secretary shall ensure that any grant made under this subsection is

coordinated with neighboring jurisdictions, contiguous local governments, and within State and regional entities.

''(C) LOCAL FUNDING.—If the Secretary makes grants awards to States, the Secretary shall—

''(i) make it a priority to ensure that funding or resources reach local governments; and

''(ii) require applicants to demonstrate how such funding will reach local governments.

''(D) ALLOCATION.—In awarding grants under this subsection, the Secretary shall ensure that—

''(i) not less than .75 percent of the total amount appropriated for grants in any fiscal year shall be awarded, subject to clause (ii), to each eligible State, including the District of Columbia and the Commonwealth of Puerto Rico; and

''(ii) not less than .25 percent of the total amount appropriated for grants in any fiscal year shall be awarded to the territories of the United States, including American Samoa, the Commonwealth of Northern Mariana Islands, Guam, and the United States Virgin Islands.

''(E) PROCESS.—In awarding grants under this subsection, the Secretary shall, to the maximum extent practical, employ a peer review process such as that used to review applications awarded under the Assistance to Firefighters Grant Program.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $75,000,000 for each of fiscal years 2005 through 2008, and such sums as are necessary each fiscal year thereafter, for the operations of the Office, and for other entities within the Department whose activities facilitate the purposes of this section and the Homeland Security Interoperability Act of 2004.

''(2) PREPAREDNESS GRANT PROGRAM.—There are authorized to be appropriated to carry out the grant program under subsection (d)—

''(A) $400,000,000 for fiscal year 2005;

''(B) $500,000,000 for fiscal year 2006;

''(C) $600,000,000 for fiscal year 2007;

''(D) $800,000,000 for fiscal year 2008;

''(E) $1,000,000,000 for fiscal year 2009; and

''(F) such sums as are necessary each fiscal year thereafter.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by striking the item relating to section 801 and inserting the following:

''801. Office for State and Local Government Coordination and Preparedness.

''802. Office of Information Sharing.''.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am very pleased to join my good friend, the Senator from Connecticut, Mr. LIEBERMAN, in introducing legislation that will strengthen our capabilities to prevent and respond to acts of terrorism. The bill we are introducing will improve communications among the various levels of Government and will assist our State and local first responders in upgrading their communications equipment. I thank Senator LIEBERMAN and his staff for their efforts in putting together this very important legislation and for working with me to make this bill a bipartisan effort.

In the immediate aftermath of September 11, the phrase ''connect the dots'' gained a prominent place in our national lexicon. The agencies charged with intelligence gathering, analysis, and enforcement did not have structures in place that would have enabled them to effectively share information and coordinate responses. The dots were there, but our intelligence and law enforcement personnel were, in far too many cases, unable to connect them.

The heroism of our first responders on September 11 will never be forgotten. Their devotion to duty, their courage, and their training saved a great many lives that terrible day. Yet we now know that the lack of a unified command structure, the uneven and in some cases outright absence of interdepartmental coordination and incompatible communications equipment may have prevented them from saving even more lives, and it cost many first responders their own lives.

Throughout the Nation on that day, there was another problem. False reports of car bombings and other terrorist acts spread quickly, overwhelming the immediate efforts and response, preventing a full comprehension of what had actually occurred, and causing needless fear. Our frontline civilian and military agencies struggled to improvise a defense against an attack of unknown nature and scope. As the Chairman of the Joint Chiefs of Staff told the 9/11 Commission:

We fought many phantoms that day.

The enemy we are fighting is no phantom. It is real, and it is deadly. From the agencies of the Federal Government down to the State and local levels, we have dedicated personnel who can defeat that enemy. We must enable them to work together more effectively in this great cause. We cannot expect them to connect the dots if so many dots are hidden from view.

Although the Department of Homeland Security has made remarkable progress in forging cohesive strategies, State and local officials still tell Senator LIEBERMAN and they still tell me that they have difficulty in obtaining needed information from Federal agencies and that they lack a reliable way to convey their own information to Federal officials.

Turf battles, unfortunately, are still being fought among some agencies. There still is no effective system in place for State and local governments to share information with one another.

From computer systems to emergency radios, the technology that should allow these different levels of government to communicate with each other too often is silenced by incompatibility. Clearly, the barrier to a truly unified effort against terrorism is a matter of both culture and equipment. This legislation will help break down that barrier.

A General Accounting Office report on interoperable communications released last week notes that the lives of first responders and those they are trying to assist can be lost when first responders cannot communicate effectively. That is the crux of the matter that the Lieberman-Collins bill seeks to address. A substantial barrier to effective communications, according to the GAO, is the use of incompatible wireless equipment by many agencies and levels of government when they are responding to a major emergency.

Among the GAO recommendations are that Federal grants be used to encourage States to develop and implement plans to improve interoperable communications and that the Department of Homeland Security needs to establish a long-term program to coordinate these same communications upgrades throughout the Federal Government. Our legislation would do much to implement these sensible recommendations.

It is vitally important that we assist the States in getting the right communications technology into the hands of their first responders. That would be accomplished by the interoperability grant program in this legislation. I believe that grant program is the most important feature of our legislation.

At a homeland security conference held in my home State of Maine in May, one of the most persistent messages that I heard from Maine's first responders concerned the lack of compatibility in communications equipment. It remains a substantial impediment to their ability to respond effectively in the event of a terrorist attack. For a State like mine that has three deepwater cargo ports, two international airports, key defense installations, hundreds of miles of coastline, and a long international border, compatible communications equipment is essential. Yet it remains an illusive goal.

Maine's firefighters, police officers, and emergency medical personnel do an amazing job in providing aid when a neighboring town is in need. Fires, floods, and accidents are local matters in which they have great expertise and experience. Their defense of the front lines in the war against terrorism, however, is a national matter. Maine's first responders, along with first responders across the country, are doing their part, but they need and deserve Federal help.

The grant program established by our bill would guarantee every State a share of interoperability funding and makes additional funding available for States with special needs and vulnerabilities. It is designed to get this vital funding to first responders quickly, in coordination with a statewide plan.

At that Maine conference, I was joined by Under Secretary Asa Hutchinson. He, perhaps, best described the mutual responsibilities of this Federal-State partnership when he said:

We cannot secure the homeland of America from Washington, D.C.

In other words, we have to rely on State and local officials and on our first responders.

There is no question, however, that the security of the homeland requires

the involvement, leadership, and expertise of Washington, DC, and, yes, it also requires our financial commitment.

As Senator LIEBERMAN mentioned, a recent study by the Council on Foreign Relations estimates the total cost of nationwide communications compatibility at $6.8 billion. Our legislation authorizes $3.3 billion over 5 years. That is a reasonable and necessary contribution by the Federal Government to this important partnership.

The legislation will also help to foster a culture of information sharing through all levels of government and across all boundaries.

It directs the Secretary of Homeland Security to establish a homeland security information-sharing network that will expedite the gathering, analysis, and distribution of information that is relevant to preventing or responding to terrorism anywhere in the Nation. The council established by this legislation will bring together representatives from all the relevant Federal agencies, and from State and local governments as well, to develop, monitor, and update procedures to enhance information sharing.

This bill would make an important contribution to the security of our Nation and the safety of our people. It would help us clear the barriers that now prevent agencies at all levels of government from cooperating and communicating to the fullest extent, whether those barriers are due to a lack of coordination or whether they are due to technology and incompatible equipment.

At the risk of piling one cliché on top of another, it is apparent to me that in order to connect the dots, we must think outside the box. Our enemy is cunning and remorseless. We must be clever and resourceful. This legislation is designed to foster innovative thinking by rewarding it, through a program that provides cash awards or other forms of recognition to agency employees who solve a homeland security problem. We already use pay-for-performance awards to recognize Federal employees who devise ways to deliver Government services more effectively and efficiently. We certainly can do the same for employees who think up ways to make our country safer.

The new Office of Information Sharing this legislation would establish in the Department of Homeland Security will continue the substantial progress being made by addressing specific issues related to improving cooperation among the various levels of government. A key element of improved cooperation will be getting technology, computer systems and communications equipment in particular, to work across the frontiers of government agencies.

The security of our Nation and the safety of our people require that we clear the barriers that prevent agencies at all levels of government from cooperating and communicating to the fullest extent. There is an additional reason why this is important.

Effective information-sharing is the best way in which we can protect ourselves from harm as we protect the civil liberties we cherish. We need borders that are closed to our enemies, but that remain open to our friends. We need to be able to travel safely, but also freely. We need to be able to protect ourselves against threats from abroad, but we also need to engage in open and vigorous trade. The greatest threats to these freedoms are the fear, suspicion and doubt that come from not knowing as much as we can about the enemy and from having the best, most coordinated defense possible.

I urge my colleagues to join me in supporting this legislation to build a better and stronger homeland security partnership.

I hope the legislation that Senator LIEBERMAN and I have introduced will enjoy widespread support.

Mr. AKAKA. Mr. President, I rise today to join my colleagues Senators LIEBERMAN and COLLINS in introducing the Homeland Security Interagency and Interjurisdictional Information Sharing Act of 2004, a piece of legislation critical to improving the communication capabilities of first responders and among all levels of government.

One of the most important lessons our Nation learned on September 11 is that information sharing, both between agencies and levels of government and between emergency first responders, is critical to the prevention of and response to a terrorist attack on our homeland. There has been much talk about breaking down stove pipes and fully equipping our heroic first responders in the past 3 years, but this bill points out those goals have not yet been met.

The world watched as firefighters perished in the World Trade Center because their radios could not function inside the buildings and they did not have updated information about the imminent collapse of the towers. Ten months later it was reported that officers responding to a shooting at Los Angeles International Airport missed crucial information because they were not using the same radio frequency.

Yet almost all cities and counties in the United States still lack an interoperable communications system today and many still lack the infrastructure to provide 100 percent coverage for the radio systems they do have. In my home State of Hawaii, first responders are unable to communicate through radios in 25 percent of the island of Hawaii because of a combination of lack of infrastructure and diverse geography.

This problem can be solved, but it will require a commitment of not only funding but planning, communication and cooperation. The current SAFECOM initiative, which is supposed to address the interoperability problem, has failed in most, if not all, of these areas. While this issue clearly cannot be solved by one agency alone, the cross-government nature of SAFECOM crippled the program from the start. SAFECOM is supposed to be funded by multiple agencies meaning that if one agency is not in agreement with the others it can withhold funding and slow or stop activities. This formula has proven ineffective.

The Homeland Security Interagency and Interjurisdictional Information Sharing Act will address these issues. The bill creates an Office of Information Sharing within the Department of Homeland Security to develop and implement a national strategy and provide the leadership, outreach, and technical assistance necessary to achieve interoperability. The new office would receive a direct line of funding for its operations as well as to provide grants to States and localities to develop interoperable networks.

The bill would also require the Secretary of Homeland Security to develop a Homeland Security Information Sharing Network. The problem of informational stove piping will not be eradicated with ad hoc measures as is the practice today. The administration must institutionalize a system of sharing critical homeland security information among all levels of government. We are no longer in a ''need to know'' world. We must switch to a ''need to share'' mentality.

Three years is too long for the lessons of September 11 to not be implemented. I urge my colleagues to support this important piece of legislation and I thank Senators LIEBERMAN and COLLINS for their work on this issue.

By Mr. CHAMBLISS (for himself, Mr. INHOFE, Mr. ALLEN, and Mr. LOTT):

S. 2702. A bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes; to the Committee on Rules and Administration.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the First Amendment Restoration Act of 2004, a companion bill to H.R. 3801, which was introduced earlier this year in the House by my former colleague, Congressman Roscoe Bartlett. In the last few years, we've seen some remarkable restrictions placed on the ability of organizations to exercise their first amendment rights with respect to campaign contributions. One particular example is the Bipartisan Campaign Reform Act of 2002, or BCRA, which contains some provisions that have always troubled me. Although in McConnell v. FEC, the Supreme Court upheld BCRA's restrictions as constitutional, this is not the first time that I've disagreed with the Court's conclusions on

what kind of conduct I think is or is not constitutionally protected.

Specifically, I am concerned with the provisions of BCRA that limit the ways in which some organizations can contribute funds within certain time frames before an election. Under BCRA, labor unions and corporations, which include trade associations and interest groups as diverse as the ACLU and the NRA, are limited to only contributing PAC funds within 30 days of a primary and 60 days of a general election. These limitations apply to contributions for what are know as ''electioneering communications,'' which are any broadcast, cable, or satellite communications that refer to a clearly identified Federal candidate and that reach 50,000 or more people in the relevant district or State.

I believe that Congress can go beyond what the Supreme Court's decision in McConnell v. FEC envisions as what is constitutionally protected speech and that Congress should provide further first amendment protections for organizations wanting to make political contributions. This is why today I am introducing the First Amendment Restoration Act. This bill would repeal those provisions of BCRA that limit corporations and labor unions from making any other contributions than those run through political action committees within the 30- and 60-day periods set out in the act. I am proud to say that Senators JIM INHOFE, GEORGE ALLEN, and TRENT LOTT have agreed to cosponsor this bill. I look forward to the debate on the First Amendment Restoration Act and on issues of campaign-finance reform in general, as we see how the restrictions we place on speech really play out in the real world.

By Mr. BIDEN (for himself and Mr. DEWINE):

S. 2705. A bill to provide assistance to Sudan, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2705

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Peace for Sudan Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Government of Sudan has engaged in an orchestrated campaign of genocide in Darfur, Sudan, and has severely restricted humanitarian and human rights workers' access to Darfur in an attempt to inflict further harm on the Fur, Masalit, and Zaghawa people of Darfur and to prevent the collection of evidence of war crimes and crimes against humanity.

(2) As a result of this campaign, as many as 30,000 people have been killed, more than 1,000,000 people have been displaced within Sudan, and approximately 200,000 have been made refugees in Chad.

(3) As many as 320,000 people may die unless humanitarian aid is immediately delivered to the affected individuals.

(4) The United Nations High Commissioner for Human Rights issued a report which ''identified . . . massive human rights violations in Darfur perpetrated by the Government of Sudan and its proxy militia, which may constitute war crimes and/or crimes against humanity''.

(5) The Government of Chad, under President Idriss Deby, has served an important role in facilitating a renewable ''humanitarian cease-fire'' between the Government of Sudan and the two rebel groups challenging that Government in Darfur, the Justice and Equality Movement and the Sudan Liberation Movement, and has been a crucial partner in permitting humanitarian assistance to reach refugees who have crossed from Darfur to Chad in the tens of thousands.

(6) The cooperation and mediation of the SPLM is critical to bringing about a political settlement between the Government, the Sudanese Liberation Army, and the Justice and Equality Movement.

(7) Practical implementation of a comprehensive peace agreement between the SPLM and the Government of Sudan is impossible without the implementation of a peace agreement for Darfur.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) SPLM.—The term ''SPLM'' means the Sudan People's Liberation Movement.

SEC. 4. SENSE OF CONGRESS REGARDING ACTIONS TO ADDRESS THE CONFLICT IN DARFUR.

It is the sense of Congress that—

(1) the United Nations Security Council should immediately pass a resolution—

(A) condemning the actions of the Government of Sudan in Darfur; and

(B) setting out specific actions that such Government must take to avoid the reimposition of sanctions;

(2) the United States Ambassador at Large for War Crimes should travel to the region to investigate allegations of war crimes, crimes against humanity, and genocide brought against the Government of Sudan;

(3) the President should immediately name a new Special Envoy to Sudan whose responsibilities include support for conflict mitigation throughout Sudan;

(4) the SPLM should take advantage of the opportunity afforded by the May 26, 2004, signing of the three protocols to help broker a political settlement to the conflict in Darfur;

(5) restrictions pursuant to Executive Order 13067 (50 U.S.C. 1701 note) should not be lifted unless there is peace in Darfur; and

(6) upon implementation of a peace agreement in Darfur, the signing of a comprehensive peace agreement between the SPLM and the Government of Sudan, and full cooperation from the Government of Sudan on the war against terrorism, the Government of the United States should immediately begin discussions of the necessary steps to normalize relations with Sudan, including the lifting of all economic and political sanctions.

SEC. 5. ASSISTANCE FOR SUDAN.

(a) HUMANITARIAN ASSISTANCE FOR CHAD AND DARFUR.—The President is authorized to provide $200,000,000 in fiscal year 2005 in assistance to meet the humanitarian crisis in Chad and Darfur pursuant to section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) and section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) to provide shelter, health, water and sanitation, protection of vulnerable populations, food, and other appropriate relief items.

(b) ASSISTANCE TO SUPPORT A COMPREHENSIVE NORTH-SOUTH PEACE AGREEMENT.—Notwithstanding any other provision of law, and subject to subsection (d), the President is authorized to provide $800,000,000 in assistance to support a comprehensive North-South peace agreement in Sudan for purposes including commercial assistance, infrastructure rehabilitation, disarmament and demobilization of fighters, and training and technical assistance to integrate members of the SPLM into the interim Government of Sudan.

(c) CERTIFICATION.—The President shall submit a certification to the appropriate congressional committees not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, that the Government of Sudan has—

(1) ensured that the armed forces and the militias, known as the Janjaweed, are not attacking civilians;

(2) taken significant demonstrable and verifiable steps to demobilize and disarm the Janjaweed in Darfur;

(3) ceased harassment of aid workers, including those who report human rights abuses, and allowed unfettered humanitarian access to Darfur; and

(4) fully cooperated with the deployment and operation of the African Union monitoring team for Darfur.

(d) PROHIBITION AND SUSPENSION OF ASSISTANCE.—

(1) PROHIBITION.—If the President does not submit the certification described in subsection (c) then the President may not provide the assistance authorized in subsection (b).

(2) SUSPENSION.—If, on a date after the President submits the certification described in subsection (c), the President determines such Government has ceased taking such actions, the President shall immediately suspend the provision of the assistance authorized in subsection (b) until the date on which the President certifies that such Government has resumed taking such actions.

SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) MEASURES AND SANCTIONS IN SUPPORT OF PEACE.—On the date that is 120 days after the date of enactment of this Act, if the President has not submitted the certification described in subsection (c)(1)—

(1) the President shall implement the measures set forth in section 6(b)(2) of the Sudan Peace Act (50 U.S.C. 1701 note); and

(2) notwithstanding section 428(b) of the Homeland Security Act of 2002 (6 U.S.C. 236(b)), the Secretary of State shall prohibit the granting of a visa to—

(A) a senior member of the Government of Sudan;

(B) a senior official of the military of Sudan; or

(C) a family member of an individual described in subparagraph (A) or (B).

(b) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Division D of Public Law 108–199; 118 Stat. 143) shall remain in place until the President makes the certification described in subsection (c)(1).

(c) CERTIFICATION.—The certification referred to in subsections (a) and (b) is a certification submitted by the President to the appropriate congressional committees not

later than 30 days after the date of enactment of this Act, and every 90 days thereafter, that—

(A) the armed forces of the Government of Sudan and militias allied with such Government have not attacked civilians in Sudan since the date of enactment of this Act; and

(B) the Government of Sudan is allowing unfettered humanitarian access to people in Darfur.

SEC. 7. MULTILATERAL EFFORTS.

The Secretary of State shall direct the United States Permanent Representative to the United Nations to pursue a Security Council Resolution that condemns the Government of Sudan for its actions in Darfur and calls for—

(1) accountability for those who are found responsible for orchestrating and carrying out the atrocities in Darfur; and

(2) member states of the United Nations to—

(A) freeze the assets of senior members of the Government of Sudan and their families held in each such member state;

(B) cease to import Sudanese oil;

(C) restrict the entry or transit of senior members of the Government of Sudan and their families through each such member state;

(D) deny permission for any aircraft registered in Sudan to take off from, land in, or overfly each such member state; and

(E) cease selling arms to the Government of Sudan.

SEC. 8. REPORTING REQUIREMENTS.

Not later than 30 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes—

(1) plans for and resources needed to assist with the reconstruction of Sudan to support a comprehensive peace agreement between the Government of Sudan and the SPLM, including a description of the effect that the crisis in Darfur will have on the resources needed;

(2) contingency plans for the delivery of humanitarian assistance through nonmilitary means should the Government of Sudan continue to obstruct or delay the international humanitarian response for the 2,000,000 Sudanese civilians declared vulnerable in Darfur;

(3) an assessment of the United States military personnel, platforms, equipment, and their associated costs required (should other efforts fail) to—

(A) deliver humanitarian assistance to Darfur; or

(B) provide security for the delivery of humanitarian assistance; and

(4) a strategy for providing medical and psycho-social assistance to victims of torture and sexual violence in Darfur.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the President—

(1) for fiscal year 2005, $200,000,000 to carry out the activities described in section 5(a); and

(2) for fiscal years 2005 through 2008, a total of $800,000,000 to carry out the activities described in section 5(b).

(b) REDUCTION OF AVAILABLE FUNDS.—The amount authorized to be appropriated under subsection (a)(2) shall be reduced by $50,000,000 180 days after the date of enactment of this Act if the President has not made the certification described in section 5(c) by the end of that 180-day period, and shall be reduced by an additional $50,000,000 at the end of each 180-day period thereafter that has ended before the President has made such certification.

By Mrs. CLINTON (for herself, Ms. SNOWE, and Mr. DASCHLE):

S. 2706. A bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, today I am pleased to be introducing legislation that expands the supports and services available to grandparents and other relatives who are raising children when their biological parents can no longer take care of them. I am happy to have worked with my friend and colleague, Senator OLYMPIA SNOWE, in crafting this important bill.

Today there is a phenomenon that is quietly changing the face of the American family and creating new challenges for our Nation's child welfare system—the growth of kinship care. According to the Census, more than 6 million children—1 in 12—live in households headed by grandparents or other relatives.

New York alone has over 409,000 children living in these households. The majority of these children—54 percent—live with their grandparents, while the rest live with aunts, uncles, siblings, and cousins. Sadly, one-fifth of families headed by grandparents are living in poverty.

While extended families have always stepped in to raise children when parents could not, over the past two decades we've seen a rise in the number of children living with grandparents and other relatives. A study conducted by the American Association of Retired Persons found that the number of children living in grandparent-headed households increased by 30 percent between 1990 and 2000.

Parents are unable to raise their own children for many different reasons, and we still have a lot to learn about this trend, but a few statistics are illuminating: Mothers are the fastest growing segment of the U.S. prison population. Approximately 7 in 10 women in correctional facilities have children under age 17. The number of women living with HIV/AIDS increased from 4,000 in the early 80s to close to 60,000 in 2000.

Many of these women are unable to raise their children and often rely on their relatives to fill in. Many other parents die or contract debilitating diseases that also make it impossible for them to fulfill their parental obligations.

Grandparents and other relatives have stepped forward, often at great personal sacrifice, to provide safe and loving homes for the children in their care. This has allowed tens of thousands of children to live with extended family rather than strangers.

Extended families can provide a sense of belonging and a connection with their family history. Children are traumatized when they are separated from their natural parents—being cared for by grandparents or other relatives can soften that blow.

But kinship families, especially those without formal legal custody of the children under their care, face a number of unnecessary barriers. Let me give you an example. Maria Lemmons, of Albany, lost her daughter, a single mother of 3, in a tragic car crash when Maria was 67. Maria immediately stepped in to take custody of her grandchildren, aged 11, 13, and 15. But as you can imagine, she struggled. Maria was financially secure, but she hadn't raised a teenager in over 20 years. She needed guidance about parenting and a support group to help her navigate the tough terrain of parenting.

At the other extreme is Susan Smith. Susan's daughter Cathy almost lost custody of her son, Jacob, when she became addicted to heroin and neglected him for days at a time. Susan intervened to take care of Jacob even though doing so required a significant financial sacrifice. Susan lives on a Social Security check of less than $300 a month. She can barely afford her groceries and her medicine. But she was not willing to let Jacob be raised by a stranger.

At the very least, both of these women need and deserve our compassion. But I believe they also deserve our support as they assume the awesome responsibility of raising children. The Kinship Caregiver Support Act will help women like Maria and Susan in three important ways.

First, it will establish a ''kinship navigator'' program. This program will provide funds to social service agencies to establish toll-free hotlines, websites, and resource guides on the local and State parenting support available to kinship families. These hotlines and websites will give grandparents critical information about enrolling children in school, obtaining SCHIP, Medicaid and other health insurance, safeguarding their homes for small children, applying for housing assistance, obtaining legal services, finding childcare, and identifying parental support groups so that women like Maria have someone to talk to about their experiences.

The kinship navigator program will promote partnerships between government agencies, not-for-profit and faith-based organizations to help them better serve the needs of kinship care families.

The second part of this legislation will make it possible for kinship families who serve as permanent legal guardians to receive the same payments that foster families would receive. This is extremely important because many grandparents want to raise their grandchildren but, like Susan, simply cannot afford to do so.

States will have the option to use their title IV–E funds to provide payments to grandparents and other relatives who have assumed legal guardianship of the children they've cared for as foster parents. Families would be eligible if the child has been under the care of the State agency for at least 12 months and was eligible for foster care maintenance payments.

There are a few States, such as Illinois and Maryland, that have already implemented subsidized guardianship waivers through the Health and Human Services demonstration project. These States have shown that subsidized guardianship is a cost-neutral and effective way to keep families together. My legislation will make it possible for all States to follow in their path. It values families that care for each other.

The final part of this legislation will require States to notify grandparents when children enter the foster care system. Unfortunately, grandparents and other relatives often do not know when their grandchildren or nieces and nephews come under the care of the State. By notifying grandparents and other relatives when children enter the foster care system, we can make it a lot easier for families to stay together.

I also want to note that in May of this year, the Pew Commission on Children in Foster Care recommended that children who live with a permanent legal guardian should receive federal guardianship assistance. This commission is widely considered to be one of the most comprehensive investigation of child welfare financing policy in decades and is chaired by a bipartisan group of child welfare experts, including legislators, state administrators, family service providers, judges, foster and adoptive parents, and former foster youth. It is encouraging that their recommendations are in line with the legislation I am introducing today.

I am very pleased with this legislation; it shows that we are moving in the right direction toward helping the thousands of children and the relatives that care for them in this country. I look forward to working with my colleagues to pass this bill in the Senate.

By Mr. LIEBERMAN:

S. 2708. A bill to develop the National Strategy for Homeland Security, and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation to forge a comprehensive and effective strategy for our homeland security.

Before 9/11, we did not truly perceive the threat of terrorism on our own soil, and what homeland security efforts we did have underway were badly divided. Dozens of agencies responsible for pieces of our homeland security were scattered across the Federal Government, and were largely unconnected to state and local officials and first responders on the front lines in our Nation's cities and towns. There were confusing overlaps and, more critically, treacherous gaps. And because everyone was responsible for parts of the effort, no one was ultimately in charge.

We took one large step to remedy these weaknesses by creating the Department of Homeland Security. The Department brings more than two dozen of the Federal Government's critical homeland security agencies and programs under one roof, allowing for unprecedented coordination and cooperation. It also created a Cabinet Secretary charged with managing the budgets and personnel of these agencies, and capable of providing a focal point for homeland programs and issues in the Cabinet and beyond.

But we knew that in addition to creating a better organization, we would need to lay out a clear roadmap to galvanize our homeland defenses—at all levels of government and the private sector. That is what many of us called for and, regretfully, it is something this Nation still sorely lacks.

The Administration did produce a ''National Strategy for Homeland Security'' in July 2002 that correctly identified many of the challenges we face in preparing to meet the threat of terrorism. But that document predates the creation of the Department of Homeland Security and is already out of date. More significantly, it failed to set priorities, clear deadlines and accountability for the vast array of homeland security tasks we face.

As the highly regarded Gilmore Commission on terrorism noted in its final report last December: ''Much is still required in order to achieve an effective, comprehensive, unified national strategy and to translate vision into action. Notably absent is a clear prioritization for the use of scarce resources against a diffuse, unclear threat as part of the spectrum of threats—some significantly more common than terrorism. The panel has serious concern about the current state of homeland security efforts along the full spectrum from awareness to recovery, worried that efforts by the government may provide the perception of enhanced security that causes the Nation to become complacent about the many critical actions still required.''

While it is true that the Department of Homeland Security is proceeding with some more targeted strategies regarding specific areas of concern, these cannot replace a comprehensive strategy that sets the ultimate policies and priorities for our homeland effort.

That is why I am introducing legislation requiring a new homeland security strategy that can provide the strong, precise national guidance we need on this critical issue.

In a February 3, 2004 report, the General Accounting Office surveyed seven existing Federal strategies related to terrorism—including the National Strategy for Homeland Security—and laid out guiding principles to improve these strategies. My legislation incorporates these principles, which stress accountability and prioritization as requirements for a new homeland security strategy. The new strategy must include a hierarchy of strategic goals and indicate the specific activities needed to achieve those goals, as well as the likely costs, and how such funds should be generated. In other words, the strategy must make real choices about priorities and resources. The current strategy identifies many goals, but rarely provides deadlines for action, standards or performance measures to assess progress, or details on the resources required for stated initiatives.

The strategy must clearly spell out organizational roles and responsibilities, including the proper roles of State, local, private and international actors and the coordinating mechanisms to bring these actors together. Almost three years after 9/11, we still too often must ask ''who is in charge?'' of key pieces of our homeland security agenda. And, critically, the homeland security strategy must address how it relates to other Federal strategies regarding terrorist threats, and how the strategies will be integrated.

The legislation also highlights certain substantive areas that should be addressed, such as a thoroughgoing strategy to maximize information sharing related to homeland security throughout the Federal Government and with state and local officials and, where appropriate, the private sector. The strategy must look at preparing the public health sector to detect and respond to terrorist attacks, at integrating military capabilities into our homeland security planning, at building all-hazards preparedness throughout all levels of government and the private sector, and securing our critical infrastructure, much of which is in private hands.

The bill would require that the strategy be written every four years, with updates every two years and annual progress reports to be submitted in conjunction with the President's annual budget request. Recognizing that many Federal agencies outside the Department of Homeland Security play a critical part in homeland security, it calls on the Assistant to the President for Homeland Security to help the Secretary construct the strategy.

Importantly, it would create an independent panel of experts to review the strategy and offer alternative proposals as appropriate—a so-called ''Team B'' to provide decision makers with alternative perspectives and solutions for consideration. This nonpartisan panel, to be called the Homeland Security Commission, would consist of nine members appointed by the Secretary in consultation with Congress. The members would be recognized experts in the field of homeland security and cannot be current officers or employees of the Federal Government. This Commission is modeled on the successful National Defense Panel, which helped guide strategic planning for our military forces. This Commission can help ensure that we marshal all the best ideas to defend our homeland and do not fall into complacent, or narrow ways of thinking about the threats we face. We know that terrorists are always adapting their strategies and techniques. We must do no less.

We meet today amid ongoing, and indeed heightened, threats of terrorist attacks on our homeland. We need not be intimidated, but we must be prepared. A new and more forceful national strategy will help energize and organize our resources—at all levels of government and within the private sector—to meet this threat. I urge my colleagues to support this legislation to give us such a strategy.

Mr. President, I ask unanimous consent that the full 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. 2708

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 ''National Strategy for Homeland Security Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term ''Commission'' means the Homeland Security Strategy Commission established under section 4.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(3) STRATEGY.—The term ''Strategy'' means the National Strategy for Homeland Security developed under this Act.

SEC. 3. NATIONAL STRATEGY FOR HOMELAND SECURITY.

(a) DEVELOPMENT AND SUBMISSION OF STRATEGY.—

(1) DEVELOPMENT.—The Secretary, under the direction of the President, and in collaboration with the Assistant to the President for Homeland Security and the Homeland Security Council, shall develop the National Strategy for Homeland Security for the detection, prevention, protection, response, and recovery with regard to terrorist threats to the United States.

(2) SUBMISSION TO CONGRESS.—

(A) INITIAL SUBMISSION.—Not later than December 1, 2005, and not later than December 1st of each year in which a President is inaugurated, the Secretary shall submit the Strategy to Congress.

(B) BIENNIAL UPDATE.—Not later than 2 years after each submission of the Strategy under subparagraph (A), the Secretary shall submit to Congress an updated version of the Strategy.

(C) PROGRESS REPORTS.—Each year, in conjunction with the President's budget request, the Secretary shall provide an assessment of progress on implementing the Strategy, including the adequacy of resources to meet the objectives of the Strategy, and recommendations to improve and implement the Strategy.

(3) CLASSIFIED MATERIAL.—Any part of the Strategy that involves information that is properly classified under criteria established by Executive Order shall be submitted to Congress separately in classified form.

(b) COORDINATION WITH THE ASSISTANT TO THE PRESIDENT FOR HOMELAND SECURITY.—The Secretary shall seek the assistance of the Assistant to the President for Homeland Security and the Homeland Security Council to—

(1) coordinate the input of Federal departments and agencies outside the Department of Homeland Security, which have homeland security responsibilities; and

(2) work with the Secretary on all aspects of the Strategy.

(c) CONTENTS.—

(1) IN GENERAL.—The Strategy shall include—

(A) a comprehensive statement of purpose, mission, and scope;

(B) threat, vulnerability, and risk assessment and analysis, including an analysis of the threats and vulnerabilities regarding critical infrastructure, assets, and operations and a description of the role of the Homeland Security Institute in conducting such risk assessments;

(C) a statement of desired end-states, including a hierarchy of strategic goals and subordinate objectives, as well as specific activities for achieving results and specific priorities, milestones, and performance measures to monitor progress toward goals;

(D) an assessment of necessary resources and investments to achieve strategic goals, including the types of necessary resources involved and resource allocation mechanisms;

(E) a delineation of organizational roles and responsibilities across the many entities involved in homeland security efforts, including—

(i) the proper roles and responsibilities of State, local, private, and international sectors, and a designation of coordinating mechanisms; and

(ii) other specific measures to enhance cooperative efforts between the Federal government and the sectors described in clause (i); and

(F) an explanation of the relationship between the Strategy and other Federal strategies addressing terrorist threats, including how these strategies will be integrated, and details on subordinate strategies within the Department of Homeland Security regarding specific aspects of homeland security.

(2) ADDITIONAL CONTENTS.—In addition to the items listed in paragraph (1), the Strategy shall include—

(A) policies and procedures to maximize the collection, translation, analysis, exploitation, and dissemination of information relating to combating terrorism and the homeland security response throughout the Federal government, and with State and local authorities, and, as appropriate, the private sector;

(B) plans for countering chemical, biological, radiological, nuclear and explosive, and cyber threats;

(C) plans for the coordination with, and integration of, the capabilities and assets of the United States military into all aspects of the Strategy, as appropriate;

(D) plans for improving the resources of, coordination among, and effectiveness of, health and medical sectors for preventing, detecting, and responding to terrorist attacks on the homeland;

(E) measures needed to enhance transportation security with respect to potential terrorist attacks, including aviation and nonaviation modes of transportation;

(F) measures, based on the risk assessments under paragraph (1)(B), to identify and prioritize the need for protective and support measures for critical infrastructure and plans to secure these key assets;

(G) an assessment of the Nation's ability to prevent, respond to, and recover from threatened and actual domestic terrorist attacks, and measures to enhance such preparedness across all levels of government and the private sector;

(H) measures to secure the Nation's borders from terrorist threats, including agroterror, while continuing to facilitate the flow of legitimate goods and visitors;

(I) plans for identifying, prioritizing, and meeting research and development objectives to support homeland security needs; and

(J) plans for addressing other critical homeland security needs.

(d) COOPERATION.—At the request of the Secretary or the Assistant to the President for Homeland Security, Federal agencies shall provide necessary information or planning documents relating to the Strategy.

SEC. 4. NATIONAL HOMELAND SECURITY COMMISSION.

(a) ESTABLISHMENT.—The Secretary shall establish a nonpartisan, independent commission to be known as the Homeland Security Commission.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 9 members, including a chair, who shall be appointed by the Secretary, in consultation with the chairman and ranking member of—

(A) the Committee on Governmental Affairs of the Senate; and

(B) the Select Committee on Homeland Security of the House of Representatives.

(2) QUALIFICATIONS.—Members of the Commission appointed under paragraph (1)—

(A) shall be recognized experts in matters relating to the homeland security of the United States; and

(B) shall not be officers or employees of the Federal Government.

(3) PERIOD OF APPOINTMENT.—Each member of the Commission shall be appointed to the Commission for an 18-month term, which shall begin on December 1, 2005.

(4) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings. A quorum is required to approve any report issued by the Commission, but a minority of members may submit an appendix to be included in such report.

(c) DUTIES.—The Commission shall conduct an independent, alternative assessment of the optimal policies and programs to improve homeland security against terrorist threats, including, to the extent practicable, an estimate of the funding required each fiscal year to support such policies and programs.

(d) COMPENSATION.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including travel time, during which the member is engaged in the performance of the duties of the Commission.

(e) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) STAFF.—

(1) IN GENERAL.—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director (subject to Commission confirmation) and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and all employees of the Commission shall be employees under section 2015 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of such title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not apply to members of the Commission.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(g) ADMINISTRATIVE PROVISIONS.—

(1) USE OF MAIL AND PRINTING.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) SUPPORT SERVICES.—The Secretary shall furnish the Commission any administrative and support services requested by the Commission.

(3) GIFTS.—The Commission may accept and dispose of gifts or donations of services or property.

(h) PAYMENT OF COMMISSION EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department for the payment of compensation, travel allowances and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Commission shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(i) REPORT.—Not later than December 1, 2006, the Commission shall submit, to the committees referred to under subsection (b)(1), a report that—

(1) describes the activities, findings, and recommendations of the Commission; and

(2) provides recommendations for legislation that the Commission considers appropriate.

By Mr. NELSON of Florida:

S. 2711. A bill to establish a National Windstorm Impact Reduction Program; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise today in support of a bill I introduced today to set up a national program to reduce the loss of life and property due to windstorms.

This bill recently passed the House of Representatives and it will be addressed and hopefully passed during the Senate Commerce Committee markup tomorrow.

We all know the catastrophic damage that windstorms can cause. In fact, the highest level of material damage and loss of life in this country has been attributed to hurricanes, tropical storms, tornadoes and thunderstorms.

My State of Florida, as a coastal State, has been especially affected.

In 1992, Hurricane Andrew caused losses in excess of $26.5 billion.

And annually the average financial loss due to tornadoes, thunderstorms and hurricanes is $6.3 billion. So increasing our understanding of windstorms, assessing the performance of our buildings, structures and infrastructures during windstorms, reducing the impact of wind hazards through retrofitting buildings and changing construction practices and transferring this knowledge to the pubic and building professionals is desperately needed.

And this bill accomplishes all of those things.

It is a coordinated plan to reduce material losses and human suffering.

An interagency working group consisting of representatives of the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology and the Federal Emergency Management Agency will be responsible for planning and managing this program.

The program will have three goals: Improved understanding of windstorms, windstorm impact assessment, and windstorm impact reduction.

How do we achieve this? Data collection and analysis, outreach, technology transfer, and research and development.

As a result of this program, we will translate existing and future information and research findings into cost-effective and affordable practices for design and construction professionals, and State and local officials.

And this interagency group will provide biennial updates of their progress to Congress so we know what progress has been made and what more needs to be done.

We'll also get a broad cross-section of interests involved through an advisory committee—so that real-life issues are addressed and onsite expertise is utilized.

And my hope is that the devastation of Hurricane Andrew will never be experienced again in my State of Florda or in any other State.

This bill and help us achieve that and I urge my collegues' support.

By Mr. DOMENICI (for himself and Mr. KENNEDY):

S. 2713. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, I rise today with my friend Senator KENNEDY to introduce a bill that will raise the minimum grant amounts given to States and territories under the PATH program. The PATH program provides services through formula grants of at least $300,000 to each State, the District of Columbia and Puerto Rico and $50,000 to eligible U.S. territories. Subject to available appropriations, this bill will raise the minimum allotments to $600,000 to each State and $100,000 to eligible U.S. territories.

When the PATH program was established in FY1991 as a formula grant program, Congress appropriated $33 million. That amount has steadily increased over the years with Congress appropriating $50 million this past year. However, despite these increases, States and territories such as New Mexico that have rural and frontier populations, have not received an increase in their PATH funds. Under the formula, as it currently exists, many States and territories will never receive an increase to their PATH program, even with increasing demand and inflation. This problem is occurring in my home state of New Mexico as well as twenty-five other States and territories throughout the United States.

The PATH program is authorized under the Public Health Service Act and it funds community-based outreach, mental health, substance abuse, case management and other support services, as well as a limited set of housing services for people who are homeless and have serious mental illnesses. Program services are provided in a variety of different settings, including clinic sites, shelter-based clinics, and mobile units. In addition, the PATH program takes health care services to locations where homeless individuals are found, such as streets, parks, and soup kitchens.

PATH services are a key element in the plan to end chronic homelessness. Every night, an estimated 600,000 people are homeless in America. Of these, about one-third are single adults with serious mental illnesses. I have worked closely with organizations in New Mexico such as Albuquerque Health Care for the Homeless and I have seen firsthand the difficulties faced by the more than 15,000 homeless people in New Mexico, 35 percent of whom are chronically mentally ill or mentally incapacitated.

PATH is a proven program that has been very successful in moving people out of homelessness. PATH has been reviewed by the Office of Management and Budget and has scored significantly high marks in meeting program goals and objectives. Unquestionably, homelessness is not just an urban issue. Rural and frontier communities face unique challenges in serving PATH eligible persons and the PATH program funding mechanisms must account for these differences.

Thank you and I look forward to working with my colleague Senator KENNEDY on this important issue.

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. 2713

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

SECTION 1. MINIMUM ALLOTMENTS UNDER THE PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS PROGRAM.

Section 524 of the Public Health Service Act (42 U.S.C. 290cc–24) is amended to read as follows:

"SEC. 524. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) DETERMINATION UNDER FORMULA.—Subject to subsection (b), the allotment required in section 521 for a State and Territory for a fiscal year is the product of—

''(1) an amount equal to the amount appropriated under section 535 for the fiscal year; and

''(2) a percentage equal to the quotient of—

''(A) an amount equal to the population living in urbanized areas of the State involved, as indicated by the most recent data collected by the Bureau of the Census; and

''(B) an amount equal to the population living in urbanized areas of the United States, as indicated by the sum of the respective amounts determined for the States under subparagraph (A).

''(b) MINIMUM ALLOTMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), the allotment for a State under section 521 for a fiscal year shall, at a minimum, be the greater of—

''(A) the amount the State or Territory received under section 521 in fiscal year 2004; and

''(B) $600,000 for each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, and $100,000 for each of Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(2) CONDITION.—If the funds appropriated in any fiscal year under section 535 are insufficient to ensure that States and Territories receive a minimum allotment in accordance with paragraph (1), then—

''(A) no State or Territory shall receive less than the amount they received in fiscal year 2004; and

''(B) any funds remaining after amounts are provided under subparagraph (A) shall be used to meet the requirement of paragraph (1)(B), to the maximum extent possible.''.

By Mr. DASCHLE:

S. 2714. A bill to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs; read the first time.

Mr. DASCHLE. Recently, the Majority Leader pulled the class-action reform legislation from consideration after the Senate failed to invoke cloture on the bill. We all know he would have had the votes for cloture if he had not played games with the amendment process. Instead, he proposed allowing Democrats only five non-germane amendments and insisted that he choose which amendments could be offered. He insisted that under no circumstances could we offer a bipartisan bill to legalize the safe importation of lower-priced prescription drugs from Canada and other industrialized countries. The Majority Leader no doubt feared that the re-importation legislation would pass as a result of the broad bipartisan support it enjoys. But the drug industry didn't want lower prices, and we were prevented from offering our amendment.

The re-importation bill is just one of many health measures currently pending in Congress that would help Americans who are struggling with the high costs of care, drugs, and insurance. These bills have broad support—some even have Republican lead sponsors—and we should be considering them here in the Senate. In fact, it is our obligation to do so. Yet most of these bills continue to languish in committee while the majority plays procedural games with the amendment process and spends countless hours on bills and measures that the Majority Leader knows do not have the votes to pass.

In response, over the past week, we have begun the process of putting these measures on the calendar. We are doing so to highlight that these critical bills are available for consideration on the Senate floor, and to show how important it is to pass them and send them to the President for his signature as soon as possible.

Today, I would like to discuss a measure I first introduced on the day the conference report to the Medicare bill passed the Senate. This proposal was included in a broader piece of legislation that we introduced that day in response to the conference report, and, on December 9, I introduced it as a stand-alone measure. It is a very simple bill. It would strike the prohibition contained in last year's Medicare legislation that prohibits the government from using the power of 41 million beneficiaries to negotiate lower drug prices for seniors. Senators on both sides of the aisle have expressed support for striking that provision. Senators who supported the conference report have joined with those who opposed it, such as myself, in cosponsoring my bill. That's because it just makes sense.

The new Medicare law does almost nothing to rein in skyrocketing prescription drug costs. In fact, it actually prohibits Medicare from using its bargaining power to negotiate lower prices. We have seen the VA's success at negotiating lower prices. Similarly, we should use the power of Medicare's beneficiary population to obtain lower prices for seniors and people with disabilities. Rather than fragmenting the population to dilute our ability to negotiate lower costs, we have an obligation—both to Medicare beneficiaries and to American taxpayers—to secure the lowest possible prices. That's what my bill would do.

It's time for the Senate to side with seniors and taxpayers over the drug industry. It's time for the Senate to pass 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. 2714

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 ''Medicare Prescription Drug Price Reduction Act of 2004''.

SEC. 2. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and by inserting the following:

''(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—In order to ensure that each part D eligible individual who is enrolled under a prescription drug plan or an MA–PD plan pays the lowest possible price for covered part D drugs, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements of this part and in furtherance of the goals of providing quality care and containing costs under this part.''.

By Mr. COLEMAN:

S. 2715. A bill to improve access to graduate schools in the United States for international students and scholars; to the Committee on the Judiciary.

Mr. COLEMAN. Madam President, September 11, 2001, was a day that changed America forever. It taught us that oceans cannot protect us from those who are fanatically devoted to harming us. The world has changed after September 11. The American experience, realities, changed after September 11. We live with greater uncertainty. We live with greater fear and concern about attack. We have, even those in this Chamber, gone through the process of thinking the unthinkable, thinking about attacks on our soil, on our towns, on our country.

The good news is that in the last 2½ years since September 11, America has not experienced another experience like that. It appears as if the measures we have taken have had some effect. The PATRIOT Act was passed with overwhelming support. It is now the subject of some debate, but let's not debate the importance of doing those things that protect this country from attack. The PATRIOT Act has clearly been part of that.

The efforts of our President in rooting out the Taliban and getting rid of Saddam have all had an impact on making this country safer. But there are no guarantees. Clearly, even today—we have the September 11 Commission report coming out tomorrow; we have the Senate Intelligence Committee report coming out, reviewing what we did, should have done, and what we could do better.

The bottom line is we want to make sure this never happens again. The effort to improve our safety and security is important. This is not a game. This is not to raise the fear for political purposes; this is the reality of the world in which we live.

But I do believe there is at least one area where our policy regarding security and measures we are taking to improve security should be examined and changed. That is why today I am introducing the International Student and Scholar Access Act.

Again, we all know there is absolutely no such thing as an absolute guarantee of absolute security in a free society, so what we do is measure the level of threat against the loss of certain other values and then we try to strike a balance. In the area of student visas, I believe we have pushed security concerns beyond the logical point and

need to make adjustments to our policy.

This is what I am talking about. America has been home to foreign students in great numbers for many years. If you go to the University of Minnesota, you see students from all over the world. The same is true in our private schools in Minnesota. The University of St. Thomas has a great international student program. Those are good programs.

What those programs do is provide young people from around the world an opportunity to study in America, to understand the American experience, to understand American values, to understand the American way of life. That is a good thing.

Unfortunately, I believe one of the terrorist hijackers on September 11 was an individual who had a student visa. He did not attend school. No one followed up. As a result of that, what happened is we looked at that student visa policy and said: We have to make changes.

I understand that. I understand we have to tighten up standards. I understand we have to be more careful about those who claim to be students who come into our country.

But I believe the result of what has been well intentioned—what is important, the security of our country; nothing is more important than the role of Government to make sure we are secure—in regard to student visas has been to push the ball a little too far. I think what we are seeing now is there are scores of young people who would like to be part of the American experience, who would like to study in our schools, who would like to understand American culture and American values, young people who, 20 or 30 years from now, when they are the Presidents and Vice Presidents and Ambassadors and Ministers of their country, would have a relationship, saying: I went to the University of Minnesota. I went to the University of Maine. I went to the University of Saint Thomas. I went to Bowdoin College. I understand what you are about and would like to be a partner with you.

I think we are at a point now where, in reaction to 9/11, what we are doing with student visas is to have kind of turned it around. Now that it is a national security issue, I think we are missing the opportunity for a lot of young people to become part of and understand and share in the American experience.

So now we have visa processes that are structured in a way that produces results that I don't think we want. They require that consular officers in our Embassies spend far too much time on people who do not threaten this country and excluding too many of them. That does not leave them enough time to deal with those folks who are a genuine threat.

It is the equivalent of a police roadblock. We are stopping so many innocent people that it calls into question if this is a good use of Government resources and power.

Again, it is in the interest of the United States of America to bring in the best and brightest foreign students to study in America. These are people who will lead their nations one day. The experience they gain with our democratic system and our values gives them a better understanding of what America is and who Americans are.

I had an opportunity the other day to spend time with a young woman from Iraq, a Kurd from Kirkuk. She was there to kind of shadow us and understand a little bit about American—this system of government. I thought—she had 1 day—just think if we had 4 years of her being here, or 5 years, and she came to understand this country and its history and its people and its culture and its ways and its values, and she carried that in her heart back to her country, with the opportunities we would have along the way to strengthen those relationships.

We hear so much today about anger at Americans, about hate directed toward Americans. But this is in a world that, at times, I think may hate us because they don't know us. They don't know us. They know what they see on Al-Jazeera or they know what they hear from some political leader who may disagree with the kind of government and the democracy and the values we have.

International education represents an opportunity to break down those barriers. I think some who hate this Nation do so out of ignorance. Foreign students who return to their nations many times become ambassadors of good will and understanding.

And don't discount the personal relationships. In our lives, we may see friends who we met back in college, people we have not seen in 20 years. When we run into those friends, there is a bond. Our young educated people become our leaders, not just in Government but in business, in industry, in education. The same is true throughout the world. The world is not such a big place. It is not such a big place when you have these human connections.

So these young people go back to their countries, young people who studied here, who learned of our ways, and they become ambassadors of good will and understanding, and they speak with credibility about the freedoms that spur American success.

Foreign students also help our economy. Higher education is a major service sector export, bringing in $12 billion to the U.S. economy every year. Competitors, such as the United Kingdom, Canada, and Australia are gaining market share while the United States is losing. Total international applications to U.S. graduate schools for the fall of 2004 declined 32 percent from the fall of 2003. Fifty-four percent of English as a second language programs have reported declines in applications.

When you think about the economy, it is not just a tourist economy. People are coming here to spend money. I had an opportunity to be involved in a series of meetings with some of my colleagues, chaired by Senator BAUCUS, the ranking member of the Finance Committee, and bringing in leaders of American industry, the CEOs of some of the largest corporations in America, to talk about what we have to do to ensure American competitiveness in this global economy. One of the issues these CEOs mentioned was the difficulty in having foreign students come to our country and the impact it has on their opportunities for success and innovation, and the impact that has on the American economy.

It is not just a long-term national security issue; it is an economic development and opportunity issue. We are shortchanging ourselves by losing access to talent.

The legislation I introduce today is an effort to reverse the decline in foreign access to U.S. education. My legislation seeks to promote foreign study in America by urging strategic thinking and by making commonsense changes to the way we process visa applications.

This legislation would help to clarify the often overlapping roles between lead agencies that work on international education—the Departments of State, Commerce, Homeland Security, and Education.

It proposes improvements related to SEVIS fees for tracking foreign students, by prorating fees for short-term students and allowing them to make payments in their local currencies. There is a process of payments that are made. If you are here for a short term, you pay as much as for a long term. It is another barrier, another impediment to providing an opportunity for foreign students to be here.

It would set goals for more timeliness and certainty in the visa process. It would press the State Department for commonsense improvements to give more discretion on personal appearance requirements and on the duration of security clearances. It would improve the interoperability between databases of the FBI and the State Department.

Perhaps the most critical part of my bill deals with the criteria for student visas. Currently, consular officers have to prove that a student visa applicant has essential ties which will ensure his or her return to his or her own country after study is complete. This requirement poses an unrealistic burden on students who are typically not yet sufficiently well established in their societies to be able to demonstrate a likelihood of return. In reality, international students are often encouraged to stay in the U.S. after they have completed their studies, by changing their status to that of H–1B, for example.

An observation on this, and let me go just a little bit more about the legislation, because what it does is it calls for

a more realistic standard for student visas. That is what we really need.

My legislation replaces the criteria of expected return with two other criteria. Students would have to demonstrate that they intend to come to the U.S. to complete a legitimate course of study, and that they have the financial means for doing so.

Let me explain why that makes so much more sense. The reality is, if we have a bright and enterprising student from Africa, from Uganda, or from Argentina, from Latin America somewhere, the issue we need to be concerned about is whether they are really coming here to study. The concern over 9/11 is, you had folks who came here who were using that to gain entry into this country. Are they coming here to study? Is it a legitimate course of study? Do they have the means to do so? Are they coming here for the purpose they intended?

Afterwards, if we have a highly trained and highly qualified college graduate from Uganda and they do whatever has to be done legally in terms of dealing with immigration, what is the issue? Why would you not want to have them here a little longer if they are going to contribute to the economic growth, to the increase in brainpower, to all the things that need to be done to make sure America stays competitive in this new global economy?

America is never going to compete with low-scale wages. We are past that. There is no way we can compete with China. Mexico can't compete with China today. America's economic success is tied to innovation and brainpower. That is our future. What we do to encourage that, certainly among folks here but also students from other countries who become part of that pool, who help us become more creative and entrepreneurial, is important.

I have to say—and I wouldn't be surprised if the Senator from Maine has not had the same experience—this issue consumes a lot of my time and that of my case workers back in Minnesota. Time and again they are asked by Minnesota colleges and universities to make a plea to the State Department to help process a foreign student's visa. These are students who want to come to the United States, who have the intellectual assets that all can gain from, who have scholarships or other resources to take care of themselves while in America. But because they don't have spouses or homes in their native lands, they are rejected for their student visas. What sense does that make? How does that further the interests of those in the United States? How does it further the interests of our colleges and universities that benefit from quality students, benefit from the diversity brought by students from Africa or from Asia, benefit from having a broader kind of dialog and exchange about what this world is all about?

I had a particular case of a talented young man from Uganda named Humphrey. Humphrey had a full ride to St. Thomas University in St. Paul, MN, which—I note with great pride—my son entered. He had his orientation just the other day. I have a personal interest in St. Thomas, but that is not the reason I advocated for Humphrey. Humphrey was a research assistant with Professor Martin O'Reilly at Uganda Martyrs University. Dr. O'Reilly stated:

> With service for 22 years in African countries, this is the most impressive student and human being I have ever known. He is one in a million.

Humphrey is a psychology student. His goal is to return to Africa and offer counseling services on a continent where the psychological scars are so deep. We just heard my friend and colleague from Illinois talking about the brutality, the genocide in Sudan. We know of what happened in Rwanda. We know the scars that need to be healed. Humphrey wants to go back and offer services where psychological scars are deep. Yet his visa application was rejected more than once because he could not prove to a consular officer that he intended to return to Uganda. I called that consular officer at one time, not to pressure as a Senator but just to ask them to take a look at the application. Don't let it just kind of get processed run of the mill because we have a process now that makes it difficult for students to come here. Take a look at it and then make a judgment, if the judgment is pretty clear.

I am happy to say that Humphrey's visa application was finally accepted and he began study in January. I fear that there are too many people like him who will not be educated in America. We will lose not only their wisdom but also the chance to show them what makes America so great. I believe in the tougher measures we implemented after September 11, but I think we have to be smarter with how we use these tools. I think we can strike a better balance between security and the value of bringing the world here to be educated. And that is in America's long-term interest.

I urge my colleagues to consider this important issue and to support this legislation. It is in many ways a national security issue, national security not just in having a process in place that weeds out those who shouldn't be here but long-term national security, making sure that America has those relationships and those contacts with the future leaders of countries around this world and gives them the opportunity to be educated here. Right now they are being educated in other places, in England and France and Germany. We are missing an opportunity. There is no reason. We can do better than that.

Let us look at this issue. It is still my first term, and I haven't finished yet. I haven't finished the second year. I know it takes a while to get things done. But I think the clock is ticking on this issue. Each and every day we are missing an opportunity. Each and every day as we see the numbers of international student applications decline, as we see less and less of the opportunities to establish those relationships because of the policies we have in place, it cries out for change.

My legislation offers that change. I hope this body considers it, and I hope we make the change. As a result, I know we will build a stronger America. We will build a better America. That is the reason I think we are all here.

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. 2715

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 ''International Student and Scholar Access Act of 2004''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States has a strategic need to improve its student visa screening process to protect against terrorists who would abuse the system to harm the United States.

(2) At the same time, openness to international students and exchange visitors serves longstanding and important United States foreign policy, educational, and economic interests, and the erosion of such exchanges is contrary to United States national security interests.

(3) Educating successive generations of future world leaders in the United States has long been an important underpinning of United States international influence and leadership.

(4) Open scientific exchange, which enables the United States to benefit from the knowledge of the world's top scientists, has long been an important underpinning of United States scientific leadership.

(5) The United States has seen a dramatic increase in requests for Visa Mantis checks designed to protect against illegal transfers of sensitive technology, from 1,000 in fiscal year 2000 to 20,000 in fiscal year 2003.

(6) Delays in issuing Visa Mantis security clearances have discouraged some international scholars from coming to the United States.

(7) International students and their families studying in the United States contribute close to $12,000,000,000 to the United States economy each year, making higher education a major service sector export.

(8) Delays in obtaining student visas have discouraged many international students from studying in the United States.

(9) Total international applications to graduate schools in the United States for fall 2004 declined 32 percent from fall 2003.

(10) The number of international students enrolled in the United States, which in raw numbers consistently increased over time and grew by 6 percent during both the 2000–2001 and 2001–2002 school years, leveled off dramatically during the 2002–2003 school year to an increase of only .6 percent.

(11) Concerns related to the anticipated international student monitoring system known as ''SEVIS'' have contributed to the decline in the number of foreign applicants to educational institutions in the United States.

(12) The United States requires a visa system for exchange programs that maximizes United States national security.

(13) The United States requires a comprehensive strategy for recruiting international students as well as enhancing the access of international students to higher education in the United States.

TITLE I—NATIONAL STRATEGY FOR ENHANCING INTERNATIONAL STUDENT ACCESS TO THE UNITED STATES

SEC. 101. STRATEGIC PLAN.

Not later than 180 days after the date of enactment of this Act, the President, in consultation with United States higher education institutions, organizations that participate in international exchange programs, and other appropriate groups, shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a strategic plan for enhancing international student access to the United States for study and exchange activities that includes:

(1) A marketing plan to makes use of Internet and other media resources to promote and facilitate study in the United States by international students.

(2) A clear division of responsibility that eliminates duplication and promotes interagency cooperation with regard to the roles of the Departments of State, Commerce, Education, and Homeland Security in promoting and facilitating access to the United States for international student and exchange visitors.

(3) A mechanism for institutionalized coordination of the efforts of Departments of State, Commerce, Education, and Homeland Security in facilitating access to the United States for international student and exchange visitors.

(4) An effective mandate and strategic plan for use of the overseas educational advising centers of the Department of State to promote study in the United States and to prescreen visa applicants.

(5) Well-defined lines of authority and responsibility for international students in the Department of Commerce.

(6) A clear mandate related to international student access for the Department of Education.

(7) Streamlined procedures within the Department of Homeland Security related to international student and exchange visitors.

SEC. 102. ANNUAL REPORTS TO CONGRESS.

(a) IN GENERAL.—The President, acting through the Secretary State and in consultation with the Secretary of Education, Secretary of Commerce, and Secretary of Homeland Security shall submit an annual report on the implementation of the national strategy developed in accordance with section 101 to Congress that would describe the following:

(1) Measures undertaken to enhance international student access to the United States and improve inter-agency coordination with regard to international students and exchange visitors as provided in section 101.

(2) Measures taken to implement section 202.

(3) The number of student and exchange visitors who apply for visas from the United States, and the number whose visas are approved.

(4) The average processing time for student and international visitor visas.

(5) The number of student and international visitor visas requiring inter-agency review.

(6) The number of student and international visitor visas approved after submission of the visa applications during each of the following durations:

(A) Less than 15 days.

(B) 15–30 days.

(C) 31–45 days.

(D) 46–60 days.

(E) 61–90 days.

(F) More than 90 days.

(b) SUBMISSION OF REPORT.—Not later than May 30 of 2005, and annually thereafter through 2008, the President shall submit to Congress the report described in subsection (a).

SEC. 103. REFORMING SEVIS FEE PROCESS.

(a) REDUCED FEE FOR SHORT-TERM STUDY.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended in the second sentence, by inserting before the period the following: ''or the admission of an alien under section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) for a program that does not exceed 90 days''.

(b) IMPROVING FEE COLLECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall jointly submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a report on the feasibility of collecting the fee required by section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e))—

(1) in local currency at local financial institutions under procedures established by the Secretary of State; and

(2) by universities as part of a student's tuition and fees.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of State, Department of Education, Department of Homeland Security, and Department of Commerce such sums as may be necessary to carry out the activities described in section 101.

TITLE II—IMPROVING THE VISA PROCESS

SEC. 201. SENSE OF CONGRESS; PURPOSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) improvements in visa processing would enhance the national security of the United States by—

(A) permitting closer scrutiny of visa applicants who might pose risks; and

(B) permitting the timely adjudication of visa applications of those whose presence in the United States serves important national interests; and

(2) improvements must include—

(A) an operational visa policy that articulates the national interest of the United States in denying entry to visitors who seek to harm the United States and in opening entry to legitimate visitors, to guide consular officers in achieving the appropriate balance;

(B) a greater focus by the visa system on visitors who require special screening, while minimizing delays for legitimate visitors;

(C) a timely, transparent, and predictable visa process, through appropriate guidelines for inter-agency review of visa applications; and

(D) a provision of the necessary resources to fund a visa processing system that meets the requirements of this title.

(b) PURPOSE.—It is the purpose of this title to specify the improvements described in subsection (a).

SEC. 202. VISA PROCESSING GUIDANCE.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of State—

(1) shall issue appropriate guidance to consular officers in order to—

(A) give consulates appropriate discretion to grant waivers of personal appearance in order to minimize delays for legitimate travelers while permitting more thorough interviews of visa applicants in appropriate cases;

(B) give consulates appropriate discretion to allow security clearances under the Visas Mantis system to be valid for the duration of status or program, in order to avoid repetitive reviews of those visitors who leave the United States temporarily; and

(C) establish a presumption of visa approval for frequent visitors who have previously been granted visas for the same purpose and who have no status violations; and

(2) in consultation with the Director of the Office of Science and Technology Policy and appropriate representatives of the United States scientific community, shall issue appropriate guidance to consular officers in order to refine controls on the entry of visitors who propose to engage in study or research in advanced science and technology in order to ensure that only cases of concern, and not nonsensitive cases, are subjected to special review.

(b) TIMELINESS STANDARDS.—Not later than 60 days after the date of enactment of this Act, the President shall institute guidelines for inter-agency review of visa applications requiring security clearances which establish the following standards for timeliness in international student and visitor visas:

(1) Establish a 15-day standard for responses to the Department of State by other agencies involved in the clearance process.

(2) Establish a 30-day standard for completing the entire inter-agency review and advising the consulate of the result of the review.

(3) Provide for expedited processing of any visa application with respect to which a review is not completed within 30 days, and for advising the consulate of the delay and the estimated processing time remaining.

(4) Require the establishment of a process by which the applicant, or the program to which the applicant seeks access, can inquire about the application's status and the estimated processing time remaining.

(5) Establish a special review process to resolve any cases whose resolution is still pending after 60 days.

SEC. 203. INTEROPERABLE DATA SYSTEMS AT THE FBI.

(a) RESPONSIBILITIES OF THE FBI DIRECTOR.—The Director of the Federal Bureau of Investigation shall take the steps necessary to ensure that—

(1) the Federal Bureau of Investigation's databases and systems used in the National Name Check Program are interoperable with the requisite databases and systems at the Department of State;

(2) the files of the Federal Bureau of Investigation are automated and a common database is set up between the field offices and headquarters of the Federal Bureau of Investigation; and

(3) the Federal Bureau of Investigation has full connectivity to the Consular Consolidated Database through the Open Source Information System.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall report to the Committees on the Judiciary of the Senate and the House of Representatives on progress in implementing subsection (a).

SEC. 204. SETTING REALISTIC STANDARDS FOR VISA EVALUATIONS.

(a) IN GENERAL.—Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) is amended—

(1) by striking ''having a residence in a foreign country which he has no intention of abandoning'' and inserting ''having the intention, capability, and sufficient financial

resources to complete a course of study in the United States''; and

(2) by striking ''and solely'' after ''temporarily''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking ''subparagraph (L) or'' and inserting ''subparagraph (F), (J), (L), or''.

SEC. 205. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on—

(1) the feasibility of expediting visa processing for participants in official exchange programs, and for students, scholars, and exchange visitors through prescreening of applicants by sending countries, sending universities, State Department overseas educational advising centers, or other appropriate entities;

(2) the feasibility of developing abilities to collect biometric data without requiring a visit to the Embassy by the visa applicant; and

(3) the implementation of the guidance described in subsections (a) and (b) of section 202, including the training of consular officers, and the effect of this guidance and training on visa processing volume and timeliness.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out to carry out this Act for the consular affairs function of the Department of State, the visa application review function of the Department of Homeland Security, and for database improvements in the Federal Bureau of Investigations as specified in section 203.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 413—ENCOURAGING STATES TO CONSIDER ADOPTING COMPREHENSIVE LEGISLATION TO COMBAT HUMAN TRAFFICKING AND SLAVERY AND RECOGNIZING THE MANY EFFORTS MADE TO COMBAT HUMAN TRAFFICKING AND SLAVERY

Mr. CORNYN (for himself, Mr. SCHUMER, Mr. GRAHAM of South Carolina, Mr. LEAHY, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 413

Whereas it has been nearly 2 centuries since the abolition of the transatlantic slave trade, and well over a century since the ratification of the 13th amendment to the Constitution of the United States;

Whereas most Americans would be shocked to learn that the institutions of slavery and involuntary servitude continue to persist today—not just around the world, but hidden in communities across the United States;

Whereas according to Federal Government estimates, approximately 800,000 human beings are bought, sold, or forced across the world's borders each year—including approximately 16,000 human beings into the United States each year—and are coerced into lives of forced labor or sexual servitude that amount to a modern-day form of slavery;

Whereas the 13th amendment to the Constitution of the United States, ratified in 1865, abolishes the institutions of slavery and involuntary servitude;

Whereas numerous provisions of chapter 77 of title 18 of the United States Code have criminalized slavery since 1909;

Whereas the late Senator Paul Wellstone joined in a bipartisan manner with Senator Sam Brownback and many other Senators and Representatives to advance legislation to strengthen those laws, leading to the enactment of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), which was signed into law by President Bill Clinton;

Whereas Congress made further bipartisan improvements to the law when it enacted the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), which was signed into law by President George W. Bush;

Whereas the Department of Justice, under the leadership of its Civil Rights Division, has worked during the Clinton and Bush presidencies to strengthen anti-trafficking laws and to increase its own efforts to combat human trafficking and slavery in light of those recent bipartisan enactments;

Whereas the Trafficking in Persons Office of the Department of State continues to fight human trafficking around the world;

Whereas many nongovernmental organizations have made exceptional contributions to the prevention of human trafficking and to the care and rehabilitation of victims of human trafficking;

Whereas survivors of human trafficking crimes risk their lives and the lives of their families to assist in the investigation and prosecution of their former captors;

Whereas effective prosecution of human trafficking crimes will not be possible unless adequate protections are offered to the survivors;

Whereas the fight to eliminate human trafficking and slavery requires the involvement of State and local law enforcement officials, as well as Federal law enforcement efforts;

Whereas the enactment of comprehensive State laws criminalizing human trafficking and slavery may be necessary to ensure that Federal efforts are accompanied by robust efforts at the State and local levels;

Whereas the States of Texas, Washington, Missouri, and Florida have recently enacted comprehensive State criminal laws against human trafficking and slavery;

Whereas the Department of Justice recently announced a comprehensive model State anti-trafficking criminal statute, and encouraged States to adopt such laws, at its first ''National Conference on Human Trafficking,'' held in Tampa, Florida; and

Whereas the Department of Justice's model State anti-trafficking criminal statute is available at the Department's website, http://www.usdoj.gov/crt/crim/model_state_law.pdf: Now, therefore, be it

Resolved, That the Senate—

(1) supports the bipartisan efforts of Congress, the Department of Justice, and State and local law enforcement officers to combat human trafficking and slavery;

(2) strongly encourages State legislatures to carefully examine the Department of Justice's model State anti-trafficking criminal statute, and to seriously consider adopting State laws combating human trafficking and slavery wherever such laws do not currently exist;

(3) strongly encourages State legislatures to carefully examine the Federal benefits and protections for victims of human trafficking and slavery contained in the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Act of 2003, and to seriously consider adopting State laws that, at a minimum, offer these explicit protections to the victims; and

(4) supports efforts to educate and empower State and local law enforcement officers in the identification of victims of human trafficking.

SENATE RESOLUTION 414—ENCOURAGING STATES TO CONSIDER ADOPTING COMPREHENSIVE LEGISLATION TO COMBAT HUMAN TRAFFICKING AND SLAVERY AND RECOGNIZING THE MANY EFFORTS MADE TO COMBAT HUMAN TRAFFICKING AND SLAVERY

Mr. CORNYN (for himself, Mr. SCHUMER, Mr. GRAHAM of South Carolina, Mr. LEAHY, and Mrs. CLINTON) submitted the following resolution; which was considered and agreed to:

S. RES. 414

Whereas it has been nearly 2 centuries since the abolition of the transatlantic slave trade, and well over a century since the ratification of the 13th amendment to the Constitution of the United States;

Whereas most Americans would be shocked to learn that the institutions of slavery and involuntary servitude continue to persist today—not just around the world, but hidden in communities across the United States;

Whereas according to Federal Government estimates, approximately 800,000 human beings are bought, sold, or forced across the world's borders each year—including approximately 16,000 human beings into the United States each year—and are coerced into lives of forced labor or sexual servitude that amount to a modern-day form of slavery;

Whereas the 13th amendment to the Constitution of the United States, ratified in 1865, abolishes the institutions of slavery and involuntary servitude;

Whereas numerous provisions of chapter 77 of title 18 of the United States Code have criminalized slavery since 1909;

Whereas the late Senator Paul Wellstone joined in a bipartisan manner with Senator Sam Brownback and many other Senators and Representatives to advance legislation to strengthen those laws, leading to the enactment of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), which was signed into law by President Bill Clinton;

Whereas Congress made further bipartisan improvements to the law when it enacted the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), which was signed into law by President George W. Bush;

Whereas the Department of Justice, under the leadership of its Civil Rights Division, has worked during the Clinton and Bush presidencies to strengthen anti-trafficking laws and to increase its own efforts to combat human trafficking and slavery in light of those recent bipartisan enactments;

Whereas the Trafficking in Persons Office of the Department of State continues to fight human trafficking around the world;

Whereas many nongovernmental organizations have made exceptional contributions to the prevention of human trafficking and to the care and rehabilitation of victims of human trafficking;

Whereas survivors of human trafficking crimes risk their lives and the lives of their families to assist in the investigation and prosecution of their former captors;

Whereas effective prosecution of human trafficking crimes will not be possible unless

adequate protections are offered to the survivors;

Whereas the fight to eliminate human trafficking and slavery requires the involvement of State and local law enforcement officials, as well as Federal law enforcement efforts;

Whereas the enactment of comprehensive State laws criminalizing human trafficking and slavery may be necessary to ensure that Federal efforts are accompanied by robust efforts at the State and local levels;

Whereas the States of Texas, Washington, Missouri, and Florida have recently enacted comprehensive State criminal laws against human trafficking and slavery;

Whereas the Department of Justice recently announced a comprehensive model State anti-trafficking criminal statute, and encouraged States to adopt such laws, at its first ''National Conference on Human Trafficking,'' held in Tampa, Florida; and

Whereas the Department of Justice's model State anti-trafficking criminal statute is available at the Department's website, http://www.usdoj.gov/crt/crim/model_state_law.pdf: Now, therefore, be it

Resolved, That the Senate—

(1) supports the bipartisan efforts of Congress, the Department of Justice, and State and local law enforcement officers to combat human trafficking and slavery;

(2) strongly encourages State legislatures to carefully examine the Department of Justice's model State anti-trafficking criminal statute, and to seriously consider adopting State laws combating human trafficking and slavery wherever such laws do not currently exist;

(3) strongly encourages State legislatures to carefully examine the Federal benefits and protections for victims of human trafficking and slavery contained in the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Act of 2003, and to seriously consider adopting State laws that, at a minimum, offer these explicit protections to the victims; and

(4) supports efforts to educate and empower State and local law enforcement officers in the identification of victims of human trafficking.

SENATE CONCURRENT RESOLUTION 129—ENCOURAGING THE INTERNATIONAL OLYMPIC COMMITTEE TO SELECT NEW YORK CITY AS THE SITE OF THE 2012 OLYMPIC GAMES

Mr. SCHUMER (for himself and Mrs. CLINTON) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 129

Whereas the Olympic Games further the cause of world peace and understanding;

Whereas the country hosting the Olympic Games performs an act of international goodwill;

Whereas if New York City were chosen to host the 2012 Olympic Games, there would be a substantial local, regional, and national economic impact, which would include 7 years of international sports events, meetings, and related nationwide tourism activity in New York City;

Whereas the Olympic movement celebrates competition, fair play, and the pursuit of dreams;

Whereas the United States and, in particular, New York City, celebrate these same ideals; and

Whereas New York City has never hosted the Olympic Games: Now, therefore, be it

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

(1) encourages the International Olympic Committee to choose New York City as the site of the 2012 Olympic Games; and

(2) hopes that the United States will be selected as the host country of the 2012 Olympic Games, and pledges its cooperation and support for their successful fulfillment in the highest Olympic tradition.

SENATE CONCURRENT RESOLUTION 130—EXPRESSING THE SENSE OF CONGRESS THAT THE SUPREME COURT OF THE UNITED STATES SHOULD ACT EXPEDITIOUSLY TO RESOLVE THE CONFUSION AND INCONSISTENCY IN THE FEDERAL CRIMINAL JUSTICE SYSTEM CAUSED BY ITS DECISION IN BLAKELY V. WASHINGTON, AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CRAIG, Mr. BIDEN, Mr. FEINGOLD, Mr. KENNEDY, and Mr. DEWINE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 130

Whereas Congress enacted the Sentencing Reform Act of 1984 to provide certainty and fairness in sentencing, avoid unwarranted disparities among defendants with similar records found guilty of similar offenses, and maintain sufficient flexibility to permit individualized sentences when warranted;

Whereas Congress established the United States Sentencing Commission as an independent commission in the Judicial branch of the United States to establish sentencing policies and practices for the Federal criminal justice system that meet the purposes of sentencing and the core goals of the Sentencing Reform Act;

Whereas Congress has prescribed both statutory minimum and statutory maximum penalties for certain offenses and the Sentencing Reform Act authorizes the Sentencing Commission to promulgate guidelines and establish sentencing ranges for the use of a sentencing court in determining a sentence within the statutory minimum and maximum penalties prescribed by Congress;

Whereas the statutory maximum penalty is the maximum penalty provided by the statute defining the offense of conviction, including any applicable statutory enhancements, and not the upper end of the guideline sentencing range promulgated by the Sentencing Commission and determined to be applicable to a particular defendant;

Whereas both Congress and the Sentencing Commission intended the Federal Sentencing Guidelines to be applied as a cohesive and integrated whole, and not in a piecemeal fashion;

Whereas in Mistretta v. United States, 488 U.S. 361 (1989), the Supreme Court of the United States upheld the constitutionality of the Sentencing Reform Act and the Federal Sentencing Guidelines against separation-of-powers and non-delegation challenges;

Whereas in Blakely v. Washington, 124 S. Ct. 2531 (2004), the Supreme Court held that the sentencing guidelines of the State of Washington violated a defendant's Sixth Amendment right to trial by jury;

Whereas despite Mistretta and numerous other Supreme Court opinions over the past 15 years affirming the constitutionality of various aspects of the Guidelines, the Blakely decision has raised concern about the continued constitutionality of the Federal Sentencing Guidelines;

Whereas the Blakely decision has created substantial confusion and uncertainty in the Federal criminal justice system;

Whereas the lower Federal courts have reached inconsistent positions on the applicability of Blakely to the Federal Sentencing Guidelines;

Whereas there is a split among the circuit courts of appeal as to the applicability of Blakely to the Federal Sentencing Guidelines, and the Second Circuit Court of Appeals has certified the question to the Supreme Court;

Whereas the orderly administration of justice in pending and resolved trials, sentencings and plea negotiations has been affected by the uncertainty surrounding the applicability of the Blakely decision to the Federal Sentencing Guidelines;

Whereas the current confusion in the lower Federal courts has and will continue to produce results that disserve the core principles underlying the Sentencing Reform Act;

Whereas two and one-half weeks after the Supreme Court issued its decision in Blakely, the Senate Judiciary Committee convened a hearing to consider the implications of the decision for the Federal criminal justice system; and

Whereas the Department of Justice, the Sentencing Commission, and others advised the Committee that corrective legislation was not necessary at this time, with the hope that the Supreme Court would clarify the applicability of its Blakely decision to the Federal Sentencing Guidelines in an expeditious manner: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), Thatit is the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the current confusion and inconsistency in the Federal criminal justice system by promptly considering and ruling on the constitutionality of the Federal Sentencing Guidelines.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 21, 2004, at 9:30 a.m., in open session to consider the following nominations:

1. Vice Admiral Timothy J. Keating, USN, for appointment to the grade of Admiral and to be Commander, United States Northern Command/Commander, North American Aerospace Defense Command;

2. Lieutenant General Bantz J. Craddock, USA, for appointment to the grade of General and to be Commander, United States Southern Command;

3. Peter Cyril Wyche Flory to be Assistant Secretary of Defense for International Security Policy; and

4. Valerie Lynn Baldwin to be Assistant Secretary of the Army for Financial Management and Comptroller.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THOMAS. 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 Wednesday, July 21, 2004, at 10 a.m., to conduct an oversight hearing on ''Regulation N.M.S. and Developments in Market Structure.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, July 21, 2004, at 10 a.m., to hear testimony on ''Bridging the Tax Gap.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 21, 2004 at 9:30 a.m. to hold a hearing on ''The Multilateral Development Banks.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 21, 2004, at 10 a.m., to hold a business meeting to consider pending committee business.

Agenda

Legislation

1. S. 1230, a bill to provide for additional responsibilities for the Chief Information Officer of the Department of Homeland Security relating to geospatial information.

2. S. 2347, a bill to amend the District of Columbia Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act.

3. S. 2409, a bill to provide for continued health benefits coverage for certain federal employees.

4. S. 2628, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

5. S. 2536, the Homeland Security Civil Rights and Civil Liberties Protection Act of 2004.

6. S. 2635, a bill to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of Federal, State, and local governments.

7. S. 2657, a bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

8. S. 2639, a bill to reauthorize the Congressional Award Act.

9. S. 2275, the High Risk Nonprofit Security Enhancement Act of 2004.

10. S. 593, Reservists Pay Security Act of 2003.

11. H.R. 3797, the 2004 District of Columbia Omnibus Authorization Act.

Post Office Naming Bills

1. S. 2501/H.R. 4427, a bill to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''.

2. S. 2640, a bill to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plaque at such site, and for other purposes.

3. H.R. 3340, an act to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the ''James E. Worsham Post Office'' and the ''James E. Worsham Carrier Annex Building'', respectively, and for other purposes.

4. H.R. 4222, an act to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building''.

5. H.R. 4327, an act to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the ''Vitilas 'Veto' Reid Post Office Building''.

6. H.R. 4380, an act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building''.

Nominations

1. Neil McPhine to be Chairman, Merit Systems Protection Board.

2. Barbara J. Sapin to be a Member, Merit Systems Protection Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, July 21, 2004.

Agenda

S. ____, Reauthorization of Vocational Education Act.

S. 2158, Pancreatic Islet Cell Transplantation Act of 2003.

S. 2283, State High Risk Pool Funding Extension Act of 2004.

S. 2493, Drug Importation.

H.R. 3908, to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

S. Res. 389—A Sense of the Senate that physicians inform prostate cancer patients of the benefits and limitations of prostate cancer screening and treatment options.

S. Con. Res. 119—a resolution declaring the week of September 19, 2004, as Yellow Ribbon Suicide Awareness and Prevention Week dedicated to raising awareness about suicide and suicide prevention programs.

Presidential Nominations

To be a Member of the Board of Directors of the National Board for Education Sciences: Jonathan Baron, of Maryland; Elizabeth Bryan, of Texas; James R. Davis, of Mississippi; Frank H. Handy, of Florida; Eric Hanushek, of California; Caroline Hoxby, of Massachusetts; Roberto Lopez, of Texas; Richard Milgram, of New Mexico; Sally Shaywitz, of Connecticut; Joseph Torgesen, of Florida; and Herbert Walberg, of Illinois.

To be a Member of the National Council on the Humanities: Herman Belz, of Maryland; Craig Haffner, of California; James Hunter, of Virginia; Tamar Jacoby, of New Jersey; Harvey Klehr, of Georgia; Thomas Lindsay, of Texas; Iris Love, of Vermont; Thomas Mallon, of Connecticut; and Ricardo Quinones, of California.

To be a Member of the Board of Directors of the United States Institute of Peace, Maria Otero, of District of Columbia.

To be Assistant Secretary of Labor, Veronica Stidvent.

To be a Member of the National Institute for Literacy Advisory Board: Juan Olivarez and William Hiller.

Public Health Service Nominees: PN 1632–2; PN 1633–8; PN 1634–652; and PN 1511–224.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 21, 2004, at 2 p.m. in Room 216 of the Hart Senate Office Building to conduct an oversight hearing on pending legislation to reauthorize the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 21, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by a hearing on S. 519, the Native American Capital Formation and Economic Development Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, July 21, 2004, at 10 a.m., on ''An Overview of the Radiation Exposure Compensation Program'' in the Dirksen Senate Office Building room 226.

Witness List

Panel I: Jeffrey S. Bucholtz, Deputy Assistant Attorney General for the Civil Division, Department of Justice, Washington, DC.

Panel II: Helen Bandley Houghton, San Antonio, TX; Jeffrey Thompson, San Antonio, TX; Jeffrey Thompson, Jacksonville, AK; Rita Torres, Surprise, AZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families and Committee on Armed Services, Subcommittee on Personnel be authorized to meet for a joint hearing on The Needs of Military Families: How Are States and the Pentagon Responding, Especially for the Guard and Reservists? during the session of the Senate on Wednesday, July 21, 2004., at 2 p.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on July 21, 2004, at 2 p.m., in open session to receive testimony on how States have responded to military families' unique challenges during military deployments and what the Federal Government can do to support States in this important work.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 21, at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 738, to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California, as a wild or scenic river, and for other purposes; S. 1614, to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System; S. 2221, to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, and for other purposes; S. 2253, to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief on public land through a Healthy Forest Youth Conservation Corps; S. 2334, to designate certain National Forest System Land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; and S. 2408, to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT AND PROTOCOL TO CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 25, treaty document No. 108–10 on today's Executive Calendar. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; further, that the committee declaration be agreed to, that any statements be printed in the RECORD, and the Senate immediately proceed to a vote on the resolution of ratification; further, that when the resolution of ratification is voted on, the motion to reconsider be laid upon the table, the President be notified of the Senate's action following the disposition of the treaty, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaty will be stated.

The legislative clerk read as follows:

Treaty document No. 108–14, Convention on International Interests in Mobile Equipment and Protocol to Convention on International Interests in Mobile Equipment.

Mr. FRIST. Madam President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division is requested. Senators in favor of the resolution of ratification will stand and be counted.

Those opposed will stand and be counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The Resolution of Ratification is as follows:

TREATY DOCUMENT

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO DECLARATIONS.

The Senate advises and consents to the ratification of the Convention on International Interests in Mobile Equipment (hereafter in this resolution referred to as the ''Convention'') and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (hereafter in this resolution referred to as the ''Protocol''), concluded at Cape Town, South Africa, November 16, 2001 (T. Doc. 108–10), subject to the declarations of section 2 and section 3.

SEC. 2. DECLARATIONS RELATIVE TO THE CONVENTION.

The advice and consent of the Senate under section 1 is subject to the following declarations relative to the Convention:

(1) Pursuant to Article 39 of the Convention—

(A) all categories of non-consensual rights or interests which under United States law have and will in the future have priority over an interest in an object equivalent to that of the holder of a registered international interest shall to that extent have priority over a registered international interest, whether in or outside insolvency proceedings; and

(B) nothing in the Convention shall affect the right of the United States or that of any entity thereof, any intergovernmental organization in which the United States is a member State, or other private provider of public services in the United States to arrest or detain an aircraft object under United States law for payment of amounts owed to any such entity, organization, or provider directly relating to the services provided by it in respect of that object or another object.

(2) Pursuant to Article 54 of the Convention, all remedies available to the creditor under the Convention or Protocol which are not expressed under the relevant provision thereof to require application to the court may be exercised, in accordance with United States law, without leave of the court.

SEC. 3. DECLARATIONS RELATIVE TO THE PROTOCOL.

The advice and consent of the Senate under section 1 is subject to the following declarations relative to the Protocol:

(1) Pursuant to Article XXX of the Protocol—

(A) the United States will apply Article VIII of the Protocol;

(B) the United States will apply Article XII of the Protocol; and

(C) the United States will apply Article XIII of the Protocol.

(2)(A) Pursuant to Article XIX of the Protocol—

(i) the Federal Aviation Administration, acting through its Aircraft Registry, FAA Aeronautical Center, 6400 South MacArthur Boulevard, Oklahoma City, Oklahoma 73125, shall be the entry point at which information required for registration in respect of airframes or helicopters pertaining to civil aircraft of the United States or aircraft to become a civil aircraft of the United States shall be transmitted, and in respect of aircraft engines may be transmitted, to the International Registry; and

(ii) the requirements of chapter 441 of title 49, United States Code, and part 49 of title 14, Code of Federal Regulations, shall be fully complied with before such information is transmitted at the Federal Aviation Administration to the International Registry.

(B) For purposes of the designation in subparagraph (A)(i) and the requirements in subparagraph (A)(ii), information is transmitted at the Federal Aviation Administration in accordance with procedures established under United States law.

(C) In this paragraph, the term ''civil aircraft of the United States'' has the meaning given that term in section 40102(17) of title 49, United States Code.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CAPE TOWN TREATY IMPLEMENTATION ACT OF 2004

Mr. FRIST. Madam President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 4226, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4226) to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty.''

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Madam President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4226) was read the third time and passed.

EMERGENCY FOOD AND SHELTER ACT OF 2004

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 636, S. 2249.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2249) to amend the Stewart B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2249) was read the third time and passed, as follows:

S. 2249

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 ''Emergency Food and Shelter Act of 2004''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

''SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $160,000,000 for fiscal year 2005, $170,000,000 for fiscal year 2006, and $180,000,000 for fiscal year 2007.''.

SEC. 3. NAME CHANGE TO NOMINATING ORGANIZATION.

Section 301(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331(b)) is amended by striking paragraph (5) and inserting the following:

''(5) United Jewish Communities.''.

SEC. 4. PARTICIPATION OF HOMELESS INDIVIDUALS ON LOCAL BOARDS.

Section 316(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11346(a)) is amended by striking paragraph (6) and inserting the following:

''(6) guidelines requiring each local board to include in their membership not less than 1 homeless individual, former homeless individual, homeless advocate, or recipient of food or shelter services, except that such guidelines may waive the requirement of this paragraph for any board that is unable to meet such requirement if the board otherwise consults with homeless individuals, former homeless individuals, homeless advocates, or recipients of food or shelter services.''.

60TH ANNIVERSARY OF THE WARSAW UPRISING

Mr. FRIST. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 125 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Con. Res. 125) recognizing the 60th anniversary of the Warsaw Uprising during World War II.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 125) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 125

Whereas August 1, 2004, marks the 60th anniversary of the Warsaw Uprising, when against seemingly insurmountable odds and extreme hardships, Polish citizens revolted against the Nazi occupiers in Warsaw, Poland, in one of the most heroic battles during World War II;

Whereas the Warsaw Uprising was a part of a nationwide resistance against the Nazi occupation, was started by the underground Home Army, and lasted 63 days;

Whereas the Polish resistance, many of them teenagers, while heavily outnumbered and armed with mostly homemade weapons, fought bravely against the German soldiers and lost approximately 250,000 civilians and troops;

Whereas, to punish Poland for the uprising, the Nazis systematically razed 70 percent of Warsaw, including monuments, cultural treasures, and historical buildings;

Whereas the heroism and spirit of the Polish resistance are an inspiration to all peoples in their pursuit of liberty and democracy and are evident today in Polish contributions to the global war against terrorism and the more than 2,300 Polish troops currently deployed in Operation Iraqi Freedom; and

Whereas the heroic undertaking of the Polish underground represents one of the most important contributions to the Allied war effort during World War II and remains venerated in the Polish consciousness, even for the generations born after it ended: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes the 60th anniversary of the Warsaw Uprising during World War II which will forever serve as a symbol of heroism in the face of great adversity and the pursuit of freedom.

COMBATING HUMAN TRAFFICKING IN SLAVERY

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 414, which was submitted earlier today by Senator CORNYN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 414) encouraging States to consider adopting comprehensive legislation to combat human trafficking in slavery and recognizing the many efforts made to combat human trafficking and slavery.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. Madam President, I want to speak on the resolution that I believe will be passed by unanimous consent of the Senate which pertains to something I thought we would never be talking about now in the year 2004, and that is human slavery and trafficking in human beings.

The good work that has been done by the U.S. Congress, since, of course, the ratification of the 13th amendment in 1865 abolishing slavery and involuntary servitude, includes a remarkable tradition, and a bipartisan tradition, I might add, starting, after 1865, in 1909, when the United States Code criminalized slavery.

In 2000, the late Senator Paul Wellstone and Senator SAM BROWNBACK joined together as the lead sponsors, together with a number of other Senators and Representatives, to advance legislation to strengthen those laws, specifically the Trafficking Victims Protection Act of 2000, which was later signed into law by President Bill Clinton. That legislation was reauthorized in 2003 by a bipartisan effort and signed into law by President George W. Bush.

I expressly recognize the contributions of Senator SCHUMER, Senator GRAHAM of South Carolina, Senator LEAHY of Vermont, and Senator CLINTON, who joined in cosponsoring this resolution. Indeed, this resolution lays out the terrible tale of the fact that as many as 800,000 human beings are literally bought and sold worldwide into

some form of slavery or involuntary servitude. Approximately 16,000 of those human beings are brought into the United States each year, coerced into lives of forced labor or sexual servitude which, of course, is another way of describing slavery.

This has been a bipartisan effort. It is refreshing to know, particularly during an election year where there are differences that divide us, where we know sometimes the rhetoric gets a little overwrought, that we can come together on such an important issue.

The fact is the current administration has responded to the call by dramatically increasing efforts into devoting substantially more resources toward combating human trafficking. This has been done principally under the auspices of the civil rights division at the Justice Department which has prosecuted and convicted three times the number of traffickers over the past 3 years as had been done in the preceding 3 years, three times more in this last 3 years than had been done in the preceding 3 years.

The Department of Justice has created the Office of Special Counsel for Trafficking Issues to coordinate antitrafficking efforts. It has also published educational and awareness-raising materials and circulated them to officials across America and provided assistance to victims of this trafficking by installing among other things a toll-free hotline. Last week the Department of Justice sponsored a historic national conference on human trafficking in Tampa, FL, bringing together Federal, State, and local officials, social service agencies, and nongovernmental organizations to provide training and coordination to antihuman trafficking efforts across the country as provided in the fiscal year 2004 appropriations bill.

The problem we uncovered was brought home during a recent hearing I chaired for the Subcommittee on the Constitution, Civil Rights, and Property Rights of the Judiciary Committee. We heard testimony about the men, women, and children who continue to be trafficked into the United States. Each of these stories is tragic, disturbing, and heartrending. It is hard to imagine that this sort of thing continues to happen today. Let me mention two of them.

In January of 2004, several defendants were sentenced to prison terms ranging from 4 months to 14 years after a ringleader of a human trafficking ring admitted to running a human trafficking operation bringing women from Central America and then holding them in this country once they were smuggled into the country. They were held against their will. Many of them were sexually assaulted. All of them were forced to work against their will until their smuggling fees were paid by their families.

Another instance involved a research assistant and his wife at a university located in my State of Texas who were prosecuted for leading a trafficking ring that victimized young women. These young women were brought from Uzbekistan. They were lured to the United States by promises of lucrative modeling jobs, extravagant lifestyles, and also based on the promise that they would be able to bring their families once they were established here in the United States.

The defendants in this case used fraudulently obtained J–1 visas to bring women into the United States through El Paso, TX. The visas purported to show that the women were scientists traveling to the United States to do scientific research. But once here, their immigration documents were confiscated, and these women were forced to work at local strip clubs for the benefit of the defendants who ultimately collected more than $700,000 as a result of their criminal enterprise. These defendants were ultimately convicted and sentenced to 5 years in prison and ordered to pay more than a half million dollars in restitution to their victims.

One of the things that was brought home to me as a result of this hearing was that the same routes, the same criminal enterprises that engage in smuggling of human beings, who prey on their hopes or their desire for jobs and economic opportunity, it is the same people in many instances and the same routes and organizations that engage in illegal smuggling of human beings who want nothing more than to be able to come here and work and then send money home to their families. It is just that the ones who are the victims of this trafficking are not freed when they are brought into this country but literally kept in involuntary servitude and slavery, some approximately 16,000, we think, although the numbers have to be suspect. They have to be low because, indeed, we know the victims of this activity are reluctant to come forward because they may have come illegally into the country.

This is a persistent problem, one that touches on a larger issue, and that is, as we go forward with border security measures, to try to make sure that we protect our sovereign borders and to make sure our immigration laws are brought into modern times and the realities of our demand and indeed our reliance on labor provided by immigrants in this country. I hope we will view this as one of the terrible symptoms of a larger problem, and that is the need for us, as we establish the security of our borders, consistent with the post 9/11 world, that we also address the need to bring our immigration laws into this century. The President's call for immigration reform is part of it.

Particularly for those who are, once they are brought into this country based on promises of jobs and opportunity, but then enslaved, that we redouble our efforts to make sure we bring an end to this scourge.

I appreciate the bipartisan effort we have seen, the expressions of support for the work that has been done across the years by this administration, by previous administrations in combating the scourge of human slavery. I commend the Justice Department in particular for tripling the number of prosecutions they have obtained in these last 3 years over the preceding 3 years. This is a fight worth fighting. These are some of the most vulnerable victims we could possibly imagine. Their punishment is well deserved.

Mr. SCHUMER. Madam President, I come to the floor to speak about a bipartisan measure; that is, the resolution Senator CORNYN and I are submitting on human trafficking. I thank my friend from Texas for working with me to address this growing problem that devastates the lives of so many.

Human trafficking is one of the most heinous crimes in our world today. Everyone knows it is a heinous crime to take a person, often a young woman, kidnap her, and put her into, basically, sexual servitude. It is an absolute abomination.

What I think most people are not aware of is the large number of people who are so enslaved. Our State Department estimates 800,000 people are trafficked across international borders each year. Some are for domestic slavery, some are for farm slavery, and many are for sexual servitude.

According to these State Department estimates, approximately three-quarters of those trafficked are female, and 70 percent of these women are trafficked for sexual exploitation. So a little quick math would indicate it is pretty close to 400,000 a year who are engaged in sexual exploitation, and you cannot be too relieved that the other half are in other kinds of slavery.

The victims are kidnapped or lured with false promises of money, and then thrown into slavery. Their captors subject their victims to forced prostitution. They are sexually assaulted sometimes 20 times a day. The lack of protection against HIV and AIDS means an effective death sentence for many sexual trafficking victims.

The victims of forced labor fare only slightly better.

In the vast majority of cases, they are worked to near death. They are routinely assaulted, sometimes killed. The truly sad fact is that at least half of the human trafficking victims are children, sometimes as young as 9 or 10 years old. The traffickers abuse the children, keep them in line by threatening to kill their parents or other family members if they don't comply. Beatings and rape are part of their everyday experience. Their lives are more horrific than many of us could even imagine. To think I am the father of two daughters, just think of your young children being put in this situation, and you can see the gravity and the horror of the situation.

Here is another thing I will bet most Americans are not aware of. We think maybe this is happening in Africa or Asia or Europe. No, it is also occurring

right here in the United States. Sixteen thousand people are trafficked into the United States every year. Most are forced into sexual slavery in our own country. I have read in newspapers in New York about how some of these rings have been exposed. It is often among immigrant groups, but we are not immune.

We have taken some important strides against this evil. In the year 2000, President Clinton signed into law the bipartisan Trafficking Victims Protection Act. This act gave law enforcement real tools to fight against sexual trafficking and the money to fund that fight. Last year I was proud to join Senator BROWNBACK as the Democratic sponsor of the Trafficking Victims Protection Reauthorization Act of 2003.

Of course, with the death of Senator Wellstone, who had been such a leader on this issue, a void has been left. I am doing my best to at least fill a little bit of it. We added new tools to fight against these traffickers and refined the tools we already had created to better serve law enforcement. We have made some strides. The laws are working. But the bottom line is, there is still a whole lot more to be done.

I am pleased to join Senator CORNYN today in sponsoring this resolution. I thank him for his important work on this issue. The resolution recognizes the fact we need more awareness of this horrible crime, particularly at the State and local level. State and local law enforcement officers are often the first point of contact with victims in trafficking in the course of their normal work. This resolution puts the Senate on record supporting efforts to educate and empower State and local law enforcement officers in identifying trafficking victims. By raising awareness at the State and local level, we can better make use of the many tools we have in this fight.

T-visas are a vital part of the fight against sex trafficking. These visas enable victims of trafficking to testify against their traffickers and help put these criminals in jail. We have had the situation where we have the victims and they are sent home, and the people who did it go free. Currently, we issue less than 2 percent of the T-visas available, and yet we know that tens of thousands of victims go without T-visas every year, condemning them to lives of abuse and terror instead of the protection they deserve and that is available under the visa.

By educating and empowering State and local law enforcement officers to recognize trafficking crimes and raising awareness of this issue, we can identify more victims and get them the help they need and, most importantly, take their traffickers off the streets. We are also calling on the States to do a close examination of their current laws to see if they are adequate in the face of the human trafficking threat.

We must make sure we are prepared to deal with this crime at all levels. We must also make sure the victims of trafficking receive the same level of services regardless of what laws are used to prosecute their traffickers.

Far too often we find ourselves at odds with one another in the Senate. Our efforts on this issue show we can work together in a bipartisan way to protect some of the most endangered children in our world and put some of the most awful criminals behind bars. This resolution is an important step in the battle to save the lives of hundreds of thousands of women and children who are trafficked each year.

Along with Senator CORNYN, I urge my colleagues to support its immediate passage. Together, if we work hard, we can greatly and dramatically reduce this horrible crime.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I thank the Senator from New York for submitting the resolution about which he has just spoken.

Mr. LEAHY. Madam President, I am pleased to sponsor this anti-trafficking resolution with Senators CORNYN, SCHUMER, LINDSEY GRAHAM, and CLINTON, and to have worked with Senator CORNYN to emphasize the bipartisan commitment to eliminate trafficking. The resolution encourages States to join the 106th and 108th Congresses in passing legislation to combat human trafficking.

We cannot know with any certainty how many people are trafficked, but some experts estimate that nearly a million people worldwide every year are bought, sold, or trafficked, with about 16,000 of those people trafficked to the United States. These people are forced into involuntary servitude or, often, prostitution. Until recently, this issue was not a priority for governments around the world, but we are seeing signs of change, some prompted by our passage in 2000 of the bipartisan Trafficking Victims Protection Act, (TVPA) and last year's reauthorization of that law.

In 2000, I served on the conference committee for the TVPA, which passed in the House and Senate by overwhelming margins and was signed by President Clinton, whose Justice Department was intimately involved in the legislative process. This bill—on which our late colleague Senator Wellstone worked so tirelessly—signaled a bipartisan congressional commitment to the prosecution of traffickers and the protection of their victims. I am proud to have played a role in creating the law, and in reauthorizing it.

In forging the TVPA, Senators Wellstone and BROWNBACK, and Congressmen CHRISTOPHER SMITH and GEJDENSEN, sought both to eliminate trafficking at home and to make combating trafficking and slavery a foreign policy priority. We are seeing signs of progress in this area, and I believe we will see even more if States become more involved in this issue.

Combating trafficking has been a bipartisan issue. Senators and Representatives who are otherwise ideological opposites have worked together closely on anti-trafficking legislation, and the Justice Departments under both President Clinton and Bush have made it a priority to prosecute those who would deprive others of their most basic liberties. This resolution, too, provides an example of Senators from both sides of the aisle working together to further the cause of eliminating trafficking by punishing its perpetrators. I urge the Senate to pass it today.

Mr. FRIST. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 414) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 414

Whereas it has been nearly 2 centuries since the abolition of the transatlantic slave trade, and well over a century since the ratification of the 13th amendment to the Constitution of the United States;

Whereas most Americans would be shocked to learn that the institutions of slavery and involuntary servitude continue to persist today—not just around the world, but hidden in communities across the United States;

Whereas according to Federal Government estimates, approximately 800,000 human beings are bought, sold, or forced across the world's borders each year—including approximately 16,000 human beings into the United States each year—and are coerced into lives of forced labor or sexual servitude that amount to a modern-day form of slavery;

Whereas the 13th amendment to the Constitution of the United States, ratified in 1865, abolishes the institutions of slavery and involuntary servitude;

Whereas numerous provisions of chapter 77 of title 18 of the United States Code have criminalized slavery since 1909;

Whereas the late Senator Paul Wellstone joined in a bipartisan manner with Senator Sam Brownback and many other Senators and Representatives to advance legislation to strengthen those laws, leading to the enactment of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), which was signed into law by President Bill Clinton;

Whereas Congress made further bipartisan improvements to the law when it enacted the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), which was signed into law by President George W. Bush;

Whereas the Department of Justice, under the leadership of its Civil Rights Division, has worked during the Clinton and Bush presidencies to strengthen anti-trafficking laws and to increase its own efforts to combat human trafficking and slavery in light of those recent bipartisan enactments;

Whereas the Trafficking in Persons Office of the Department of State continues to fight human trafficking around the world;

Whereas many nongovernmental organizations have made exceptional contributions to the prevention of human trafficking and

to the care and rehabilitation of victims of human trafficking;

Whereas survivors of human trafficking crimes risk their lives and the lives of their families to assist in the investigation and prosecution of their former captors;

Whereas effective prosecution of human trafficking crimes will not be possible unless adequate protections are offered to the survivors;

Whereas the fight to eliminate human trafficking and slavery requires the involvement of State and local law enforcement officials, as well as Federal law enforcement efforts;

Whereas the enactment of comprehensive State laws criminalizing human trafficking and slavery may be necessary to ensure that Federal efforts are accompanied by robust efforts at the State and local levels;

Whereas the States of Texas, Washington, Missouri, and Florida have recently enacted comprehensive State criminal laws against human trafficking and slavery;

Whereas the Department of Justice recently announced a comprehensive model State anti-trafficking criminal statute, and encouraged States to adopt such laws, at its first ''National Conference on Human Trafficking,'' held in Tampa, Florida; and

Whereas the Department of Justice's model State anti-trafficking criminal statute is available at the Department's website, http://www.usdoj.gov/crt/crim/model_state_law.pdf: Now, therefore, be it

Resolved, That the Senate—

(1) supports the bipartisan efforts of Congress, the Department of Justice, and State and local law enforcement officers to combat human trafficking and slavery;

(2) strongly encourages State legislatures to carefully examine the Department of Justice's model State anti-trafficking criminal statute, and to seriously consider adopting State laws combating human trafficking and slavery wherever such laws do not currently exist;

(3) strongly encourages State legislatures to carefully examine the Federal benefits and protections for victims of human trafficking and slavery contained in the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Act of 2003, and to seriously consider adopting State laws that, at a minimum, offer these explicit protections to the victims; and

(4) supports efforts to educate and empower State and local law enforcement officers in the identification of victims of human trafficking.

EXPEDITIOUS SUPREME COURT ACTION IN BLAKELY V. WASHINGTON

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. Con. Res. 130.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 130) expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HATCH. Madam President, S. Con. Res. 130 expresses the sense of Congress that the Supreme Court should expedite consideration of the applicability of Blakely v. United States to the Federal Sentencing Guidelines.

As one of the original cosponsors of the Sentencing Reform Act of 1984, which created the United States Sentencing Commission, and a proponent of reducing sentencing disparity across the nation, I have a strong interest in preserving the integrity of the Federal guidelines against constitutional attack. Congress enacted the Sentencing Reform Act to reduce unwarranted disparity in Federal sentencing, including racial, geographical, and other unfair sentencing disparities by establishing standardized sentencing rules while leaving judges enough discretion to impose just sentences in appropriate cases.

As many here may already know, criminal defendants are routinely sentenced by judges who decide sentencing facts based upon a preponderance of the evidence standard. This has all changed in recent weeks. On June 24, 2004, in Blakely v. Washington, the Supreme Court held that any fact that increases the maximum penalty under a State statutory sentencing guidelines scheme must be presented to a jury and proved beyond a reasonable doubt even though the defendant's sentence falls below the statutory maximum sentence.

Although the Supreme Court explicitly stated in a footnote that ''The Federal Guidelines are not before us, and we express no opinion on them,'' it also characterized the government's amicus brief as questioning whether differences between the State and Federal sentencing schemes are constitutionally significant. The ambiguity apparent in Blakely and the strong suggestions by the dissent that it will apply to the Federal sentencing guidelines, has understandably created angst throughout the Federal justice system.

In just 2½ weeks after the Supreme Court's decision, we already had a split among the Federal circuit courts of appeal. In addition, at least two dozen lower Federal courts—and probably many more—have ruled the Federal Sentencing Guidelines unconstitutional. Some judges disregard the Federal sentencing guidelines in their entirety. Other judges apply mitigating sentencing factors but disregard any relevant aggravating factors. Still other judges are convening juries to decide some of these sentencing facts.

In fact, as I learned when the Judiciary Committee held a hearing on this very issue just last week, in my home State of Utah, the district judges adopted four different approaches to sentencing defendants after Blakely.

Let me briefly describe a couple of examples of the havoc caused by this Blakely decision. I'm sure we all recall Dwight Watson, the man who sat in a tractor last year outside the U.S. Capitol for 47 hours and threatened to blow up the area with organophosphate bombs. The day before the Blakely opinion, Mr. Watson was sentenced to a 6-year prison sentence. Less than a week after the Supreme Court's opinion, he was resentenced to 16 months, which was essentially time served. He is now a free man.

A defendant in West Virginia had an offense level that was off the sentencing charts. Although he would have been subject to a life sentence under the guidelines, the statutory maximum penalty was 20 years. He was given a 20-year sentence three days before Blakely was decided. A week later, his sentence was drastically reduced to 12 months. The judge did not rely on any relevant conduct or any sentencing enhancements in calculating the defendant's sentence. In other words, he only applied a portion of the sentencing guidelines—those that he thought remained valid after Blakely.

The concurrent resolution I introduce today urges the Supreme Court to act expeditiously to resolve whether the Federal sentencing guidelines can be constitutionally applied in light of Blakely v. Washington. While I wish we could have done more, unfortunately, we were unable to do so in such a short period of time.

As we go forward, I believe we should adopt legislation that would render the Federal sentencing guidelines constitutional regardless of whether Blakely applies. Unfortunately, while I have worked diligently with my colleagues on both sides of the aisle and in both Houses, we simply just ran out of time. While I hope that the Supreme Court will find application of the Federal sentencing guidelines constitutional under the 6th Amendment, I will continue to work with my colleagues over the next several months in preparation of a contingency plan to ensure that regardless of what the Supreme Court decides, that we will be able to preserve a system that promotes uniformity and reduces sentencing disparity across this country.

Mr. LEAHY. Mr. President, the Supreme Court's decision last month in Blakely v. Washington has raised significant concerns about the validity of the Federal sentencing guidelines. Blakely held that sentencing procedures used by the State of Washington violated the defendant's constitutional right to a jury trial because they allowed the judge to impose an enhanced sentence based on facts that were neither found by a jury nor admitted by the defendant.

Within days of this decision, a split developed among the Federal district and circuit courts regarding the applicability of Blakely to the Federal Sentencing Guidelines, and one circuit court invoked a rarely used procedural mechanism to certify the question to the Supreme Court. Lower Federal courts continue to reach inconsistent positions on Blakely issues on virtually a daily basis. By all accounts, the confusion and uncertainty is frustrating the orderly administration of justice in courts across the country.

Two and one-half weeks after the Court issued its Blakely decision, the Senate Judiciary Committee convened a hearing to consider the implications of the decision for the Federal criminal justice system. As witness after witness described the disarray in the lower Federal courts, it became increasingly clear that the not-hypothetical application of Blakely to the Federal Sentencing Guidelines is threatening to undo 20 years of sentencing reform.

Twenty years after enactment of the Sentencing Reform Act of 1984, we must remind ourselves about the core values and principles that accounted for the bipartisan popularity of the original Federal Guidelines concept. The 1984 act was written and enacted against a history of racial, geographical, and other unfair disparities in sentencing. Congress sought to narrow these disparities while leaving judges enough discretion to do justice in the particular circumstances of each individual case. The task of harmonizing sentencing policies was deliberately placed in the hands of an independent, expert Sentencing Commission.

The Guidelines as originally conceived were about fairness, consistency, predictability, reasoned discretion, and minimizing the role of congressional politics and the ideology of the individual judge in sentencing. Blakely threatens a return to the bad old days of fully indeterminate sentencing when improper factors such as race, geography and the predilections of the sentencing judge could drastically affect the sentence. While I favor Federal judges exercising their discretion in pursuit of individual justice in individual cases, I do not want to see a return to the bad old days.

It may be that the Blakely decision was occasioned in part by recent tinkering with the Sentencing Reform Act that went too far. In recent years, Congress has seriously undermined the basic structure and fairness of the Federal Guidelines system through posturing and ideology. There has been a flood of legislation establishing mandatory minimum sentences for an ever-increasing number of offenses, determined by politics rather than any systemic analysis of the relative seriousness of different crimes. There has been ever-increasing pressure on the Sentencing Commission and on individual district court judges to increase Guidelines sentences. The culmination of these unfortunate trends was the so-called Feeney Amendment to the PROTECT Act, in which this Congress cut the Commission out altogether and rewrote large sections of the Guidelines manual, including commentary, and in which Congress also provided for a judicial ''black list'' to intimidate judges whose sentences were insufficiently draconian to suit the current Justice Department.

The Feeney Amendment was a direct assault on judicial independence. It was forced through the Congress with virtually no debate and without meaningful input from judges or practitioners. That process was particularly unfortunate given that the Republican majority's justification for the Feeney Amendment—a supposed ''crisis'' of downward departures—was unfounded. In fact, downward departure rates were well below the range contemplated by Congress when it authorized the Federal Sentencing Guidelines, except for departures requested by the Government itself. But having a false factual predicate for forcing significantly flawed congressional action has become all too familiar during the last few years.

The attitude underlying too many of these recent developments seems to be that politicians in Washington are better at sentencing than the Federal trial judges who preside over individual cases, and that longer sentences are always better. Somewhere along the line we appear to have forgotten that justice is not just about treating like cases alike; it is also about treating different cases differently.

These are issues that need to be examined in the future, in a thoughtful and deliberative fashion. The Sentencing Reform Act was the product of many years of work by members on both sides of the aisle. The current Sentencing Guidelines reflect more than a decade of work by the Sentencing Commission. If the Blakely decision ultimately requires some modification of our Federal sentencing system, we must proceed with extreme care. The last thing that any of us want is to risk making an already chaotic situation even worse by enacting ill-considered legislation that is itself subject to constitutional attack.

The Department of Justice, the Sentencing Commission, and other experts who testified before the Judiciary Committee have urged Congress not to act precipitously. I agree that corrective legislation is not immediately necessary and could be counter-productive, provided that the Supreme Court expeditiously clarifies the scope of its Blakely decision.

For these reasons, I am pleased to join Senator HATCH and other Judiciary Committee members in introducing a resolution regarding the Blakely decision. The words of the resolution are clear, unambiguous and unassailable: The Supreme Court of the United States should act expeditiously to resolve the current confusion and inconsistency in the Federal criminal justice system by promptly considering and ruling on the constitutionality of the Federal Sentencing Guidelines. Congress should take up and pass this resolution without delay.

Mr. FRIST. Madam President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 130) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 130

Whereas Congress enacted the Sentencing Reform Act of 1984 to provide certainty and fairness in sentencing, avoid unwarranted disparities among defendants with similar records found guilty of similar offenses, and maintain sufficient flexibility to permit individualized sentences when warranted;

Whereas Congress established the United States Sentencing Commission as an independent commission in the Judicial branch of the United States to establish sentencing policies and practices for the Federal criminal justice system that meet the purposes of sentencing and the core goals of the Sentencing Reform Act;

Whereas Congress has prescribed both statutory minimum and statutory maximum penalties for certain offenses and the Sentencing Reform Act authorizes the Sentencing Commission to promulgate guidelines and establish sentencing ranges for the use of a sentencing court in determining a sentence within the statutory minimum and maximum penalties prescribed by Congress;

Whereas the statutory maximum penalty is the maximum penalty provided by the statute defining the offense of conviction, including any applicable statutory enhancements, and not the upper end of the guideline sentencing range promulgated by the Sentencing Commission and determined to be applicable to a particular defendant;

Whereas both Congress and the Sentencing Commission intended the Federal Sentencing Guidelines to be applied as a cohesive and integrated whole, and not in a piecemeal fashion;

Whereas in Mistretta v. United States, 488 U.S. 361 (1989), the Supreme Court of the United States upheld the constitutionality of the Sentencing Reform Act and the Federal Sentencing Guidelines against separation-of-powers and non-delegation challenges;

Whereas in Blakely v. Washington, 124 S. Ct. 2531 (2004), the Supreme Court held that the sentencing guidelines of the State of Washington violated a defendant's Sixth Amendment right to trial by jury;

Whereas despite Mistretta and numerous other Supreme Court opinions over the past 15 years affirming the constitutionality of various aspects of the Guidelines, the Blakely decision has raised concern about the continued constitutionality of the Federal Sentencing Guidelines;

Whereas the Blakely decision has created substantial confusion and uncertainty in the Federal criminal justice system;

Whereas the lower Federal courts have reached inconsistent positions on the applicability of Blakely to the Federal Sentencing Guidelines;

Whereas there is a split among the circuit courts of appeal as to the applicability of Blakely to the Federal Sentencing Guidelines, and the Second Circuit Court of Appeals has certified the question to the Supreme Court;

Whereas the orderly administration of justice in pending and resolved trials, sentencings and plea negotiations has been affected by the uncertainty surrounding the applicability of the Blakely decision to the Federal Sentencing Guidelines;

Whereas the current confusion in the lower Federal courts has and will continue to produce results that disserve the core principles underlying the Sentencing Reform Act;

Whereas two and one-half weeks after the Supreme Court issued its decision in Blakely, the Senate Judiciary Committee convened a hearing to consider the implications of the decision for the Federal criminal justice system; and

Whereas the Department of Justice, the Sentencing Commission, and others advised the Committee that corrective legislation was not necessary at this time, with the hope that the Supreme Court would clarify the applicability of its Blakely decision to the Federal Sentencing Guidelines in an expeditious manner: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the current confusion and inconsistency in the Federal criminal justice system by promptly considering and ruling on the constitutionality of the Federal Sentencing Guidelines.

MEASURES PLACED ON THE CALENDAR—S. 2694, S. 2695, AND H.R. 4492

Mr. FRIST. Madam President, I understand there are three bills at the desk which are due for a second reading.

The PRESIDING OFFICER. The clerk will read the titles of the bills for a second time en bloc.

The legislative clerk read as follows:

A bill (S. 2694) to amend title XVIII of the Social Security Act to provide for the automatic enrollment of medicaid beneficiaries for prescription drug benefits under part D of such title, and for other purposes.

A bill (S. 2695) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

A bill (H.R. 4492) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

Mr. FRIST. Madam President, I object to further proceedings on the measures en bloc at this time.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar.

MEASURES READ THE FIRST TIME—S. 2704 AND S. 2714

Mr. FRIST. Madam President, I understand there are two bills at the desk, and ask unanimous consent that they be read for the first time en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the titles of the bills for the first time en bloc.

The legislative clerk read as follows:

A bill (S. 2704) to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

A bill (S. 2714) to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

Mr. FRIST. Madam President, I now ask for their second reading and, in order to place the bills on the calendar under the provisions of rule XIV, object to further proceedings on these matters en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will receive their second reading on the next legislative day.

ORDERS FOR THURSDAY, JULY 22, 2004

Mr. FRIST. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, July 22. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business, for statements only, for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate proceed to executive session and resume consideration of Calendar No. 705, the nomination of Henry Saad to be a U.S. circuit judge of the Sixth Circuit; provided further that the time until 11 a.m. be equally divided between the chairman and ranking member of the Judiciary Committee or their designees. I further ask consent that at 11 a.m., the Senate proceed to the cloture votes on the nominations, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Tomorrow, following morning business, the Senate will resume debate on the three Sixth Circuit judges. At 11 a.m., the Senate will proceed to three consecutive votes on the motions to invoke cloture on the three judicial nominations.

For the remainder of the day, the Senate will consider the Department of Defense appropriations conference report when it becomes available. Therefore, Senators should expect a busy day, and additional rollcall votes are expected following the scheduled cloture votes.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 706, 793, 798, and 799. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

DEPARTMENT OF STATE

Thomas Fingar, of Virginia, to be an Assistant Secretary of State (Intelligence and Research).

DEPARTMENT OF JUSTICE

Robert Clark Corrente, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years.

DEPARTMENT OF THE TREASURY

Juan Carlos Zarate, of California, to be an Assistant Secretary of the Treasury.

Stuart Levey, of Maryland, to be Under Secretary of the Treasury for Enforcement.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:16 p.m., adjourned until Thursday, July 22, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 2004:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

LLOYD O. PIERSON, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE CONSTANCE BERRY NEWMAN.

AFRICAN DEVELOPMENT FOUNDATION

LLOYD O. PIERSON, AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2009, VICE JOHN F. HICKS, SR., TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTION 9335:

To be brigadier general

COL. DANA H. BORN, 3051

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT L. VAN ANTWERP JR., 8468

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES J. LOVELACE JR., 0304

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES M. DUBIK, 1344

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GERALD F. FERGUSON JR., 6004

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE UNITED STATES NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND TITLE 50, U.S.C., SECTION 2406:

To be admiral

To be director, Naval Nuclear Propulsion Program

VICE ADM. KIRKLAND H. DONALD, 3953

CONFIRMATIONS

Executive nominations confirmed by the Senate July 21, 2004:

DEPARTMENT OF STATE

THOMAS FINGAR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH).

DEPARTMENT OF THE TREASURY

JUAN CARLOS ZARATE, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

STUART LEVEY, OF MARYLAND, TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

ROBERT CLARK CORRENTE, OF RHODE ISLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

INTRODUCTION OF H.R. 4855

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. BOSWELL. Mr. Speaker, I am pleased to join Mr. CRAMER in introducing H.R. 4855, a bill to create an Independent National Security Classification Board.

As a Member of the House Permanent Select Committee on Intelligence, I have been privy to many of our nation's most precious secrets. Much of the information and reports provided to the Committee has been properly classified by the Executive Branch. I and many of my Intelligence Committee colleagues, however, have been concerned that some decisions to keep certain information classified are not based on the need to protect national security. Instead, they may have been motivated by a desire to shield officials from accountability and otherwise keep information away from those who have a right to know—concerned citizens. Such action serves only to stifle public debate and undermine the integrity of the system. It is unacceptable.

The proper test is one that balances national security requirements with the public's interest in receiving information. Unfortunately, this has not been done in the recent past. While serving on the House and Senate Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001, I witnessed first-hand the struggle related to declassification of information of great import to the families who lost their loved ones on 9–11 and the general public. The 9–11 Commission, which will release its report later this week, faced similar struggles.

The time has come to establish an independent panel of experts to review classification policies and decisions and requests for declassification of information. Such a panel is needed in order to restore integrity and accountability to the classification and declassification process.

H.R. 4855 would establish an Independent National Security Classification Board. The Board would be comprised of three national security classification experts, appointed by the President with the advice and consent of the Senate.

The Independent Board would be charged with reviewing and making recommendations to reform standards and procedures related to the classification of national security information. The Board would submit proposed new standards and processes to both Congress and the Executive Branch for comment and revision, and then implement the new standards and process once they have had the opportunity to comment. The Board would then begin to implement the new system, reviewing and making recommendations on current and new national security classifications, subject to Executive Branch veto that must be accompanied by a public, written explanation.

The balance in this proposal would help ensure that the public and Congress have access to an Independent Board for national security classification matters while leaving undisturbed the constitutional prerogative of the President, our Commander-in-Chief, to appoint the Board and to veto the Board's classification decisions.

This same measure was introduced by a bi-partisan group of Senators. I hope H.R. 4855 will attract similar bi-partisan support in the House. Because of the critical need to address the issues associated with the classification of national security information, Mr. CRAMER and I, both Members of the Intelligence Committee, believed it imperative not to delay introduction of this bill. I urge Members to support it.

DR. MARVIN LEWIS SHELTON: A SURGEON'S SURGEON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. RANGEL. Mr. Speaker, I rise to recognize the loss and to pay tribute to one of America's outstanding surgeons who pioneered advanced operative techniques and implants for the treatment of ankle fractures, Dr. Marvin Lewis Shelton. His genius as a researcher and inventor in his field earned him the moniker, ''the George Washington Carver of Orthopedic Surgery.''

Dr. Shelton died at his home in Riverdale, New York, on July 7, 2004. He was 72.

What a man he was and what a family he left behind. With all of his professional and academic successes, Dr. Shelton's first loves were his family and his beautiful and devoted wife of 48 years, Arden Shelton, a great talent and songstress in her own right. They were blessed with four accomplished children: Dr. Yvonne Shelton of Northboro, Mass; Le Ann Shelton, AIA, Esq., of New York; Marla L. Shelton, Ph.D., of New York and Marvin Lloyd Shelton of New York. To Arden and the entire Shelton family, I offer my deepest condolences.

A surgeon's surgeon, Dr. Shelton was an innovator of techniques adapted in his field for 30 years. A social trailblazer at some of New York City's greatest medical institutions, he was the first African American board-certified orthopedic attending surgeon at Columbia University Medical Center, and the first of his race to gain admitting privileges to an Ivy League-affiliated hospital.

As Director of Residency Training Program and Director of Orthopedic Surgery at Harlem Hospital, where he worked for twenty-five years, Dr. Shelton formalized the rotation of Columbia/New York Presbyterian residents at the Harlem institution. He also established an independent training program that facilitated the medical licenses for many minority and foreign-trained physicians to practice in New York and other cities.

Born in Pittsburgh in 1931, Dr. Shelton was raised in Wilmington, North Carolina, and educated at Howard University, where he graduated with honors in earning his B.A., M.A. and medical degrees. After completing his internship, he completed his residency in Honolulu, then served as Chief of the Orthopedic Section at Fort Jackson, South Carolina.

A doctor, teacher and family man, Dr. Shelton was also an avid sportsman who was actively involved in golf and skiing. He shared his wife's interest in the arts, and for a time owned the Shelton Gallery on E. 62nd Street in Manhattan.

I will remember his love for Harlem, for Harlem Hospital, and his willingness to forego so many opportunities so that he could remain there to train and inspire many young doctors.

Dr. Shelton published widely and presented numerous papers at national meetings. He was a Diplomat of the American Board of Orthopedic Surgery since 1964 and was a member of the American Orthopedic Association, Alpha Omega Alpha Medical Honor Society, Academy of Orthopedic Surgeons, American College of Surgeons, American Association for the Surgery of Trauma, American Trauma Society, New York Academy of Medicine, National Medical Association, Orthopedic Trauma Association and Orthopedic Association, among others.

His discoveries and advances made Dr. Shelton a highly sought-after speaker who delivered more than two dozen lectures around the world. He also held visiting professorships at Yale University, University of Minnesota and the University of Oregon.

A part of Marvin will always be with me. I was his patient in 1971 when, applying one of his inventions, he restored and healed my badly fractured ankle. I haven't taken a bad step since.

PAYING TRIBUTE TO GUNNISON WATER COMMISSION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. McINNIS. Mr. Speaker, I rise to pay tribute to the Gunnison Water Commission in Gunnison, Colorado. The water commissioners aid citizens and friends to efficiently and effectively use the precious resource of water. I am honored to recognize their contributions to their community before this body of Congress and this nation today.

This year the Gunnison Water Commission will celebrate one hundred and twenty-five years of serving the Western slope of Colorado. The water commissioners bring both a wealth of knowledge and experience to their field and a true sense of dedication to helping the public understand how the water system works throughout the state.

The water commissioners work partial year contracts mostly in the summer when water is

in high use for irrigation and the snow has melted. They collect data on how much water flows through streams or ditches; inspect headgates, flumes and springs, and during particularly dry times, undertake the difficult task of enforcing water rights. These hard working commissioners have improved their efficiency field by adding global positioning system technology and many other modern capabilities to facilitate better tracking and locating procedures for water in their districts.

Mr. Speaker, the Gunnison water commissioners work hard and take pride in the stewardship of a precious resource, and I am confident that the Gunnison community is grateful for their dedication. It is a privilege to bring the contributions of these fine water commissioners to light before this body of Congress. I thank them for their service and I wish them all the best in their future endeavors.

CONGRATULATIONS TO ST. CROIX HOSPITAL AND STAFF

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mrs. CHRISTENSEN. Mr. Speaker, it is with pride that I rise today to congratulate the St. Croix—Governor Juan F. Luis—Hospital administration and staff.

On June 30, 2004, the Juan Luis Hospital received accreditation from the Joint Commission on Accreditation of Healthcare Organizations. This achievement has brought us a step closer to our goal of providing first-class health care services for the people of the Virgin Islands.

The St. Croix Hospital has faced many challenges over the years, but the past one was particularly difficult. When they were without a Chief Executive Officer, two physicians, Dr. Lloyd Henry and Dr. Michael Potts stepped up and stepped in, to lead. The Board provided continuity and gave them their full support. The staff put differences, and any personal concerns aside and pulled together. When a leader was finally selected, in the person of Mr. Gregory Calliste, they all became one team on a mission.

There are still challenges to be faced and overcome. But with this achievement, they have proven their mettle to the community, and what working together with a common vision can produce, to themselves.

The St. Croix community as well as the entire Virgin Island community—for all of us will benefit—are grateful for the hard work and dedication that went into this successful effort. It is an undeniable testimony to their commitment to providing quality health care to us.

Mr. Speaker, on behalf of my family, staff, and all Virgin Islanders I once again congratulate the entire Juan Luis Hospital family for their shining accomplishment. Our community looks forward to their continuing superior service and further crowning accomplishments.

INTRODUCTION OF THE MEDICARE HOSPITAL ACCREDITATION ACT OF 2004

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Hospital Accreditation Act of 2004. Forty years ago, the Congress abdicated the federal government's regulatory responsibilities to ensure that hospitals meet Medicare requirements. Congress empowered the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) with a unique authority to deem hospitals as eligible for Medicare payments with minimal government interference. That was clearly a mistake. In the decades that JCAHO has had this unsupervised authority, serious inadequacies in hospitals have gone unchecked. Our current process is not working and it's time for the federal government to reassert its authority. This bill would do just that.

This bill today responds to a report by the Government Accountability Office (GAO–04–850) raising serious concerns about the effectiveness of the current system used to accredit and oversee hospitals that serve Medicare beneficiaries. The investigation, based on a retrospective survey of 500 hospitals, indicates that JCAHO failed to detect a large number of serious deficiencies subsequently found later by a team of government inspectors. These deficiencies are not superfluous. They are important, basic minimum standards needed to ensure both a safe environment and quality health care. For example, JCAHO accredited hospitals with inadequate procedures for preventing the spread of infections, inadequate safeguards to assure competent performance of physicians and nurses, and hospitals that outright failed to protect patients and staff from fire-related disasters. While this survey cannot be generalized to the entire hospital community, it implies a troubling lack of compliance with important safety standards and is a signal for change.

This is not the first time that problems in the Medicare hospital accreditation and oversight process have come to light. In 1990, we held a hearing on this issue in the Ways and Means Committee. Gail Wilensky, the Medicare Administrator for President George H.W. Bush, expressed concern that JCAHO-accredited hospitals displayed serious deficiencies when subsequently surveyed by government surveyors. In 1999, an investigation by the Health and Human Services Office of the Inspector General (OIG) concluded that JCAHO accreditation surveys were not likely to identify patterns of deficient care. Finally, for the past three consecutive years, CMS has found that JCAHO failed to meet the CMS performance standard for the hospital survey process. This is one more indication of JCAHO's need to improve its performance, and, more importantly, the need to increase CMS' authority to oversee JCAHO.

Despite this body of evidence, until now, the federal government has done little to address the problem. This stems in part from the original Medicare law passed by Congress in 1965. In that Act, JCAHO was granted the authority to ''deem'' hospitals as meeting the Medicare conditions of participation and qualify for Medicare payments. As a result, the federal agency administering the Medicare program was not granted adequate oversight authority. The agency had no authority to regularly review JCAHO's surveying processes, to mandate or approve changes to the procedures, or to sanction JCAHO for inadequate performance. No other accrediting organization is immune from government oversight.

Thus, Congress delegated oversight to a private entity that is essentially under the control of the very industry it attempts to regulate. In fact, the American Hospital Association and key physician groups appoint approximately 70 percent of the JCAHO Board of Directors! This special status is even more alarming when JCAHO's role in the market is taken into consideration. In addition to its Medicare activities, JCAHO accreditation partially or fully substitutes for state regulators in 49 states, it certifies VA facilities, and is often used by private insurers and plan sponsors as a requirement for plan participation and payments.

The hospital oversight process is comprised of a three-legged stool—the private Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Centers for Medicare and Medicaid Services (CMS) and their delegates at the state level, and the Congress. This report shows that each party needs to act to improve patient safety and assure that taxpayer dollars are spent in facilities that meet Medicare's minimum requirements.

Along with Senator CHARLES GRASSLEY, who is introducing companion legislation in the Senate, the bill I'm introducing today is the first step toward addressing this problem. This legislation would provide CMS with the same oversight authority over JCAHO that it has for all other national organizations with deeming authority. We may need to do more, but this is an important start.

In addition, the Administration has also agreed to make significant improvements under its current, limited authority. Administrator McClelland has worked closely with us on this issue and is committed to make the needed changes. Establishing a clear chain of command will improve accountability, and that is our goal.

As far as I am concerned, the GAO report indicates that all three legs of the hospital oversight process need to be revamped. JCAHO needs to improve its ability to assess the extent a hospital is meeting the Medicare quality conditions of participation. CMS needs to make better use of the limited authority over JCAHO it currently has and be prepared to assume increased authority with the passage of this legislation. Finally, Congress needs to correct a decision made nearly 40 years ago to allow the federal government to abdicate its regulatory responsibilities to ensure that hospitals meet Medicare requirements.

I am are here today to announce our bipartisan, bicameral commitment to work with each other, our colleagues, the Administration and the community to do just that. I encourage my colleagues in the House and Senate to support this legislation. It will provide CMS with the tools it needs to ensure that Medicare beneficiaries receive quality hospital care in a safe environment. The time to act is now. It is a matter of life and death.

RECOGNIZING CLINT FLATT FOR HIS OUTSTANDING SERVICE TO SCOUTING

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. HENSARLING. Mr. Speaker, I would like to recognize fellow Eagle Scout Clint Flatt, of Mexia, Texas, for recently being honored with the Silver Beaver Award from the Boy Scouts of America. This award was presented to Clint for his ''noteworthy service of exceptional character to boyhood.''

Clint is a third generation Boy Scout, who started his Scouting experience as a Cub Scout at eight years of age. Since then, he has earned numerous honors including the Arrow of Light Award in 1980, the God and Country Award in 1986, the Eagle Scout badge and a Palm in 1987 and his Wood Badge beads in 1993.

Throughout his life, Clint has remained committed to promoting the principles of Scouting. He has provided his leadership skills to the Boy Scouts of America in many posts and capacities, from Assistant Scoutmaster in several troops to Den Leader and Cubmaster for his son Tyler's Pack 698.

Since 2001, Clint has served on the Twin Arrows Junior Leader Training Staff and is the Scoutmaster of the new National Youth Leader Training Pilot course at Camp Tahuaya. He is a Vigil member of the Order of the Arrow and has served on the Eagle Board of Review for the Comanche Trails District since 1995. Currently, Clint is serving as District Chairman and member of the Council Executive Board.

Clint is not only a third generation Boy Scout, he is also the third recipient of the Silver Beaver Award in his family. His grandfather Leon, his mother Linda, and his father Dick have also earned the Silver Beaver Award for their distinguished service to Scouting.

I would like to congratulate my friend Clint Flatt on this outstanding accomplishment. I would also like to thank him for his continued service to the Boy Scouts of America. Clint's example of leadership, citizenship and community service is a shining example to the young men he leads. Through his life-long commitment to Scouting, Clint is helping build the character of our country's next generation of leaders and helping shape a better America.

PAYING TRIBUTE TO RUDY ARGUELLO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. MCINNIS. Mr. Speaker, it is my privilege to rise and pay tribute to Rodolfo ''Rudy'' Arguello of San Pedro, Colorado. Rudy has shown tremendous dedication and commitment to the citizens of our country. I commend his service in our military, and I would like to join my colleagues in congratulating him on his recent appointment to the Colorado Board of Veterans Affairs.

A native of San Acacio, Colorado, Rudy began his military service when he joined the Air Force in 1956. His military career included working as a linguist, a teacher, and an intelligence officer. He served our country in Vietnam, and retired from active service in 1979 as a captain.

However, his retirement from the Air Force did not mark the end of his career in the military. Wishing to continue to serve this nation, he joined the Veterans Affairs and went on to work as an administrator at the Fort Lyon veteran's hospital, a deputy director for the Department of Defense, and a manager of a modernization project at Fort Carson. Throughout his military career, he took time to further his education, receiving a bachelor's, master's and doctoral degree. With his extensive experience, Rudy is a perfect candidate for the Colorado Board of Veterans Affairs.

Mr. Speaker, it is my privilege to thank Rudy for his service to this nation and to congratulate him on his appointment to the Colorado Board of Veterans Affairs. Rudy stands out for his efforts in answering the call to serve his nation. He is a very loyal citizen and a solid family man and is a true pillar of his community. I thank him for his service and wish him and his wife Casey all the best in their future endeavors.

TRIBUTE TO AMBASSADOR C.J. CHEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. LANTOS. Mr. Speaker, I rise today to honor a good friend to Washington and to the U.S., Ambassador C.J. Chen of the Taipei Economic and Cultural Representative office. While I know many of my colleagues will agree that Ambassador Chen's return to Taiwan is quite a loss to Washington, I know that his legacy here will be the continued positive relations between our two countries.

Ambassador Chen holds the unique diplomatic experience of not only having more than 30 years experience in Washington, but also gracefully guiding the relationship of his home country through its most pivotal years with the United States. After U.S.-Taiwan relations were severed in early 1979, a young C.J. Chen was part of the embassy team that worked closely with Congress to establish the Taiwan Relations Act (TRA). Since its passage, the TRA has been the strong and enduring statutory framework under which the U.S. and Taiwan have quickly expanded and improved cultural, commercial, and diplomatic relations.

While the TRA has been the guiding force behind our improved relations, I must say that my friend C.J. Chen has been the human force. His depth of knowledge, incredible insight, and unrivaled experience has earned him the respect needed to carry the U.S.-Taiwan relationship forward. It has been a great honor and pleasure to work with Ambassador Chen on a wide array of important issues—including but certainly not limited to Taiwan's participation in the WHO, security in the Taiwan Strait, and improved human rights conditions.

Mr. Speaker, I wish Ambassador C.J. Chen and his wife Yolanda all the best as they return to Taiwan. They leave behind many friends, a great deal of goodwill, and a legacy of service.

30TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. MEEHAN. Mr. Speaker, I rise today to commemorate the 30th anniversary of Turkey's illegal and immoral invasion of Cyprus. On July 25, 1974, Turkish troops stormed the shores of Cyprus, killing 6,000 Cypriots and forcing more than 200,000 to flee from their homes. Within weeks of a ceasefire and the commencement of negotiations toward a settlement, Turkey defied a United Nations Security Council resolution and launched a second, more aggressive attack. The assault captured more than one third of the island and marked the beginning of three decades of illegal occupation by Turkish troops.

Today, the Green Line that divides Cyprus symbolizes the wounds of a war-torn people. Hundreds of thousands of Greek-Cypriots remain refugees in their own country, denied basic property entitlements and the right of return. The Turkish Cypriot government continues to deprive them of their basic human rights and the freedom to worship freely. Churches have been desecrated, archaeological sites plundered, and towns vacated.

Since the Turkish invasion, the Cypriot government has vigorously pursued efforts to reunify the island through an equitable and viable settlement. While the Turkish Cypriot government under the leadership of Rauf Denktash has repeatedly stonewalled negotiations, the commitment of Greek-Cypriots to a unified Cyprus has been unwavering.

I am disappointed that recent efforts to renew settlement talks have been stalled once more by Mr. Denktash's intransigence. The Annan plan, which was originally drafted by United Nations Secretary General Kofi Annan in November of 2002, underwent five major revisions to accommodate the demands of Mr. Denktash before a vote could be taken. In the end, the proposal sacrificed too many of the Greek Cypriots' needs in return for Mr. Denktash's acquiescence. The plan would have authorized the indefinite occupation of Turkish troops and settlers in northern Cyprus, imposed tough restrictions on the right of displaced Greek-Cypriots to return to their homes, and failed to adequately compensate displaced Greek-Cypriots for the loss of their property. Greek-Cypriots wisely mobilized to vote it down.

I represent a large and active Greek-American community, and I have been proud to support U.S. participation in negotiations over Cyprus and the fight for freedom and human rights for all Cypriots. As we remember the anniversary of this tragic invasion, we must renew our commitment to achieving a fair and comprehensive settlement. I urge both sides to once again come back to the negotiating table. A settlement to the Cyprus problem is critical—not only to ensuring the basic rights of Greek and Turkish Cypriots alike—but to promoting stability in the Eastern Mediterranean and United States national security interests as well.

REMEMBERING HUGH GALLAGHER

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. PRICE of North Carolina. Mr. Speaker, I rise in tribute to Hugh Gregory Gallagher, initiator of the Architectural Barriers Act of 1968, insightful biographer of Franklin D. Roosevelt, and my mentor and friend. Hugh died on July 13 in Washington.

Hugh, along with Bill Foster, first introduced me to the ways of Capitol Hill in 1963 in the office of Senator E. L. "Bob" Bartlett of Alaska. I was an eager but less-than-knowledgable divinity student at the time, but their lessons took, and I ended up returning to the office as a legislative aide every summer through 1967, eventually writing a doctoral dissertation in political science based on what I observed there. Hugh was my mentor and colleague through this entire period, imparting extensive knowledge of the workings and the history of the Senate as well as remarkable political savvy and the best instruction in writing clear prose that I ever received from anyone save my English-teacher mother. My wife and I have maintained our friendship with Hugh since those years, and we are greatly saddened by his passing.

Hugh was stricken with polio during his college years and was rehabilitated at the Georgia Warm Springs Foundation, which stimulated a lifelong interest in Franklin D. Roosevelt. He received a Marshall Scholarship to Oxford University and earned his degree amid considerable physical hardship, for Oxford was hardly outfitted for students in wheelchairs in those days. After a short stint with Senator John Carroll (D–CO), Hugh became Senator Bartlett's chief legislative aide. Statehood was less than a decade old, and adjusting national policy to Alaska's altered status and many needs was a complicated challenge. But Hugh's proudest achievement by far was national legislation which he largely conceived, wrote, and steered to passage: the Bartlett Architectural Barriers Act of 1968, which required that federal facilities and buildings constructed with federal dollars be accessible to the disabled. This bill was the first national disability rights legislation, precursor to the 1990 Americans with Disabilities Act.

After Senator Bartlett's death, Hugh worked as a consultant to British Petroleum and other firms. But he turned increasingly to writing, producing an historical account of the Senate's foreign policy role (Advise and Obstruct, 1969), an account of Eskimo activism on behalf of federal land claims (Etok: A Story of Eskimo Power, 1974), a biography of Roosevelt focusing on how he dealt with his disability (FDR's Splendid Deception, 1985), an account of Nazi Germany's treatment of the disabled (By Trust Betrayed, 1990), and an autobiography probing the psychological costs of "trying to compensate [for] or obfuscate your disability" (Black Bird Fly Away, 1998).

In his foreword to the latter volume, Geoffrey Ward summed up Hugh's contribution: "It is impossible for anyone not to admire Hugh Gallagher's gallantry—a word I'm sure he'll hate having applied to him—or his extraordinary achievements in and out of the corridors of power in Washington, or his hard-won triumph over the depression that threatened to cripple him as polio never could. Disabled people will draw sustenance from this book but I also can't imagine a more useful volume for any able-bodied person—parent or child, spouse or companion, friend or relation—who wants to understand what the disabled really feel about the challenges brought by each new day."

Hugh maintained an abiding love for Alaska. One of my fondest memories is of a trip with him down the Kenai Peninsula, all the way to Homer and Kachemak Bay, in the summer of 1966. Hugh kept up with many Alaska friends and traveled there often, including a recent trip to give the Bartlett Lecture at the University of Alaska.

Hugh Gallagher lived a rich and inspiring life—a life containing adversity beyond what most of us will ever experience and exemplifying courage, tenacity, and hard-earned wisdom. Hugh had a great deal to say to the world, he said it powerfully and eloquently, and thousands are in his debt. Hugh also had a remarkable gift for friendship, and his many friends mourn his passing and treasure our memory of him.

Mr. Speaker, I ask that the account of Hugh Gallagher's life from the Washington Post of July 16, 2004, be reprinted at this point in RECORD.

[From the Washington Post, July 16, 2004]

HUGH GALLAGHER DIES; CRUSADED FOR DISABLED

(By Adam Bernstein)

Hugh G. Gallagher, 71, who died of cancer July 13 at Sibley Memorial Hospital, wrote an early civil rights law affecting the disabled and a praised biography of former president Franklin D. Roosevelt's struggle with polio.

Mr. Gallagher, stricken with polio at age 19, played a major role in the 2001 decision to add a statue of Roosevelt in a wheelchair to the Franklin Delano Roosevelt Memorial in Washington. For years he told reporters, "Don't let them steal our hero!"

Mr. Gallagher underwent rigorous and at times horrifying treatment for his disease, which he contracted during its last widespread sweep in America before the invention of a vaccine. He was paralyzed below the chest and later suffered from clinical depression.

He went on to address his concerns for the disabled through a career in politics and prose. Although many worked to change the image of the disabled—from the pitiable, leg-braced waif in old March of Dimes promotions—Mr. Gallagher was far more concerned about practical questions, the personal and financial costs of living with a disability.

While working as an aide on Capitol Hill, he developed and drafted the language of what became the Architectural Barriers Act of 1968, a lauded precursor to the sweeping Americans With Disabilities Act of 1990. His legislation mandated that buildings funded with federal dollars had to be accessible to the disabled, which many opposed because of expense and aesthetic appeal.

"Hugh's most outstanding contribution to the quality of life of people with disabilities was to successfully place disability rights on Congress' agenda for the first time," former Senate majority leader Robert J. Dole (R–Kan.) wrote for an event honoring Mr. Gallagher in 1995.

Mr. Gallagher was never a one-issue man, and his social concerns ranged from gay rights to dignified end-of-life care. He also was a prolific writer of newspaper opinion pieces.

His earliest nonfiction books concerned a range of subjects, from congressional logjams ("Advise and Obstruct: The Role of the United States Senate in Foreign Policy Decisions," 1969) to the efforts of the indigenous people of Alaska to win large land claims from the U.S. government in 1971 ("Etok: A Story of Eskimo Power," 1974).

By far his best-known book was " FDR's Splendid Deception" (1985), about the president's ability to radiate hope and confidence while living in great physical stress. Many critics hailed the book's unsentimental approach to a long-overlooked aspect of Roosevelt's life.

In her review for The Washington Post, Marina Newmyer wrote that Mr. Gallagher "has put together a solid, suspenseful and fast-paced account of the medical tragedy suffered by Roosevelt."

Mr. Gallagher found that among the 35,000 photographs of Roosevelt at his presidential library, only two featured him in his wheelchair. Media of the day all but ignored the polio, an omission that served the president's political purposes and showed his threshold for withstanding pain, he wrote.

He said he understood Roosevelt's stoicism, which Mr. Gallagher took to indicate a near-disavowal of the disability. "For years, I tried to work harder than any able-bodied person would," he told an interviewer. "My drive to become a superhero exacted a terrible price. I paid no attention to my emotions. I became an automaton."

Hugh Gregory Gallagher was born in Palo Alto, Calif, where his father taught political science at Stanford University. He grew up in Chicago, New York and Washington.

He was at Haverford College in spring 1952 when he suddenly developed polio during parents' weekend. He left school, spent three months in an iron lung and was operated on several times. "I never realized such pain existed," he told a reporter at the time.

Once, his iron lung stopped, and Mr. Gallagher had to instruct the unnerved nurses how to pump the device by hand.

Much of his rehabilitation took place in Warm Springs, Ga., where Roosevelt also had recuperated. That triggered his fascination with the president.

In 1956, he graduated from what is now Claremont McKenna College in California and then went on a Marshall scholarship to Oxford University, where he received the equivalent of a master's degree in political science, philosophy and economics.

At Oxford, he had difficulty maneuvering a wheelchair on the cobblestone streets. The only bathroom he could use was a block and a half from his room.

Such indignities led to his legislative work on Capitol Hill. He spent most of the 1960s as an administrative assistant to Sen. E.L. "Bob" Bartlett (D-Alaska). He also worked for President Lyndon B. Johnson as his legislative signing and veto message writer in 1967 and 1968.

He then was the Washington representative for British Petroleum and spent about 25 years as a policy and politics consultant for large oil concerns in Europe. His work took him to Alaska and other oil-drilling areas, where he was often hoisted onto oil rigs in his wheelchair.

Over the years, he lobbied to make airports, performance halls and libraries accessible to those in wheelchairs.

He wrote from his home in Cabin John, including the books "By Trust Betrayed" (1990), about Nazi Germany's treatment of the disabled, and "Black Bird Fly Away" (1998), which looked at his own depression about his disability.

In 1995, Mr. Gallagher received the $50,000 Henry B. Betts Award for his lifetime work for the disabled.

At the time, he reflected on the ''revolution'' in attitudes toward the disabled but added that there were some limits in what was doable or even desirable.

''Making the New York City subway system accessible to wheelchairs is not the best way to spend public money,'' he said. ''Besides, I'm not going down there to get mugged.''

Survivors include his father, Hubert R. Gallagher of Bethesda; and a sister.

DISTINGUISHED SERVICE AWARD TO THE HONORABLE WILLIAM L. OSTEEN, SR.

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. COBLE. Mr. Speaker, recently, the Honorable William L. Osteen, Sr., U.S. District Court Judge for the Middle District of North Carolina, received the Greensboro Bar Association Distinguished Service Award. I have known Bill Osteen for many years. Bill is an outstanding jurist, and I know of no more deserving recipient for this prestigious award.

As an aside, I had the honor of serving as Bill's Assistant United States Attorney, while he served as the United States Attorney for the Middle District of North Carolina in the late 60s and early 70s.

Mr. Stephen Millikin, from the law firm Smith Moore LLP, delivered a wonderful speech at the presentation of the Greensboro Bar Association Distinguished Service Award. The Sixth District is proud of Bill Osteen, and I urge my colleagues to review the remarks made by my good friend, Steve Millikin.

I have referred to Steve as the ''Bob Dole of the Sixth District of North Carolina'' because, not unlike the great Senator from Kansas, Steve is an outstanding advocate for America's veterans. I hope you will enjoy Steve's remarks.

REMARKS BY STEPHEN P. MILLIKIN AT THE PRESENTATION OF THE GREENSBORO BAR ASSOCIATION DISTINGUISHED SERVICE AWARD TO THE HONORABLE WILLIAM L. OSTEEN, SR., APRIL 15, 2004

The Greensboro Bar Association is pleased to present its Distinguished Service Award for the year 2004 to a person whose accomplishments in this community and throughout the state are well known, and whose strength of character and devotion to duty are universally admired. This person has conducted himself among us in such a manner as to be a splendid example for all to follow.

The Honorable William L. Osteen, Sr., hereinafter ''Bill'' or ''Bill Osteen'', was born in Greensboro, North Carolina on July 15, 1930. He is the son of John Luke Osteen and Ruth Tatum Osteen. His father was the well known and highly respected first U.S. Probation Officer and the first Chief U.S. Probation Officer for the Middle District of North Carolina. He was a most jovial and friendly man by nature. Bill's mother was a gentle giant of a lady though small of physical stature. She died at an early age, but not before she had a very strong influence upon Bill who promised his mother that he would never take a drink of alcohol. Bill has remained loyal to that promise throughout his life. Bill has one brother, John Osteen, who is a graduate of West Point. John made a career of the Army and retired as a major general. He now resides in Brevard.

Bill married Joanne Bennett Snow on May 16, 1959. Joanne is the daughter of John and Dorothy Snow. John Snow was an attorney. Joanne attended Duke University where she graduated with honors in Economics. Bill and Joanne have three children: William L. Osteen, Jr., born in 1960, who is a practicing attorney in Greensboro; John Osteen, born in 1962, who now lives in Long Beach, California; and Robert Osteen, born in 1966, who now lives near Charleston, South Carolina. Bill Osteen has a family of which any man would be proud.

Bill Osteen graduated from Guilford High School in 1948, from Guilford College in 1953, and from the University of North Carolina School of Law in 1956. Throughout, Bill was an outstanding student. After obtaining his law degree and license to practice law, he was associated from 1956 to 1958 with W.H. McElwee, Jr., a prominent attorney in North Wilkesboro. From 1958 to 1959, he practiced law as a sole practitioner in Greensboro. From 1959 to 1969, Bill was a partner in the law firm of Booth and Osteen in Greensboro. From 1969 to 1974 he served by appointment of the President of the United States as the U.S. Attorney for the Middle District of North Carolina. From 1974 to 1991 he was senior partner in the successive Greensboro law firms of Osteen & Adams; Osteen, Adams & Tilley; Osteen, Adams, Tilley & Wall; and Osteen, Adams & Osteen. He was appointed U.S. District Judge for the Middle District of North Carolina by President George Bush on June 18, 1991. He has served and continues to serve in that high office with great distinction.

Bill has been active with the North Carolina Bar Association, the North Carolina State Bar, and the Greensboro Bar Association. With the North Carolina Bar Association he was a member of and subsequently chairman of the North Carolina Sentencing Commission, created by the North Carolina legislature to write a suitable sentencing structure for North Carolina. For the North Carolina State Bar, he was a member of the State Bar Council from the 18th Judicial District; a member of the Grievance Committee; a member of the Professionalism Committee; a member of the Legal Aid to Indigents Committee; and a member of the Special Committee to Re-Write the Disciplinary Procedures Manual for Lawyers. He was president of the Greensboro Bar Association in 1989–1990 and he served for a long period of time as a member of its Executive Committee. Bill also served as president of the 18th Judicial District Bar in 1985. He is a permanent member of the Federal Judicial Conference for the Fourth Circuit; a past member of the Federal Bar Association; and a Fellow of the American College of Trial Lawyers. He is a member of the University of North Carolina Law Alumni Association and a member of the Guilford College Alumni Association. He has been a member of the Board of Visitors for the University of North Carolina and a member of the Board of Visitors of Wake Forest University School of Law. Bill is admitted to practice in the North Carolina Supreme Court; the North Carolina Court of Appeals; the United States District Courts for the Middle, Western and Eastern Districts of North Carolina; the United States Court of Appeals for the 4th Circuit; and the United States Tax Court.

Bill was elected to the North Carolina Legislature in 1960 and again in 1962. He served as Minority Leader in both sessions. He was appointed Chairman of the Guilford County Economic Opportunity Council by the county commissioners in 1963. He was appointed by the Greensboro City Council as a member of the City Zoning Commission from 1964 to 1966. He was appointed by the Greensboro City Council as a member of and Chairman of the City Human Relations Committee from 1966 to 1968. He was an unsuccessful candidate for the United States Congress from the 6th District of North Carolina in 1968.

While serving as United States District Judge, Bill has served as Chairman of the Committee on Codes of Conduct of the Judicial Conferences of the United States, and he has served on the Advisory Committee to the Chairman of the United States Sentencing Commission. He also has heard cases on appeal sitting as a member of the United States Court of Appeals for the 4th Circuit.

Bill has also served in the military. He was in the United States Army Reserve from 1948 to 1951, and was on active duty from October 10, 1950 until December 12, 1951. He entered the service as a private and was a Staff Sergeant at time of discharge.

Bill has enjoyed participating in many athletic activities. He has excelled in all sports that he has undertaken. He has been a competitive golf player. He was number one on the Guilford College golf team. His prowess on the tennis court is legendary. While in law school, he reportedly could out-punt the starting punter for the University of North Carolina football team. To illustrate his ability and agility, reportedly he earlier has been able to grab his left leg with his right hand and then jump through that circle with his other foot and leg, a trick few people are willing to attempt.

Bill has been highly successful in all that he has undertaken. As an excellent practicing attorney, U.S. Attorney and U.S. District Court Judge, Bill has enjoyed a reputation for honesty, professionalism, ethical conduct, and a dedication to exerting a best effort and obtaining a best result. Bill has an innate and keen sense of right and wrong. He has always acted with diligence and competence. He has been fair and judicious in his approach to all questions and eloquent in his expression of thought. As U.S. District Judge he has been appropriately firm and authoritative but also compassionate.

Bill was commissioned a Judge of the U.S. District Court in a ceremony in the Federal Courthouse in Greensboro on September 27, 1991. He has proven to be true beyond any reasonable doubt the things that were said about him and that were predicted for him at that time. In many ways and instances he has exceeded all expectations then expressed.

At the commissioning ceremony, Bill Davis on behalf of the State Bar stated: ''I think that this is an absolutely perfect appointment.''

George Mast on behalf of the N.C. Bar Association said: ''Bill stands tall in the forest of the legal community. What he has been speaks with more eloquence than anything I can say. His appointment tells us that our system is working; that someone of (his) . . . quality and caliber and distinction, honesty and integrity can be appointed as a District Judge.''

Ralph Stockton for the ABA said: ''I tell you, it's hard for me to imagine anyone more qualified to assume the role of United States District Judge in the Middle District than Bill Osteen.''

''Our investigation . . . specifically in Bill's case, has to do with professional qualifications . . . in the area of professional competence encompassing the qualities of intellectual ability and capacity, judgment, writing and analytical ability, knowledge of the law, and breadth and depth of legal experience. Integrity, our number one hallmark, includes the candidate's character and honesty in legal and personal relations. Judicial temperament speaks for itself and includes the candidate's open-mindedness, decisiveness, freedom from bias, and commitment to equal justice. In the course of our comprehensive investigation of Bill Osteen . . . I

am pleased to report . . . that the ABA Committee reported to the Attorney General of the United States and subsequently to the Senate Judiciary Committee it's unanimous opinion that Bill Osteen is well-qualified for this appointment. This is the highest rating the Committee gives.''

Bill Osteen, Jr., justifiably proud of his father and law partner, but being completely honest and candid, stated: ''There was only comfort through my father's presence, his love and his support. And he's been there for each member of this family every time it was needed . . . But his magnificence as a father is probably only equaled by his great ability and competence as a lawyer . . . Each time he has taken a client—and I've practiced with him for four years now, but I'm confident that this was true for his entire 30 years. Each time he's taken a client, he has brought to the representation honor, integrity, diligence and confidence that are not to be found very often. There have been a lot of big cases, a lot of outstanding cases, and there have been a lot of small cases. But regardless of whether a case was big or small, or whether it was important to society or whether it was important only to an individual, he has brought the same honor and integrity to each case; and I'm proud to have practiced with him for the time that we have.''

The Honorable Eugene Gordon commented: ''Bill . . . brings to this court a vast experience gained from years of private practice and an illustrious career in this district as United States Attorney . . . Also, his legislative service and his community service can't be overlooked. Those services are very valuable for one who is called on to assume responsibilities as a member of the judiciary is . . . The efficiency and goals of the offices which he has served were never in jeopardy; it was always done well. He has reflected well upon himself, and he has served this area with distinction . . . Bill is a good person, with a passion for decency. He possesses no hatred, no jealousy, no envy or ill will that I have ever discerned. The truth is simply this. He is just a hard person to dislike.''

''It is our good fortune that one of Bill Osteen's vision, ability and character has come forward for active service on the bench . . .''

The Honorable Richard Erwin stated: ''Judge Osteen comes to the federal bench as well prepared for the tasks awaiting him as any judge I know. He has served as United States Attorney for this district; in private practice he has represented defendants charged with criminal offenses; and also represented both plaintiffs and defendants in civil actions before the federal courts . . . Judge Osteen also possesses an even-handed disposition that we call judicial temperament.''

The Honorable Frank Bullock commented: ''I don't believe that President Bush has made a better judicial appointment during his term in office . . . Bill Osteen should be a judge of this court. He has dedicated his life to service, to his family, to his church, to his state and to his nation. He has served in the legislature and as United States Attorney and as an officer of the state bar. I am confident that there is no better trial lawyer in this district and in this state and probably in this circuit or in this nation.''

The Honorable Woody Tilley said this: ''But not only is Bill Osteen the best trial lawyer I've ever seen . . . he also is one of the best people that i have ever known.''

These were not empty accolades or over statements. If they missed the mark in any respect, it is because they understate the exemplary qualities with which Bill Osteen has been endowed and the principles which he has invariably followed.

The oath taken by Judge Osteen at his commissioning in part is this: ''I, William Lindsay Osteen, Sr., do solemnly swear that I will administer justice without respect to persons and do equal justice to the poor and to the rich; and that I will faithfully and impartially discharge and perform all duties incumbent upon me as United States District Judge under the Constitution and laws of the United States . . .''

Bill Osteen has been as faithful to this oath as he has been to the promise he made to his mother years earlier.

Judge Osteen, the Greensboro Bar Association takes pride and pleasure in presenting to you the highest honor it can bestow, its Distinguished Service Award. This award is in recognition of and is in deep appreciation for your having demonstrated in many ways your deep devotion and constant commitment to the honorable practice of law and to the better administration of justice; for your having made enduring contributions to the administration of justice and to the public good through unselfish service to the community and to the legal profession; for your adherence at all times to the highest ethical standards of professionalism; and for your thereby setting by example a standard of conduct and service to which the members of the Greensboro Bar Association might well aspire.

RECOGNITION OF THE 2004 OUTSTANDING FARM FAMILY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to extend congratulations to the Wendell Thomas Family for being selected the 2004 Outstanding Farm Family. The Thomas family has run an extremely successful farm in Northwest Florida for nearly 60 years.

Wendell's parents started the Thomas farm in 1945, and to this day his mother, Lizzie Kate, is still an active partner in the family business. Wendell began working at an early age, and after graduating high school in 1970 he became a full time employee in the family's operation. A year after that, he married Dwynette Lewis, and together they raised three daughters who have all contributed to the farm.

In 1981, Wendell purchased an aircraft and shortly afterward received his certification to apply protective chemicals and fertilizers to the family's crops. In 1982, Wendell began running the farm full-time due to the decline in his father's health. Over these nearly 60 years, the Thomas family farm has expanded from one hundred to one thousand acres of cotton, peanuts, pasture, and woodland.

Mr. Speaker, on behalf of the United States Congress, I would like to offer my sincere commendation to a family that could serve as a role model to us all. A deep sense of work ethic and values has been instilled through all the generations of the Wendell Thomas Family. It is my hope that this family tradition continues for many generations to come.

NORTHERN UGANDA CRISIS RESPONSE ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to discuss current legislation S. 2246. I support this bill which would order the Secretary of State to issue a report on the situation in northern and eastern Uganda. This bill, if passed, would also place much needed pressure on the Ugandan Government to provide increased protection to innocent civilians, pressure the Lord's Resistance Army, under the leadership of Joseph Kony, to lay down its arms, and force the Government of Sudan to come clean about its relationship with the LRA.

The people of Uganda have had enough. The fighting between the northern rebel group known as the Lord's Resistance Army and the Government of Uganda has gone on for more than 18 years. Their mission to overthrow the government is costing many people their lives and their livelihoods. As a result of the civil conflict, more than 1.4 million people are displaced within Uganda. Furthermore, women and young girls are being brutally raped and humiliated, young boys are being abducted and forced to serve in the ranks of the rebel insurgency. Bodies have been maimed and many have died mercilessly.

The most shameful piece of this story is that there are suspicions that the Government of Sudan, to the immediate north of Uganda, has and continues to aid LRA rebel forces with supplies and safety from Government of Uganda military forces. Such accusations, if true, demand the attention of the United States and the international community especially given the current crisis in Darfur.

Before we can properly offer assistance to the Government of Uganda and the people of Uganda, we must have concrete information that accurately details the extent of the human devastation in Uganda. This bill, if passed, would place that information in our hands. Without a thorough knowledge of the situation in Uganda, we will be unable to provide humanitarian relief and assistance to millions of men, women, and children suffering under the hands of oppressive rebel tyrants.

A report by the Secretary of State would be highly beneficial to human rights monitors, international humanitarian agencies, and lawmakers in the United States and around the world. It would explain the state of communications and infrastructure. It would explain the degree to which the rebels have permeated northern and eastern Uganda. It would explain the state of security and the degree to which civilians and outsiders are protected from vigilant rebels. Such information is crucial if we are to help lift the people of Uganda out of their current crisis and bring down the Lord's Resistance Army.

Bringing an end to this campaign will keep Uganda on its current track toward stability, especially regarding the AIDS crisis. This nation has seen more than 800,000 of its people die from HIV/AIDS and has seen more than 1.5 million of its children orphaned by this deadly virus. On the bright side, though, this country has worked vigorously to curb those

numbers by implementing pro-active anti-HIV campaigns. As a result, its infection rate has been reduced from 30 percent in 1990 to 5 percent in 2003.

This is a country that is making real strides toward peace. If we remain passive while the Lord's Resistance Army marches on, we can be sure that the public health, education, technology, and agriculture infrastructures will deteriorate.

Mr. Speaker, we must take this all-important step to learn as much as we can about what is happening in Uganda if we are to respond appropriately in the future. For the reasons stated above, I support S. 2264.

THE TURKISH INVASION OF CYPRUS, AND DEMILITARIZATION OF THE ISLAND

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. ANDREWS. Mr. Speaker, yesterday, July 20, 2004, marked the 30-year anniversary of Turkey's invasion and occupation of Cyprus. Since 1974, United States policy on the Cyprus problem has been unsuccessful in its efforts to influence an agreeable resolution to this division. On May 1, 2004, Cyprus became a member of the European Union of families as a divided and occupied nation, its northern part being under illegal Turkish military occupation. The potential reunification of Cyprus is at a critical juncture. The Greek Cypriot ''no'' vote of 76 percent and the Turkish Cypriot ''yes'' vote of 65 percent is strong evidence of the unfair and unbalanced nature of the current version of the Annan Plan. If the yes and no votes had been close to the 50–50 mark, it might be argued that the plan is fair and balanced. At this point, however, no reasonable person can make such an argument. Accordingly, the United States and the United Nations must re-examine the key provisions of the Annan Plan in an effort to remedy the deficiencies that now plague the plan and obstruct the potential reunification of Cyprus.

One deficiency of the Annan Plan is its failure to demilitarize Cyprus. There is no need for Turkish or Greek soldiers to remain in Cyprus. The United States should insist on full demilitarization now. The final Annan Plan actually provides for the permanent presence of 650 Turkish troops on Cyprus with the right of ''intervention'' by Turkey, a guarantor power under the 1959–1960 London Zurich agreements. With Cyprus now a full member of the EU, there is no need for Britain, Turkey or Greece to remain as guarantor powers.

Quite inexplicably, the Annan Plan does not provide for the immediate demilitarization of Cyprus. It provides for the gradual withdrawal of Turkey's 35,000/40,000 troops over 14 years with 650 remaining permanently. Earlier versions of the Plan did not authorize any Turkish troops to remain.

There is no security problem for the Turkish Cypriots. The opening of the Green Line for crossings in Nicosia since April 2003 has allowed Greek and Turkish Cypriots to interact on a regular basis, and this period has passed without major incident.

As long ago as July 25, 1978, former Republican Senator Bob Dole proposed demilitarization on the Senate floor during the Senate debate on the amendment, which passed, to remove the remaining arms embargo on Turkey. Dole voted against lifting the embargo and noted that ''[n]egotiations between the two communities have remained stalemated over the presence of the Turkish occupation force.'' He stated:

> The great need for demilitarization of Cyprus, involving withdrawal of both Greek and Turkish forces, must be stressed. . . . Once demilitarization of Cyprus is achieved, then the intercommunal talks between the Greek and Turkish Cypriot communities over the territorial and political settlement will proceed much more smoothly. This must be the goal of all parties: to achieve demilitarization of Cyprus as soon as possible.

It is beyond dispute that this aspect of the Annan Plan would actually serve to decrease stability and security on the island because it fails to fully demilitarize Cyprus at the same time that it also affirms intervention rights for Turkey. These provisions of the Annan Plan must be changed if the plan is to be accepted by both parties, and carried out to successfully achieve a peaceful, unified Cyprus.

RECOGNIZING THE SCHOOL FOR INTERNATIONAL STUDIES AT ST. MICHAEL'S COLLEGE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. SANDERS. Mr. Speaker, every day the media bombards us with stories about how dangerous the world is. War and terrorism are, tragically, a part of our modern condition. Yet this picture of international antagonism is so incomplete as to give us a false picture of the globe we inhabit. Fortunately, there are continual efforts, heroic efforts, to bring people together.

In fact, though often unrecognized by the mass media, international cooperation and efforts at mutual understanding take place every day. It is important that we recognize those who do the essential and heroic work of building the bridges that unite the international community.

Today I want to recognize the fine work of the School for International Studies at St. Michael's College, a private liberal-arts college in Colchester, VT, as the school celebrates its 50th anniversary. During the past five decades, over 15,000 international students have studied English at the St. Michael's campus in Colchester.

Founded in 1954 with a small program that taught four students from Puerto Rico, Quebec and Colombia, the program quickly grew to include students from 20 countries.

In 1957 the program welcomed 100 Hungarian refugees, known as Freedom Fighters for their 1956 uprising against Soviet troops, to the campus to learn English. The program was so successful that in 1962 a master's degree in Teaching English as a Second Language (MATESL) was established. Today, the School for International Studies has a worldwide reputation as a leader in language teaching pedagogy.

By the 1970s the program was teaching language students from over 40 countries around the world.

Nor has the growth and scope of the program slackened in current years. Recently the program has welcomed its first students from Vietnam and Egypt, and has developed partnerships with institutions in Poland, Thailand, Greece, and Colombia. Students from more than 65 countries have studied in the Saint Michael's School of International Studies.

This week Saint Michael's College President Marc vanderHeyden presided over a celebration of this 50th anniversary, joined by speakers from some of Saint Michael's partner schools, Kanazawa Technical College of Japan, the Hellenic-American Union of Athens, both the International Christian University and Surugadai University of Tokyo, and the Gimnasio Vermont of Bogota.

To St. Michael's College, and to its School for International Studies in particular, a proud state and proud Nation say: Congratulations on working for half a century to bring people together and to build better communication between nations. We wish you well for the next half-century as you continue this vital work.

INTRODUCTION OF THE QUALITY, EFFICIENCY, SAFETY, AND TECHNOLOGY FOR HEALTHCARE TRANSFORMATION ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today for Josie King. Josie was a vibrant eighteen-month-old who suffered a terrible accident and, thanks to the incredible advances in medicine, was saved and preparing to go home from the hospital.

Before she could, though, the same health system that saved her then took her life. That sweet little girl was lost to a series of entirely preventable mistakes in one of the finest hospitals in the nation, if not the world.

Politicians like to say that the United States has the best healthcare system in the world. But we don't. What we have is the best medical talent in the world, the best medical technology in the world, the best facilities in the world.

But the system itself is a mess.

The best healthcare system in the world would not allow nearly 100,000 people like Josie King to die in hospitals of preventable medical errors.

The best system in the world would not leave the United States ranked 28th in the world for infant mortality, in the company of Cuba, Hungary, and Slovakia.

The best system would not leave almost 75 million people—nearly one in three people under 65—without health insurance at some point over a 2 year period, especially when the National Academy of Sciences has documented that people without insurance have worse health and die sooner.

The best system wouldn't waste 30 cents on the dollar, or 1,400 dollars per employee per year, on care that does nothing to improve clinical outcomes. That's a 2 billion dollar tax on employers and taxpayers in my home state of Rhode Island in 2004, and an estimated 77.44 trillion dollars for the nation over the next decade.

And, one thing I know for certain, Mr. Speaker, the best healthcare system would

not give patients barely a coin-flip's chance whether they receive evidence-based, scientifically accepted care in appropriate situations.

Mr. Speaker, I rise today to introduce legislation because our health care system is not the best in the world. Our health care system produces great medicine but it produces great medicine unevenly and with massive inefficiencies and frequent mistakes. We can do better.

There's a saying: ''Every system is perfectly designed to produce the results it gets.'' We need to redesign the health care system to produce better outcomes at a better value. We need nothing short of a transformation so that delivering the highest quality health care becomes not only the overriding goal of the professionals within the system, but of the system itself.

How do we get there? Today, I am introducing a bill called the Josie King Act to put in place three pillars of a transformed system: A fully electronic, integrated, paperless healthcare system; a new emphasis on improving the science of better care, from the evidence base underlying medical treatments to the creation of a new cadre of health quality experts; and new methods of measuring the quality of care and new payment practices so that providers are compensated for the quality of care they provide, not just the quantity.

We're in the information age, and nowhere is information more important than in health care. Yet we ask doctors to practice medicine in the dark.

Our healthcare system is made up of thousands upon thousands of independent providers, each with its own records and no way to communicate with each other. Patients see multiple doctors, very rarely with anybody other than the patient as the traffic cop.

Since the right hand doesn't know what the left hand is doing, it's no wonder that 54 percent of serious chronic disease patients say they have been sent for duplicate tests or procedures within the last year.

In fact, it is estimated that 20 percent of labs and x-rays are ordered because the previous results can't be found. One in seven hospitalizations occurs as a precaution because patient information is unavailable.

Handwriting errors and other human mistakes cause deaths and injuries. The chances of being administered the wrong drug or the wrong dose in the hospital is around seven percent. Adherence to evidence-based medicine is shockingly low—barely 50 percent.

Why? It's not because the doctors and nurses and other health care personnel aren't skilled or committed or careful. It's because we practice 21st century medicine on a 20th century platform. Right now, less than five percent of doctors' offices use electronic medical records there's no way for even those doctors to easily share information.

The information revolution has transformed financial services, manufacturing, retail. Even hide-bound politicians are adapting campaigns and elections to the new tools. We need I.T. to transform medicine as well.

Making our health care system fully electronic, with networks to share all information that patients choose to share, will create new tools for doctors and nurses to let them use their skills more effectively.

Each provider would have a complete record for the patient, so there would be no more duplication of tests and procedures.

Computerized decision support systems would catch possible errors and help remind health professionals of new advances in evidence-based practice guidelines.

Patients would have access to important health information in a way that can allow them to be active participants in their own care.

A national health information infrastructure will also be a critical public health tool, helping the CDC and other public health agencies quickly pick up on and respond to outbreaks and acts of bioterrorism.

As we build these health information networks, security and privacy must be paramount. In fact, we can and should make a new information infrastructure safer than the status quo, with paper records that can be read by anybody and are easily accessible.

Not only could creation of this health information infrastructure dramatically improve patient care, it could save us billions of dollars—dollars our health care system can scarcely afford to waste. The independent Center for Information Technology Leadership prepared a report for the Department of Health and Human Services estimating the savings at $87 billion per year as we eliminate duplicate tests, unnecessary hospitalizations, and the many errors that plague our system today.

If electronic health systems are so terrific, you would think we'd have them by now. But here's the trouble. Most providers, especially physicians in small practices, have little financial incentive or wherewithal to make substantial I.T. investments.

In order to fix that, we need to recognize that putting in the information technology we need is a community-wide, infrastructure challenge. The benefits of achieving a widespread health information network for the community as a whole are tremendous, easily providing enough return on investment for all to gain.

But to get there, all of the health care stakeholders will have to work together to figure out how they're going to divide up the costs and the savings of putting electronic systems in every provider's office and of establishing the network. It needs to be a community-wide approach.

The model is being built in Rhode Island. Work is underway to pilot the development of a comprehensive health information network, and when it is in place, Rhode Island will be showing the future to the rest of the nation.

Building on this model, the Josie King Act lays out a phased process that will provide seed money and leadership to get the process rolling across the country and help every state and region build its infrastructure. With this proposal, we can get virtually the entire healthcare system networked in a decade.

When we have an electronic health information system, all kinds of other possibilities for transformation become possible. The Josie King Act not only would put I.T. in place, but would help establish new systems to take advantage of it.

Information systems create new opportunities for developing and using the evidence base. The Josie King Act would promote research into the comparative effectiveness and value of drugs, treatments, and technologies so doctors will have more and better information.

But as we expand our understanding about what constitutes good medicine in a given situation, we need to improve how that knowledge is used. How would we react, Mr. Speaker, if the airline lost half of our bags? Or if every other computer in our offices had to be returned to the manufacturer due to defects?

Well that's what we have in medicine—a defect rate approaching 50 percent in many cases, according to research from the RAND Corporation. We need to challenge the culture and systems that we have, because they are simply not good enough.

Information technologies can be powerful tools to drive out errors and improve efficiencies, as we have seen throughout our economy. But they are the tools, the means not the end. We also need leaders committed to redesigning health care delivery. The Josie King Act would begin training this new cadre of health care leaders with scholarships for graduate study in health care quality and efficiency.

To improve quality and efficiency, we also must be able to accurately measure quality and efficiency. The Josie King Act will help standardize performance measurement and use the new electronic clinical data so that, for the first time, consumers and payers can have a single source for an apples-to-apples comparison of all providers' quality, efficiency, and patient satisfaction.

Over time, these performance measurements can help us redesign payment practices so that doctors and hospitals are rewarded, not penalized, for improving patient outcomes.

The status quo is just not a sustainable option. We deserve a health care system that is as good as the quality of the medicine it can provide. That means thinking critically and creatively about what kind of health care system we want and how we build it.

Mr. Speaker, I would be remiss if I did not take a moment to acknowledge the great leadership and commitment on this issue of the former Speaker of this House, Newt Gingrich. There is nobody thinking more critically and more creatively about health care delivery than he is. Speaker Gingrich has been a terrific teacher and partner tome in this effort, and it is the great fortune of this nation that he has turned his prodigious talents to fixing what ails our health care system.

We can transform the health care system. It's an ambitious goal, but our reimbursement rates are too low, our premiums are too high, and our health outcomes are too uneven for us not to meet this challenge. We owe it to Josie King and her family to make sure that our health care system follows the Hippocratic Oath: first do no harm.

I look forward to working with my colleagues on both sides of the aisle on the Josie King Act, and I hope that we can do the hard work to build a health care system that's every bit as good as the extraordinary medicine it can produce.

STOCK OPTION ACCOUNTING REFORM ACT

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 3574) to require the mandatory expensing of stock options granted to executive officers, and for other purposes:

Mr. KOLBE. Mr. Chairman, I rise in opposition to H.R. 3574, the Stock Option Accounting Reform Act. This is a highly complex issue with compelling arguments on each side. But after carefully weighing these views, I oppose H.R. 3574 because it is not good public policy nor is it good for investors.

H.R. 3574 interferes with the independence of the Financial Accounting Standards Board (FASB) and the financial accounting standard-setting process. Just 2 years ago this body overwhelmingly passed and the President signed into law the Sarbanes-Oxley Act of 2002, which recognized the importance of an independent standard-setting process free of political pressures. H.R. 3574 risks damaging the investor confidence in and the credibility of our capital markets that the Sarbanes-Oxley Act sought to restore. FASB—not Congress—has the expertise to set accounting standards through an independent deliberative process. In the wake of recent corporate scandals we have not interfered with FASB rulemaking; it is not prudent to begin doing it now.

FASB's rule will provide greater protections to investors and shareholders. Supporters of H.R. 3574 state that expensing stock options will hurt the economy; I believe the opposite is true. Allowing FASB to promulgate its rule to expense stock options will improve investor confidence and increase investment. It will institute a standardized approach that will help all investors evaluate the effects of stock options upon company earnings on a uniform basis. Even the shareholders of Intel Corporation, one of the companies leading the fight against stock options expensing, passed a resolution calling for employee stock options to be treated as an expense.

Apart from the issue of FASB independence, another key question is whether stock options should be accounted for as an expense or as dilution to equity. In the final analysis, I agree with Warren Buffett: since both employer and employee place a value on options granted in lieu of other compensation, they should be treated as an expense.

The FASB rule does not prevent companies from using broad-based stock option plans. A company can, and should, as good corporate policy, continue to grant ownership to its employees with stock options. Healthy companies that previously disclosed the intrinsic value of compensatory options in the footnotes of financial statements as currently required should not suffer from a fall in stock price solely as a result of FASB's new rule. Several studies have indicated that, provided there is full disclosure, company stock prices will not be affected by expensing compensatory stock options.

Absent from the Sarbanes-Oxley bill was any provision regarding the accounting treatment of stock options. Recognizing the need to address this issue, I was a cosponsor in the 107th Congress of H.R. 5147, the Stock Options Accountability Reform Act, to develop standards of financial accounting and reporting related to the treatment of stock options. The FASB rule accomplishes this objective, and I cannot support Congressional efforts to interfere.

VIETNAM HUMAN RIGHTS ACT OF 2004

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to discuss current legislation H.R. 1587. I support this bill which would hold the government of Viet Nam responsible for any past and present abuses of human rights. This valuable piece of legislation, if passed, would prohibit non-humanitarian assistance to the government of Viet Nam unless the government in that country certified to the President of the United States that the government of Viet Nam has made significant advances toward freedom of political, religious, social, and cultural expression.

This bill would also mandate that the Secretary of State report annually on the state of affairs in Viet Nam and that the United States provide assistance through the appropriate nongovernmental organizations for the promotion of human rights and non-violent change in Viet Nam.

Such actions would help restore a level of peace that has long been absent from the country of Viet Nam. Right now Vietnamese citizens are living under a repressive regime. They are not afforded the basic human rights to worship however they choose, speak whatever they feel, write whatever they desire, and associate with whomever they wish. Many are being unfairly arrested and tried, and are being forced to serve lengthy prison sentences.

There is evidence of under-aged youths serving in the armed forces. There is also evidence that there is widespread torture, excommunication, and murder of those who choose to worship in non-state-approved religious organizations. Opposing political views also merit the same consequences. Mr. Chairman, Viet Nam is acting shamefully.

Father Thadeus Nguyen Van Ly knows the horror of the repressive Vietnamese government. On May 17, 2001, this 55-year-old priest was arrested at church for his non-violent political and religious views. Prior arrests, for similar reasons, date back to 1977 and attest to the government of Viet Nam's longstanding history as a violator of basic human rights. Having spent more than a decade imprisoned for standing up for his beliefs, Father Van Ly was named a prisoner of conscience by Amnesty International.

International attention is essential but not sufficient for restoring the people of Viet Nam their basic rights and liberties. There needs to be more humanitarian monitoring. To accomplish this there must be increased security in mainland and inland areas to allow for the safe journey of human aid and humanitarian workers. There is also a need for improved relations between Viet Nam and its neighbors. Requiring the Secretary of State to write an annual report would provide the United States and the international community with a greater understanding of the state of affairs in Viet Nam. Most importantly, Viet Nam must provide its citizens with basic human rights.

Mr. Speaker, for the reasons stated above I strongly support this bill and its potential to drastically improve the life expectations of those living in Viet Nam. The lives of many like Father Van Ly hinge on the passage of the bill. Prohibiting the provision of non-humanitarian assistance to the government of Viet Nam will apply the right amount of pressure to the Government of Viet Nam and send a loud and clear message that the repression and abuse of human dignity must carry on no longer.

CONCERNING NEGOTIATIONS WITH LIBYA

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. ANDREWS. Mr. Speaker, as the Administration continues to negotiate with the government of Libya regarding the U.S. sanctions that still remain in place, it is vitally important that the interests of the Pan Am 103 victims' families be kept in mind.

As all of my colleagues surely recall, Pan Am Flight 103 exploded over Lockerbie, Scotland on December 21, 1988, devastating numerous families throughout the country. For over 15 years, the families of the 270 victims, including 189 Americans, have waited for justice. Given that the Libyan government has admitted responsibility for this horrific attack, the sought-after justice must include a substantial penalty to be paid by this government. To this end, an agreement was reached whereby the Libyan government is to pay each family a substantial sum, in stages, as certain criteria are met.

In order for the next stage of compensatory damages to be released to the families, the United States must lift two executive orders, one which has frozen Libyan assets in the U.S., and another which prohibits Libyan airflights to and from the U.S. A deadline has been set at the end of this month, and if these executive orders are not lifted by that date (and there is no extension of this deadline), then the families will not receive this portion of the compensation, and it will be returned to the Libyan Government.

Let me be clear, the families are not concerned with the money. Rather, they want to ensure that the Libyan government is fully punished for the attack that claimed the lives of their loved ones. I wish to also state that the families are not necessarily advocating for all of these sanctions to be removed. If the U.S. decides as a matter of policy that they want these sanctions to remain in place permanently, they will support this decision. What the families do not want to see happen, however, is for the deadline to pass, thereby denying the families their just compensation, only to have the sanctions lifted a short period later. The Pan Am 103 families have waited far too long to be left standing in the cold, and they should not be made to watch justice slip away.

The State Department and the Administration are to be commended for their efforts in these negotiations thus far, and I urge them to keep the Pan Am 103 victims and families in mind as they proceed towards further resolution.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of Friday, July 9, 2004, the House had a vote on an amendment to H.R. 3578, that would have established a Manufacturing & Technology Administration within the Commerce Department. On House rollcall vote No. 357, I was unavoidably detained. Had I been present, I would have voted "no."

HONORING SANDRA FELDMAN ON HER RETIREMENT FROM THE PRESIDENCY OF THE AMERICAN FEDERATION OF TEACHERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. RANGEL. Mr. Speaker, I rise today to salute the life, career and passion of Sandra Feldman, who history will record as being one of the greatest leaders of public education in the United States. Ms. Feldman is herself a testament of the public education system. She culminated a career in education by being elected to lead the largest teacher's union in the country, the American Federation of Teachers. Today this Congress recognizes Sandra Feldman for her tireless efforts to improve public education for all of our children.

Ms. Feldman, began her life in Brooklyn, New York as a student in the New York City public school system. She recognized early that education was a way out of the poverty she grew up in. Ms. Feldman lived in a duplex building with four families—her family consisting of five members alone. She lived in the toughest imaginable situation, but she persevered.

After graduating from James Madison High School she excelled at Brooklyn College and continued with her academic career at New York University. She definitely proved herself to be quite the student, and then challenged herself to meet the challenge of educating and shaping young lives through becoming a teacher. She taught at Public School 34 in Manhattan. In her early days as a young teacher, did she dream that she would one day achieve the presidency of the largest teacher's union in the nation?

As Sandra began her lifelong career as an advocate for disadvantaged youth in education, she participated in the great civil rights movement of the 1960's, by partaking in the freedom rides and being arrested. As a teacher she became active in the union and tirelessly worked for the children of New York. She gained notice because she was clearly the best advocate for disadvantaged students.

In 1966 she became involved as a field representative for the United Federation of Teachers (UFT). She was repeatedly promoted to become the Executive Director of the UFT. As executive director she oversaw all of the union's activities.

She was elected president of the UFT in 1986. She served honorably as president for over a decade until she was elected as president of the American Federation of Teachers in 1997.

Sandra Feldman now steps down from that post. She served as the 15th president of the union and the first woman since 1930. Her career as president was marked with innumerable successes. She is regarded as the preeminent authority on urban education and disadvantaged youth. Ms. Feldman has served on a plethora of committees and on the board of countless organizations. She has been recognized by magazines as one of the "most influential women," in the country. She is certainly the most influential educator in the Nation.

I regret Sandra's departure from the presidency of the American Federation of Teachers, although she deserves a rest from her endless labors. She has certainly left an indelible mark on public education in this Nation during her superb service to our youth.

In addition to noting her successful career as a teacher, and unprecedented leadership of the American Federation of Teachers union I would like to extend my support and well wishes to this remarkable woman as she battles her illness. I wish her a speedy recovery.

There are no words adequate to express the gratitude I have for Sandra Feldman for her service and my regard for the contributions she has made.

I rise today and call on my colleagues to support House Resolution 714, to recognize Sandra Feldman for her tireless dedication to improving education for our children.

IN HONOR OF CORPORAL CHRISTOPHER M. SHEA

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. CASTLE. Mr. Speaker, I rise today to honor and pay tribute to the life of a brave young Delaware State Police officer, Corporal Christopher M. Shea. Corporal Shea was a proud and talented state trooper who died early Sunday morning after his patrol car was struck head-on by another vehicle.

A Marine Corps veteran and an extremely dedicated state trooper, Shea was Delaware's 33rd officer to die in the line of duty. At just 31 years of age, Shea had already distinguished himself as an intelligent and courageous public servant, with a true love of police work. As a four-year veteran of the State Police, assigned to patrol out of Troop 7 in Lewes, Shea served our State honorably. The fact that Shea was promoted to Corporal, only days before his death, is evidence of this bright young man's unlimited potential.

In addition to being a tremendous officer, Shea was also a thoughtful son, devoted husband and loving father. Born the second of eight children, Shea grew up in New Jersey where he attended Farleigh Dickinson College. After meeting his wife, Susan, the Sheas eventually moved to Delaware, where they had two wonderful children, Christopher Jr., 3½, and Elizabeth, 11 months.

While remembering their fallen comrade, Shea's fellow officers reflected on the trooper's ability to balance his commitment to police work with his unwavering devotion to family. Described as a talented and compassionate individual, Corporal Shea was a tremendous asset to our law enforcement community and he will be truly missed by his family, friends, and fellow officers.

Mr. Speaker, it is my sincere privilege to honor the life of a proud state trooper and heroic representative of the State of Delaware. Corporal Christopher M. Shea was an honorable defender of justice, and he deserves our deepest gratitude and respect.

APPLAUD THE CHENANGO RIVER WORKCAMP

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. BOEHLERT. Mr. Speaker, I would like to take this opportunity to applaud the efforts of the Chenango River Workcamp in Greene, NY. The Chenango River Workcamp is comprised of young students from across the Nation. This faith-based group of youngsters has dedicated a good portion of their summer to help the Chenango Housing Council rebuild and rehabilitate 61 homes for senior citizens and low-income families who might otherwise not benefit from these repairs.

This group of 450 young students has selflessly put the needs of others first and I am proud of their commitment to community and those in need. This leadership sets an excellent example to other youngsters and provides a shining ray of hope for our future. On behalf of my constituents in Upstate New York and all of the areas of the Nation these exceptional students are from, thank you.

INTRODUCTION FOR MS. THOMAS' RESEARCH ANALYSIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. TOWNS. Mr. Speaker, I rise today to draw your attention to the recently announced approval by the Federal Government for a California biotechnology firm to license three experimental drugs from Cuba. This decision is especially interesting in the light of the fact that the administration also recently unveiled new measures to further tighten Cuban embargo restrictions. The contradictory actions of this administration, combined with a continued focus on maintaining an embargo that has done nothing to change the status of the Castro regime, reveal a profound lack of interest in truly improving the lives of average Cuban citizens. What is really at stake is President Bush's electoral votes in Florida this November, rather than an ethical and constructive approach to U.S.-Cuba relations. These new embargo restrictions deserve to be reexamined in terms of whether they are necessary to United States-Cuban policy and whether they may, in fact, worsen already unnecessarily tense relations with Cuba, as well as lead to counter productive reactions on the island.

I urge my colleagues to read the following research analysis on the increasingly unproductive United States policy toward Cuba that was recently authored by Lindsay Thomas, a

research associate at the Washington-based Council on Hemispheric Affairs:

The mammoth street demonstration witnessed in Havana on June 21 was a glaring example of yet another counter-productive, anti-Castro initiative fathered by Washington policymakers. The latter may be long on raw ideology, but demonstrably, are short on reality. On that day, tens of thousands of Cubans gathered in front of the U.S. Interests Section (the official U.S. presence in Havana) to warn Washington against resorting to any preemptive military action against the island.

The Bush administration, following the practice of all of its predecessors, has maintained a cordon sanitaire around Cuba, but ended up having to waive the penalties against the international business community mandated by the ill-reputed Helms-Burton legislation. Nor is the U.S. winning many backers with its patently self-serving Florida electoral strategy masked as a foreign policy. The Bush administration has been so obsessed with wooing Miami, that it has fallen victim to its own immoderacy, recently cutting remittances and limiting packages and visits from exiles to their Cuban relatives. By its cut offs, the White House has displayed the same venomous lack of humanity and blind fury that was seen with the Elian Gonzalez affair. Now, even many of those being wooed—Cuban expatriates—are lashing back at Bush for daring to curb family ties in a craven hunt for votes.

By a series of malevolent initiatives specifically aimed at worsening U.S.-Cuban relations, Secretary of State Colin Powell invoked the latest phase of a foreign policy drive whose anointed mission was to place Florida into President Bush's win column in November, even though such a demarche could mortally wound his already fading reputation on regime issues. The motivation for such a sterile approach was prompted not so much by any genuine threat posed by Cuba to any conceivable U.S. regional security interests, but almost entirely by domestic political factors. The predictable Castro response: defiance in the form of the June 21 demonstration, which provided yet another opportunity for the Cuban leader to return to his popular base to seek reaffirmation in a spectacular show of political thunder. But the question remains, when will Washington realize that attempting to isolate Cuba internationally and pressuring it internally at best will only fail or induce more Cubans to attempt immigrating to the U.S.—something that U.S. officials aren't particularly anxious to encourage.

Despite its specious claim of ''hastening democracy on the island,'' arguably, the Bush administration's latest policies do the opposite—purposely escalating U.S.-Cuban tensions while further legitimizing Castro in the eyes of many islanders. President Bush's mean and nasty acts serve to undermine his professedly lofty intentions, as they confirm Cuba's role as a David daring to stand up to Goliath's benighted outrages. For almost half a century the U.S. has attempted to isolate Castro's Cuba, even though predictably, these initiatives have always backfired. In reality, it is Washington's Cuba policy that has ended in the dock, not Cuba, with only dependent states like Chile and Costa Rica cheering Washington onward.

Meanwhile, for 12 years the U.N. has voted overwhelmingly to end the U.S. embargo that is almost solely honored by this country. With decades of converting ''democracy'' rhetoric into self-serving demagoguery aimed at asphyxiating the Cuban economy and immiserating its population, Washington's relations with Havana remain non-negotiable, beyond the purview of the constructive engagement now routinely employed toward Libya, North Korea, Vietnam and China.

Nor would Castro's death instantly transform Washington's embargo strategy into a success story. In fact, it might only underline that the U.S. fomented the deterioration of Cuban society while it bided its time for the right moment to initiate yet another intrusion into the internal affairs of a hemispheric nation. Clearly, neither Castro nor any other likely successor has indicated any intention to fall on their sword to guarantee another Bush term. Meanwhile Washington's thinking by now is so petrified that it is incapable of moving past its Cold War strategy of continually escalating threats and bringing distress upon an innocent population, to encourage what it disingenuously calls ''democratic change.''

CONCERNING THE IMPORTANCE OF THE DISTRIBUTION OF FOOD IN SCHOOLS TO HUNGRY OR MALNOURISHED CHILDREN AROUND THE WORLD

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be here today to discuss an issue that is one of my top legislative priorities, the importance of food distribution in schools to hungry or malnourished children around the world. This bill passed the Senate June 3, 2004, and I hope that we in the House of Representatives can expedite its passage today as well.

As chair of the Congressional Children's Caucus, it continues to trouble me that there are more than 300,000,000 chronically hungry and malnourished children in the world. More than half of these children go to school on an empty stomach, and almost as many do not attend school at all, but might if food were available.

Distributing food in schools is one of the simplest and most effective strategies to fight hunger and malnourishment among children. When school meals are offered to hungry or malnourished children, attendance rates increase significantly, particularly for girls.

Improving the quality and access to education for girls is one of the most important factors in reducing child malnutrition in developing countries. Girls who attend schools tend to marry later in life and have fewer children, thereby helping them escape a life of poverty.

At a time when we are trying to encourage many countries to adopt educational infrastructure to lay the groundwork for teaching democratic ideals, we must be more attuned to the barriers preventing children from attending school. Distributing food in schools has been correlated to better school attendance.

We must continue to work to improve the literacy rates and increase job opportunities. Education addresses several of the root causes of terrorism, and we can do something to impact it right now. The distribution of food in schools increases attendance of children who might otherwise be susceptible to recruitment by groups that offer them food in return for their attendance at extremist schools or participation in terrorist training camps.

It is my hope that our President will work with the United Nations and its member states to expand international contributions for the distribution of food in schools around the world.

HONORING CITY OF NOVI POLICE DEPARTMENT ON 50TH ANNIVERSARY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. McCOTTER. Mr. Speaker, I rise today to acknowledge and honor the City of Novi Police Department as we celebrate the department's 50th Anniversary.

The men and women who protect the Novi community have a long and distinguished record.

In 1954, the Oakland County Sheriff's Department had been patrolling the small farming community of Novi, and protecting its approximately 5,000 residents. As the community grew, the Board of Trustees worked to establish their own force.

The Department's first chief, Lee BeGole, a member of the Wayne County Sheriff's Department and World War II U.S. Army veteran, organized the fledgling organization. BeGole served alone initially, adding three or four officers later on. He was a dedicated law enforcement officer who served the City of Novi for 32 years.

During its early years, the Novi Police Department served the community by making the most of its meager means. With a pair of police cars and no police radios, the operation of the Department was very basic. Police equipment was very basic, too. The officers furnished their own firearms and paid for their uniforms. The patrol cars did not have overhead emergency lights, but rather were equipped with red or blue spotlights and a ''coaster siren'' under the hood.

The size and scope of the department has increased greatly over the past half century. In 1991 Chief BeGole retired and Douglas F. Shaeffer became the second Chief of Police in Novi's history. The Department moved into the 21st Century—the 1968 Rambler with the single red/blue roof light and coaster siren has been replaced by a large fleet of the latest police package Ford Crown Victorias, equipped with multifunction electronic emergency lights and siren. The old faithful police revolvers have been replaced by the newest in semi-automatic Glock pistols. Laptop computers are installed in each patrol unit, and a new in-house data system at the station has taken over most of the hand-written reports and forms used daily.

Today, the City of Novi Police Department is truly a world-class law enforcement organization led by outstanding men and women who are committed to providing the community with the highest caliber service and protection.

Mr. Speaker, today I ask you and my esteemed colleagues to please join me in congratulating Chief Doug Shaeffer, the men and women of the Novi Police Department, and the elected officials and citizens of Novi for their support of 50 years of excellence in law enforcement.

IN HONOR OF GINA BULLOCK'S SELECTION AS A 2005 PRESIDING OFFICER FOR THE YMCA YOUTH CONFERENCE ON NATIONAL AFFAIRS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. SESSIONS. Mr. Speaker, earlier this month the 2004 YMCA Youth Conference on National Affairs was held in Black Mountain, North Carolina. This annual conference brings together the best and brightest of the Youth and Government programs from across the country. Over 500 high school student leaders meet and discuss issues of national importance, and at the conclusion of the conference six graduating seniors are selected to serve as presiding officers for the next conference. This is considered one of the highest honors that one can receive in the YMCA Youth and Government program.

I join my colleagues in honoring Gina Bullock for being selected as one of the six presiding officers to serve for the 2005 YMCA Youth Conference on National Affairs. Gina becomes the first Texan to serve as a presiding officer at this conference since 1997, and she will be a great representative for the Lone Star State.

I wish her continued success and thank her for outstanding leadership for Texas.

A BIRTHDAY GREETING FOR A HERO

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. DELAY. Mr. Speaker, yesterday in Pinar del Rio, Cuba, somewhere in the dungeon bowels of Prison Kilo Ocho, Dr. Oscar Elias Biscet—prisoner of conscience—turned 43 years old.

Dr. Biscet is a hero of the kind that men and nations yearn for their entire lives.

He is a human rights activist, a man of peace and justice, and therefore a sworn enemy of Fidel Castro and his terrorist regime in Havana.

A student of Mahatma Ghandi and Martin Luther King, Dr. Biscet has led nonviolent opposition to Castro and his murderous, kleptomaniac government for years, whether on the streets of Havana or in the foul cages that pass for prison cells in Castro's Cuba.

Despite years-long separation from his wife and family, untreated illnesses, and ongoing abuse by prison guards, Dr. Biscet remains in high spirits today.

He is an inspiration to all who suffer for the cause of freedom, a threat to all who seek to undermine that cause, and a stinging indictment against free men the world over who would ignore the cries of injustice ringing out from an imprisoned island.

But this House and this Nation will not ignore, or forget, or bend in our determination to see human rights and human freedom restored to Cuba.

Mr. Speaker, these brief remarks may be little noted by journalists today and historians tomorrow, but they merit the saying just the same.

That somewhere in Cuba today, an honest man suffers so his countrymen—so that all men—might be free is a heroic thing, one the world owes it to him, itself, and our Creator to notice.

I recognize Oscar Biscet today not because he needs us, but because we need him.

And I honor Oscar Biscet today, as we all should, Mr. Speaker, because by the life of service he has chosen, he honors all of mankind.

I wish him and his family health and strength for his 43rd birthday and send my hopes that this will be his last separated from his loved ones and suffering under the bootheel of evil.

BOB MICHEL DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. EMANUEL. Madam Speaker, as a proud member of the Illinois delegation in which Bob Michel served with honor and distinction for nearly 4 decades, I rise as an original cosponsor and in strong support of naming the "Bob Michel Department of Veterans Affairs Outpatient Clinic."

I didn't have the privilege of serving with Bob Michel in this chamber, but when I worked at the other end of Pennsylvania Avenue, I found that the Republican Minority Leader worked tirelessly across party lines to serve the best interests of his district, our State, and our Nation.

The distinguished gentleman from Peoria exemplifies the best values of Middle America. Indeed, the values that define Bob Michel as a man and a leader—values like hard work, honesty, integrity and loyalty—are the values that make the State of Illinois a great place in which to live and represent in this chamber. I am proud to share that common bond with him.

Naming the veterans clinic in Peoria is a fitting tribute to an Army hero and veteran of the Battle of the Bulge during World War II—who 10 years after his retirement from Congress remains one of my State's most respected and revered leaders.

Madam Speaker, I am honored to support this measure in recognition of Bob Michel's strength and leadership throughout 38 years of distinguished public service.

ASSOCIATION OF AMERICAN BOYERS, INC. 100TH ANNIVERSARY CELEBRATION

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. HOLDEN. Mr. Speaker, I rise today to honor the Association of American Boyers on the occasion of its 100th year anniversary.

In 1905, the Association of American Boyers held its first reunion in Dryville, Pennsylvania. The original attendees of that grand day have now grown to over 4,000 members. During the first reunion a mission statement was adopted which read "The object of this Association is educational, to hold reunions, and to foster, encourage, and develop the family spirit of the Boyer people."

A two-day celebration to commemorate 100 years of existence for the "Association of American Boyers, Inc." will be held Saturday and Sunday, July 24–25, 2004, on the grounds of the Central Pennsylvania College. On these dates Boyers from around the United States and various overseas points of destination will gather to celebrate their heritage, history, and family accomplishments.

The legacy of the Boyer name can be traced to the fourth and second centuries before Christ. Carrying the name of Boiare early settlers moved into Germany, France and England. Many variations of the Boyer name such as Bayer, Baier, Beyer, Beier, Byer and Bowyer arose in the years to follow.

Segments of these first "Boyers" came to the United States in the 1600's. Transition of some family members brought a Boyer presence to Pennsylvania in the early 1700's. Approximately forty Boyers had settled in Eastern Pennsylvania by 1775 and many served as soldiers under George Washington. Boyers have since spread throughout all of Pennsylvania, maintain large populations in Ohio, Illinois, Iowa, Indiana, New York, California, and Maryland and are present in some number in all fifty states.

Mr. Speaker, I invite my colleagues to join me in acknowledging the long standing history of Boyers and their impact since coming to the United States and thank them for the many contributions they have made to the growth of our great nation.

RECOGNIZING RICHARD "RIP" HAMILTON

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. GERLACH. Mr. Speaker, I rise today to honor Richard "Rip" Hamilton for his distinguished career in professional basketball and for the contributions he made to the 2004 NBA Championship team, the Detroit Pistons.

Rip Hamilton first made his mark in basketball when he was a high school student at the Coatesville Area High School in Chester County, Pennsylvania. During his senior year, he was voted to the First Team All-State Basketball team and participated in the McDonalds All-American game before his graduation in 1996.

Upon graduation from Coatesville Area High School, Rip continued to pursue his passion for basketball at University of Connecticut. At UCONN, Rip finished 2nd in career scoring and was the only Connecticut player to score at least 700 points per season twice in his career, and 500 points in his first three seasons. Rip spent three years at UCONN perfecting his game and, in 1999 after scoring 27 points in the Huskies' 77–74 championship win over Duke, Rip was voted the most valuable player of the Final Four. That same year, Rip was also voted 1st Team All-American by the AP and he was also awarded the Big East Conference and ECAC Player of the Year.

After three years playing basketball for UCONN, Rip was the 7th overall draft pick for the NBA. Rip then began his professional basketball career with the Washington Wizards. He spent three years with the Wizards and made his NBA debut scoring ten points against the Atlanta Hawks on November 2, 1999. On April 13, 2000, he registered a career-high 26 points against the Chicago Bulls. He set or tied career highs in every major statistical category except blocks in the 2000–2001 season. Then in 2001, he was acquired by the Detroit Pistons where he became one of their star players as the shooting guard. Rip has been with the Pistons for two years now and helped lead his new team to the 2004 NBA Championship with a 100–87 win over the Los Angeles Lakers in game five of the NBA Finals.

Not only is Rip Hamilton an outstanding basketball player, he is also known for giving back to his community. Each year, Rip sponsors the "Rip City Day" in Coatesville, Pennsylvania. It is a citywide celebration with food and entertainment for everyone. Rip also annually sponsors basketball camps throughout Chester County, Pennsylvania to give high school students the same opportunities he was given during his childhood.

Mr. Speaker, I ask that my colleagues join me today in recognizing an outstanding citizen and athlete who exemplifies the dedication and hard work it takes to reach the pinnacle of his sport.

TRIBUTE TO WALTER JOHNSON ON HIS RETIREMENT AS SECRETARY-TREASURER OF THE SAN FRANCISCO LABOR COUNCIL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. LANTOS. Mr. Speaker, it is with great pleasure that I invite my colleagues to join me in paying tribute to Mr. Walter L. Johnson, a dedicated union leader and a dear friend of mine. Walter recently announced his retirement as Secretary-Treasurer of the San Francisco Labor Council and is being honored on his tremendous career and his lifelong commitment to the labor movement at a banquet on August 6th, 2004.

Born and raised in North Dakota, Walter immediately enlisted in the army to serve his country during World War II. Serving as a Combat Engineer, he saw military action in Germany and Austria. At the end of the war, Walter returned to America where he moved to San Francisco and began work as a salesman at Sears Roebuck. He joined the Department Store Employees Union Local 1100 and immediately became an active member.

Walter's passion for the union's ideals led to a meteoric rise in the union as he became a business agent for Local 1100 in 1957 and was elected as its President one year later. By 1960, Walter had been elected to the union's top position, Secretary-Treasurer, where he would remain for the next twenty-five years. Winning reelection an astonishing eleven times, Walter's continual success was the result of his continuous commitment to end discrimination in the workplace.

After twenty-five years of tireless dedication most people would be content to retire and rest on their laurels. Not my good friend Walter, who was elected to his current position as Executive Secretary-Treasurer at the San Francisco Labor Council in 1985. As with everything he does, Walter tackled this project head on and the San Francisco Labor Council, which had just been chartered only two years prior to Walter's arrival, quickly grew in statute and importance. In fact, many of the Labor Council's great successes on behalf of San Francisco's working people can be attributed to him.

Mr. Speaker, as leader of the San Francisco Labor Council, Walter represents over 140 San Francisco unions and over 80,000 members. He has guided San Francisco's labor movement to great heights, championing a living wage for San Francisco workers, better benefits for city employees and safer working conditions. Under his leadership the Council continues to strive to broaden the city's employment opportunities and to expand the diversity throughout the Bay Area's workforce. His accomplishments include fighting for better working conditions for home care workers, efforts to bring more diversity to the San Francisco City College faculty and advocacy for more affordable housing in the city.

Walter's commitment to his community can also be illustrated through his involvement in the countless boards and committees to which he is associated. To name a few, Walter has served on the United Food & Commercial Workers International Union Advisory Board, UFCW International Foreign Affairs Committee, the Board of San Francisco Bay Area Girl Scout Council, the President's Advisory Board of San Francisco State University and is a member of Our Redeemer Lutheran Church in South San Francisco.

Although Walter will be leaving the Labor Council, I know that his presence in the community and the foundation he has created in the San Francisco labor movement will continue. On top of his heavy workload, Walter is a dedicated family man and I am sure his wife, Jane and his children and grandchildren are looking forward to seeing more of Walter in his retirement.

Mr. Speaker, I urge all of my colleagues to join me in commending Walter L. Johnson for his forty years of dedication to the labor movement, his strong advocacy on behalf of the working men and women of this nation and his commitment to the betterment of his community. Walter's service and compassion toward helping his fellow working men and women is truly an example to all of us and his contribution to working America will be evident for generations to come.

PAYING TRIBUTE TO MARLENE DEMAIO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Dr. Marlene DeMaio of Edgewater, Maryland and congratulate her on receiving the Frank Brown Berry Prize in Federal Health Care for her exceptional contributions to medicine. Dr. DeMaio, who is the first female to be recognized with this high honor, has shown an outstanding commitment to our nation's armed forces while serving in the United States Navy as a surgeon and medical researcher in body armor technology. It is with great satisfaction that I recognize Dr. DeMaio for her well-deserved award and acknowledge her many accomplishments before this body of Congress and this nation today. Her service to the Navy and to the nation has been exemplary.

While researching at the Armed Forces Institute of Pathology, Dr. DeMaio worked tirelessly to improve body armor for our soldiers. She realized there was an important need for improving body armor when she learned from some of her Navy SEALS patients that they would remove their body armor because they found it burdensome and noisy. Her breakthroughs in body armor technology came through using more realistic models that more accurately measured the impact of various weaponry on body armor. This method of testing is responsible for the improvements in the Interceptor Body Armor in use today, which has saved countless lives and resulted in fewer chest and abdominal injuries to our nation's troops serving in Afghanistan and Iraq.

A captain in the United States Navy, Dr. DeMaio is currently serving at the U.S. Naval Academy Clinic in Annapolis, Maryland. She has received an appointment to the Bethesda National Naval Medical Center and serves as Chair of Orthopedic Surgery, Sports Medicine and Podiatry at the United States Naval Academy. In the past, she has worked as an assistant professor of surgery in the Uniformed Services University of the Health Sciences. In addition, she has served on various medical boards and has authored significant academic papers.

Mr. Speaker, Dr. Marlene DeMaio has shown a tremendous dedication to our military and diligence in the field of research medicine. Her contributions have done much for the safety and well-being of our troops, and are worthy of recognition before this body of Congress and this nation today. It is my privilege to extend to Dr. DeMaio my sincere congratulations on receiving the 2004 Frank Brown Berry Prize in Federal Healthcare, and to wish her all the best in her future endeavors.

RANCHO VALMORA: 100 YEARS OF SERVICE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize the upcoming 100th anniversary of Rancho Valmora, nestled on the eastern side of the Sangre de Cristo Mountains at the juncture of the Mora River and Wolf Creek.

Rancho Valmora was originally established as a revolutionary health center for tuberculosis patients and bears a National Historic Marker for this heritage. Valmora Ranch Company was founded in 1904 by healer and visionary, Dr. William T. Brown. This tuberculosis sanatorium became nationally renowned and a bright star in the medical world as thousands of patients sought out "the cure" at Valmora. It was believed the aged canyon walls, the warm sun, the ongoing medical research and the northern New Mexico ambience provided the ingredients to heal.

Dr. Carl H. Gellenthien came as a ''lunger'' in 1927, and he headed the next generation of healers and researchers at Valmora Industrial Sanatorium. Brown and Gellenthien were dreamers, ahead of their time during an exciting era of modern medicine. The program was closed in the 1960s.

The old and crumbling site was rediscovered in 1992 by a group of New Mexicans and Texans—board members of The High Frontier of Fort Davis, Texas. Their vision was to use this site as a residential treatment center for troubled boys and girls.

Today Rancho Valmora serves as a nonprofit residential school aiming to assist adolescents that are in need of treatment. Over the years I have met counselors who have worked at Rancho Valmora, who have shared heartfelt stories of these young people. These youth are looking for a positive role model, a place to fit in and a peer group that accepts who they are. They are trying to make sense of their particular situations, themselves, their relationships and their lives. No young person wakes up one day and says, ''I want to be rejected, devalued, or alone.'' Yet this is the message that many of them received early in their lives. Many of the youth have had bad experiences that no one would wish upon a person they care about: abandonment, violence, physical and sexual abuse, drugs and alcohol to name a few. They have not known who to turn to, who to follow and who to look up to.

At Rancho Valmora, the youth learn that they are of value, that others care for and about them, and they learn that they can care for and about others. They find they have something to offer, they fit in for helping, not hurting others. A positive interaction with others becomes fashionable and with that comes a sense of well-being and a sense of self worth through Positive Peer Culture.

Within this structured learning environment, Rancho Valmora provides a complete educational program and recreational activities which will develop the mind, physical fitness and confidence of each student. For recreation the youth engage in social and physical activities through basketball, mush ball, volleyball, dances and through working and attending an old fashioned soda fountain named the Little Dipper. They also engage in horsemanship, horticulture and art to enhance their knowledge base and accumulate experiences outside the classroom setting.

The central position is that young people can develop self-worth, significance, dignity, and responsibility only as they become committed to the positive values of helping and caring for others. As an ancient Hindu proverb advises, ''Help thy brother's boat across, and lo, thine own has reached the shore.''

Rancho Valmora will mark their centennial of service on August 7, 2004. A day of fun, food, and entertainment will commence with the dedication of a new 39,000 square foot school gymnasium as the students, staff and friends usher in the next 100 years. It is sure to be a wonderful time.

Mr. Speaker, for the past century Rancho Valmora has served thousands of people. From the tuberculosis patients in the early 20th century to the troubled youth of the 21st century, Rancho Valmora has mended hundreds of sick bodies and souls. This special place of learning and healing has managed to take what is old and make it new again. Rancho Valmora has been, is now and will hopefully remain a place of hope and miracles. I ask that my colleagues join with me in congratulating Rancho Valmora.

EXTENDING AUTHORIZATION FOR CERTAIN NATIONAL HERITAGE AREAS

SPEECH OF

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. HOBSON. Mr. Speaker, I rise today in strong support of H.R. 4492, which contains the authorization of the National Aviation Heritage Area Act. I would first like to thank Chairman POMBO, the Members of the Resources Committee and their staff, for their leadership and cooperation in advancing this idea.

I introduced legislation to create the National Aviation Heritage Area, which has been supported by Representative's RALPH REGULA, MIKE TURNER, JOHN BOEHNER, and all of the Ohio Delegation, to enhance significant historical resources of interest to all Americans and to further national awareness of Ohio's key role in the history of aviation. I can think of no better way to preserve and carry on the years of hard work and preparation leading up to last year's 100th anniversary of the first powered flight, than to establish this heritage area.

Few technological advances have transformed the world or our Nation's economy, society, culture, and national character as the development of powered flight. Ohioans such as the Wright Brothers, John Glenn, and Neil Armstrong have been at the forefront of every major development associated with flight. But just as important are the inventors, scientists and engineers that have made it possible in less than 100 years to not only fly between continents, but also to fly to the moon and maintain a presence in space.

My provision is fully in the spirit of President Bush's recent ''Preserve America'' executive order that declared, ''It is the policy of the Federal Government to provide leadership in preserving America's heritage . . . by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties.''

The Members of Congress from Ohio have a long record of promoting the preservation of aviation sites in Central Ohio. We have previously worked together to secure funding for the U.S. Air Force Museum, the Dayton Aviation Heritage National Historical Park, and the National Aviation Hall of Fame. We also worked closely with the community to make sure that last year's Centennial of Flight celebration was a huge success.

For these reasons, it is vitally important that we move forward with this legislation, and I urge a ''yes'' vote on H.R. 4492.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2005

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 15, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes:

Mr. REYES. Mr. Chairman, I would like to thank Chairman KOLBE and Ranking Member LOWEY of the Foreign Operations Appropriations Subcommittee, as well as others on the Committee, for their support of funding for Latin America. On average, funding for programs in Latin and Central America was slashed by 11 percent from fiscal year 2004 levels in the President's fiscal year 2005 budget. As the Chair of the International Relations Task Force of the Congressional Hispanic Caucus, I was outraged to see that the President's budget cut development assistance to the region by almost 10 percent and child survival and health programs by almost 12 percent from fiscal year 2004 funding levels. While decreasing assistance funding in Latin America, the Administration has planned to increase foreign aid in other parts of the world. My colleagues on the Committee have committed to undo this injustice to Latin America and have directed funding for the region at at least fiscal year 2004 levels.

It is critical that we extend assistance to Latin America. In this region, extreme poverty, hunger, and economic disenfranchisement are resulting in instability—preventing democracy from taking root and growing. We should reach out to our neighbors and allies, working together to make the future brighter for thousands of children living in poverty and hunger throughout Latin America.

For this reason, I am pleased that the Committee has included language that is strongly supportive of the Cooperative Association of States for Scholarships (CASS) Program funded by the U.S. Agency for International Development under this legislation. As the Committee report indicates, this program has been highly effective in fostering economic growth and development in a number of countries in Central America and the Caribbean. I am also pleased to say that CASS students who have studied over the years at El Paso Community College have added greatly to the vitality of that campus. Furthermore, those students have, as part of their program, extended themselves through valuable community service in the El Paso area.

I took special note of the reference to the long history CASS has had in Haiti. Indeed, I have had the chance to learn about CASS participants from Haiti and how they have returned to their home country to make real contributions to strengthening the economy of that nation which desperately needs their help and that of the international community. They have gone into fields such as computer technology, management of micro-enterprise development, drug abuse prevention and development of

sustainable agriculture. Their life stories since participating in CASS make clear that this program is effectively achieving its mission.

In light of the fact that the bill also provides an additional $50 million for Haiti through the Economic Support Fund, I hope that the Committee will join me in encouraging USAID to commit a portion of those additional funds specifically to expanding the CASS program in Haiti. The success of the program there and its strength in training individuals in fields which can truly make a difference in Haiti's future: infrastructure repair, environmental management, sustainable agriculture, among others, offer an opportunity to see that these additional funds are put to work quickly through a program that will, no doubt, bring quick returns in terms of enhanced economic and social well being for the people of Haiti.

Again, I appreciate the Committee's attention to this particular program, and I hope that through CASS and other programs, we will seize the opportunity to assist our neighbors through the promotion of economic and social development in Latin America. I appreciate the Committee leadership's commitment to work on further increasing funding for the Latin America region during conference and I lend my support to that effort.

PAYING TRIBUTE TO MONTEREY ROWE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Monterey Rowe and thank her for her work as the Acting Director of the U.S. Citizenship and Immigration Services (USCIS) office of Congressional Relations. Her years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. I, along with my fellow Americans, am grateful for all that she has accomplished during her years of service.

Monterey began her service in the Immigration and Naturalization Service as a Data Transcriber in the Record Services Division in 1980. Her efficient and productive work led to three promotions as Staff Assistant to the Assistant Commissioner, Secretary to the Director of the Information Services Division, and Immigration Information Officer. At the Director's request she was assigned to the Legalization Project that helped implement the Immigration Reform and Control Act of 1986. Monterey's diligence earned her an additional detail on the Examination Branch that handles special requests from the public, the White House, Congressional, and State and Local government agencies regarding immigration benefits. As result of that experience, Monterey went on to become the Senior Immigration Officer for the Congressional Relations office and was assigned to the USCIS department in 2004.

Mr. Speaker, it is clear that Monterey Rowe has been an invaluable resource to the U.S. Citizenship and Immigration Services Congressional Relations Department and it is my honor to recognize her service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like Monterey. On behalf of the citizens that have benefited from the hard work and commitment she has given to the U.S. Citizenship and Immigration Services and the constituents it serves, I extend my appreciation for her years of enthusiastic service.

HONORING JOSE M. HERNANDEZ

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor NASA engineer Jose M. Hernandez. Mr. Hernandez is an exceptional individual who worked hard all of his life in accomplishing his ultimate goal of becoming an Astronaut. On May 6, 2004 NASA announced the "Next Generation of Explorers," and all of us in the 18th Congressional district of California were very proud to hear Jose Hernandez as one of the 11 named in the new class of astronauts.

Mr. Hernandez was born in French Camp, CA and as the son of farm workers, he grew up in the fields of the Central Valley. Mr. Hernandez dreamed of becoming an astronaut, and knew that in pursuing his dream he would face many challenges. However he also knew that life as a farm worker was not for him. He worked hard and obtained his education from the University of the Pacific and then a Masters from UC Santa Barbara.

Mr. Hernandez worked as an engineer for Lawrence Livermore Lab and then moved on to become an engineer for NASA. He applied to become an Astronaut three times never giving up hope that one day his goal would be fulfilled. On May 6 his dream came true.

Mr. Speaker, I ask that my colleagues join me in honoring Jose Hernandez for his accomplishments. I am delighted to recognize all of his achievements, and thank him for being a role model in his service to our community, and our country.

PERSONAL EXPLANATION

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. COLLINS. Mr. Speaker, I was not present for debate on the Stock Options Accounting Reform Act (H.R. 3574) rollcall vote 394, an amendment by SHERMAN; rollcall vote 395, an amendment by MALONEY; rollcall vote 396, an amendment by KANJORSKI; rollcall vote 397, final passage of H.R. 3574.

I was not present for debate on Appropriations for the District of Columbia for Fiscal Year 2005 (H.R. 4850), rollcall vote 398, an amendment by HEFLEY; and rollcall vote 399, final passage of H.R. 4850.

Had I been present, I would have voted "yea" for rollcall votes 397, 398, and 399.

I would have voted "nay" for rollcall votes 394, 395, and 396.

PAYING TRIBUTE TO TAGE PEDERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to a dedicated sports-medicine pioneer and U.S. Ski-team trainer from Aspen, Colorado. Tage Pederson has helped to train athletes and promote the sport of skiing in Colorado for years, and I am privileged to stand here today before this body of Congress and this nation to recognize his accomplishments.

Tage initially immigrated to Aspen from Denmark in 1956 where he became the assistant director, and then director of the Aspen Institute Health and Fitness Center until 1983. While at the Institute, Tage's Danish schooling in physical education to develop ski training and physical therapy regimens caught the attention of several Olympic racers. He believed that motion was a requirement for a speedy recovery from injury and is actually responsible for many of the early rehabilitation programs that existed before orthopedics and medicine.

In 1968 Tage was invited to become the official U.S. Ski Team trainer and worked with the U.S. Alpine team until 1980 and the Nordic Team until 1985. He accompanied the teams to four Olympic games and four World Championships as an unpaid volunteer. One of the biggest moments of his career as a sports-trainer was aiding Billy Kidd to overcome back problems in the 1970 Amateur World Championships to win the gold medal in the combined event that contained the longest slalom in the history of the sport. Tage was recently inducted into the Colorado Ski and Snowboard Hall of Fame for his service to the sport of skiing for over four decades.

Mr. Speaker Tage Pederson has committed decades of his life to rehabilitating hundreds of Roaring Fork Valley skiers and getting them back on the slopes. He is a caring and humble individual who I am honored to recognize before this body of Congress and this nation. Congratulations on your induction Tage, and I wish you all the best in your future endeavors.

125TH ANNIVERSARY OF THE LAS VEGAS DAILY OPTIC

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to congratulate the Las Vegas Daily Optic, a newspaper in San Miguel County, New Mexico, on its 125th anniversary. On August 21, 2004, citizens throughout the area will celebrate this remarkable achievement.

The Optic, owned by Russell A. Kistler, was founded shortly after the railroad arrived in Las Vegas in July of 1879. Mr. Kistler, who had been publishing a newspaper in Otero, New Mexico, felt that Las Vegas would be a more lucrative location. So he packed his bags, moved there and set up the Optic's first office and a printing press at the building on the corner of Grand and Douglas.

At the time, Las Vegas—or rather what is now known as Las Vegas—was thriving. Indeed, in 1890 the population of Las Vegas far exceeded that of Albuquerque; Las Vegas had 5,273 people compared to Albuquerque's 3,785. It wasn't until 1910 that Albuquerque's population surpassed that of Las Vegas.

The Optic began as a weekly—its first issue published July 31, 1879. But just four months later—on Nov. 4—it began publishing daily.

From the beginning, the Optic earned a reputation for getting out local news and for providing vivid accounts of noteworthy events. Mr. Kistler and his assistant wrote firsthand articles and editorials about political rallies, school programs, church services, sports, theatre performances and many other social events. Another popular staple in the Optic's news coverage was crime—from shootings and hangings to robberies.

The stories featured in the pages of the Optic over the past 125 years capture the colorful history of Las Vegas, a history that is the stuff of legends.

There were stories of gunfights, public hangings and notorious outlaws from the "Wild West" days. Also detailed in those early issues of the Optic were the births of some of the area's most beloved and critical institutions, among them what is now known as New Mexico Highlands University, Montezuma Castle and the Las Vegas Medical Center.

And then there are the chronicles of the struggles, among them the 91-year struggle to consolidate old town and new town into municipality and the political struggle for dominance between the local Republican and Democratic Parties.

The Optic also published the comings and goings of legends such as Wyatt Earp, Doc Holliday and Jesse James. In December of 1879, it noted that Jesse James had been a guest at the hot springs the previous summer.

The Optic has changed significantly over the 125 years it has been published. Ownership of the paper has changed hands nine times since its founding, but it has remained in the Beck family for 35 years.

When brothers Robert and Stuart Beck purchased the Optic in 1967, it had a circulation of 1,200. Today, its circulation is 6,000.

The Optic reached another milestone in April of 1998, when after the death of beloved Optic Publisher Stuart Beck, his widow was appointed publisher. Until Delia Romero Beck became publisher, no woman had served in that capacity.

Each publisher, editor and writer at the paper has left his or her mark on the Optic. Through the years, its pages have narrowed, the manner in which it is printed has eased, and the typewriters that once dominated its newsroom have disappeared in favor of computers. The Optic has undergone countless format changes, and the editorial style found in the paper's early editions bears little resemblance to today's.

But one thing has remained constant: The Optic's commitment to its readers and to the people and institutions it covers and its commitment to being fair and accurate in its reporting.

In the years since the Optic began publication, other newspapers have come and gone. But for more than a century, the Optic has survived and triumphed, each day capturing in its pages the stories of Las Vegas and its people.

Mr. Speaker, I urge my colleagues to rise and recognize the Las Vegas Daily Optic and the citizens of San Miguel County on this truly momentous occasion. Their commitment to community spirit represents the finest qualities of New Mexico.

HONORING TOM McKIBBAN, CRNA, MS, PRESIDENT OF THE AMERICAN ASSOCIATION OF NURSE ANESTHETISTS

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. TIAHRT. Mr. Speaker, today I pay tribute to an outstanding Kansan, Tom McKibban, CRNA, MS. Mr. McKibban will soon complete his year as national president of the American Association of Nurse Anesthetists (AANA). I am very pleased that this son of Kansas was tapped as the 2003–2004 president of this prestigious national organization.

Founded in 1931, the AANA represents more than 30,000 practicing Certified Registered Nurse Anesthetists (CRNAs). As you may know, CRNAs administer approximately 65 percent of all anesthetics given to patients each year in the United States. They work in every setting in which anesthesia is delivered including hospital surgical suites and obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and the plastic surgeons.

More importantly, CRNAs are the sole anesthesia providers in approximately two thirds of all rural hospitals, affording these medical facilities obstetrical, surgical and trauma stabilization services. In some states, such as Kansas, CRNAs are the sole providers in nearly 100% of the rural hospitals.

Tom earned his master's of science degree in nurse anesthesia from the University of Kansas in Lawrence, Kansas, and his bachelor's degree in healthcare administration from Ottawa University, Ottawa, Kansas. He is currently a practicing nurse anesthetist and partner of the Butler County Anesthesia Services, LLC, which provides anesthesia services for Susan B. Allen Memorial Hospital in El Dorado, Kansas.

Tom has held various leadership positions in the AANA as president-elect, treasurer, and regional director before becoming the national president of the AANA in 2003. In addition, Tom has served terms as president, president-elect, treasurer, and secretary for the Kansas Association of Nurse Anesthetists.

During his AANA Presidency, Mr. McKibban has testified before committees of Congress on healthcare topics including nurse anesthesia education and the importance of nurse anesthetists to the U.S. Armed Forces and the Department of Veterans Affairs.

Under McKibban's leadership, the AANA opened an important, new line of communication with the American Society of Anesthesiologists (ASA). These organizations of anesthesia professionals have not always seen eye-to-eye. The recent joint efforts of the two professional organizations would not have been possible without the initiative of Tom McKibban and his ASA counterpart.

Even with his demanding schedule as a practicing nurse anesthetist, Tom has found time over the years to volunteer in his community. He has served as president and vice president of the Board of Education for Unified School District 490, and has been an active member of the board of education since 1999. He has also served as a member of the Endowment Board of Butler County Community College and board member for the American Red Cross Bluestem Chapter too.

Mr. Speaker, I ask my colleagues to join me today in recognizing Mr. Tom McKibban, CRNA, MS, for his notable career and outstanding achievements.

INTRODUCTION OF CONTROLLED SUBSTANCES EXPORT REFORM ACT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. PITTS. Mr. Speaker, today I am introducing The Controlled Substances Export Reform Act, legislation to create and maintain U.S. jobs by reforming our Nation's outdated pharmaceutical export control laws.

Current law allows U.S. companies to export most controlled substances only to the immediate country where the products will be consumed. Shipment to central sites for further distribution across national boundaries is prohibited.

Mr. Speaker, foreign competitors labor under no such restrictions and can readily move approved medical products between international drug control treaty countries without limit or restriction. The exclusive prohibitions imposed by U.S. law on American manufacturers place them at significant disadvantage in international markets, creating powerful incentives for domestic companies to move production overseas, damaging local economies and costing U.S. jobs.

The legislation I have introduced today, along with a bipartisan group of my colleagues, authorizes the Attorney General to permit carefully regulated pharmaceutical exports to our international drug convention partner countries.

The bill retains full Drug Enforcement Administration (DEA) authority over all shipments of controlled substances and establishes strict procedures to ensure these products are used solely for legitimate medical purposes. While the DEA's authority over exports is undiminished, by creating new parity for U.S. companies with their international competitors, the legislation encourages domestic production and job growth.

The Controlled Substances Export Reform Act supports American jobs and protects U.S. interests. I look forward to working with my colleagues to enact this important legislation.

MAINTAINING THE PROPER PERSPECTIVE ON CYPRUS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. BURTON of Indiana. Mr. Speaker, today on the tiny Mediterranean island of Cyprus,

Turkish and Greek Cypriots mark the anniversary of momentous events that have shaped the last 30 years of the island's history. The events of July 1974 have been the subject of much debate, controversy, and unfortunately, distortion. The United States has worked long and hard to help bring peace to Cyprus, and as both sides of this divided island struggle to achieve a stable and prosperous future for all Cypriots, it is important for this House to put history in its proper perspective, to separate fact from propaganda, and to create a fair and balanced understanding of the issues that divide the island's two constituent peoples (the Turkish Cypriots and the Greek Cypriots.

It is easy to assume that the history of the Cyprus conflict starts in 1974, but this is far from the truth. The origins of the Cyprus conflict can be traced back to the Greek Cypriot drive for Union with Greece (enosis), a movement with roots that can be traced as far back as the later days of the Ottoman Empire. The modern history of the conflict, however, stems from the 1950s and 1960s.

From 1878 to 1960, Cyprus was ruled by the British. When the island achieved independence from the United Kingdom in 1960, it was with constitutional guarantees for power sharing on the basis of political equality. The constitution foresaw (and still foresees) a bicommunal structure, and the peaceful co-existence of Greek and Turkish communities side by side. The president was to be Greek, and the vice-president to be from the Turkish community, each with the power of veto.

Unfortunately, differences in language, culture, religion, and national traditions, ended this vision by late 1963 when a political crisis and inter-communal violence broke out. In November 1963, Makarios, the first president of Cyprus—a Greek Cypriot—submitted a plan aimed at amending the constitution. However, the changes proposed removed most of the checks and balances which had been built into the constitution to ensure the safety and equal status of the Turkish community.

Matters came to a head on in December of that year, when armed Greeks attacked a suburb in Nicosia, killing or capturing those Turkish Cypriots who were unable to escape. Armed conflict spread, with the Turkish Cypriots withdrawing into enclaves to defend themselves. A buffer zone was set up and manned by British troops in a largely unsuccessful attempt to stop the fighting. These were later replaced by United Nations troops in March 1964, troops which are still there to this day. For the next ten years, the enosis campaign of the Greek Cypriots cost the Turkish Cypriots many lives and untold suffering, as well as their partnership position in the Cyprus government.

Former United States Undersecretary of State, George Ball, who, among others, as actively dealing with the crisis at the time, remarked in his memoirs entitled The Past Has Another Pattern, that Makarios has turned: "This beautiful little island into his private abattoir" (P. 341). Ball went on further to say that: "Makarios" central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring the Turkish Cypriots" (p. 345).

For example, in March 1964, well armed Greek forces attempted to crush the Turks at Erenkoy on the north coast, in order to interrupt the alleged flow of munitions from the Turkish mainland: they would undoubtedly have succeeded had not the Turkish air force intervened. This act added a new dimension to the conflict. Fear of Turkish intervention sobered the Greek Cypriots somewhat, and they settled down to a systematic economic blockade of the Turkish enclaves. Further armed conflict in 1967 provoked Turkey to threaten military intervention, but with the takeover of Greece by a Military Junta, and an economic boom occurring on Cyprus, enosis seemed less attractive and the violence subsided

However, intervention finally came in 1974. During the presidential elections of 1974,

Makarios clearly announced the cause of enosis, and was re-elected. He subsequently ordered the withdrawal of mainland Greek officers from the Island, whereupon the National Guard, which was under the command of those same mainland Greek officers loyal to the Junta, stormed the presidential palace in Nicosia, although President Makarios escaped. In the face of this bloody coup, which brought the island to the brink of political extinction and a humanitarian tragedy, Turkey, which was treaty-bound to act as a Guarantor State, was forced to undertake action. As a result of this legitimate and timely action, Turkish Cypriots were saved from imminent destruction, bloodshed among the Greek Cypriots was ended and the independence of Cyprus was protected.

U.N.-led direct talks between the two sides to reach a comprehensive settlement to the division of the island began in early 2002, and reached a culmination when simultaneous referenda were held on each side on April 24, 2004.

Mr. Speaker, it is remarkable that, after all they have gone through, the Turkish Cypriots have continued to demonstrate a genuine desire to settle their differences with their Greek neighbors in a peaceful and amicable way through negotiations. In the referendum of April 24th, the Turkish Cypriots voted 65 percent to approve the U.N. plan for reunification of the island. In contrast, the Greek Cypriots gave the plan a resounding no by a 3 to 1 margin, effectively leaving all settlement efforts in limbo. Yet, in an ironic twist of events, it was the Greek Cypriots who were allowed to enter the European Union in May while the Turkish Cypriots, like their counterparts in Turkey, continue to be left out in the cold.

Under the circumstances, I agree with U.N. Secretary-General Annan when he cited in his latest report on the situation in Cyprus, that there is no justification for keeping the Turkish Cypriots in isolation from the rest of the international community. The restrictions that have been imposed on their economic, political and cultural activity internationally should be lifted. Turkish Cypriots must be allowed to enjoy the benefits—benefits they were guaranteed under the 1960 independence agreement, which any peaceful, democratic society deserves.

Fair and equal treatment of the Turkish Cypriots can only benefit the island as a whole and further facilitate the achievement of a negotiated settlement.

PAYING TRIBUTE TO KARL KRAMER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to an expert firefighter investigator from Monte Vista, Colorado. Karl Kramer risks his life on the job every day to help people in need in his community and I would like to join my colleagues here today in recognizing his tremendous sacrifices before this body of Congress and this nation.

Karl has served the Monte Vista Volunteer Fire Department for more than two decades and currently serves as the president of the Colorado State Firefighters Association. Recently Karl turned his fire investigating role into a full-time career, when he opened his own Fire investigation business called Southern Peaks Investigation. Many different organizations depend upon his sound judgment and risk to his health in determining the cause of a fire. Karl maintains that he began working as a fire investigator because he really wanted to do something for his community.

Mr. Speaker, it is a privilege to honor Karl Karmer for his many years of dedicated service to the Monte Vista community. Karl's risk to his own safety and health have taken him away from his friends and family on many occasions, and I am grateful for the selflessness he has demonstrated to aid others. I am proud to recognize his efforts before this body of Congress and this nation, and I wish him all the best in his future endeavors.

HONORING TECRO REPRESENTATIVE C.J. CHEN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. ACKERMAN. Mr. Speaker, during the past 4 years, relations between the United States and the 23 million people on the Island of Taiwan have remained strong. One of the reasons our ties with the Republic of China on Taiwan have endured has been due to the excellent diplomatic skills of C.J. Chen, Taiwan's Representative at the Taipei Economic and Cultural Representative Office ("TECRO") in the United States. TECRO is Taiwan's unofficial embassy here and Representative Chen—or C.J. as he is known to his many friends on Capitol Hill—is Taiwan's unofficial ambassador.

C.J. has been a member of Taiwan's foreign service for the past 37 years. More than two-thirds of his long career has been spent focused on Taiwan's relationship with the United States, Taiwan's most important trading partner and strategic ally C.J. started working in Washington in 1971 in a junior position at the Republic of China's Embassy. He was present at the time of derecognition and was a participant in the dialogue which led to the enactment of the Taiwan Relations Act in 1979. During the next 25 years, C.J. was appointed to a series of increasingly important positions in the Taiwant government involving relations between Washington and Taipei, culminating in his appointment first as Deputy Foreign Minister and then Foreign Minister.

During these years, C.J. developed strong friendships with Members of Congress on both sides of the aisle in both Houses of Congress. His credibility has been high with every Administration with which he has interacted. Therefore, Taiwanese President Chen chose C.J. to serve as TECRO Representative at the beginning of his Presidency, knowing that C.J. would provide him and his government the best counsel, the most accurate advice and the best information on critical aspects of the relationship between Washington and Taipei.

Mr. Speaker, I have had the privilege to travel to Taiwan on many occasions, including a most recent visit earlier this year. My knowledge of Taiwan has been greatly enhanced by the friendship I have developed with C.J. over the past 22 years. I will miss having him in Washington as TECRO Representative. But I am heartened to know he and his lovely wife Yolanda will be returning to Taipei where he will continue to make important contributions on matters between the United States and the people of Taiwan. As C.J. concludes his Tour as Taiwan's unofficial ambassador, I am certain all of my colleagues wish him well and congratulate him on a job well done. I look forward to seeing him again in Taipei or whenever he returns to Washington in the future.

WCCO RADIO HAS BEEN A ''GOOD NEIGHBOR'' TO MINNESOTANS FOR 80 YEARS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to a legendary Minnesota institution, WCCO Radio, which is celebrating its 80th Anniversary.

WCCO officially went on the air on October 2, 1924, broadcasting from a tower in Coon Rapids, Minnesota, now in the Third Congressional District. WCCO was the largest radio station west of the Mississippi. Named for the Washburn Crosby Company, WCCO was the second radio station (and first for-profit commercial broadcaster) in the Nation.

Mr. Speaker, WCCO has been a ''Good Neighbor'' to all Minnesotans and the entire Upper Midwest, and this historic milestone is truly deserving of special recognition.

For eight decades, Minnesotans have tuned to 830 on the dial to keep up on the news, sports, school closings, blizzards, heat waves, tornadoes, floods, election results, community celebrations, farm prices, health tips, market updates and world events.

WCCO gives us what we need, when we need it.

WCCO has always nurtured our better instincts, raising money and volunteers to help countless charities, veterans groups, churches, synagogues, civic efforts, storm cleanups and people in need. WCCO has always embodied public service of the highest order!

Mr. Speaker, WCCO has been Minnesota's bulletin board for generations. Our grandparents and parents and children have counted on WCCO to deliver us what we need to know. And the family of WCCO employees who have provided this tremendous public service need to know how much we appreciate their hard work through the years.

The voices heard on WCCO Radio over the years are legendary to all Minnesotans, good neighbors to us all. They have been like members of the family: Cedric Adams, Halsey Hall, Bob De Haven, Joyce Lamont, Howard Viken, Dick Chapman, Jim Bormann, Ron Handberg, Clayton Kaufman, Ray Christensen, Steve Cannon, Charley Boone, Roger Erickson, Jergen Nash, Sid Hartman, Randy Merriman, Paul Giel, Maynard Speece, Chuck Lilligren, Roger Strom, Dave Lee, Eric Eskola, Mike Lynch, Sue Zelickson, Ruth Koscielak, Bruce Hagevik, Rich Holter, Telly Mamayek, Jeff McKinney, Steve Enck, Adam Carter, Angela Babb, Rita Maloney, Russ Knuth, Steve Murphy, Susie Jones, Tim Russell, Denny Long, Bill Diehl, Pat Miles, Dave Mona, Dark Star, Don Shelby, John Gordon, Patty Peterson, Mike Max, Al Malmberg, Kim Jeffries, Dan Gladden, Dan Terhaar and so many others.

What friends they have been to all Minnesotans, as we have truly been blessed with their enduring talents and commitment to excellence in broadcasting.

WCCO's tradition of excellence and service to the community have been truly remarkable. From recognizing public service with its ''Good Neighbor Award'' to offering accurate, comprehensive news and information, WCCO Radio has achieved an unparalleled level of trust with its loyal listening audience. WCCO truly connects with its listeners in a special, personal way.

Mr. Speaker, the trust that exists between WCCO and its listeners is all the more outstanding because of the large geographical area WCCO serves. As one of the 12 original ''clear channel'' stations, WCCO is the only operator allowed on the 830AM setting. With its powerful transmitters, WCCO Radio can be heard not only in Minnesota, but in Wisconsin, Iowa, the Dakotas and far beyond.

Mr. Speaker, the people of WCCO Radio have been the consummate ''Good Neighbors'' for 80 years, and we salute them for their legendary public service.

Happy 80th birthday, WCCO Radio!

TRIBUTE TO COLONEL EDWARD A. OWSLEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Colonel Edward Owsley of Fort Leonard Wood, MO.

Colonel Owsley was born on March 13, 1913, in Marshall, MO. He joined the Missouri National Guard in 1931 and was called to active duty in 1940 at Camp Robinson, AR. He was commissioned as a Second Lieutenant of Infantry during World War II and served in the Far East Campaigns. He continued to serve after the war and retired in 1966 with the rank of Colonel.

Since 1966, Colonel Owsley devoted his life to public service. He served 20 years as the executive vice president of the Rolla Area Chamber of Commerce and later as the group's ambassador. He was a former state president of the Association of the United States Army, on the board of the Community Development Corp., adviser to Lambda Chi fraternity and an Honorary Knight of St. Patrick.

Mr. Speaker, I know my colleagues will join me in offering our deepest condolences to his two daughters, Linda Clift and Pat Jordan of Rolla, MO. Let us offer our gratitude for his many years of service to the United States of America.

PAYING TRIBUTE TO BETTY JARAMILLO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. McINNIS. Mr. Speaker, I am privileged today to rise and pay tribute to Betty Jaramillo of Manzanola, Colorado, for her many years of dedication to the education of our youth at Manzanola Elementary School. As she celebrates her retirement, I would like to take this opportunity to recognize her career before this body of Congress and this nation.

Betty has lived all her life in Manzanola. Her career at Manzanola Elementary School started when she attended the school there as a young child and student. Later, she returned to the school as an employee working as a migrant aide. It did not take long before she was promoted to work as the school secretary, a position in which she would spend the large majority of her tenure. For thirty-six years, she has been a staple in the school and the community by forming strong relationships with the students and other teachers. After spending well over three decades at the elementary school, she has chosen to spend more time with her family and hopes to travel with her husband.

Mr. Speaker, I am honored to recognize Betty Jaramillo before this body of Congress and this nation. She has dedicated her life toward the betterment of others and I wish her all the best in her future endeavors.

LEWIS AND CLARK NATIONAL HISTORICAL PARK DESIGNATION ACT

SPEECH OF

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. BAIRD. Mr. Speaker, I would also like to extend my gratitude to Congressman MARK

SOUDER and former Superintendent of Ft. Clatsop Memorial, Don Striker.

TRIBUTE TO MR. GARY GRASMICK FOR HIS SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. NEY. Mr. Speaker, on the occasion of his retirement on August 2, 2004, we rise to thank Mr. Gary Grasmick for outstanding service to the U.S. House of Representatives. For the past 29 years Gary has served this great institution as a valuable employee at House Information Resources, HIR, within the Office of the Chief Administrative Officer.

Throughout his career with HIR, Gary has held many positions of increasing responsibility. He began his career at the House on June 16, 1975 as a Production Control Specialist in the HIR data center. For many years Gary's technical, analytical, communication, and financial skills served him well in his efficient management of information technology budgets and contracts. He performed extensive amounts of research and analysis of vendors' hardware and software offerings to acquire the most cost effective and functional products for the House. Gary has also been responsible for configuration management of data center hardware and software and served on several HIR task forces. Since 1998, Gary has been a member of HIR's Immediate Office as the Resources Manager where all his years of experience have been invaluable in serving senior management. As Resources Manager, Gary also oversaw the HIR financial management and procurement processes to ensure compliance with House guidelines and the responsible execution of appropriated funds. Gary was also the recipient of the HIR Quality Award, an in-house award given to outstanding employees for service beyond their assigned duties. His peers and co-workers will miss Gary's professionalism and friendly manner.

On behalf of the entire House community, we extend congratulations to Gary for his many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Gary many wonderful years in fulfilling his retirement dreams.

IN MEMORIAM—SPECIALIST CRAIG STUART FRANK

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Ms. KILPATRICK. Mr. Speaker, it is with great sorrow that I take this floor to pay tribute to one of Michigan's fallen sons, Army Specialist Craig Stuart Frank. Spc. Frank was a military police officer assigned to the 1775th Military Police Company out of Taylor, Michigan and deployed in Iraq.

Spc. Frank was on assignment guarding a truck convoy mission from Kuwait to a location north of Baghdad when he and his comrades came under a rocket propelled grenade attack. It was on this mission that he gave his last full measure of devotion.

Long before his deployment to Iraq, Spc. Frank was a hero to his family, Timothy and Linda Frank, and his friends of Lincoln Park, Michigan. He joined the military to first serve his country, but also to take advantage of the benefits to pay off his school loans. His father said that, "he didn't want to burden us with the payments." Craig was studying education at Eastern Michigan University and his goal was to become a history teacher. He also showed an interest in becoming a firefighter.

Craig was apparently an avid reader. He brought with him to Iraq 15 books when he was shipped out. His bookishness was a cause for much teasing from his fellow guardsmen of the 1775th.

Spc. Frank's service in the Michigan National Guard and the way he conducted himself in uniform and in battle teaches us a lot about courage. Serving his country was a great source of pride to Craig, and he died on duty in the field of battle.

My thoughts, prayers and tears are with the Frank family and the lady of Craig's affection, Ms. Connie Walker. Craig answered the call to duty and served his country and the State of Michigan with valor. The Army has a tradition of "No man left behind." In that tradition, the story and memory of Spc. Frank will not be left behind. They continue to live on in the thoughts and stories of families and friends.

To the Frank family, I wish to borrow from Abraham Lincoln's letter to Mrs. Bixby: "I pray that our heavenly Father may assuage the anguish of your bereavement, and leave you on the cherished memory of the loved, lost and solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

On behalf of a grateful nation, please accept our gratitude and deepest sorrow for your sacrifice.

PAYING TRIBUTE TO BREANN BLACKMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. MCINNIS. Mr. Speaker, I rise today to pay tribute to a smart, happy, and beautiful seven-year old, Breann Blackman, who brightens the lives of her family and her Grand Junction, Colorado community. Despite the many challenges she has faced she maintains a healthy and happy attitude towards life. I am proud to join my colleagues here today before this body of Congress and this nation in recognizing her tremendous caring and fun-loving nature in the face of great adversity.

When Breann was three-months old she was diagnosed with infantile scoliosis. The disease produces a severe twisting of the spine, which causes her to spend twenty-three hours of the day in a brace that encases her torso from the hips up to her armpits and has an attachment for neck and head support. The brace comes off for half an hour stretching exercises at recess and half an hour to take a bath. She attends swim therapy at St. Mary's Life Center and does breathing exercises four times a day with a Bi-pap breathing machine. In addition to these daily aspects of her life, she and her brother Jordan experienced the loss of both their mother and father to tragic circumstances and now live under the custody of their grandparents Lilian and Gene.

Mr. Speaker, Breann Blackman has surpassed many obstacles in her life, and I am honored to recognize her strength and vitality before this body and this nation today. Thank you Breann for improving the lives of the people around you, and I wish you all the best in your future endeavors.

TRIBUTE TO JUANITA PHILLIPS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to the late Juanita R. Phillips, a retired St. Louis Public School educator and the aunt of my colleague and dear friend, Congresswoman DIANE WATSON. Ms. Phillips died of natural causes on July 1, 2004, less than three months shy of celebrating her 100th birthday. Born in Chicago, Illinois, on September 26, 1904, she experienced many highs and lows of this great country's history, witnessing historic events from both World Wars and the Great Depression to landing astronauts on the Moon. She attended the Clinton, Iowa Public Schools, graduated from the University of California-Los Angeles in 1927 and earned a master's degree in English from Ohio State University. She was a pioneer and a model for women of her day and today.

Ms. Phillips pursued a rewarding career teaching English at historically black institutions such as Florida A&M College in Tallahassee, Florida and the Hampton Institute in Hampton, Virginia, before moving to St. Louis, Missouri in 1943 with her husband, Dr. A.C. Phillips. Ms. Phillips followed her love for teaching English to Soldan High School in the St. Louis Public School system, from which she retired in 1972, and subsequently served as a tutor.

In her years as an educator Ms. Phillips touched many lives. One of those lives is that of her niece, my dear friend and colleague, Congresswoman DIANE WATSON. DIANE has followed in the footsteps of her Aunt Juanita by devoting her life to community service, first as a teacher and school board member, and then as a California State Senator and later as U.S. Ambassador to the Federated States of Micronesia. DIANE has been a role model to other women just as Aunt Juanita was for her.

Juanita Phillips was truly an exemplary American. She overcame obstacles of racism and hatred to ensure a better life for her family and future generations. The challenges she faced as an African American educator through the years of segregation in our country were difficult to overcome, but Juanita didn't give up. She was undaunted by her commitment to making her world a better place, and she succeeded in doing so for all of us.

Mr. Speaker, please join me in celebrating the life of a woman who dedicated her life to education and to making sure future generations could realize their dreams. There are lessons to be learned from someone who gave so much to so many. Let us all join in giving gratitude for this philanthropic, civic minded and loving individual, Juanita Rabouin Phillips, and to her niece, Representative DIANE WATSON, who carries on the legacy by her service in the Congress.

TRIBUTE TO JUDGE MICHAEL M. MIHM

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. LAHOOD. Mr. Speaker, I rise today to congratulate Judge Michael M. Mihm on receiving the USAID Outstanding Citizen Achievement Award. The award recognizes volunteerism in overseas development context. In January 1994, Judge Mihm was appointed the first chairperson of the Committee on International Judicial Relations by Chief Justice William Rehnquist. In 2000, he was approached by the Librarian of Congress, Dr. James Billington, to help design an expanded rule of law component for the Library of Congress' Open World Leadership Center. Judge Mihm has hosted three Open World delegations at his home. He continues to serve as the Russian liaison for the Committee on International Judicial Relations to the Open World Partnership. Judge Mihm also provides voluntary counsel to Open World and USAID's Russian American Judicial Partnership.

Judge Mihm has dedicated several years of his time to the Committee on International Judicial Relations and the Open World program. I am happy to recognize him for his work and dedication to these programs.

HONORING STUDENTS AROUND NEW YORK CITY WHO PARTICIPATED IN THE CONSTITUTION EDUCATION AND ENGAGEMENT PROJECT

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. WEINER. Mr. Speaker, I rise to pay tribute to the over 100 students from around New York City who participated this year in the Constitution Education Engagement Project. The CEEP program, of which Carl Bonomo is the founder and Dorothy McCloskey is the director, takes secondary school students from around New York City and asks them to have hearings, discussions and debates and arrive at a piece of legislation for this Congress to consider.

This year, the winner was from Wadleigh Secondary School. Karen Watts, Wadleigh's principal, led a group of students that represents the City's best and brightest: Vanessa Reyes, Aaron Gardner, Evelin Valladared, and Victoria Bunn. In addition, I want to mention individuals who deserve special commendation at two other schools that participated in CEEP: principal Joseph Zaza at the Leon M. Goldstein School and Susan Getting and Maureen Longeran at the Townsend Harris School.

The legislation that the Wadleigh team has come up with addresses problems that affect over 41 States in the United States, and that is the inequity between funding among different school districts. In New York State alone, $17,000 is spent per student in one district compared to $6,000 per student in others.

Since 1973, 45 different States have had to address the inequities in school funding. The students at the Wadleigh Secondary School deserve our thanks for their efforts to address the problems we have in our country through the legislative process.

I hope this House joins in paying tribute to their successes.

EQUAL EDUCATIONAL OPPORTUNITY ACT (EEOA)

To provide equal access to quality education to all United States Citizens and Residents

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS

(a) This Act may be cited as EEOA of 2004

(b) Table of Contents. The table of contents for this act is as follows:

Sec. 1. Short Title and table of contents

Sec. 2. Abstract

Sec. 3. The EEOA

Title 1. Quality Education—Requirement to provide quality education to all citizens and residents.

Sec. 101. Definition of Quality Education

Sec. 102. Establishing a Uniform Standard

Title II. Funding—Establish permanent funding source that will allow goals of act to be met.

Sec. 201. Establishing special fund for act

Sec. 202. Increasing education expenditures on an adjusted per student basis

SECTION 2. ABSTRACT

We live in a time when only the educated are free. As we become more technologically advanced and information plays more of a critical role, only those individuals who have had a sound education will be able to compete and succeed in the global marketplace. This need for a quality education is most critical for those people who are on the lowest social and economic levels of our society. Now more than ever all must have access to a good education in order to have a fair chance in life. Sadly, those who are most in need of quality education have the least amount of access to it.

The 14th Amendment to the United States Constitution provides that every citizen will have equal protection of the law, but a Supreme Court decision in the case of Plessy v. Ferguson (1896) almost erased the protections provided by this amendment. The Plessy decision created the system of separate but equal and allowed for the legal separation of people based upon nothing but the color of their skin. This ruling allowed for the establishment of separate school facilities for white people and people of color. These facilities were anything but equal. Schools that served students of color were inferior in many important aspects. The physical conditions of the schools were poor, books and other materials were in poor condition, outdated or not available at all. The teachers were paid less than their white counterparts. The landmark ruling in the Supreme Court case of Brown v. the Board of Education (1954) ended the practice of legal segregation in public schools and struck down the Jim Crow laws that forced second-class citizenship on people of color. Despite this, American society in many ways remains as segregated as it was before 1954. Nowhere is this segregation more evident than in our public schools. Even though great people such as Charles Hamilton Houston the architect of the argument for the Brown case, Supreme Court Justice Thurgood Marshall, and Dr. Martin Luther King Jr., dedicated their lives to ensure that there would be equal educational opportunities for all Americans, we have yet to see this become a reality.

Recent studies show that the country's largest inner city school districts remain dramatically divided along lines of race and economic class. These studies find that the poorest school districts have a population that consists mostly of minority students while white students make up the majority of wealthy districts. The difference in the funding received by school districts is also very surprising. In New York State alone, $17,000 is spent per student in the wealthiest districts while only $6000 per student is spent in the poorest districts. This stark difference led to the creation of the Campaign for fiscal Equity (CFE), a group of parents, businessmen and politicians who sued the state of New York to get more funding for the poorer school districts. After a long battle that lasted for several years, the New York State Courts ruled that the state must provide equal funding to those poor school districts. But New York is not the only state where we see this type of inequality—41 out of 50 states in the country have a similar situation.

Unequal funding has had a direct impact on the academic achievement of under funded schools and students. Students who attend schools located in districts that receive less funding also have lower scores on standardized tests and are more likely to be below grade level in reading and math. Students from these under-funded schools are also more likely to drop out of school and fewer students from these attend and graduate from college.

Recently, the federal government has tried to address the problem by the passing the No Child Left Behind Act (NCLB). NCLB requires all school districts to achieve minimum academic standards as measured by standardized tests. Those states whose school districts do not meet these standards would lose some of their federal funds. The NCLB Act has been criticized because it does not provide the funding that schools would need to meet the standards set by the law. In fact, those school districts whose students are the most in need of additional funding would likely be the first ones to lose funding if their students, who also have the greatest academic deficits, do not achieve satisfactory scores. Many parts are NCLB are good and should be expanded, but a couple of the things that the law does not do is provide funding that is substantial enough to achieve it's goals, and it does not require that states provide equal funding. It is the goal of the EEOA to address the problems that NCLB does not.

SECTION 3. THE EQUAL EDUCATIONAL OPPORTUNITY ACT

Title I.—Quality Education For All Citizens and Residents. The federal government will be required to ensure that every child within the boarders of the United States is provided with the opportunity to receive a ''quality educational experience.''

Sec. 101. Definition of ''Quality Education''—For the purposes of this Act, a ''quality education'' will be defined as: (1) An education that provides each student the opportunity to develop the skills that are necessary to become a productive member of their local, national and global communities. (2) Developing the skills and knowledge necessary to effectively participate in the global marketplace. (3) Adequate physical facilities to meet the demands of the uniform distribution of funds. (4) Well-trained certified teachers who are paid at a competitive rate. (5) Providing a variety of learning experiences that include opportunities for extracurricular interests and social development.

Sec. 102. Establishing a Uniform Standard—To ensure that each child receives a quality education this act shall establish a framework for the equitable distribution of funding to create the programs and curriculum necessary to meet the goals of a

quality education as defined in Sec. 101 and to provide states and local school boards with the resources to address each school's unique challenges in meeting the requirement for a quality education through a flexible and equitable distribution of dollars so each school has an equal opportunity to shore up its curricular weaknesses as they define it in their local communities once the basic national, state and local requirements and standards have been met, a standard by which individual state education programs will be measured.

Title II.—Funding. A special fund will be established to fully implement all aspects of the EEOA. Additionally a special committee will be created to develop a formula for per student expenditures that will result in equal spending for all students.

Sec. 201. Establishing a Special Fund to Fully Support the EEOA—A fund will be created that will be used solely for the purpose of providing support of the EEOA. The fund is to be developed and established by appropriate legislation.

Sec. 202. Increase in Per Student Expenditures—A commission will be created to determine per student expenditure required to support the provisions included in Title I of this act. Several factors will be taken into consideration when making this determination, including: 1) economic and social conditions that exist in a student's school district 2) the academic and social circumstances of the student 3) the ability of the student's school and community to raise funds independently. Taking these factors into consideration will insure that the schools and students who have the greatest need will receive the greatest amount of funding and support. School districts that have adequate spending for each student will not be required to reduce their expenditures. When developing the per student spending formula, the commission shall also consider external factors such as the cost of living in each school district, property values in the district and additional community resources. This will allow the amount distributed to each school district to be prorated according to these factors. (Building a school in Georgia does not cost as much as building a similar facility in New York City, therefore the actual dollar amount spent on a student in Georgia may be less, but the value received from the expenditure is equivalent).

PAYING TRIBUTE TO DONNA FERGANCHICK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Donna Ferganchick for her tireless service to her Delta, Colorado community. Donna is a dedicated volunteer for numerous community organizations and it is my privilege to recognize her efforts before this body of Congress and this nation.

Donna is a western Colorado native. Her family moved to Delta in 1956, and then to Cedaredge where she graduated from high school. Soon after Donna met and married her husband Les in 1959. She purchased the family ranch on the Gunnison River near Delta where she and her family have lived for the last thirty-two years, raising three children.

After receiving her real estate license and attending some classes at Mesa State, she was persuaded to run for Delta County Assessor. Donna faithfully served her county for two terms and was urged to run for county commissioner. Months later she was elected and became Delta County's first woman county commissioner, again serving her community for two terms.

In 2001, Donna retired from civil service so that she and her husband could travel. In September, Les became ill and tragically passed away. When Donna was at the hospital she was overcome by how friendly the staff was to her, so she decided to return the favor by being an emergency room volunteer and also serves on the hospital foundation board. She also helped with the Delta County 4-H foundation, sits on the hospice advisory board, and is a part time executive director for Grand Mesa Scenic Byways.

Mr. Speaker, it is clear that Donna Ferganchick has been an invaluable resource to Delta County and the city of Delta. Her hard work and humble service to her community is extraordinary and worthy of acknowledgment before this body of Congress and this nation. Thanks, Donna, for all your hard work, and I wish you all the best in your future endeavors.

SUPPORTING THE UMWA ON COAL MINE MEMORIAL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. COSTELLO. Mr. Speaker, I rise today in support of the United Mineworkers of America (UMWA) who over the last two days have been participating in a coal mine memorial.

The UMWA has called for a nationwide two-day memorial, shutting down all the union mines in the U.S. to symbolize the importance of a federal court decision expected sometime this week. This decision has the potential to impact the fate of health care benefits for 250 working miners at the Zeigler 11 mine near Coulterville, Illinois and hundreds of retired coal miners in my congressional district.

These people have worked hard to earn benefits and a pension to sustain them and their families through retirement. Yet, the way our laws are structured, we allow companies to get out of their responsibilities to these hardworking Americans and their families. This is unfortunately happening more and more across our country and it needs to stop.

Health care has gone from a matter of concern to a crisis of major proportion. Seniors are splitting their pills to make their medications last. People will not go to a doctor because they cannot afford it. We have more than 40 million people who are uninsured. Health care has become a crisis in America.

There is a historical commitment to providing health care for retired coal miners and we must continue that commitment. Mr. Speaker, the people that are in jeopardy of losing their health care spent their careers producing the energy which powers this nation. We must not turn our backs on them now. We must not allow them to be robbed of the health care they so desperately deserve and need.

INTRODUCTION OF A RESOLUTION TO HONOR THE CHILDREN OF AMERICA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. UDALL of Colorado. Mr. Speaker, today my fellow colleague from Colorado, Representative BEAUPREZ, and I are introducing a resolution to honor this nation's children and express the desire to mark the first Wednesday in March as National Children's Day.

The resolution expresses the sense of the House of Representatives urging the President to proclaim that the first Wednesday of March each year should be named National Children's Day in honor of the future generations of our country.

The Great Sioux Nation can be used as a role model to lawmakers in America as we debate any bill here on the floor of the House of Representatives. They place a high value on the children of the tribe, as they represent the future of the tribe. When important decisions are being made, the Sioux always discussed what the impact of the decision would be, not on the current generation, or the next generation, but the seventh generation out.

The Sioux Nation placed a priority on the future of the tribe, through its children. I believe that it is important that we, as lawmakers, keep the importance of our future in mind as we make decisions everyday here in Congress.

In that spirit, I believe this legislation is fitting as it honors the importance of our nation's children and the role that we as adults have in the upbringing of a child. Through special attention from the adults in a child's life, that child is more likely to experience success throughout their life. This resolution urges American adults to set aside time throughout the day to support a child in their life or community.

I urge my colleagues to support this resolution, and spend some time with a child in their lives.

PAYING TRIBUTE TO RONALD PETTIGREW

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Ronald Pettigrew and thank him for the remarkable civic contributions he has made to his Durango community and the State of Colorado. Ron is an active and well respected leader in his community, and I believe it appropriate to acknowledge his many accomplishments to the Durango community before this body of congress and nation.

A second generation native to Southwest Colorado, Ron graduated from Fort Lewis College in western Colorado, and has been a business owner in Durango ever since. Due to his many civic and business contributions, he was recognized by the Durango Area Chamber Resort Association as their Citizen of the Year in 1992.

Throughout the years, Ron has given his time to numerous state and local organizations and his community is indebted to him for his exemplary service. He served on the Colorado Highway Legislative Review Committee, the local school board, the Board of Directors for both Mercy Medical Center, and the Animas La Plata water Conservation District. Ron's diverse interests are reflected in additional service with the Colorado Association of Commerce and Industry, the Southern Ute Indian Tribe Enterprises organization, Excel Charter School, and the Foundation for Education Excellence.

Mr. Speaker, it is clear that Ron Pettigrew is a man of great commitment to his community and the State of Colorado. Ron's willingness to provide his time and excellence to his fellow citizens serves as an example to us all of the civic mindedness that brings together our towns and communities. Thanks for all your hard work Ron, and I wish you all the best in your future endeavors.

MAKING THE CASE FOR THE EXONERATION OF MARCUS GARVEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. RANGEL. Mr. Speaker, I rise today to ask again for the exoneration of one of our greatest civil rights leaders, Marcus Garvey. I have felt inspired by Marcus Garvey since I was a young boy. I grew up and still live in Harlem where Garvey founded the first branches of his Universal Negro Improvement Association. When I was born in 1930, the traces Garvey left in Harlem were still very fresh. I remember meeting Garveyists, ardent supporters of Marcus Garvey's ideas, in Harlem as a young man. They encouraged me to do my own reading and research on this great Jamaican hero and the more I read and heard, the more I became convinced of Garvey's innocence and the need to restore his reputation. The injustice done to him reminded me every day of the injustice done to all Black people, including myself, during that time.

In the 1970s, I met Jamaica's energetic Prime Minister Michael Manley and became very close to him, professionally but also personally. He taught me more about Marcus Garvey and about his status as a hero in Jamaica. In 1987, the centenary of Marcus Garvey's birth, I introduced legislation asking for the exoneration of Marcus Garvey for the first time and have reintroduced the same bill into every following Congress since.

The passage of this bill is long overdue. It is well-proven today that Marcus Garvey was innocent of all the charges brought forward against him. J. Edgar Hoover, who is today notoriously famous for his racism, his corruption and his misuse of powers, perceived Garvey as a threat to white supremacy. After years of harassing the black leader, he infiltrated the Garvey organization and had an agent fabricate evidence of mail fraud with which he charged Garvey in 1922. Garvey's trial was a mockery and he was imprisoned and deported back to Jamaica in 1927.

But with Garvey's deportation, Hoover could only delay but not stop the civil rights movement. Garvey's teachings about the equality of all men and women remained firm and lively in the heads of the following generations. Garvey stood as a shining example on the horizon of those people who were longing for a better future. He inspired many of the leaders that were to come. Our American hero, Martin Luther King, called Garvey "the first man, on a mass scale to give millions of Negroes a sense of dignity and destiny" and Malcom X wrote that "each time you see another independent nation on the African continent you know Marcus Garvey is alive." Garvey taught Black men and women to take pride in their race and to rely on themselves—economically, politically and religiously.

But he did not only speak out for the rights of Black men and women all around the world, but for all those who were poor and disadvantaged. He is not only the hero of Black people, but of everybody who believes in equality and social justice.

I commend the members of The International Foundation for the Exoneration of Marcus Garvey on their tireless efforts to achieve that the injustice done to Marcus Garvey is redeemed. I also congratulate the city councils of Hartford in Connecticut and Lauderhill in Florida on the recent passage of their resolutions supporting the exoneration of our great Jamaican hero.

I will continue to work hard to ensure that my resolution, reaffirming Marcus Garvey's innocence and asking the President of the United States to exonerate him, will pass the United States Congress. It is high time that our country joins the many other nations that have already recognized Marcus Garvey as an extraordinary leader and thinker in the global struggle for human rights and as a person who gave hope and inspiration to millions of oppressed men and women all around the world.

But it is in the hands of the President of the United States to finally clear Marcus Garvey's name. I hope that President Bush will consider taking this step. The Justice Department in the past advised Presidents not to exonerate posthumously. But President Clinton, in 1999, granted the first posthumous Presidential pardon in our nation's history to Lt. Henry Ossian Flipper, the first Black graduate of West Point. He had been dismissed from service in 1882 for racial and unjust reasons. President Clinton set a strong and positive precedent and I hope that President Bush will perceive the Garvey conviction as an equally compelling case for justice to be done at this time.

The exoneration would be another step towards healing the race divisions that are still existent in our country. It is high time that our country recognizes Marcus Garvey for his great leadership and bravery.

30TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS—THE ANNAN PLAN: THE TRUE CAUSE OF THE ECONOMIC ISOLATION OF TURKISH CYPRIOTS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. SHERMAN. Mr. Speaker, I rise tonight in memory of a sad event. July 20, 2004 marks the 30-year anniversary of Turkey's invasion and occupation of Cyprus. I would like to join my colleagues in observing this terrible anniversary, and offer some observations on recent events on Cyprus.

On May 1, 2004, Cyprus became a member of the European Union as a divided and occupied nation, its northern part being under illegal Turkish military occupation. The potential reunification of Cyprus is at a critical juncture. Accordingly, the United States and the U.N. must re-examine the key provisions of the Annan Plan in an effort to remedy the deficiencies that now plague the plan and obstruct the potential reunification of Cyprus.

The economic isolation of the Turkish Cypriots is not the fault of Greek Cypriots, as the Annan Plan wrongly assumes. Indeed, one of the most egregious aspects of the Annan Plan Report is the inclusion of terms such as "pressure" and "isolation" in reference to the Turkish Cypriots as if this were the fault of the Greek Cypriots. Nothing could be further from the truth.

The Report fails to state the truth: The isolation of the Turkish Cypriots is caused by the presence of 35,000–40,000 Turkish troops and the establishment of the Green Line barbed wire fence across the face of Cyprus. Remove the Turkish troops now and the Green Line will disappear, and economic conditions in the north will improve dramatically.

There is no embargo. There is the rule of law. The European Court held that trade goods from the occupied area could not be exported directly but had to go through the legitimate government of Cyprus and its Customs Service. Also, the relatively poor economic conditions in the occupied area have been caused in substantial part by the Turkish bureaucrats who were sent to the occupied area to run the economy.

There is no justification for maintaining the Green Line's barbed wire fence and the artificial division of the island of Cyprus. When authorities opened parts of the Green Line in Nicosia, more than one million people crossed to visit the their former neighbors and countrymen. They have demonstrated beyond a doubt that the Greek and Turkish Cypriots can live and work together and that there is no security problem for Turkish Cypriots. There is a security problem for the Greek Cypriots: the 35,000–40,000 Turkish occupation troops. Those same troops, of course, are responsible for the economic isolation of the Turkish Cypriots, and thus all of these troops should be removed from the island.

I hope that next year, when July 20 is upon us, there will be no reason to rise and decry a divided Cyprus. All parties should go back and rework the Annan Plan.

TRIBUTE TO THE LEGACY OF REV. DR. THEODORE R. GOYINS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. PAYNE. Mr. Speaker, I rise today to honor the memory and legacy of the Reverend Dr. Theodore R. Goyins, Pastor Emeritus of Heard A.M.E. Church, Roselle, New Jersey.

When Dr. Goyins passed away on June 24, 2004, he left behind a lifetime of achievements to church, family and community. During his

pastorate, Dr. Goyins demonstrated a vision that will have a lasting impact on all those who knew him. As a result of his caring and dedication to serving the will of God, Dr. Goyins was the recipient of many awards, honorariums, and resolutions.

As Dr. Goyins is remembered during a Memorial Service on July 21, 2004, many will recall his sense of humor and his desire to create a synergy between the church and the community. His efforts to assist in creating affordable housing in Roselle stand out as one of his many accomplishments. Dr. Goyins was also a strong advocate of education, having organized HOPE, Help Our Public Education. He established the Heard A.M.E. Federal Credit Union which was chartered in 1980.

Dr. Goyins also organized the Heard Food Store and started the Heard HIV/AIDS Commission, which was the recipient of a federal grant. Dr. Goyins served as the impetus behind many other projects and initiatives, and countless people will be forever grateful to him for all of his good deeds.

Mr. Speaker, I know my colleagues join me in assuring Dr. Goyins' family, friends and congregation that his memory will always be honored and cherished.

MIKE ANSELMO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. MCINNIS. Mr. Speaker, it is my pleasure to rise today to honor the accomplishments of Mike Anselmo of Pueblo, Colorado who recently celebrated fifty years of dedicated service to the United States Postal Service. Throughout his years of service, Mike has become a friendly and familiar face in many of Pueblo's neighborhoods, and I would like to join my colleagues in recognizing Mike's years of service before this body of Congress and this nation.

Fifty years ago, Mike began carrying first class mail stamped with three cents of postage. Faithfully throughout his career, he has battled the natural elements of weather and the physical elements of prostate cancer and knee problems, but neither prevented him from delivering over ten million pieces of mail.

During his career, he has driven over a million miles on the job, putting him among the rare company at the postal service called the ''Million-Mile Club.'' In addition to his commitment to the United States Postal Service, he is a family man who enjoys spending time in the outdoors doing yard work and riding his bike.

Mr. Speaker, Mike Anselmo has shown tremendous loyalty to his Pueblo, Colorado community. His fellow citizens have come to rely on him to deliver their mail and to provide a familiar face. I thank Mike for his hard work and wish him all the best in his future endeavors.

TRIBUTE TO DR. ARTHUR NAPARSTEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Ms. KAPTUR. Mr. Speaker, I rise tonight in special tribute to a beloved citizen of Ohio, Dr. Arthur Naparstek, a brilliant scholar, humanitarian, and community-builder. Dr. Naparstek dedicated his life to raising a beautiful family, teaching the leaders of this new generation, strengthening the communities in which he lived along with communities across our country and world, and giving voice to the most needy people in neighborhoods across our nation. To his beloved wife Belleruth, an amazing woman, to his precious children—Keila, Aaron, and Abe—our state and people express very deepest sympathy. We owe Art a lasting debt of gratitude for the exceptional manner in which he lived his life.

I first met Art and Belleruth during the 1970's when Dr. Naparstek worked with Msgr. Geno Baroni as the top policy analyst for the National Center for Urban Ethnic Affairs in Washington, D.C. This organization provided hope as well as technical assistance and analysis across urban America in some of the most forgotten, ethnically and racially diverse places in our nation. Through the Center, Dr. Naparstek embraced the nation during the tumultuous modern Civil Rights era and helped move her forward. Dr. Naparstek began his professional career in Gary, Indiana working as an advisor to Mayor Richard Hatcher, the first African American mayor of that city. Art was always looking for ways to understand the dynamic of urban America, and to build bridges between people of varying heritage. During the Civil Rights era, I think it is fair to say, Dr. Naparstek became one of the leading intellects that probed the nature of urban unrest, what to do about it, and how to rebuild America's cities, neighborhood by neighborhood. During the Administration of President Jimmy Carter, it was Dr. Naparstek who wrote the authorizing legislation for the National Commission on Neighborhoods, creating a national effort to document, understand, and share what was being accomplished across our nation to build interracial and interethnic understanding and to revitalize the back streets of our nation. Dr. Naparstek looked at poverty head on. He never flinched. His probing mind and gregarious nature lent an optimistic tone to every encounter. His pathbreaking work helped spearhead national legislation that followed in so many critical areas of American life—addressing the redlining of poor communities through passage of the Community Reinvestment Act, the Home Mortgage Disclosure Act, the National Commission on Neighborhoods, and even welfare reform and culturally sensitive treatment for the mentally ill and the forgotten. His scope was amazing.

As professor and later Dean of the Case Western Reserve University School of Applied Social Sciences, he took his national legacy from works such as People, Building Neighborhoods and put it to work teaching a diverse student body. During the last quarter of his life, his efforts were applied to the improvement of Cleveland's needy communities, as he had done in so many other locations. During the 1990's, he served as director for the Cleveland Foundation's Commission on Poverty. He always applied knowledge to better the human condition. His rare dedication to the underprivileged became a lifelong mission. Born in New York City, the son of Polish immigrants, his career spanned the nation. He graduated with a master's degree in social work from New York University and a doctorate from Brandeis University Florence Heller School of Advanced Studies in social Welfare Administration.

One of the recent conversations I held with Art involved how to begin to build toward peace in the war ravaged Israeli-Palestinian situation. He was already deeply engaged in community development planning in that part of the world. I truly regret that we will not have his firm hand guiding us as we carry on his great vision for a better life for all people. He truly appreciated the valued variants of a common humanity. May his family find peace in the knowledge we are all better for his generous life, for his probing mind, and for his good heart. May he rest in peace. I might add, though, he would not expect us to rest at all. So, let us carry his good works forward. Shalom.

H.R. 4864—SURFACE TRANSPORTATION EXTENSION ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. PETRI. Mr. Speaker, we are here once again to extend funding for our nation's highway, transit and safety programs. This bill will complete funding for the fiscal year and ensure that state transportation programs continue to receive the necessary federal funds to maintain and build our nation's critical infrastructure.

We are here today because we still are unable to reach an agreement on a level of spending that will meet the various demands that have been placed on us: provide growth in funding for all states; improve the rate of return for donor states; ensure that donee states do not take too much of a hit; provide significant funding to build new corridors to meet emerging trade traffic; provide help to states that are overwhelmed by massive but critical projects that each can reach up to $1 billion in costs; and produce a conference report that will be signed by the President who publicly supports a bill that is $20 billion below the lowest of the two bills passed by this House and the Senate.

This seems to be an impossible situation, but I believe House and Senate conferees have been making a good faith effort to resolve this impasse—but we are not there yet.

I know that there is strong support in the Congress for a good, robust transportation program.

We know that transportation spending from the Highway Trust Fund is a good investment that is necessary in order to maintain and build a first-class transportation network. This is investment that leads to economic growth and prosperity, that provides needed jobs, that assists in the development of transit projects that moves millions of people each day, and that improves unsafe conditions on our highways—thereby saving thousands of lives.

So I urge passage of this bill so that States will continue to receive funds as we here in Washington press on in our efforts to ensure that we have a long-term program that meets our nation's transportation needs.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 22, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

Daily Digest

HIGHLIGHTS

Senate passed S. 2677, U.S.-Morocco Free Trade Agreement Implementation Act.

House Committees ordered reported 27 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S8495–S8575

Measures Introduced: Fifteen bills and four resolutions were introduced, as follows: S. 2701–2715, S. Res. 413–414, and S. Con. Res. 129–130.

Pages S8548–49

Measures Passed:

U.S.-Morocco Free Trade Agreement Implementation Act: By 85 yeas to 13 nays (Vote No. 159), Senate passed S. 2677, a bill to implement the United States-Morocco Free Trade Agreement.

Pages S8506–16

Cape Town Treaty Implementation Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 4226, to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty'', and the bill was then passed, clearing the measure for the President. **Page S8569**

Emergency Food and Shelter Act: Senate passed S. 2249, to amend the Stewart B. McKinney Homeless Assistance Act to provide for emergency food and shelter. **Page S8569**

Recognizing Warsaw Uprising: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 125, recognizing the 60th anniversary of the Warsaw Uprising during World War II, and the resolution was then agreed to.

Page S8569

Human Trafficking and Slavery: Senate agreed to S. Res. 414, encouraging States to consider adopting comprehensive legislation to combat human trafficking and slavery and recognizing the many efforts made to combat human trafficking and slavery.

Pages S8569–72

Blakely v. Washington Decision: Senate agreed to S. Con. Res. 130, expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington.

Pages S8572–74

Nomination: Senate continued consideration of the nomination of Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Pages S8516–35

A unanimous-consent agreement was reached providing for further consideration of the nomination at approximately 10:30 a.m., on Thursday, July 22, 2004, with the time until 11 a.m., equally divided by the Chairman and Ranking Member of the Committee on the Judiciary; following which, Senate will vote on the motion to invoke cloture on the nomination. **Page S8574**

Nomination: Senate began consideration of the nomination of Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Pages S8535–36

A motion was entered to close further debate on the nomination and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of July 21, 2004, a vote on cloture will occur on Thursday, July 22, 2004. **Page S8536**

Nomination: Senate began consideration of the nomination of David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit. **Pages S8535–36**

A motion was entered to close further debate on the nomination and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of July 21, 2004, a vote on cloture will occur on Thursday, July 22, 2004. **Page S8536**

Treaty Approved: The following treaty having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolution of ratification was agreed to:

Convention on International Interests in Mobile Equipment and Protocol to Convention on International Interests in Mobile Equipment with declarations (Treaty Doc. 108–10). **Page S8568**

Nominations Confirmed: Senate confirmed the following nominations:

Juan Carlos Zarate, of California, to be an Assistant Secretary of the Treasury.

Stuart Levey, of Maryland, to be Under Secretary of the Treasury for Enforcement.

Thomas Fingar, of Virginia, to be an Assistant Secretary of State (Intelligence and Research).

Robert Clark Corrente, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years. **Page S8575**

Nominations Received: Senate received the following nominations:

Lloyd O. Pierson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Lloyd O. Pierson, an Assistant Administrator of the United States Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2009.

1 Air Force nomination in the rank of general.

4 Army nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Pages S8574–75

Messages From the House: **Page S8541**

Measures Placed on Calendar: **Page S8541**

Measures Read First Time: **Page S8542**

Executive Communications: **Pages S8542–44**

Petitions and Memorials: **Pages S8544–48**

Executive Reports of Committees: **Page S8548**

Additional Cosponsors: **Pages S8549–50**

Statements on Introduced Bills/Resolutions: **Pages S8550–66**

Additional Statements: **Pages S8539–41**

Authority for Committees to Meet: **Pages S8566–68**

Record Votes: One record vote was taken today. (Total—159) **Page S8510**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:16 p.m., until 9:30 a.m., on Thursday, July 22, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8574.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS:

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Vice Admiral Timothy J. Keating, USN, for appointment to the grade of admiral and to be Commander, United States Northern Command/Commander, North American Aerospace Defense Command; Lieutenant General Bantz J. Craddock, USA, for appointment to the grade of general and to be Commander, United States Southern Command; Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense for International Security Policy, and Valerie Lynn Baldwin, of Kansas, to be an Assistant Secretary of the Army for Financial Management and Comptroller, who was introduced by Senator Roberts, and Representatives Hobson, and Jerry Lewis, after the nominees testified and answered questions in their own behalf.

NMS AND MARKET STRUCTURE

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine regulation of the national market system and developments in market structure, focusing on proposals to modernize the national market system to improve the regulatory structure of U.S. equity markets, after receiving testimony from William H. Donaldson, Chairman, U.S. Securities and Exchange Commission; Robert Greifeld, NASDAQ Stock Market, Inc., David F. Harris, American Stock Exchange, LLC, Edward J. Nicoll, Instinet Group, Inc., and John Thain, New York Stock Exchange, Inc., all of New York, New York; and Gerald D. Putnam, Archipelago Holdings, LLC, Chicago, Illinois.

PUBLIC LANDS/NATIONAL FORESTS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a

hearing to examine S. 738, to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, S. 1614, to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System, S. 2221, to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, S. 2253, to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief, on public land through a Healthy Forest Youth Conservation Corps, S. 2334, to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, S. 2408, to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana, and S. 2622, to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico, after receiving testimony from Senator Boxer; Representative Thomas; Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment Minerals; Chad Calvert, Assistant Secretary of the Interior for Lands and Minerals Management; Art Pope, Northwest Youth Corps, Eugene, Oregon; John Woolley, Humboldt County Supervisor, Eureka, California; and Don Amador, BlueRibbon Coalition, Inc., Oakley, California.

TAX GAP

Committee on Finance: Committee held a hearing to examine bridging the difference between what taxpayers pay voluntarily and what they are supposed to pay, focusing on increasing the effectiveness of the Internal Revenue Service, simplifying the tax administration system, the ''underground economy'', tax shelters, and ways that data sharing and analysis may enhance tax compliance and improve immigration eligibility decisions, receiving testimony from Raymond T. Wagner Jr., Member, Internal Revenue Service Oversight Board, Pamela J. Gardiner, Acting Inspector General for Tax Administration, Mark W. Everson, Commissioner of Internal Revenue, Nina E. Olson, National Taxpayer Advocate, Taxpayer Advocate Service, Internal Revenue Service, all of the Department of the Treasury; Michael Brostek, Director, Strategic Issues, Government Accountability Office; Nicholas P. Godici, Commissioner for Patents, U.S. Patent and Trademark Office, Department of Commerce; Robert M. Morgenthau, District Attorney of New York County, New York, New York; Debbie Langsea, California Franchise Tax Board, Sacramento; Joseph Bankman, Stanford Law School, Stanford, California; Dale Brown, Incline Village, Nevada; and an anonymous witness.

Hearings recessed subject to the call.

MULTILATERAL DEVELOPMENT BANK

Committee on Foreign Relations: Committee concluded a hearing to examine United States efforts to prevent, detect, and punish corruption associated with development assistance provided by the Multilateral Development Banks, focusing on the United States Department of Treasury's role and internal efforts, after receiving testimony from John B. Taylor, Under Secretary of the Treasury for International Affairs; Richard Thornburgh, Kirkpatrick and Lockhart, former United States Attorney General, and Kimberly Ann Elliott, Institute for International Economics, all of Washington, DC; and Guido Penzhorn; Durban Bar, Durban, South Africa.

BUSINESS MEETING

Committee on Governmental Affairs: Committee ordered favorably reported the following business items:

S. 1230, to provide for additional responsibilities for the Chief Information Officer of the Department of Homeland Security relating to geospatial information, with an amendment in the nature of a substitute;

S. 2347, to amend the District of Columbia College Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act, with an amendment;

H.R. 4012, to amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act;

S. 2409, to provide for continued health benefits coverage for certain Federal employees, with an amendment;

S. 2628, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel;

S. 2536, to enumerate the responsibilities of the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, to require the Inspector General of the Department of Homeland Security to designate a senior official to investigate civil rights complaints, with an amendment;

S. 2635, to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies,

and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments, with an amendment in the nature of a substitute;

S. 2657, to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management;

S. 2639, to reauthorize the Congressional Award Act;

S. 2275, to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, with amendments;

S. 593, to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred, with an amendment in the nature of a substitute;

H.R. 3797, to authorize improvements in the operations of the government of the District of Columbia;

S. 2688, to provide for a report of Federal entities without annually audited financial statements;

S. 2501, to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office'';

H.R. 4427, to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office'';

S. 2640, to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plaque at such site;

S. 2673, to designate the facility of the United States Postal Service located at 1001 Williams Street, Ignacio, Colorado, as the ''Leonard C. Burch Post Office Building'';

S. 2682, to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the ''Ben Nighthorse Campbell Post Office Building'';

H.R. 3340, to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the ''James E. Worsham Post Office'' and the ''James E. Worsham Carrier Annex Building'', respectively;

H.R. 4222, to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building'';

H.R. 4327, to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the ''Vitilas 'Veto' Reid Post Office Building''; and

The nominations of Neil McPhie, of Virginia, to be Chairman, and Barbara J. Sapin, of Maryland, to be a Member, both of the Merit Systems Protection Board.

NATIVE AMERICAN ECONOMIC DEVELOPMENT

Committee on Indian Affairs: Committee concluded a hearing to examine S. 519, to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans, after receiving testimony from David W. Anderson, Assistant Secretary of the Interior for Indian Affairs; Mark F. Brown, Mohegan Indian Tribe, Uncasville, Connecticut; Julie Kitka, Alaska Federation of Natives, Anchorage, Alaska; Chester Carl, National American Indian Housing Council, Washington, D.C.; Haunani Apoliona, Office of Hawaiian Affairs, Honolulu, Hawaii; and Katherine A. Spilde, Harvard University Project on American Indian Economic Development, Cambridge, Massachusetts.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 2301, to improve the management of Indian fish and wildlife and gathering resources, with an amendment in the nature of a substitute; and

S. 2382, to establish grant programs for the development of telecommunications capacities in Indian country, with an amendment in the nature of a substitute.

Also, committee approved the motion to authorize the issuance of subpoenas by the Chairman and grant the Chairman and Vice Chairman the authority to issue additional subpoenas during the period of July 23, 2004 through September 7, 2004, pursuant to In re Tribal Lobbying Matters, et al. inquiry.

INDIAN HEALTH CARE IMPROVEMENT ACT

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the proposed reauthorization of the Indian Health Care Improvement Act, after receiving testimony from Representative

Hayworth; Tommy G. Thompson, Secretary of Health and Human Services, and Charles Grim, Director of the Indian Health Service, each of the Department of Health and Human Services.

RADIATION EXPOSURE COMPENSATION

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Radiation Exposure Compensation Program, focusing on compensation to individuals, or their surviving beneficiaries, who contracted certain specified cancers or other specified serious diseases as a possible result of their exposure to radiation, after receiving testimony from Jeffrey S. Bucholtz, Deputy Assistant Attorney General for the Civil Division, and Dianne Spellberg, Acting Director, Radiation Exposure Compensation Act Program, both of the Department of Justice; Rita Torres, Surprise, Arizona; Jeffrey Thompson, Jacksonville, Arkansas; and Helen Bandley Houghton, San Antonio, Texas.

House of Representatives

Chamber Action

Measures Introduced: Measures introduced today will appear in the next issue of the Record.

Additional Cosponsors: **(See next issue.)**

Reports Filed: Reports were filed today as follows:

H. Res. 734, providing for consideration of H.R. 3313, to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act (H. Rept. 108–623);

H. Res. 735, waiving points of order against the conference report to accompany the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005 (H. Rept. 108–624);

H.R. 112, to amend title 28, United States Code, to provide for an additional place of holding court in the District of Colorado (H. Rept. 108–625);

H.R. 4646, to amend title 28, United States Code, to provide for the holding of Federal district court in Plattsburgh, New York, amended (H. Rept. 108–626); and

H.R. 4842, to implement the United States-Morocco Free Trade Agreement (H. Rept. 108–627).

(See next issue.)

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Kirk to act as Speaker pro tempore for today. **Page H6445**

Chaplain: The prayer was offered today by Rev. James Patterson, Pastor Emeritus, Lakewood United Methodist Church in Erie, Pennsylvania. **Page H6445**

Military Construction Appropriations Act for FY05: The House began consideration of H.R. 4837, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005. Further consideration will resume at a later date. **Pages H6460–69**

Agreed to H. Res. 732, the rule providing for consideration of the bill by a recorded vote of 212 ayes to 211 noes, Roll No. 401, after agreeing to order the previous question by a yea-and-nay vote of 217 yeas to 197 nays, Roll No. 400.

Pages H6449–57, H6458–59

Coast Guard and Maritime Transportation Act of 2004—Conference Report: The House agreed to the conference report on H.R. 2443, to authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, by a yea-and-nay vote of 425 yeas to 1 nay, Roll No. 404.

Pages H6469–75, H6495–96

H. Res. 730, the rule providing for consideration of the conference report was agreed to by a voice vote. **Pages H6457–58**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing the 35th anniversary of the Apollo 11 lunar landing: Debated on Tuesday, July 20: H. Res. 723, recognizing the 35th anniversary of the Apollo 11 lunar landing, by a ⅔ yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 402; **Pages H6459–60**

Bob Michel Department of Veterans Affairs Outpatient Clinic Designation Act: Debated on Tuesday, July 20: H.R. 4608, to name the Department of Veterans Affairs outpatient clinic located in Peoria, Illinois, as the "Bob Michel Department of Veterans Affairs Outpatient Clinic", by a ⅔ yea-and-nay vote of 407 yeas with none voting "nay", Roll No. 403; **Page H6460**

Amending the Internal Revenue Code of 1986 to simplify the taxation of businesses: H.R. 4840, to amend the Internal Revenue Code of 1986 to simplify the taxation of businesses, by a ⅔ yea-and-nay

vote of 424 ayes with none voting ''nay'', Roll No. 405; **Pages H6475–83, H6497**

Amending the Internal Revenue Code of 1986 to simplify certain tax rules for individuals: H.R. 4841, amended, to amend the Internal Revenue Code of 1986 to simplify certain tax rules for individuals; **Pages H6483–89**

Military Housing Improvement Act of 2004: H.R. 4879, to increase the military housing private investment cap, by a ⅔ yea-and-nay vote of 423 yeas with none voting ''nay'', Roll No. 406; **Pages H6489–95, H6498**

Supporting the goals of National Marina Day: H. Res. 647, supporting the goals of National Marina Day and urging marinas to continue providing environmentally friendly gateways to boating; **Pages H6498–H6500**

Hipolito F. Garcia Federal Building and United States Courthouse Building Designation Act: H.R. 3884, to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the ''Hipolito F. Garcia Federal Building and United States Courthouse''; **Pages H6500–02**

Judge William B. Bryant Annex to the E. Barrett Prettyman Federal Building and United States Courthouse Building Designation Act: H.R. 4294, amended, to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Ave. Northwest in Washington, District of Columbia, as the ''Judge William B. Bryant Annex to the E. Barrett Prettyman Federal Building and United States Courthouse''; **Pages H6502–03**

Agreed to amend the title so as to read: to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the ''William B. Bryant Annex''. **Page H6503**

North Korean Human Rights Act of 2004: H.R. 4011, amended, to promote human rights and freedom in the Democratic People's Republic of Korea; and **Pages H6508–15**

Amending the Millennium Challenge Act of 2003: H.R. 4660, amended, to amend the Millennium Challenge Act of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for purposes of that Act. **Pages H6518–19**

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further debate will continue on Thursday, July 22.

Commercial Aviation MANPADS Defense Act of 2004: H.R. 4056, amended, to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation; **Pages H6503–08**

Urging the Government of the Republic of Belarus to ensure a democratic election process for its elections in the Fall of 2004: H. Res. 652, urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004; **Pages H6515–18**

Celebrating 10 years of majority rule in the Republic of South Africa: H. Con. Res. 436, amended, celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country; and **Pages H6519–21**

Recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the U.S. and Japan: H. Con. Res. 418, recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan; **Pages H6521–23**

Condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina in July 1994: H. Con. Res. 469, condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994; and **Pages H6523–25**

Declaring genocide in Darfur, Sudan: H. Con. Res. 467, amended, declaring genocide in Darfur, Sudan. **Pages H6525–36**

Member Sworn—1st District, North Carolina: Representative-elect G.K. Butterfield presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier the Minority Leader asked unanimous consent that the Oath of Office be administered today after the Clerk of the House transmitted the unofficial results of the Special Election held on July 20, 2004 from Gary O. Bartlett, Executive Director, North Carolina State Board of Elections, State of North Carolina. **Pages H6496–97**

Senate Message: Message received from the Senate today appears on page H6445.

Senate Referral: S. 2700 was held at the desk.

Quorum Calls—Votes: Six yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H6458, H6458–59, H6459–60, H6460, H6495–96, H6497, and H6498. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 11:38 p.m. stands in recess subject to the call of the chair.

Committee Meetings

FEDERAL CROP INSURANCE SYSTEM

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing to review the Federal Crop Insurance System. Testimony was heard from the following officials of the USDA: Keith Collins, Chairman, Federal Crop Insurance Corporation; and Ross Davidson, Administrator, Risk Management Agency.

ARMY TRANSFORMATION

Committee on Armed Services: Continued hearings on Army Transformation: Implications for the Future, II. Testimony was heard from GEN Peter J. Schoomaker, USA, Chief of Staff, U.S. Army.

SMALL BUSINESS INNOVATION AND TECHNOLOGY

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on Small Business Innovation and Technology. Testimony was heard from public witnesses.

VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Committee on Education and the Workforce: Ordered reported, as amended, H.R. 4496, Vocational and Technical Education for the Future Act.

METHYL BROMIDE

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled "Methyl Bromide: Update on Achieving the Requirements of the Clean Air Act and Montreal Protocol." Testimony was heard from Claudia McMurray, Deputy Assistant Secretary, Environment, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State; Jeffrey R. Holmstead, Assistant Administrator, Air and Radiation, EPA; the following officials of the USDA: Rodney J. Brown, Deputy Under Secretary, Research, Education and Economics; and Burleson Smith, Director, Pest Management Policy; and public witnesses.

DIGITAL TELEVISION TRANSITION

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled "The Digital Television Transition: What We Can Learn from Berlin." Testimony was heard from Mark Goldstein, Director, Physical Infrastructure, GAO; and public witnesses.

MONETARY POLICY AND THE STATE OF THE ECONOMY

Committee on Financial Services: Held a hearing on Monetary Policy and the State of the Economy. Testimony was heard from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

"SHELL GAMES: CORPORATE GOVERNANCE AND ACCOUNTING FOR OIL AND GAS RESERVES"

Committee on Financial Services: Held a hearing entitled "Shell Games: Corporate Governance and Accounting for Oil and Gas Reserves." Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Government Reform: Ordered reported the following measures: H.R. 2449, amended, Civil War Sesquicentennial Commission Act; H.R. 2528, amended, Hudson-Fulton-Champlain 400th Commemoration Commission Act of 2003; H.R. 4324, To amend title 5, United States Code, to eliminate the provisions limiting certain election opportunities available to individuals participating in the Thrift Savings Plan; H.R. 4556, To designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the "General William Carey Lee Post Office Building;" H.R. 4618, To designate the facility of the United States Postal Service located at 10 West Prospect Street in Nanuet, New York, as the "Anthony I. Lombardi Memorial Post Office Building;" H.R. 4632, To designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the "Archie Spigner Post Office Building;" H.R. 4657, District of Columbia Retirement Protection Improvement Act of 2004; S. 2415, to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska as the Robert J. Opinsky Post Office Building;" H. Res. 695, Expressing the condolences of the House of Representatives to the family and friends of Mattie Stepanek on his passing, and honoring the life of Mattie Stepanek for his braveness, generosity of spirit, and efforts to raise awareness of muscular dystrophy; and H. Res. 717, Honoring former President William Jefferson Clinton on the occasion of his 58th birthday.

CIO'S ROLE IN IT INVESTMENT OVERSIGHT AND INFORMATION MANAGEMENT

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held a hearing entitled "Where's the CIO? The Role, Responsibility and Challenge for Federal Chief Information Officers in IT Investment Oversight and Information Management." Testimony was heard from the following officials of the OMB: Clay Johnson, III, Deputy Director, Management; and Karen Evans, Administrator, Office of E-Government and Information Technology; David Powner, Director, Information Technology Management Issues; Kimberly Nelson, Assistant Administrator, Environmental Information, and Chief Information Officer, EPA; Steven Cooper, Chief Information Officer, Department of Homeland Security; Vance Hitch, Deputy Assistant Attorney General, Information Resources Management and Chief Information Officer, Department of Justice; Ira Hobbs, Deputy Assistant Secretary, Information Systems and Chief Information Officer, Department of the Treasury; and public witnesses.

HIV/AIDS IN ASIA

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on HIV/AIDS in Asia. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following measures: H. Res. 700, adversely, as amended, Directing the Attorney General to transmit to the House of Representatives documents in the possession of the Attorney General relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay; H.R. 4646, amended, To amend title 28, United States Code, to provide for the holding of Federal district court in Plattsburgh, New York; H.R. 112, To amend title 28, United States Code, to provide for an additional place of holding court in the District of Columbia; and H.R. 4586, amended, Family Movie Act of 2004.

OVERSIGHT—ADMINISTRATION OF LARGE BUSINESS BANKRUPTCY REORGANIZATIONS

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on the Administration of Large Business Bankruptcy Reorganizations: Has Competition for Big Cases Corrupted the Bankruptcy System? Testimony was heard from Roberta A. DeAngelis, Acting United States Trustee—Region 3, Executive Office for United States Trustees, U.S. Trustee Program, Department of Justice; and public witnesses.

MISCELLANEOUS MEASURES; GUAM WAR CLAIMS COMMISSION REPORT

Committee on Resources: Ordered reported, as amended, the following bills: H.R. 1662, Sound Science for Endangered Species Act Planning Act of 2003; and H.R. 2933, Critical Habitat Reform Act of 2003.

The Committee also held an oversight hearing on the Guam War Claims Commission Report. Testimony was heard from David Cohen, Deputy Assistant Secretary, Insular Affairs, Department of the Interior; Mauricio J. Tamargo, Chairman, Guam War Claims Review Commission, Foreign Claims Settlement Commission, Department of Justice; Kaleo Moylan, Lt. Gov., Guam; and former Delegate Ben Garrido Blaz, Guam.

MARRIAGE PROTECTION ACT

Committee on Rules: The Committee granted, by a vote of 7 to 3, a closed rule providing ninety minutes of debate on H.R. 3313, Marriage Protection Act of 2004, in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representatives Stearns, Nadler and Jackson-Lee of Texas.

CONFERENCE REPORT—DEPARTMENT OF DEFENSE APPROPRIATIONS FISCAL YEAR 2005

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representatives Lewis of California and Murtha.

CYBERSECURITY EDUCATION

Committee on Science: Held a hearing on Cybersecurity Education—Meeting the Needs of Technology Workers and Employers. Testimony was heard from 2LT David Aparicio, USAF, Electrical Engineer, Air Force Research Laboratory Information Directorate, Department of the Air Force; and public witnesses.

TAX INCENTIVES FOR HOMELAND SECURITY RELATED EXPENSES

Committee on Small Business: Subcommittee on Rural Enterprises, Agriculture and Technology held a hearing entitled "Tax Incentives for Homeland Security

Related Expenses.'' Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following bills: H.R. 784, amended, Water Quality Investment Act of 2003; H.R. 4470, to amend the Federal Water Pollution Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program; H.R. 4688, To amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program; H.R. 4731, To amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program; and H.R. 4794, To amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act to extend the authorization of appropriations.

The Committee also approved the following: GSA Investment and Leasing Program resolutions; and U.S. Army Corps of Engineers Survey resolutions.

VETERANS' LEGISLATION

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 4768, amended, Veterans Medical Facilities Management Act of 2004; H.R. 4658, amended, Servicemembers Legal Protection Act of 2004; H.R. 1318, To name the Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, as the ''Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic;'' and H.R. 4836, to name the Department of Veterans Affairs medical center in Amarillo, Texas, as the ''Thomas E. Creek Department of Veterans Affairs Medical Center.''

THIRD PARTY COLLECTIONS PROGRAMS—PATIENT FINANCIAL SERVICES SYSTEM IMPLEMENTATION

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on the VA's progress in its third party collections program and implementation of the Patient Financial Services System. Testimony was heard from the following officials of the Department of Veterans Affairs: Michael L. Staley, Assistant Inspector General, Auditing; Robert N. McFarland, Assistant Secretary, Office of Information and Technology; Kenneth Ruyle, Chief Business Officer, Veterans Health Administration; and Ken Ray, VISN 8 Chief Financial Officer; the following officials of the GAO: Cynthia A. Bascetta, Director, Health Care—Veterans' Health and Benefits Issues; and McCoy Williams, Director, Financial Management and Assurance Team; and public witnesses.

SOCIAL SECURITY NUMBER PRIVACY AND IDENTITY THEFT PREVENTION ACT

Committee on Ways and Means: Ordered reported, as amended, H.R. 2971, Social Security Number Privacy and Identity Theft Prevention Act of 2004.

BRIEFING—COUNTERNARCOTICS: LATIN AMERICA AND SOUTHEAST ASIA

Permanent Select Committee on Intelligence: Subcommittee on Human Intelligence, Analysis and Counterintelligence met in executive session to receive a Briefing: Counternarcotics: Latin America and Southeast Asia. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

CAUCASUS RELIGIOUS FREEDOM

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission met to receive a briefing on the current state of religious freedom in the Caucasus due to recent events in Azerbaijan, Armenia and Georgia from Paul Crego, Cataloging Specialist, Library of Congress; Eric Rassbach, Becket Fund for Religious Liberty, Washington, D.C.; Andre Carbonneau, Jehovah's Witnesses, Montreal, Canada.

COMMITTEE MEETINGS FOR THURSDAY, JULY 22, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine activities and funding issues of the Appalachian Council and Working for America Institute, 9:30 a.m., SD–192.

Committee on Armed Services: to hold hearings to examine the Department of the Army Inspector General Report on Detention Operation Doctrine and Training, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: to continue hearings to examine regulation NMS and developments in market structure, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to consider pending calendar business, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings to examine space exploration of Saturn, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold an oversight hearing to examine the implementation of the National Parks Air Tour Management Act of 2000 (Public Law 106–181), 2:30 p.m., SD–366.

Committee on Finance: to hold hearings to examine the rule of higher education financing in strengthening U.S. competitiveness in a global economy, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the current situation in Iraq post-transition, 9:30 a.m., SD–419.

Committee on Governmental Affairs: Permanent Subcommittee on Investigations, to resume hearings to examine the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether the pharmaceuticals from foreign sources are counterfeit, expired, unsafe, or illegitimate, focusing on the extent to which U.S. consumers can purchase dangerous and often addictive controlled substances from Internet pharmacy websites and the procedures utilized by the Bureau of Customs and Border Protection, the Drug Enforcement Administration, the United States Postal Service, and the Food and Drug Administration, as well as the private sector to address these issues, 9 a.m., SD–342.

Full Committee, to hold hearings to examine the nomination of Allen Weinstein, of Maryland, to be Archivist of the United States, 3:30 p.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine preparations for possible future terrorist attacks, 10 a.m., SD–430.

Committee on Judiciary: business meeting to consider pending calendar business, 9:30 a.m., SD–226.

Full Committee, to hold hearings to examine S. 2560, to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, 2 p.m., SD–226.

Select Committee on Intelligence: to hold hearings to examine intelligence reform, 2:30 p.m., SH–216.

House

Committee on Agriculture, to mark up H.R. 4576, Food Promotion Act of 2004, 9:30 a.m., 1300 Longworth.

Subcommittee on Livestock and Horticulture, hearing to review the USDA's National Animal Identification System, 1 p.m., 1300 Longworth.

Committee on Appropriations, to mark up the following appropriations for fiscal year 2005: VA, HUD and Independent Agencies; and Transportation, Treasury and Independent Agencies, 10 a.m., 2359 Rayburn.

Committee on Armed Services, hearing on the Report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack, 9 a.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on Space Cadre/Space Professionals, 2 p.m., 2118 Rayburn.

Committee on the Budget, hearing on the U.S. Tax Code's Impact on Revenue Projections and the Federal Budget, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearing entitled "Genetic Non-Discrimination: Examining the Implications for Workers and Employers," 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials, hearing entitled "Tapped Out? Lead in the District of Columbia and the Providing of Safe Drinking Water," 9:30 a.m., 2322 Rayburn.

Subcommittee on Health, hearing entitled "Health Information Technology: Improving Quality and Value of Patient Care," 2 p.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "Problems with the E-rate Program: Waste, Fraud, and Abuse Concerns in the Wiring of Our Nation's Schools to the Internet," 10:30 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled "Sarbanes-Oxley: Two Years of Market and Investor Recovery," 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled "Contracting and the Rebuilding of Iraq: Part IV," 10 a.m., 2154 Rayburn.

Subcommittee on Criminal Justice, Drug Policy and Human Resources and the Subcommittee on Infrastructure and Border Security of the Select Committee on Homeland Security, joint hearing entitled "Drugs and Security in a Post-9/11 World: Coordinating the Counternarcotics Mission at the Department of Homeland Security," 2 p.m., 2247 Rayburn.

Subcommittee on Human Rights and Wellness, hearing entitled "Balancing Act: The Health Advantages of Naturally-Occurring Hormones in Hormone Replacement Therapy," 2:30 p.m., 2154 Rayburn.

Committee on House Administration, hearing on H.R. 4863, To establish the Commission to Establish the National Museum of the American Latino to develop a plan of action for the establishment and maintenance with the Smithsonian Institution of the National Museum of the American Latino in Washington, D.C., 1:30 p.m., 1310 Longworth.

Committee on International Relations, Subcommittee on Africa, hearing on The Democratic Republic of Congo Peace Accords: One Year Later, 2 p.m., 2172 Rayburn.

Committee on Resources, Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 822, Wild Sky Wilderness Act of 2003; H.R. 4806, Pine Springs Land Exchange Act; and H.R. 4838, Health Forest Youth Conservation Corps Act of 2004, 11 a.m., 1334 Longworth.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing Small Business Liability Reform, 2 p.m., 311 Cannon.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, oversight hearing on Comprehensive Everglades Restoration Plan—The First Major Projects, 12 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on the evolution of VA–DoD collaboration in research and amputee care for veterans of current and past conflicts, and needed reforms in VA blind rehabilitation services, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, hearing on Electronic Prescribing, 1 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Technical and Tactical Intelligence, executive, Briefing: Technological Superiority in the Intelligence Community, 2 p.m., H–405 Capitol.

Subcommittee on Terrorism and Homeland Security, executive, Briefing: Threats to the National Conventions and the Olympics, 9 a.m., H–405 Capitol.

Subcommittee on Terrorism and Homeland Security, executive, Briefing: Port Security, 10 a.m., H–405 Capitol.

Joint Meetings

Conference: meeting of conferees on H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, 11 a.m., 2167 RHOB.

Joint Economic Committee: to hold hearings to examine the demographics of health care, focusing on evidence regarding declining rates of chronic disability and assess the best opportunities for further health promotion, 10 a.m., SD–628.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 22

Senate Chamber

Program for Thursday: After the transaction of morning business for statements only (not to extend beyond 60 minutes), Senate will continue consideration of the nominations of Henry W. Saad, of Michigan, to be a United States Circuit Judge for the Sixth Circuit, with a vote on the motion to invoke cloture on the nomination to occur at approximately 11 a.m.; following which, Senate will vote on the motions to invoke cloture on the nominations of Richard A. Griffin, of Michigan, and David W. McKeague, of Michigan, each to be a United States Circuit Judge for the Sixth Circuit, respectively.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 22

House Chamber

Program for Thursday: Consideration of H.R. 3313, Marriage Protection Act of 2003 (closed rule, 90 minutes of debate).

Rolled votes on Suspensions considered on Tuesday, July 19, and Wednesday, July 21.

Rolled vote on Stenholm motion to instruct conferees on H.R. 1308.

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(House proceedings for today will be continued in the next issue of the Record.)

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