



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, MONDAY, DECEMBER 6, 2004

No. 137

## Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, December 7, 2004, at 9:30 a.m.

## House of Representatives

MONDAY, DECEMBER 6, 2004

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

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
December 6, 2004.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

### NOTICE

If the 108th Congress, 2d Session, adjourns sine die on or before December 10, 2004, a final issue of the Congressional Record for the 108th Congress, 2d Session, will be published on Monday, December 20, 2004, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Monday, December 20. The final issue will be dated Monday, December 20, 2004, and will be delivered on Tuesday, December 21, 2004.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H10897

## PRAYER

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

At this time of the year from across the world arises Handel's Song of Isaiah's text. Today the same vigorous words are laid tenderly, like the music, upon this House of Representatives:

"Comfort my people. Give comfort to my people, says your God. Cry out to the nation that her warfare is accomplished; that her iniquity is pardoned. The glory of the Lord shall be revealed, and all flesh shall see it together: for the mouth of the Lord hath spoken it."

Lord, may this seasonal song strengthen Your people in their desire for lasting peace, and may justice and right judgment in this Chamber be a comfort to Your people now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. KLINE led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

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

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,  
Washington, DC, November 29, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 24, 2004 at 6:10 p.m.:

That the Senate Concurs in House Amendments to Senate Amendment to H. Con. Res. 529.

With best wishes, I am  
Sincerely,

JEFF TRANDAHL,  
Clerk of the House.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES  
Washington, DC, November 29, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 24, 2004 at 6:30 p.m.:

That the Senate passed without amendment H.J. Res. 115.

With best wishes, I am  
Sincerely,

JEFF TRANDAHL,  
Clerk of the House.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, Speaker Pro Tempore WOLF signed the following enrolled joint resolution on Monday, November 29, 2004:

H.J. Res. 115, making further continuing appropriations for the fiscal year 2005, and for other purposes.

## TRIBUTE TO JEFF OLSEN ON OCCASION OF HIS RETIREMENT AS MINNESOTA COMMISSIONER OF VETERANS AFFAIRS

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

Mr. KLINE. Mr. Speaker, I rise today to recognize the contributions of Minnesota Commissioner of Veterans Affairs, Jeff Olsen, on the occasion of his retirement.

Jeff Olsen was appointed Commissioner of Veterans Affairs by Governor Ventura in January 2001 and has continued to serve the veterans community proudly. Throughout the past 4 years, Jeff has been a tireless advocate and representative for Minnesota's 450,000 veterans. By working closely with groups such as the Veterans Service Organizations of Minnesota and the Minnesota Association of County Veterans Service Officers, Jeff has remained constantly in touch with the issues of concern to the men and women he represents.

No stranger to those issues himself, Jeff began his career as a member of the United States Army, attached to the United States Armed Forces Courier Service, a joint services mission responsible for the preparation and transportation of top-secret materials

throughout the world. This experience has continued to inspire Jeff and motivate him to serve his fellow veterans with honor and respect.

Jeff's dedication to the veterans community will continue to shine through the legacy of his accomplishments. Thank you, Jeff, for the example you have set. Your fellow veterans will miss you. We wish you the best in your next chapter of life.

## HOUSE MUST PASS 9/11 LEGISLATION

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, the House today and tomorrow has one, one, simply one chance to do what is right, and that is to pass the 9/11 Commission report legislation. It is not a question of whether this is a bad bill; it is a question of whether or not we can put aside special interests and do our jobs.

Frankly, the issues that are standing in the way now are issues that can be addressed very well in the 109th Congress. In fact, I look forward to comprehensive immigration reform. I am delighted we are working through the issues concerning our military. And in fact, we have been informed by those in charge of the military in the Pentagon that these issues are resolved.

It is a shame when we hear the former, or soon-to-be former, Secretary of Health and Human Services tell us that our food supply may be in jeopardy. Human intelligence is vital. The 9/11 Commission legislation will address that.

With homeland security as the backdrop of our work, we need more work with the Transportation Security Administration, more training and testing of cargo on airplanes. There is so much work to be done. We must pass the 9/11 Commission legislation now. Only then can we begin the work of securing the homeland seriously.

## MR. DENTON GOES TO SENATE

(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, with the conclusion of a session, there is a normal shuffling of staff positions, and for the office of the Second District of South Carolina we will miss Wesley Denton, who has served for 3 years as communications director.

I have mixed feelings, personally, about this move; but I am thrilled Wesley has been selected to serve with Senator-elect JIM DEMINT of South Carolina. Congressman DEMINT is a person of high integrity and competence, which is reflected by his choosing Wesley.

Wesley will be a part of history, in that South Carolina has not had two

Republican U.S. Senators since 1877. Beginning in January, we will have the achievement of U.S. Senators LINDSEY GRAHAM and JIM DEMINT. With Wesley's congressional experience, his training with Ed Meese at the Heritage Foundation, and his work with the House Committee on Armed Services, Wesley will assist the Senator to best represent the people of South Carolina.

Wesley Denton, one of five sons of Cassy and Dan Denton of Beaufort, South Carolina, and the newlywed husband of the former Kari Brooks, is a credit to the people of South Carolina, and I wish him Godspeed.

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

#### BIPARTISAN INTELLIGENCE REFORM BILL

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

Mr. Speaker, today I rise to ask for the opportunity to vote on the 9/11 intelligence reform bill, supported both by Republicans and Democrats. Smart, effective intelligence reform, such as this piece of legislation before Congress, will help to strengthen our intelligence agencies and better protect Americans against terrorism.

Unfortunately, extreme conservatives are playing politics with America's security. They have prevented us from making America safer for our families because they continue to insist that the House-passed controversial immigration provisions need to be included. The 9/11 Commission has stated, and I quote, "We believe strongly that this bill is not the right occasion for tackling controversial immigration and law enforcement issues."

I believe with the 9/11 Commission. The legislation before us has the support of the President, the support of congressional leaders in both the House and the Senate, and it is the will of the 9/11 Commission and the wishes of the 9/11 families that Congress pass this legislation.

Let us make America safer and pass this bipartisan compromise.

#### ONE-YEAR ANNIVERSARY OF MEDICARE MODERNIZATION ACT

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

Mr. BURGESS. Mr. Speaker, we come up on the 1-year anniversary of the President signing the Medicare Modernization Act. This is truly an accomplishment of which this Congress can be proud. We begin the process of the transformation of Medicare.

Mr. Speaker, with the advances in medical science, and those that are to come in fields such as genomics and proteomics, we are going to see improved longevity and improved health outcomes. Medicare, for the first time,

will pay for wellness instead of compensating for disease.

In our bill, we allowed the expansion of health savings accounts. Health savings accounts will change the way the next generation approaches paying for health insurance, giving them far greater power over their own health decisions. Mr. Speaker, today's seniors, next year, will have the missing piece of Medicare when coverage for prescription drugs begins.

Mr. Speaker, this was indeed landmark legislation that passed this House a year ago, and I salute those on the committees of jurisdiction that had a hand in getting this legislation passed. Every Member of this Congress and their staffs can be proud of their accomplishment.

#### ADMINISTRATION MUST BE HELD ACCOUNTABLE FOR UNJUST WAR IN IRAQ

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

Mr. KUCINICH. Mr. Speaker, nearly 1,300 brave American men and women have sacrificed their lives in Iraq. Yet the central reasons for the U.S. invasion have fallen apart: Iraq had nothing to do with 9/11, Iraq had no weapons of mass destruction, there is no proof that Iraq was instrumental with al Qaeda's role in 9/11, and Iraq was not trying to get nuclear materials from Najir.

This administration misled the Congress, misled the American people, violated international law, directed the bombings of populated areas causing the disruption of water, sewer, and electrical service, ordered house-to-house fighting, and now, the civilian toll, by one account, is over 100,000 Iraqi civilians perished. Why?

Freedom, if it is to be obtained anywhere, must be advanced under the standard of truth. The Iraqis will not be handed freedom based on lies, nor will our own Nation preserve our freedoms if we continue to accept the basis for our occupation of Iraq.

This administration must be held accountable under international law for the disaster it visited upon Iraq. Only the truth can clean the stain on our Nation's conscience.

#### COMMUNICATION FROM DISTRICT CHIEF OF STAFF OF HONORABLE ILEANA ROS-LEHTINEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Debra Musgrove Zimmerman, District Chief of Staff of the Honorable ILEANA ROS-LEHTINEN, Member of Congress:

HOUSE OF REPRESENTATIVES,  
November 24, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules

of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida.

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

Sincerely,  
DEBRA MUSGROVE ZIMMERMAN,  
District Chief of Staff  
for Ileana Ros-Lehtinen.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

#### GENERAL LEAVE

Mr. YOUNG of Florida. 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 House Concurrent Resolution 528, and that I may include tabular material on the same.

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

There was no objection.

#### DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORREC- TIONS IN ENROLLMENT OF H.R. 4818

Mr. YOUNG of Florida. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the concurrent resolution (H. Con. Res. 528) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

The Clerk read as follows:

Senate amendment:

At the end of the resolution, insert the following:

Strike Section 222 of Title II of Division H.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

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

□ 1415

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

Mr. Speaker, the legislation before the House, H. Con. Res. 528, directs the Clerk of the House to make technical corrections in the enrollment of the bill H.R. 4818, the Omnibus Appropriations Act for Fiscal Year 2005. Members

may recall that the House passed this resolution, H. Con. Res. 528, along with the omnibus appropriation bill on November 20, 2004. Today we are considering an amendment which was added by the Senate to the concurrent resolution that would make a further correction to the omnibus appropriations bill by deleting section 222 of the bill which deals with IRS oversight.

I think it is important to take just a minute or two to say some things about this provision. I explained why this provision was included, and I included this statement in the CONGRESSIONAL RECORD in part of the debate on the last continuing resolution. I want to be clear, though, that the Committee on Appropriations never had any intention to review or investigate individual tax returns. That is the prerogative of the Committee on Ways and Means in the House and the Committee on Finance in the Senate.

However, it is important to note that the IRS had requested an increase of \$500 million, a half a billion dollars, for their programs and functions in the IRS. The Committee on Appropriations does have an obligation to review and provide oversight of that kind of an expenditure. That was the purpose of the language. It was never intended to have anything to do with individual income tax returns.

I stated this very clearly in a colloquy with the chairman of the Committee on Ways and Means. I will also point out that section 203 of the same division of the bill includes an IRS general provision which has been carried for years. The section reads, "The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information." IRS would have had the authority they needed to protect taxpayer privacy.

It is an unfortunate set of circumstances that have led many to misinterpret the section in question and the intent of that section, section 222, of the appropriations bill. However, in order to eliminate the confusion that has been created around this issue, I ask that the House agree with the amendment by the Senate to this concurrent resolution and ask the Members to support it.

Before the Omnibus Appropriations bill, which has been passed by the House and the Senate, but before it can be sent to the President for his signature, this concurrent resolution has to be passed.

I would like to read for the RECORD the colloquy I just referenced.

Mr. THOMAS said, Mr. Chairman, I understand section 222 of the Transportation, Treasury and Postal title provides the Committee on Appropriations with proper access IRS facilities for oversight purposes but not the ability to examine individual tax returns, data, or information and that it is the intent of the Committee on Appropriations that all access to taxpayer information would remain governed by the disclosure and privacy rules of section 6103 of the Internal Revenue Code. Is that correct?

I responded by saying the gentleman is correct. The Committee on Appropriations needs access to IRS field facilities to do our oversight work. That work does not require the Committee on Appropriations to review individual tax returns under section 6103, but it does require access to the facilities.

This colloquy can be found on page H10191 of the CONGRESSIONAL RECORD of November 20, 2004.

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

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Committee on Ways and Means.

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

Mr. RANGEL. Mr. Speaker, I do not stand here to get involved in a jurisdictional fight between the Committee on Ways and Means and the Committee on Appropriations, and there is not a Member of this House that I have more respect for than the chairman of the Committee on Appropriations. We have served together over the years, and sometimes even forgot we were Republican and Democrat because he has been such a gentleman even when we disagreed on issues.

I am just surprised there is not more outrage on the process. Whether it is Ways and Means or Appropriations, the whole idea that a staff member can contact the Internal Revenue Service, and the Internal Revenue Service drafts a provision of law and then somehow it finds itself in a conference report is something that takes away the integrity, and not of the tax-writing committee or the appropriation committee, but the United States Congress, the House and the Senate. This is outrageous when we are talking about such a sensitive issue.

The United States is one of the few republics which has a democracy which has a volunteer system for the filing of income tax. True, we have the threat of what happens if a taxpayer is so unlucky that they are audited and found to have done something wrong, but the whole basis of the system is having confidence that what you are telling them is being held private. It is not too unusual to find things coming into conference reports that did not pass the House and did not pass the Senate, but at least the majority has the chutzpah enough to waive points of order. At least they say they are cheating and have already waived the authority of the minority to have any input in what they are doing in the conferences wherever they are held. But to say that the privacy of filing income tax, and some people say they do not know how it got in here, but the IRS certainly knows how it got in here, and the appropriations staff person certainly knows how it got in here, the only people who do not know how this happened are Members of Congress because we have reached a point where we do not read your bills anymore, we just take your word for it.

Mr. Speaker, I hope as the gentleman from Florida (Mr. YOUNG) leaves the leadership of this committee that we might find more outrage when things like this happen, regardless of which committee it is. We have to find some way that staffs cannot legislate for the House, for the Senate, and for the Congress. We cannot blame staff when we give them the authority to do such a thing. I do not care whether it is the Committee on Ways and Means, Committee on Appropriations or what committee it is, we are losing each and every day a lot of confidence from the voters, and if we start losing them in the taxpayers and, we have a taxpayers' revolt as well as a political revolt, there will be no winners in this House, Republicans or Democrats.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I will say to the gentleman that unlike some committees in this House who do their work in secret, this committee does its work in public, in the open. We may have to work late hours, all night long, weekends, and that is a fact. The fact of the matter is this provision, along with every other provision of that section that we are concerned about here, was read word for word, comma by comma, period by period, by 17 staff members who supposedly reported to their chairmen and their ranking members. These 17 staff members were Republicans, they were Democrats, they were from the House committee, and they were from the Senate committee, and they read the entire section, and they reported to the leadership of their respective committees. It was done in public. We do not do our bills in secret.

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

Mr. RANGEL. Mr. Speaker, I would like to say to the gentleman from Florida (Chairman YOUNG), stealing in public to me is no different than stealing in the middle of the night. If this thing is so repugnant that it is on the suspension calendar to take it out, why is the gentleman so proud that you put it in?

What I am talking about is not the gentleman and not this committee, but a process that is repugnant to everything that a House Member or Member of Congress should believe in. I do not mean to take this out on the gentleman from Florida personally. I said Members should not allow staff to do this. If it was read at 3 in the morning or 3 in the afternoon, what difference does it make? We are taking it out now, and that means it was wrong to put it in there, and we are proud to take it out.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute to respond to the gentleman.

The problem is not in the House. This issue was discussed openly in a colloquy with the chairman of the Committee on Ways and Means. We discussed this issue thoroughly, and we

made it clear what the intent was. Why we are removing the provision today is because the other body amended our resolution and said they wanted it out. We are a bicameral legislature, and we have to work with the other body.

In fact, this whole comedy of errors of an omnibus appropriations bill would not have happened if the other body, and I am not allowed by the House rules to say who or what or why, but the other body did not pass their bills.

I really get offended when I hear the news media reporting the Congress did not get their job done. The House did. The Committee on Appropriations passed all of its bills. By the end of July, we had all of our bills reported, and we had all but one through the House floor, and that one could have gone through the House floor, but we were not given time to do it on the floor. The other body did not do their job, so we had to do this omnibus package rather than doing 13 separate bills. There is the answer to the gentleman's question.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, it is ironic that we have an argument going between two gentlemen, neither of whom had any responsibility for the problem that occurred.

The responsibility for this problem lies squarely on the shoulders of the majority party leadership because they knew that they could not bring their appropriation bills to the floor in the Senate and pass them before the election, so they created the situation in which, after the election, all of these appropriation bills were jammed together. They were then dealt with by the staff night after night. The staff worked with no sleep, and, as a result, language that should have been caught and corrected was not corrected.

That is what happens when Members do not respect the processes of the House. That is what happens when you do not give Members of the majority or minority enough time to actually know what they are doing. The House has egg on its face because the majority party leadership had an agenda on appropriation bills that precluded their ability to get votes for them in the other body until after the election. That is a sad fact as to what happened, and the way to correct this is to see that we have enough time to do our jobs, that we quit suspending the rules around here so Members have enough time to read conference reports, and we make compromises ahead of time so the House can get its appropriations work done in an orderly way. That is what has been sadly lacking over the past year.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to oppose a series

of legislative provisions that were included in the Transportation and Treasury section of the Omnibus Appropriations Act without consulting or even notifying the committee of jurisdiction, the Committee on Government Reform.

We strenuously oppose section 522 requiring that each Federal agency have a privacy officer to carry out duties relating to the privacy and protection of personally identifiable information. These Federal information security functions are an intrinsic part of existing Federal information policy.

They are the responsibility of the agency chief information officer in the agencies. Therefore, privacy officers are unnecessary. They are duplicative, and it is confusing.

Further, section 522 attempts to address information security concerns that are already addressed in the Federal Information Security Management Act, the Clinger-Cohen Act, the Electronic Government Act, and the Paperwork Reduction Act. These laws are currently implemented by Federal agencies.

Section 522 merely creates a layer of bureaucracy that contradicts existing Federal information policy currently executed by the CIOs.

The Committee on Government Reform and Federal agencies have worked hard to ensure the Federal Government has coherent information security policies and guidelines in place. Section 522 reverses the progress the Federal Government has made to modernize itself in order to function more efficiently and cost-effectively in a digital age.

In addition, this section is a fine example of legislating on appropriation bills. But worse, there was no attempt to even discuss this provision with our committee, the committee with jurisdiction over Federal information policy. For years we have performed an aggressive legislative and oversight agenda.

We have introduced a bill now to repeal this section, but the disregard for the committee of jurisdiction in this section of the omnibus did not stop there. In July, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Connecticut (Mr. SHAYS) on behalf of the Committee on Government Reform raised and the Chair sustained 12 points of order against legislative provisions in the Transportation and Treasury Appropriations Act. Nine of these were rewritten in the omnibus, in violation of House rules, without consulting our committee, and despite our requests that these provisions not be reinserted including:

1. An amendment that runs contrary to the reauthorization of the Drug Control Policy Act passed by the House last year; and

2. Several legislative provisions that will add unneeded red tape and expense to the Federal procurement process.

What does it say about our institutional integrity, our rules, our state of affairs, when points of order are sustained and subsequently ignored.

My concerns have been overshadowed by a certain tax provision that also appeared in the Omnibus. But they are symptoms of the same disease.

It is the willingness of appropriators and their staff to legislate on appropriations bills without consulting the committees of jurisdiction that caused the mess over the ill-considered tax provision and this trend is the basis of my concern as well.

The authorizing committees are Congress's experts on the law, and the appropriations process should not be used as an end-run around their consideration.

I recognize that politics and process will sometimes require that legislation be included in appropriations; and,

I have always been willing to work with appropriators to include suitable legislation in their bills. Looking forward to next Congress, it is my hope that this episode will inspire a greater willingness on the part of the appropriators and their staffs to consult and cooperate with the authorizers before legislating on appropriations acts.

Finally, I ask for the appropriators support in repealing the badly considered Chief Privacy Officer provision that was surreptitiously included in the Omnibus at the 11th hour.

□ 1430

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank our distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY), for yielding me this time and once again commend him and the gentleman from Florida (Mr. YOUNG), our chairman, for their service and leadership to our country and this Congress.

Mr. Speaker, 16 days have come and gone since this House passed the omnibus appropriations bill. Yet not one Member of Congress is willing to take responsibility for jeopardizing the privacy of more than 180 million American taxpayers. Instead, a Republican staff member came forward late last week stating that he inserted the provision without mentioning it to the Republican Member of Congress who employed him. Success, it is said, has many fathers, but failure is an orphan.

Let us be clear, this assault on the privacy of America's taxpayers has failed because it is an outrage to the American people and to most of the Members of this body. From the Constitution's protections of freedom of association and political expression to its protection against unlawful searches and self-incrimination, our citizens expect and deserve a government that respects their privacy and does not discriminate against them on the basis of political beliefs.

Yet the provision we are repealing today would have granted sweeping authority to the appropriations committee chairmen and their staffs to review individual tax returns without the restrictions in current law that make it a crime to use private tax information improperly. As a result, private

taxpayer information would be vulnerable to unwarranted scrutiny, and taxpayers would have no resource or assurance against the improper use of their private financial information. This sweeping disregard for the protection of taxpayer privacy is deeply troubling and all too familiar.

Just 30 years ago, the Judiciary Committee of this House, on a bipartisan basis, voted to impeach President Nixon for violating the Constitution, including using the Internal Revenue Service to persecute those on his enemies list. Article two of the Articles of Impeachment specifically stated that President Nixon endeavored to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns.

This disgraceful episode is a sad part of our history, but it was not all that long ago. Many of us remember. In fact, the distinguished ranking member of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), and the distinguished ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), were both serving on the Judiciary Committee in 1974, and they continue to serve here, obviously, today. We are grateful for their steadfast courage and determination in defending our Constitution. They know that it is our constant duty to protect and defend our civil liberties, our freedoms, and the Constitution of the United States. That is the oath of office that we take, and we must never let our guard down.

Lacking the support of a majority of this body, this assault on taxpayer privacy was possible only because of the Republicans' repeated willingness to abuse their power. My colleagues, as we all know, the rules of this House mandate that Members be given a minimum of 3 days to review legislation. That is a rule of the House. Yet the Republican leadership frequently resorts to the use of martial law to push through legislation by requiring a same-day vote. In the 108th Congress alone, the Republican leadership proposed same-day votes nearly 30 times. This excessive use of martial law rules subverts the will of Congress by denying Members the opportunity to examine critical legislation, thus allowing egregious measures such as the taxpayer privacy persecution provision to pass. It was only caught in the Senate because they had more time to review the legislation.

Mr. Speaker, the Supreme Court noted in an 1886 forfeiture case that illegitimate and unconstitutional practices get their first footing by silent approaches and slight deviations from legal modes of procedure. Before us today is a glaring example of what can happen when slight deviations from legal modes of procedure are allowed to go forward. To prevent future instances of hasty and dangerous decision-making, the House of Representatives must

obey its own current rules that require Members of Congress be given at least 3 days to read legislation before voting on it. That is a rule of the House for all legislation. Why would it not be even more important for a 3,000-page bill containing nine appropriations bills, the omnibus bill, that had other extraneous matter in it as we can see? Before us today is again what can happen when slight deviations from legal modes of procedure are allowed to go forward.

I urge my colleagues to remove this taxpayer privacy persecution provision and to demand an end to the irresponsible use of martial law rules. Only if we determine to obey the rules of the House can we truly expect the American people to think that we realized what happened in this bill was wrong and we are determined that it will not happen again.

Mr. Speaker, I urge our colleagues to support the provision that is before us today.

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

Mr. Speaker, this is an extremely regrettable incident. The House is gathered here today, long after the session is supposed to be over, because we had language inserted in an appropriation bill which, if read on its face, would create a grave threat to the privacy of individual taxpayers. I am personally confident that that was not what was meant. I do not believe that this language has been placed in this omnibus appropriations bill because of any conspiracy to invade privacy. I do not believe that at all.

I do believe, however, that the House has been operating under a different kind of conspiracy and that has been a conspiracy to, in essence, shut down the congressional consideration of appropriation bills until after the election because of the knowledge on the part of the majority party leadership that the funding levels for a variety of programs were so tight in areas such as education and science and health that the leadership knew that those votes could not pass the Senate before the election. And then after the election, the appropriations committee, its members and its staff, were then given marching orders to produce bills in virtually no time. Those bills were then brought to the floor.

This is the report, the conference report, now some 3,000 pages of original text. Those bills were brought to the floor with no opportunity for any Member, including the gentleman from Florida and myself as the chairman and ranking member of the committee, to actually take the time to review what was in the language of all 3,000 pages and the language was produced by staff that was sleep-deprived, harried and harassed and under orders only to get the job done within a certain time window laid out by the majority party leadership.

The Washington Post contained the following paragraph in an article writ-

ten by Dan Morgan in describing the situation. That paragraph in Mr. Morgan's story reads as follows:

"But a reconstruction of what happened suggests less a sinister conspiracy than problems arising from the legislative practices of the present Congress, in which sleep-deprived staffers often take on much of the burden of writing major bills under deadline pressure, and legislation drafted in secret is rushed through both Chambers before lawmakers, let alone the general public, have a chance for review.

"Senator KENT CONRAD, ranking Democrat on the Budget Committee, warned that 'something really seriously bad is going to happen if we let this continue.' Senator JOHN MCCAIN said, 'This process is broken.'"

So says the story in *The Post*.

I think that story is accurate. And I would point out that when we have legislation that is produced under those conditions and then when that legislation is brought to the floor under conditions in which the rules of the House are suspended so that Members do not have the normal time to look at a bill, what happens is that there are items in the bill that are not only hidden from members of the opposition party; there are items in the bill that are hidden from the majority's own caucus.

I think that rank-and-file Members of both parties are grossly disserved, and I think the appropriations committee is grossly disserved when we are not given sufficient time to review actions taken by staff and to review actions taken by conferees.

This is supposed to be the greatest deliberative body in the world. It is a far cry from that when you are asked to swallow 3,000 pages, when a bill is filed at 1 o'clock in the morning and then brought to a floor vote with no opportunity to really read the fine print.

So I simply think, Mr. Speaker, that the way to gain something out of this experience is to determine that in the future we are not going to suspend the rules on massive appropriation bills; that we are going to allow people to have the time to review the contents.

But even more importantly, there needs to be a determination to begin the process with a realistic budget resolution so that the majority party can bring its bills to the floor and pass them. I am probably not going to like the priorities in those bills. But the House is better served and Members of both parties are better served when there is an orderly process so that we can debate these differences honestly. Right now we are all paying a price and this institution is paying a price because that has not happened in the past year. I have made quite clear where I think the responsibility for that lies.

Mr. Speaker, I would simply ask Members to remember this incident when we vote on rules changes for the coming Congress. I would ask Members to remember that there are reasons why we should not suspend these rules.

If it is important for us to pass something quickly and if there is bipartisan agreement on that necessity, you can get two-thirds to bring up these bills. Many times we have cooperated procedurally to move appropriation bills forward, but we need to have the safety valve of those rules in order to prevent future mistakes like this which embarrass the institution.

And so, Mr. Speaker, I would hope that we remember that when we are asked to vote on rules changes at the beginning of the next Congress.

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

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

Mr. Speaker, we understand the problems that have been created here, mainly confusion. I certainly endorse what the gentleman from Wisconsin has said about how this came about and what the intent was. The intent was to provide the proper oversight of a half-a-billion-dollar request for an increase in an agency's budget. But this is not the best way to do business.

□ 1445

An omnibus appropriations bill is the last thing you want to do to get the appropriations bills passed.

Now, appropriations bills have to pass. You cannot adjourn and not complete the appropriations bills, because then the government shuts down. I am happy and proud to say during my chairmanship, on my watch, we did not have any government shutdowns, we did not have any appropriations bills vetoed, and we had pretty good votes on most all of the appropriations bills. In fact, this year we never got less than 300 votes on an appropriations bill in the House. That is not a bad record.

The reason that the gentleman from Wisconsin (Mr. OBEY) and I both pushed our subcommittees, majority and minority Members, so hard to get our work done on time was to avoid an omnibus appropriations bill, and we did that. The last bill of the 13 bills was reported by the House Committee on Appropriations on July 22, 4½ months ago, the final bill. The last bill that we passed in the House was September 22, 2½ months ago.

The thirteenth bill would have also been passed that same month, except we were not given time to put the bill on the floor. The House would have had its job completed. Then we could have paid attention to 13 bills, each one individually, each one separately, so there would have been time to have a more thorough evaluation of what was in those bills.

But, the other body would not pass their bills. They would not put them on the floor, for whatever reason. So there were nine bills in this omnibus appropriations bill. It was a bad way to do business, but it was the only alternative left to us in order to get the job finished in the time that we had to get it done.

The bill itself has passed. The House passed it with 344 votes. The Senate

passed it with approximately 60 votes. The bill has passed. What we are dealing with now is a technical correction. We have all agreed to it. We just ought to go ahead and do it, get the bill transmitted down to the President, and clear the decks so that the new Congress and the new administration, can start with a clean slate.

Hopefully there will be decisions made that will allow the appropriations and budget process to work more effectively. There are some who say that the process is broken. I disagree with that. I do not think the process is broken, because the House passed all of our bills. What broke down was the opportunity to go to conference with the other body, because they did not pass their bills.

The budget process might also be a little bent out of shape because we have not had a budget in a couple of years. The gentleman from Iowa (Chairman NUSSLE) deserves credit. He passed a resolution in the House setting a budget, but, again, there was never any conference agreement with the Senate to bring that budget forward and to have the full force of a budget.

So in the House we deemed the budget number to be that as the House passed it, and the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), although we had different approaches, we worked hard to stay within that budget number.

Mr. Speaker, we stayed within the budget. We did not exceed the budget. The omnibus bill does not violate the budget as deemed by the House. But it would be far better if we could have the budget process work to the point that the House would pass it, the Senate would pass it, we would conference it, and then both of us work from the same budget.

We had to end up with the same number on appropriations bills, and the way we did it was to have this omnibus appropriations bill.

Mr. Speaker, as a member of the Committee on Appropriations, you know how hard I pushed to get this work done. And we did our job. I am proud of this House, and I am proud of the Committee on Appropriations, on both sides of the aisle. We did our job. But we are part of a bicameral legislature. The saying is, "It takes two to tango." Well, it takes two Houses to appropriate. That has been one of our problems.

There is a lot more I would like to say about this, but I am not going to. It is time to get rid of this resolution, H. Con. Resolution 528, and allow this appropriations bill to be transmitted to the President.

Mr. UDALL of Colorado. Mr. Speaker, I will support this resolution. But the fact we are considering it should be a source of embarrassment for our Republican colleagues and their leaders.

The resolution would delete from the omnibus appropriations bill a provision that would put at risk the privacy of every American's in-

come-tax return. The Senate passed the resolution after the discovery of that provision led the chairman of their Appropriations Committee to publicly apologize and after it was agreed that the appropriations bill itself would not be sent to the President until the deletion was made.

Certainly this was an embarrassing development. But it should not have come as much of a surprise, because it was the result of a badly flawed process.

Rolling together nine separate appropriations measures—including one that had not been considered by either chamber and several that had been considered only by the House—is not the way Congress should do its work. And, as in previous years, the Republican leadership made things outrageously worse by rushing the massive measure to the floor under a "martial law" rule that prevented Members from having time to carefully review its thousands of pages.

That was the situation that faced us on November 20th, when the House took up the measure, and when each of us had to decide whether to support or oppose its passage.

I finally decided to support it, but the decision was not an easy one and came only after as much review as my staff and I could give to the measure and after giving serious consideration to voting against it.

On the one hand, a review of the measure showed that its enactment would have many benefits for Colorado and the country.

For example, its enactment would assure that the cleanup of the Rocky Flats site would be able to stay on the schedule that aims for completion and closure by the beginning of 2006, and that there would be funds for much-needed work at the NIST laboratories in Boulder.

It also would mean that the Interior Department could complete the purchase of the lands in the San Luis Valley that will become the new Baca National Wildlife Refuge adjoining the newly designated Great Sand Dunes National Park. It would mean that other Colorado lands could be added to the national forests, including more of the lands in the Beaver Brook watershed that the City of Golden is eager to sell for that purpose as well as the Miller tract near Grand Lake and other sensitive lands in other parts of the state. And it would provide other needed funds for ongoing work related to federal lands or other natural resources in our state being done by the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, and the Army Corps of Engineers.

In addition, it would provide funds for important projects for the benefit of many Colorado communities—including Boulder, Eldorado Springs, Idaho Springs, to mention only some in the Second Congressional District—and institutions, including National Jewish and Avista Hospitals, the Bonfils Blood Center, and the National Sports Center for the Disabled.

Further, both our Nation's leadership in science and Colorado firms would benefit from the \$291 million to be used by NASA for servicing the Hubble space telescope—which the statement of managers said "should be one of NASA's highest priorities"—and from the bill's provision of \$28.2 million for the space grant program. And I was encouraged by the amounts the bill would provide for renewable energy research and development—including

\$4.8 million for the National Renewable Energy Laboratory (NREL) as well as an additional \$6.7 for construction of NREL's Science and Technology facility—and for research regarding abrupt climate change.

I wanted to support these provisions, particularly because many of them would not have been included in a long-term continuing resolution that was the most likely substitute if the omnibus bill did not pass.

On the other hand, I was sure that any appropriations bill with such a large number of specifically-earmarked funds must include allocations for low priority projects or questionable purposes—something of particular concern when the federal government is operating in the red.

Further, the conference report retained an objectionable provision that would allow virtually any health care entity to refuse to provide, cover, pay for, or even refer patients for abortion services, even when such actions are otherwise legally mandated by the federal or a state government. The same provision also would allow health care providers who receive public money to refuse to provide women with unintended pregnancies information concerning all their legal options. I thought this provision should not have been included. In another problematic provision, the bill cuts funding for NREL's photovoltaics program, which could mean a loss of as many as 40 jobs at NREL. This would be a devastating loss for the development of PV technology, for NREL overall, and for Colorado.

And I was very concerned that there was a distinct possibility that by voting for the bill I would be supporting other new legislation whose specific details—and possibly objectionable features—I would only be apparent if there were more adequate time to review the bill.

The fact that the bill included the tax-return provision addressed by the resolution before us today shows this concern was well-founded. And I would have been even more apprehensive if I had known that the statement of managers not only failed to fully explain many provisions, but in some instances was completely silent about important parts of the bill.

For example, the statement of managers omitted any mention of the fact that the bill included legislation for a full decade's extension of the recreation-fee demonstration program—legislation that I had opposed when it was considered by the Resources Committee and that in my opinion should not have been a part of any appropriations bill.

Finally, after as careful a review as possible under the circumstances and after weighing the decision carefully, I decided to vote for the omnibus bill despite the defects that I recognized and likelihood that there were others I had not found.

I will stand by that vote. The decision was mine and I recognize that I am accountable to my constituents for it. But I object to the circumstances under which that vote was cast—and my objections have only become stronger in the time between that vote and the one that we will cast on the resolution to remedy one—but hardly all—of the omnibus bill's flaws.

Mr. DEFAZIO. Mr. Speaker, I want to comment on the extraordinary situation in which we find ourselves today. We're debating a resolution to belatedly strike a provision from the fiscal year 2005 omnibus appropriations act because there was a provision in the bill in-

serted with the knowledge of only a handful of individuals in this body that would have seriously undermined the privacy rights of all American taxpayers.

We find ourselves in this situation because of the mismanagement of the Congress and the federal budget process by the majority in the House. The Congress never passed a budget this year. That led to the total implosion of the annual appropriations process. Only two bills were approved by Congress and signed into law by the start of the 2005 fiscal year on October 1, 2004. Two additional bills were approved in mid-October.

The remaining nine bills totaling hundreds of billions of dollars and running more than 3,000 pages in length were cobbled together behind closed doors by just a few staff members with oversight by just a couple of Republican leaders in Congress. The text of this monstrosity was brought to the House floor only a few hours prior to the vote on Saturday, November 20th. That is clearly not enough time for any of us to read the bill, understand it, and ensure tax dollars are being spent wisely.

Despite this ridiculous process, I voted in favor of the bill because the alternative would have hurt the people I represent in Oregon. The alternative to the omnibus was to fund virtually the entire Federal Government on autopilot for the next year via a continuing resolution. This would have negated the increased funding in the omnibus for veterans at a time when thousands of troops are returning home from Iraq and Afghanistan, threatening to overwhelm the VA health care system.

It also would have meant Oregon would lose millions of dollars I secured in the omnibus for critical infrastructure projects, including projects at the North Bend Airport; the Port of Brookings; transportation improvements like the Coburg/I-5 Interchange; and water infrastructure projects for Sweet Home, Coburg, and Coquille.

So, while I supported the omnibus because it is beneficial for Oregon, I would urge the House Republican leadership to never again bring a bill to the House floor under these circumstances. Never again should the federal budget process be allowed to implode as it did this year. Never again should the House leadership bring a bill to the floor that is drafted behind closed doors by only a few Members and staff. Never again should the House leadership bring a bill to the floor with no time for Members to actually read what they will be voting on.

Finally, while I am pleased we have the opportunity to belatedly remove the provision from the omnibus that undermines taxpayer privacy, I am disappointed that two other provisions I asked the House leadership to schedule separate votes on will be allowed to remain in the bill without any further consideration. These controversial provisions—one of which will expand the number of immigrants allowed into the United States under H-1B visas, the other which imposes a recreation tax on citizens using public lands—should be considered on their own merits rather than rolling them into a must-pass measure.

With respect to the immigration provision, under current law, businesses are limited to hiring no more than 65,000 workers annually through the H-1B visa program. A provision in the omnibus will allow multinational corporations to make an end run around this cap to hire up to 20,000 additional foreign workers for employment in the United States.

An expansion of H-1Bs is not necessary. There is no evidence of a shortage of qualified American workers. Even Bureau of Labor Statistics data compiled by the Bush administration show rising unemployment among American engineers and computer scientists. In fact, for the first time in more than 30 years, the unemployment rate for tech workers is higher than the overall jobless rate. This pool of American workers should be tapped first before even considering an expansion of the H-1B program.

Further, there is growing evidence that the importation of foreign workers is driving down the wages of American workers.

Given all of these obvious negatives, there are a significant number of members on both sides of the aisle who are concerned about expanding the H-1B program and feel strongly that this is an issue of protecting American jobs and American workers' standard of living.

I am also disappointed that the House leadership included in this omnibus a 10-year authorization for new and more expansive recreation fee taxes for use of public land. The original Recreation Fee Demonstration program was established by a rider to the 1996 Interior appropriations bill. Since its establishment, fee demonstration has been amended or extended numerous times, but has never gone through the proper authorizing process. Now, Congress is prepared to adopt a 10-year authorization through back channels, even though it has never been taken up by the full House, and is opposed by the committees of jurisdiction in the Senate. There is also strong opposition in the House from Members of both parties who serve on the committees of jurisdiction.

Fees for dispersed recreation on public lands amounts to nothing more than a stealth double tax for hikers, hunters, picnickers, or anyone wishing to spend a day at the beach or in the forest with their family. An omnibus appropriations bill is not the place to impose increased taxes on Americans.

Besides, the land management agencies have utterly failed to demonstrate that they deserve an expanded fee program. Within the Forest Service, for example, only 50 cents of every dollar collected actually goes toward maintaining or improving our public lands, the purpose for which Congress originally designated the fees. The rest is eaten up by administrative and collection costs. Losing 50 percent of funds to overhead signals that this is not an effective government program. In addition, the Forest Service doesn't know if these taxes are helping to relieve the maintenance backlog, or even to what extent it has a maintenance program.

This body should be ashamed of the process under which this legislation was drafted and brought to the floor. The American people deserve better from this Congress.

Ms. WOOLSEY. Mr. Speaker, today we are removing language that allows Appropriations Committee members and their staff to look at citizen's tax returns. This language was in a 3,500 page spending bill, which Members only had hours to review before voting. Privacy was at stake here and it is right to correct this wrong.

But another provision in this bill also threatens privacy. The privacy of women and their conversations with their doctors. The Federal Refusal Clause language inserted in this bill robs women of their right to access comprehensive health care. No matter how you

look at it, this provision goes one step further by making it impossible for women to exercise their reproductive choices and once again subjects them to the wrath of the anti-choice movement. This was a misguided measure that has dangerous implications for women's reproductive health and for our health care system as a whole. If we were truly correcting the bad policy inserted in this bill we would be removing this language as well.

Mr. Speaker, our constituents want us to get it right the first time around. Let's not make a mistake now that we have a second chance. I urge my colleagues to support the removal of this anti-choice, anti-privacy language.

Mr. GREEN of Wisconsin. Mr. Speaker, I support this provision to strike the insertion in the omnibus appropriations bill, which allows Appropriations Committee Congressional staff to review individual tax returns.

However, I strongly protest the insertion into the omnibus-spending bill of a provisions that essentially eliminates the Federal Prison Industries Program. This provision was inserted into the 3,000-plus page spending bill without the knowledge of most Members and without an opportunity for the House to remove or modify it. This provision was stricken from the House to remove or modify it. This provision was stricken from the House Transportation, Treasury and Independent Agencies appropriations bill because it was found to violate House rules of legislating on an appropriations bill. This provision should not have been inserted into the omnibus bill when neither the House nor Senate passed this measure. The opponents of FPI are trying to achieve through the back door what they could not achieve in the normal legislative process. It is wrong and certainly anti-democratic.

Mr. ISTOOK. Mr. Speaker, I support this resolution. The mistake it corrects was actually caught before the appropriations bill left the House, and a commitment to correct it was made before the House ever voted on that bill.

It wasn't necessary for House Members to return to Washington for this vote; the mistake could have and would have been corrected almost 2 weeks ago under a unanimous consent request. That would have been simpler and better, and would have involved less political posturing than we've heard.

I'm satisfied it was an honest error, although a significant one. Those who claim this is part of some sinister plot to snoop into tax returns are just wrong; they're pushing one of those "black helicopter" conspiracy theories.

Of course, we never should have had this problem. We can and should take these three steps to avoid any recurrence:

(1) Get the other body to help us to move the spending bills on-schedule, so we can avoid the big omnibus bills that generate problems.

(2) Avoid the late-session rush to get out-of-town, which also pushes decision-making into the wee hours when people are weary, and more prone to make mistakes.

(3) We should always be able to trace clearly the authorship of every provision in every bill. Every committee should enforce a requirement that no congressional staffer should take it on themselves to insert any language—even supposedly minor language—that has not been cleared by the appropriate members of the House. Certainly that violates the standing orders that I have always given to staff; I've always directed that each and every provision must be brought to my personal attention.

Things like this should not be blamed on one person. Multiple congressional staff, in both parties and both houses of Congress, had the opportunity to catch this and to fix it. But when haste and weariness set in, the error wasn't caught until after the bill had been filed with the House clerk.

Yes, this was a sad and embarrassing event. But the problem was caught and it's being fixed before that provision could ever become law. What would be sadder and more embarrassing is if we failed to learn lessons, to make sure that something like this never happens again.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today with great delight to announce the FY2005 omnibus appropriations package that is scheduled to be approved by Congress today includes the text of legislation I authored, H.R. 2792, that reauthorizes refugee eligibility for children of Vietnamese re-education camp survivors.

The Communist government of Vietnam, by its actions in imprisoning Catholic priests, Buddhist monks, and ordinary citizens whose only crime is to speak out for freedom and democracy, is saying loudly and clearly and consistently to the United States: We want your investment dollars, and we are willing to learn from your economic system; but your values of religious and political freedom are not welcome.

We need to do more to respond to this message of oppression with our own message of freedom. Human rights need to be central to our foreign policy toward Vietnam. One small step we can take is to save as many as possible of the people who are still being persecuted by the Communist authorities because of their wartime associations with the United States or simply because they share our values.

Until April 1, 1995, former Vietnamese prisoners of war who were accepted for resettlement by the United States as refugees could bring their sons and daughters, even those above the age of 21, so long as they had never married and were members of the refugee parent's household. On April 1, 1995, the Immigration and Naturalization Service (INS) changed its interpretation of the law, to exclude children who were over 21, even if they were unmarried and living with their parents. This change in policy forced a brutal choice on ex-political prisoners: either decline the opportunity to find freedom in the United States, or abandon their children in a country that has persecuted them.

For South Vietnamese combat veterans and others who had suffered with their children long terms in re-education camps because of their wartime associations with the United States, this imposed a particularly harsh burden. These children had already been without their fathers while they were in re-education camps, in some cases for 10 or 15 years. Then the refugees were given a choice between living forever under a Communist dictatorship or leaving their children behind when they immigrated to the United States. These children are marked as members of a "counterrevolutionary family" and denied educational and employment opportunities by the government of Vietnam. They would certainly go on suffering in Vietnam because of their family's participation in the war.

Recognizing these realities, Congress on three occasions has adopted the "McCain

amendment," which changed the INS interpretation of the law, so that refugees who are survivors of re-education camps can once again be accompanied by the unmarried sons and daughters.

The latest extension of the McCain amendment expired on September 20, 2001. Hence, I introduced and Congress passed H.R. 1840 in the 107th Congress to reauthorize the McCain amendment through September 30, 2003. The original language did not apply to children who were mistakenly rejected before April 1, 1995, for reasons other than age. Even if new evidence surfaced that showed someone rejected before 1995 was actually the child of a refugee, families had no recourse to challenge the decision. The original language also excluded refugee sons and daughters who were denied access to an INS interview by corrupt and/or vindictive Communist officials who often serve as gatekeepers for the U.S. refugee program. My bill fixed these problems. In addition, the legislation permitted unmarried children over the age of 21 to immigrate to the United States even if the surviving parent is currently living in the United States.

Mr. Speaker, today I stand here before you as this important provision has once again expired. Fortunately, with the help of Senator JOHN MCCAIN (R-AZ), the text of H.R. 2792, which extends this provision until September 30, 2005, was added to the FY2005 omnibus appropriations package that we are set to approve today.

H.R. 2792 is a fair and equitable bill that provides family reunification and allows us to keep our promise to the people who fought alongside U.S. troops during the Vietnam war. Their courage and valor must never be forgotten.

I want to thank Senator MCCAIN for his leadership and his staff for their assistance in passing the H.R. 2792 language. Furthermore, I would like to thank the co sponsors of my bill Representatives ZOE LOFGREN, CHRIS SMITH, JIM MORAN, and LORETTA SANCHEZ who have given this issue their steadfast support.

Mr. BACA. Mr. Speaker, I respectfully request to be excused from the floor, on Monday, December 6, 2004, on legislative and personal business. I will be present on Tuesday, and the balance of the week, and I will be able to participate in the key votes that are expected during that time.

The reason for my absence on Monday is that I have been invited—as a proud parent, and Congressman from the Inland Empire—to attend the swearing in of my son, Joe Jr., as a member of the California State Assembly. This moment is very significant, because this is the same seat I held when I represented the Inland Empire in the state Assembly. I am sure you will join in my immense pride and joy I have as a father, on this historic occasion—one that reflects the continued ascendancy of Hispanics into leadership ranks, as well as the political coming of age of the next generation.

I understand that, at present, leadership has no plans to being up on Monday the 9/11 Implementation Act, and Democrats are not whipping attendance for the suspension items on Monday, but I remain in ongoing communication with, and at the disposal of, the Democratic leadership team, should the situation change.

I also have been informed that he repeal of the Taxpayer Persecution Act will be undertaken through the suspension process this

evening. Like you, I was disturbed that the Republicans gave their staff the power to scrutinize Americans' tax returns, without safeguard, and I was even more outraged that this provision ended up in a bill that no one had read, hastily brought to a vote under martial law rules. If I were present, I would vote to strip this provision out of the appropriations bill, by voting "yes" on H. Con. Res. 528.

Mr. Speaker, I rise in support of H. Con. Res. 528 and to express my deep concern about this Congress undermining our democracy. The taxpayer persecution language in the appropriations omnibus was an abuse of Congressional power. This language would allow members of Congress and their staff to read the tax records of any American and disclose the information.

Unfortunately, this provision is just one more example of an abuse of power by the majority party of this Congress. The process that the Republican majority has resorted to is the reason that such outrageous provisions were approved. The Republican majority has used martial law to speed through legislation without giving members the change to read it over.

Democracy suffers when members of Congress are given only a few short hours to read thousands of pages of law and it is the American citizen who must bear the burden of our actions. Democracy suffers when the minority is denied a seat at the table and the chance to be a part of the process. It is not the Members of Congress who lose out. The American citizens they are here to represent are the ones who lose out.

The taxpayer persecution language is a frightening example of a Republican majority that is willing to oppress the minority, undermine democracy, and cast the shadows of Big Brother. Rule by the majority of the majority is not a democracy.

Mr. Speaker, I speak out in frustration of a Republican party run government that seems to have little regard for the elected representatives of half of this country, and even less regard for the American citizens they represent. When our founding fathers created the United States Congress this was not what they had in mind.

We need to bridge together the widening divisions in our country. We need to begin by bringing comity and bipartisanship back to this chamber, and in so—to the Nation. We must not allow our legislative process to fail us again.

Mr. YOUNG of Florida. 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 Florida (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendment to H. Con. Res. 528. 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. OBEY. 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.

#### LIMITING TRANSFER OF CERTAIN COMMODITY CREDIT CORPORATION FUNDS

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2856) to limit the transfer of certain Commodity Credit Corporation funds between conservation programs for technical assistance for the programs.

The Clerk read as follows:

S. 2856

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

#### SECTION 1. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

“(b) TECHNICAL ASSISTANCE.—Effective for fiscal year 2005 and each subsequent fiscal year, Commodity Credit Corporation funds made available for each of the programs specified in paragraphs (1) through (7) of subsection (a)—

“(1) shall be available for the provision of technical assistance for the programs for which funds are made available; and

“(2) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the program for which the funds were made available.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, I rise in strong support of S. 2856. Conservation was a significant part of the 2002 farm bill. Congress increased the conservation budget by nearly \$2 billion per year, a 75 percent increase. However, there is a current shortfall in the Conservation Technical Service Assistance budget at the Natural Resources Conservation Service. This shortfall represents the costs necessary to administer the Conservation Reserve and Wetlands Reserve programs.

So far, those costs have been taken directly out of the pockets of farmers and ranchers, and, if you permit me, the environment, when fewer conservation benefits are provided by the Environmental Quality Incentives Program and the other so-called donor programs. In other words, the NRCS takes money from EQIP and farmland protection so that CRP and the Conservation Reserve Enhancement Program and WRP can be administered.

The USDA has also been using the Wildlife Habitat Incentives Program, or WHIP, the Farmland Protection Program, FPP, and the Grasslands Reserve Program as donor programs for CRP and WRP.

S. 2856 will help alleviate some of the implementation problems that have oc-

curred during the last 2 years when approximately \$100 million per year was being taken from the four donor programs. When the farm bill was written, it was Congress' intent that each conservation program would pay for its own technical assistance. I have been working with the Committee on the Budget and the Committee on Appropriations committees to ensure S. 2856's passage will prevent funds from being diverted from the donor programs. I have numerous groups supporting the bill, and I will include for the RECORD these letters.

HOUSE OF REPRESENTATIVES,  
Washington, DC, December 3, 2004.

DEAR CONGRESSMAN: We write today to ask for your support of S. 2856 on Monday, December 6, 2004. This bill, which has been adopted in the Senate, addresses a misunderstanding that has existed between the U.S. Department of Agriculture and the Congress as to the source of funding for the technical assistance costs for certain Farm Bill conservation programs.

S. 2856 ensures that the original intent of Congress will be used in the implementation of these programs where each of them will be expected to pay for their own technical assistance from their own share of the total funding made available to them. As passed by the Farm Bill, these programs have a significant backlog of requests from farmers and ranchers for conservation assistance.

We wholeheartedly support S. 2856 because without it several of these conservation programs will be significantly hampered from achieving their intended purpose—helping farmers and ranchers improve and conserve soil, air and water quality and restore and improve wildlife habitat. We ask for your strong support of this measure when it comes before the House on December 6, 2004.

Sincerely,

National Soybean Association.  
National Pork Producers Council.  
National Cattlemen's Beef Association.  
National Association of Conservation Districts.  
National Association of Wheat Growers.  
National Corn Growers Association.  
National Cotton Council.  
National Farmers Union.  
National Milk Producers Federation.  
National Turkey Federation.  
Southeast Dairy Farmers Association.  
Western United Dairymen.

DECEMBER 6, 2004.

DEAR REPRESENTATIVE: We strongly urge that you enact S. 2856 to ensure that USDA stops the practice of diverting funds from the dollar-limited, working lands conservation programs to pay for technical assistance costs associated with land requirement programs.

Since enactment of the 2002 Farm Bill, USDA has diverted more than \$200 million from EQIP, the Farmland and Ranchland Protection Program (FRPP), the Grasslands Reserve Program, and the Wildlife Habitat Incentives Program (WHIP) to pay for technical assistance for the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP). Unless this problem is fixed, farmers and ranchers seeking to improve water and air quality and enhance wildlife habitat stand to lose approximately \$100 million in FY05 and nearly \$300 million in FY06 and FY07.

S. 2856 protects funding for all USDA conservation programs. S. 2856 ensures that funding for CRP and WRP technical assistance flows directly from the Commodity Credit Corporation, not from working lands

conservation programs. S. 2856 passed the Senate by Unanimous Consent on October 11, 2004, and the House-passed FY05 Congressional Budget Resolution specifically provides for the passage of the same legislation by the House. It is critical that S. 2856 is passed by the 108th Congress or scarce conservation funds will once again be lost in FY05 and subsequent years.

S. 2856 restores the original intent of the 2002 Farm Bill. The Farm Bill clearly intended USDA to use mandatory funds from the Commodity Credit Corporation (CCC) to pay for CRP and WRP technical assistance. The plain language of the statute and legislative history support this interpretation of the Farm Bill, and the General Accounting Office concurred in an October 8, 2002, opinion. Unfortunately, a handful of government lawyers misinterpreted the 2002 Farm Bill, forcing USDA to divert funds from EQIP and other working lands programs or shut down CRP and WRP.

We strongly urge you to support passage of S. 2856 to ensure that funding for technical assistance for all Farm Bill conservation programs, including CRP and WRP, comes directly from the CCC, as intended by the 2002 Farm Bill.

Sincerely,

American Farmland Trust.  
Chesapeake Bay Foundation.  
Defenders of Wildlife.  
Environmental Defense.  
National Wildlife Federation.  
National Campaign for Sustainable Agriculture.  
Natural Resources Defense Council.  
Sustainable Agriculture Coalition.  
Union of Concerned Scientists.

As you can see from the letters, S. 2856 receives extremely broad and deep support. Groups from varied interests such as the National Cattleman's Beef Association and Environmental Defense are all strident supporters of S. 2856. These organizations, along with nearly 25 others, representing producers and environmental interests, encourage passage of S. 2856.

I would like to thank the gentleman from Iowa (Chairman NUSSLE) and the gentleman from Texas (Chairman BONILLA) and their staff for their assistance. I would like to thank the ranking member, the gentleman from Texas (Mr. STENHOLM), for his support of this effort. But I cannot stress enough how much I want to thank our subcommittee chairman, the gentleman from Oklahoma (Chairman LUCAS), who has worked on this issue for years to try to get a correction, and I think that this goes a long way in helping what needs to be done get done here.

I also cannot stress enough how important these programs are or how important it is that producers have access to programs to keep the soil and air clean and to improve and restore wildlife habitat.

I urge my colleagues to support S. 2856 to ensure voluntary conservation programs are allowed to work efficiently and effectively.

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

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

Mr. Speaker, I rise in support of S. 2856 and support its passage. I want to

thank the gentleman from Virginia (Chairman GOODLATTE) and the gentleman from Oklahoma (Chairman LUCAS) for working with the leadership to schedule consideration of this bill today. This is an issue that has needed attention for some time, and I am pleased we are finally addressing it.

The conservation title of the 2002 farm bill made a major investment of new funding in a variety of existing and new conservation programs. I was proud to have played a role in that effort to help our farmers and ranchers conserve and enhance the natural resources under their control.

Many of us, as well as producers out in the field, were frustrated by the actions taken by USDA to try and address how to provide technical assistance for the Conservation Reserve and Wetland Reserve programs. Borrowing from some programs to pay for the technical assistance to carry out WRP and CRP was not a good solution. It was a solution forced upon them by OMB after dueling interpretations by this administration based on language included in the 2002 farm bill. We never intended such draconian measures, which required them to rob Peter to pay Paul. This bill corrects and guides the administration on the implementation of these vital conservation programs after several attempts made by Congress to fix this problem.

There is currently a \$3.4 billion backlog of applications in the various conservation programs that have not been funded, despite the infusion of new money from the 2002 farm bill. Passage of this legislation will be a small but important step in helping to address that backlog. It will also provide for some certainty for those landowners who are signing up for the CRP and WRP programs and allow us to fulfill our commitments made in the 2002 farm bill to conservation.

I urge my colleagues to support this legislation.

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Oklahoma (Mr. LUCAS) the chairman of the Subcommittee on Conservation, Credit, Rural Development and Research of the Committee on Agriculture, who has been a real leader in fighting for fairness in these conservation programs.

Mr. LUCAS. Mr. Speaker, I rise in strong support of S. 2865. I, along with my ranking member on the Subcommittee on Conservation, Credit, Rural Development and Research, have worked tirelessly as an advocate of voluntary agricultural programs since becoming chairman of the subcommittee.

The 2002 farm bill provided that each conservation program was supposed to pay for its own technical assistance costs out of the funds provided for it. During the implementation of the farm bill, the USDA lawyers, in my opinion, misinterpreted how Congress intended

to pay for technical assistance. Under their interpretation, the CRP and WRP programs would not have had enough money to do sign-ups.

The 2003 omnibus appropriation bill added a short-term, stopgap measure that would allow funds from EQIP, WHIP, Farmland Protection and GRP programs to be donated to fund CRP and WRP sign-ups. Approximately \$100 million per year has been diverted from these programs to fund CRP and WRP.

This was not a long-term, sustainable solution, so we began working with the budget committees to find a solution. The CRP program will have nearly 20 million of its 39.2 million acres eligible for new contracts in the next 5 years. For the next 4 years, EQIP, WHIP, Farmland Protection and GRP could lose nearly \$406 million to CRP and WRP implementation sign-ups.

□ 1500

Mr. Speaker, S. 2856 was provided for in the House budget and is a fair solution for the entire conservation community. This bill will ensure that producers can voluntarily keep America's air and water clean and provide better habitat for its wildlife.

I would certainly be remiss if I did not thank the leadership staff for working with us and the chairman and the ranking member for their full efforts.

Mr. Speaker, I would like to add to the RECORD letters from 44 different groups supporting this measure, from farm producer groups to environmental groups to sportsman groups.

HOUSE OF REPRESENTATIVES,  
Washington, DC, December 6, 2004.

DEAR CONGRESSMAN: We write today to ask for your support of S. 2856, which may be on the House Calendar today, Monday, December 6, 2004. This bill, which has been adopted in the Senate, addresses a misunderstanding that has existed between the U.S. Department of Agriculture and the Congress as to the source of funding for the technical assistance costs for certain Farm Bill conservation programs.

S. 2856 ensures that the original intent of Congress will be used in the implementation of these programs where each of them will be expected to pay for their own technical assistance from their own share of the total funding made available to them. As passed by the Farm Bill, these programs have a significant backlog of request from farmers and ranchers for conservation assistance.

We wholeheartedly support S. 2856 because without it several of these conservation programs will be significantly hampered from achieving their intended purpose—helping farmers and ranchers improve and conserve soil, air and water quality and restore and improve wildlife habitat. We ask for your strong support of this measure when it comes before the House on December 6, 2004.

Sincerely,  
American Farm Bureau Federation.  
American Soybean Association.  
National Pork Producers Council.  
National Cattleman's Beef Association.  
National Association of Conservation Districts.  
National Association of Wheat Growers.  
National Chicken Council.  
National Corn Growers Association.  
National Cotton Council.

National Farmers Union.  
National Milk Producers Federation.  
National Turkey Federation.  
Southeast Dairy Farmers Association.  
United Chicken Council.  
United Egg Producers.  
USA Rice Federation.  
U.S. Rice Producers Association.  
Western United Dairymen.

DECEMBER 6, 2004.

Hon. DENNIS HASTERT,  
*Speaker, Office of the Speaker, Capitol Building, Washington, DC.*

Hon. TOM DELAY,  
*Majority Leader, Capitol Building, Washington, DC.*

DEAR SPEAKER HASTERT AND MAJORITY LEADER DELAY: As the House reconvenes this week with the appropriations for FY 2005, the conservation and sportsmen's organizations listed above, which represent a diverse spectrum of interests with a combined membership of millions, stand together urging you and your Congressional colleagues to support S. 2856. Your support of this bill would mean the technical assistance funding needs of all the conservation programs would be met, including the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP), without reducing the acres authorized for those very popular programs and without diverting funds from other Farm Bill conservation programs.

The enactment of the 2002 Farm Bill resulted in conflicting interpretations of the Conservation Title's funding for technical assistance, and resulted in leaving all the conservation programs in danger. A decision was made to use funds of four conservation programs as donors for delivery of WRP and CRP in FY 2003 and FY 2004. This was the combined result of the limitation on the use of Commodity Credit Corporation (CCC) funds under the "Section 11 Cap" and the decision by Congress in the FY 2003 omnibus appropriations bill to prohibit the Natural Resources Conservation Services (NRCS) from using discretionary Conservation Operations account funds to pay for Farm Bill program technical assistance.

Unfortunately, this decision resulted in a net loss of funding to all conservation programs. We believe any proposal to fund CRP and WRP technical assistance through a reduction in the number of program acres fails to recognize the tremendous public benefits to soil, water quality and wildlife habitat provided by the acres enrolled in these two programs as well as the tremendous producer demand for these programs. The 2002 Farm Bill clearly intended USDA to use mandatory funds from the CCC to pay for technical assistance for all programs. The plain language of the statute and legislative history support this interpretation of the Farm Bill funding provision, as well as the legal opinion issued by the General Accounting Office in October 2002.

If Congress fails to solve this problem, farmers and the environment stand to lose. Despite the increase in conservation funding provided by the 2002 Farm Bill, most farmers and ranchers offering to restore wetlands or grasslands, retire marginal farmland, or to simply change their farming practice to improve water and air quality are still rejected when they seek financial and technical assistance through voluntary USDA conservation programs.

There is strong, bi-partisan, nationwide support for CRP and WRP, evidenced by last year's defeat of a Senate amendment that would have effectively shut down technical assistance funding the CRP. There was widespread opposition to the amendment because it did not provide a holistic solution to the technical assistance problem, and lacked a

definitive source of funds. In a strong show of support, a majority of the Senate agreed that the amendment equated to abandoning one of the most successful conservation programs in the United States.

We respectfully request you to support efforts during your deliberations to include the FY 2005 Agriculture Appropriations bill a permanent fix for this problem that ensures that technical assistance for all conservation programs is provided directly from the CCC. Additionally, we encourage you to work to protect acres authorized for CRP and WRP in the 2002 Farm Bill. If you or your staff has questions about this issue, please call Barton James (Ducks Unlimited) at 202-347-1530.

Thank you for considering our view of the importance of Farm Bill conservation programs and the need to secure the necessary technical assistance funding without severe impacts to the resource benefits achieved on the ground.

Archery Trade Association.  
Bowhunting Preservation Alliance.  
Congressional Sportsmen's Foundation.  
Ducks Unlimited.  
International Association of Fish and Wildlife Agencies.  
International Hunter Education Association.  
Izaak Walton League of America.  
Orion—The Hunter's Institute.  
Pheasants Forever.  
Rocky Mountain Elk Foundation.  
Safari Club International.  
Texas Wildlife Association.  
Theodore Roosevelt Conservation Partnership.  
Whitetails Unlimited, Inc.  
Wildlife Forever.  
Wildlife Management Institute.  
The Wildlife Society.

DECEMBER 6, 2004.

DEAR REPRESENTATIVE: We strongly urge that you enact S. 2856 to ensure that USDA stops the practice of diverting funds from the dollar-limited, working lands conservation programs to pay for technical assistance costs associated with land retirement programs.

Since enactment of the 2002 Farm Bill, USDA has diverted more than \$200 million from EQIP, the Farmland and Ranchland Protection Program (FRPP), the Grasslands Reserve Program, and the Wildlife Habitat Incentives Program (WHIP) to pay for technical assistance for the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP). Unless this problem is fixed, farmers and ranchers seeking to improve water and air quality and enhance wildlife habitat stand to lose approximately \$100 million in FY05 and nearly \$300 million in FY06 and FY07.

S. 2856 protects funding for all USDA conservation programs. S. 2856 ensures that funding for CRP and WRP technical assistance flows directly from the Commodity Credit Corporation, not from working lands conservation programs. S. 2856 passed the Senate by Unanimous Consent on October 11, 2004, and the House-passed FY05 Congressional Budget Resolution specifically provides for the passage of the same legislation by the House. It is critical that S. 2856 is passed by the 108th Congress or scarce conservation funds will once again be lost in FY05 and subsequent years.

S. 2856 restores the original intent of the 2002 Farm Bill. The Farm Bill clearly intended USDA to sue mandatory funds from the Commodity Credit Corporation (CCC) to pay for CRP and WRP technical assistance. The plain language of the statute and legislative history support this interpretation of the Farm Bill, and the General Accounting

Office concurred in an October 8, 2002, opinion. Unfortunately, a handful of government lawyers misinterpreted the 2002 Farm Bill, forcing USDA to divert funds from EQIP and other working lands programs or shut down CRP and WRP.

We strongly urge you to support passage of S. 2856 to ensure that funding for technical assistance for all Farm Bill conservation programs, including CRP and WRP, comes directly from the CCC, as intended by the 2002 Farm Bill.

Sincerely,

American Farmland Trust.  
Chesapeake Bay Foundation.  
Defenders of Wildlife.  
Environmental Defense.  
National Wildlife Federation.  
National Campaign for Sustainable Agriculture.  
Natural Resources Defense Council.  
Sustainable Agriculture Coalition.  
Union of Concerned Scientists.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOLDEN), the ranking member of the Subcommittee on Conservation.

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

I congratulate and thank the gentleman from Virginia (Chairman GOODLATTE) and our subcommittee chairman, the gentleman from Oklahoma (Mr. LUCAS), for his hard work on this legislation. I would like to take a moment to congratulate and thank the ranking member of the committee, the gentleman from Texas (Mr. STENHOLM), on an outstanding congressional career. As we all know, the gentleman from Texas (Mr. STENHOLM) will be leaving us and not serving in the next Congress. But I just want to say to the gentleman that not only is the Committee on Agriculture going to miss his leadership; the entire agriculture community across the country is going to miss his guidance and his input. On a personal note I am truly going to miss his leadership, and I thank him for all of the help that he has given to me personally over the years.

Mr. Speaker, I rise today in strong support of S. 2856, which will fix a problem with technical assistance funding for agriculture conservation programs. Our intent was to allow for farm bill programs to pay for themselves. However, due to different interpretations of the law and congressional rewriting, we are now in a situation in which major programs are paying for others.

There is a huge problem with donor programs such as the Farm and Ranchland Protection Program, Wildlife Habitat Incentives Program, Grassland Reserve Program, and the Environmental Quality Incentive Program, providing technical assistance funding for the Conservation Reserve Program and Wetlands Reserve Program.

These donations continue to inhibit the implementation of these effective programs in the way that Congress intended. We must make sure that implementation reflects intent. It was never our plan to have key conservation programs act as donors for others. We

need to correct this problem, and that is exactly what S. 2856 will do.

In fiscal year 2003, there were significant contributions being made by EQIP, Farmland Protection, WHIP, and the GRP to the Conservation Reserve Program and Wetlands Reserve Program. EQIP donated \$57.6 million, Farmland Protection donated \$18 million, WHIP gave \$5.6 million, and Grasslands Reserve gave \$9.5 million.

In my home State of Pennsylvania, these conservation programs are extremely important.

In fiscal year 2003, Pennsylvania received \$8.4 million to fund 293 contracts throughout the EQIP program. There were actually 1,238 unfunded contracts totaling \$35.4 million. In 2004, Pennsylvania received \$11.9 million, a significant increase, but not enough to fund all of the contracts that are on hold.

The problem is the same for Farmland Protection, which is critical to Pennsylvania. In 2003, Pennsylvania received \$4.9 million to protect 6,266 acres. In 2004, the State received less, approximately \$4 million for the program.

Allowing vital programs such as EQIP and Farm and Ranchland Protection to be donors for other conservation programs only makes the funding backlog worse.

Therefore, I urge my colleagues to support S. 2856 and implement technical assistance funding for agriculture conservation programs the way in which Congress intended.

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

Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. HOLDEN) for his contribution, as well, to this effort, and also more especially thank him for the kind words he has extended to our colleague, the gentleman from Texas (Mr. STENHOLM), who has served this Congress with distinction for 26 years, the last 8 of which as the ranking member of the Committee on Agriculture. He is known across the country as somebody who has helped American agriculture.

He worked with my predecessor, our colleague Congressman Combest, his neighbor, former neighbor in Texas, to write the last farm bill which has been a noteworthy success in the first almost 4 years now of its implementation. He is somebody that I will miss as my partner in working with American agriculture, and I thank him and commend him for more than a quarter century of service to the people of this country.

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

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

I thank my colleague, the gentleman from Pennsylvania (Mr. HOLDEN), and I thank my chairman for the kind words. I do believe this is the last time that I will occupy this mike. I thought it was so a few weeks ago, but it was not; we had one more shot. But I do very much

appreciate the kind words that have been said, and we will miss this place. Mr. Speaker, we will miss you. You do an excellent job of conducting House business. Every time you handle the gavel, you do it in a way that is very fair and very professionally done.

Mr. Chairman, it has been a pleasure serving with you, the gentleman from Virginia (Mr. GOODLATTE). I would be less than honest to not say that I would much rather have had the titles reversed, but that was not to be. And were it not to be, then I appreciate the fact that the gentleman from Virginia (Mr. GOODLATTE) has maintained the same bipartisan, nonpartisan activities on his part that has made the House Committee on Agriculture one of the few committees of this body that still works in the way in which I think our forefathers intended that it work: full consultation.

Listening to some of the previous comments about staff and what have you, I can honestly say that we have never had that problem on the House Committee on Agriculture, to the best of my knowledge. Our staffs, both committee and subcommittee, have always worked together in a way in which we put forward the quality work that I believe this committee has put forward to this House in the 26 years that I have had the privilege of serving here.

I want to thank my staff, those who are with me on the floor, and those who are not, who have worked and served with me, some of them my entire 26 years. We cannot do without staff. Many times they get the blame for things that go wrong, and we get the credit for things that go right. But day in and day out, this body cannot operate without the professional staff, and I want to thank my staff and thank the majority staff. Because I truly, truly mean it when I say what I already said a moment ago about the manner in which the House Committee on Agriculture has worked.

Mr. KIND. Mr. Speaker, I rise today in strong support of S. 2856. This important legislation clarifies Congress's intent in the last Farm bill—that administrative costs needed to implement voluntary conservation programs should flow from the Commodity Credit Corporation and not from the working lands programs themselves. It is crucial that we pass this bill today otherwise scarce conservation funds will once again be lost.

Mr. Speaker, USDA has diverted more than \$200 million from four working lands conservation programs. Specifically, USDA diverted precious funds from the Environmental Quality Incentives Program (EQIP), the Farmland and Ranchland Protection Program (FRPP), the Grasslands Reserve Program, and the Wildlife Habitat Incentives Program (WHIP) to pay for administrative costs.

The 2002 Farm Bill clearly intended USDA to use mandatory funds from the Commodity Credit Corporation to pay for the administrative costs of two land retirement programs. The plain language of the statute and legislative history, including a critical colloquy, support this interpretation of the Farm Bill, and GAO concurred in a recent memo. But, gov-

ernment lawyers misinterpreted the 2002 Farm Bill and forced USDA to divert working lands funds.

Despite the funds provided by the 2002 Farm Bill, most farmers and ranchers offering to restore wetlands and grasslands or offering to change the way they farm to improve air and water quality are still rejected when they seek USDA conservation assistance. For example, farmers and ranchers face \$3 billion backlog when they seek financial assistance through the Environmental Quality Incentives Program to improve water quality or wildlife habitat. These long lines only grow longer when funds are diverted.

By providing new funds for working lands programs like EQIP and WHIP in the 2002 Farm Bill, Congress provided needed resources to help farmers manage working lands to produce food and fiber and simultaneously enhance water quality and wildlife habitat. For example, EQIP helps share the cost of a broad range of land management practices that help the environment, including more efficient use of fertilizers and pesticides, and innovative technologies to store and reuse animal waste.

Lastly, because 70 percent of the American landscape is private land, farming dramatically affects the health of America's rivers, lakes and bays and the fate of America's rare species. Most rare species depend upon private lands for the survival, and many will become extinct without help from private landowners. When farmers and ranchers take steps to help improve air and water quality or assist rare species, they can face new costs, new risks, or loss of income. Conservation programs help share these costs, underwrite these risks, or offset losses of income.

Mr. Speaker, this is an important bill to America's hardworking farmers and ranchers and I urge my colleague's support.

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

Mr. GOODLATTE. Mr. Speaker, I urge my colleagues to support S. 2856, and 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 Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 2856.

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

A motion to reconsider was laid on the table.

---

#### GENERAL LEAVE

Mr. GOODLATTE. 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 just considered.

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

There was no objection.

FEDERAL EMPLOYEE DENTAL AND VISION BENEFITS ENHANCEMENT ACT OF 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (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, and for other purposes.

The Clerk read as follows:

S. 2657

*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 "Federal Employee Dental and Vision Benefits Enhancement Act of 2004".

**SEC. 2. ENHANCED DENTAL BENEFITS FOR FEDERAL EMPLOYEES.**

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89 the following:

**"CHAPTER 89A—ENHANCED DENTAL BENEFITS**

"Sec.

"8951. Definitions.

"8952. Availability of dental benefits.

"8953. Contracting authority.

"8954. Benefits.

"8955. Information to individuals eligible to enroll.

"8956. Election of coverage.

"8957. Coverage of restored survivor or disability annuitants.

"8958. Premiums.

"8959. Preemption.

"8960. Studies, reports, and audits.

"8961. Jurisdiction of courts.

"8962. Administrative functions.

**"§ 8951. Definitions**

"In this chapter:

"(1) The term 'employee' means an employee defined under section 8901(1).

"(2) The terms 'annuitant', 'member of family', and 'dependent' have the meanings as such terms are defined under paragraphs (3), (5), and (9), respectively, of section 8901.

"(3) The term 'eligible individual' refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

"(4) The term 'Office' means the Office of Personnel Management.

"(5) The term 'qualified company' means a company (or consortium of companies or an employee organization defined under section 8901(8)) that offers indemnity, preferred provider organization, health maintenance organization, or discount dental programs and if required is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

"(6) The term 'employee organization' means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

"(7) The term 'State' includes the District of Columbia.

**"§ 8952. Availability of dental benefits**

"(a) The Office shall establish and administer a program through which an eligible in-

dividual may obtain dental coverage to supplement coverage available through chapter 89.

"(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

"(c) Nothing in this chapter shall be construed to prohibit the availability of dental benefits provided by health benefits plans under chapter 89.

**"§ 8953. Contracting authority**

"(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8954 without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

"(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

"(b) Each contract under this section shall contain—

"(1) the requirements under section 8902(d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

"(2) the terms of the enrollment period; and

"(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

"(c) Nothing in this chapter shall, in the case of an individual electing dental supplemental benefit coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

"(d)(1) Each contract under this chapter shall require the qualified company to agree—

"(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

"(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

"(i) to establish internal procedures designed to expeditiously resolve such disputes; and

"(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

"(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

"(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office—

"(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

"(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Fed-

eral Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

"(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

"(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

**"§ 8954. Benefits**

"(a) The Office may prescribe reasonable minimum standards for enhanced dental benefits plans offered under this chapter and for qualified companies offering the plans.

"(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

"(c) The benefits to be provided under enhanced dental benefits plans under this chapter may be of the following types:

"(1) Diagnostic.

"(2) Preventive.

"(3) Emergency care.

"(4) Restorative.

"(5) Oral and maxillofacial surgery.

"(6) Endodontics.

"(7) Periodontics.

"(8) Prosthodontics.

"(9) Orthodontics.

"(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery area specified by the Office. The Office shall require qualified companies to include dentally underserved areas in their service delivery areas.

"(e) If an individual has dental coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

**"§ 8955. Information to individuals eligible to enroll**

"(a) The qualified companies at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a dental benefits plan information on services and benefits (including maximums, limitations, and exclusions), that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

"(b) The Office shall make available to each individual eligible to enroll in a dental benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

**"§ 8956. Election of coverage**

"(a) An eligible individual may enroll in a dental benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll for self plus one or self and family. An individual may not be enrolled both as an employee, annuitant, or other individual eligible to enroll and as a member of the family.

"(b) The Office shall prescribe regulations under which—

"(1) an eligible individual may enroll in a dental benefits plan; and

"(2) an enrolled individual may change the self-only, self plus one, or self and family coverage of that individual.

"(c)(1) Regulations under subsection (b) shall permit an eligible individual to cancel or transfer the enrollment of that individual to another dental benefits plan—

"(A) before the start of any contract term in which there is a change in rates charged or benefits provided, in which a new plan is offered, or in which an existing plan is terminated; or

"(B) during other times and under other circumstances specified by the Office.

“(2) A transfer under paragraph (1) shall be subject to waiting periods provided under a new plan.

**“§ 8957. Coverage of restored survivor or disability annuitants**

“A surviving spouse, disability annuitant, or surviving child whose annuity is terminated and is later restored, may continue enrollment in a dental benefits plan subject to the terms and conditions prescribed in regulations issued by the Office.

**“§ 8958. Premiums**

“(a) Each eligible individual obtaining supplemental dental coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

“(b) The Office shall prescribe regulations specifying the terms and conditions under which individuals are required to pay the premiums for enrollment.

“(c) The amount necessary to pay the premiums for enrollment may—

“(1) in the case of an employee, be withheld from the pay of such an employee; or

“(2) in the case of an annuitant, be withheld from the annuity of such an annuitant.

“(d) All amounts withheld under this section shall be paid directly to the qualified company.

“(e) Each participating qualified company shall maintain accounting records that contain such information and reports as the Office may require.

“(f)(1) The Employee Health Benefits Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office in administering this chapter before the first day of the first contract period, including reasonable implementation costs.

“(2)(A) There is established in the Employees Health Benefits Fund a Dental Benefits Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the first contract year.

“(B) A contract under this chapter shall include appropriate provisions under which the qualified company involved shall, during each year, make such periodic contributions to the Dental Benefits Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year are defrayed.

**“§ 8959. Preemption**

“The terms of any contract that relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to dental benefits, insurance, plans, or contracts.

**“§ 8960. Studies, reports, and audits**

“(a) Each contract shall contain provisions requiring the qualified company to—

“(1) furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

“(2) permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

“(b) Each Federal agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

“(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the dental benefits available under chapter 89, to ensure the competitiveness of plans under this chapter. The Office

shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

**“§ 8961. Jurisdiction of courts**

“The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims, of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8953(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

**“§ 8962. Administrative functions**

“(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

“(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information under this subsection shall include information relating to the dental benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.”.

**SEC. 3. ENHANCED VISION BENEFITS FOR FEDERAL EMPLOYEES.**

Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89A (as added by section 2 of this Act) the following:

**“CHAPTER 89B—ENHANCED VISION BENEFITS**

“Sec.

“8981. Definitions.

“8982. Availability of vision benefits.

“8983. Contracting authority.

“8984. Benefits.

“8985. Information to individuals eligible to enroll.

“8986. Election of coverage.

“8987. Coverage of restored survivor or disability annuitants.

“8988. Premiums.

“8989. Preemption.

“8990. Studies, reports, and audits.

“8991. Jurisdiction of courts.

“8992. Administrative functions.

**“§ 8981. Definitions**

“In this chapter:

“(1) The term ‘employee’ means an employee defined under section 8901(1).

“(2) The terms ‘annuitant’, ‘member of family’, and ‘dependent’ have the meanings as such terms are defined under paragraphs (3), (5), and (9), respectively, of section 8901.

“(3) The term ‘eligible individual’ refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

“(4) The term ‘Office’ means the Office of Personnel Management.

“(5) The term ‘qualified company’ means a company (or consortium of companies or an employee organization defined under section 8901(8)) that offers indemnity, preferred provider organization, health maintenance organization, or discount vision programs and if required is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

“(6) The term ‘employee organization’ means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

“(7) The term ‘State’ includes the District of Columbia.

**“§ 8982. Availability of vision benefits**

“(a) The Office shall establish and administer a program through which an eligible individual may obtain vision coverage to supplement coverage available through chapter 89.

“(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

“(c) Nothing in this chapter shall be construed to prohibit the availability of vision benefits provided by health benefits plans under chapter 89.

**“§ 8983. Contracting authority**

“(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8984 without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

“(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

“(b) Each contract under this section shall contain—

“(1) the requirements under section 8902 (d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

“(2) the terms of the enrollment period; and

“(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

“(c) Nothing in this chapter shall, in the case of an individual electing vision supplemental benefit coverage under this chapter after the expiration of such individual’s first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

“(d)(1) Each contract under this chapter shall require the qualified company to agree—

“(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

“(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

“(i) to establish internal procedures designed to expeditiously resolve such disputes; and

“(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

“(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

“(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office—

“(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as

the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

“(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

“(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

“(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

#### “§ 8984. Benefits

“(a) The Office may prescribe reasonable minimum standards for enhanced vision benefits plans offered under this chapter and for qualified companies offering the plans.

“(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

“(c) The benefits to be provided under enhanced vision benefits plans under this chapter may be of the following types:

“(1) Diagnostic (to include refractive services).

“(2) Preventive.

“(3) Eyewear.

“(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery area specified by the Office. The Office shall require qualified companies to include visually underserved areas in their service delivery areas.

“(e) If an individual has vision coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

#### “§ 8985. Information to individuals eligible to enroll

“(a) The qualified companies at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a vision benefits plan information on services and benefits (including maximums, limitations, and exclusions), that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

“(b) The Office shall make available to each individual eligible to enroll in a vision benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

#### “§ 8986. Election of coverage

“(a) An eligible individual may enroll in a vision benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll for self plus one or self and family. An individual may not be enrolled both as an employee, annuitant, or other individual eligible to enroll and as a member of the family.

“(b) The Office shall prescribe regulations under which—

“(1) an eligible individual may enroll in a vision benefits plan; and

“(2) an enrolled individual may change the self-only, self plus one, or self and family coverage of that individual.

“(c)(1) Regulations under subsection (b) shall permit an eligible individual to cancel or transfer the enrollment of that individual to another vision benefits plan—

“(A) before the start of any contract term in which there is a change in rates charged or benefits provided, in which a new plan is offered, or in which an existing plan is terminated; or

“(B) during other times and under other circumstances specified by the Office.

“(2) A transfer under paragraph (1) shall be subject to waiting periods provided under a new plan.

#### “§ 8987. Coverage of restored survivor or disability annuitants

“(a) A surviving spouse, disability annuitant, or surviving child whose annuity is terminated and is later restored, may continue enrollment in a vision benefits plan subject to the terms and conditions prescribed in regulations issued by the Office.

#### “§ 8988. Premiums

“(a) Each eligible individual obtaining supplemental vision coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

“(b) The Office shall prescribe regulations specifying the terms and conditions under which individuals are required to pay the premiums for enrollment.

“(c) The amount necessary to pay the premiums for enrollment may—

“(1) in the case of an employee, be withheld from the pay of such an employee; or

“(2) in the case of an annuitant, be withheld from the annuity of such an annuitant.

“(d) All amounts withheld under this section shall be paid directly to the qualified company.

“(e) Each participating qualified company shall maintain accounting records that contain such information and reports as the Office may require.

“(f)(1) The Employee Health Benefits Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office in administering this chapter before the first day of the first contract period, including reasonable implementation costs.

“(2)(A) There is established in the Employees Health Benefits Fund a Vision Benefits Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the first contract year.

“(B) A contract under this chapter shall include appropriate provisions under which the qualified company involved shall, during each year, make such periodic contributions to the Vision Benefits Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year are defrayed.

#### “§ 8989. Preemption

“(a) The terms of any contract that relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to vision benefits, insurance, plans, or contracts.

#### “§ 8990. Studies, reports, and audits

“(a) Each contract shall contain provisions requiring the qualified company to—

“(1) furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

“(2) permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

“(b) Each Federal agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

“(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the vision benefits available

under chapter 89, to ensure the competitiveness of plans under this chapter. The Office shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

#### “§ 8991. Jurisdiction of courts

“(a) The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims, of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8983(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

#### “§ 8992. Administrative functions

“(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

“(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information under this subsection shall include information relating to the vision benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.”.

### SEC. 4. TECHNICAL AND CONFORMING AMENDMENT.

The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 89 the following:

“89A. Enhanced Dental Benefits ..... 8951  
“89B. Enhanced Vision Benefits ..... 8981”.

### SEC. 5. APPLICATION TO POSTAL SERVICE EMPLOYEES.

Section 1005(f) of title 39, United States Code, is amended in the second sentence by striking “chapters 87 and 89” and inserting “chapters 87, 89, 89A, and 89B”.

### SEC. 6. REQUIREMENT TO STUDY HEALTH BENEFITS COVERAGE FOR DEPENDENT CHILDREN WHO ARE FULL-TIME STUDENTS.

Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report describing and evaluating options whereby benefits under chapter 89 of title 5, United States Code, could be made available to an unmarried dependent child under 25 years of age who is enrolled as a full-time student at an institution of higher education as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

### SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to the calendar year 2006.

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

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

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

I rise in strong support of S. 2657, the Federal Employee Dental and Vision Benefits Enhancement Act.

The Federal Employees Health Benefit Plan, FEHBP, is one of the Federal Government's most important tools as we seek to recruit and retain the best Federal workforce that this country has to offer. It covers over 8.6 million

individuals, including 2.2 million Federal and postal employees, 1.9 million Federal annuitants, and 4.5 million dependents; and offers the widest selection of health plans in the country, enabling enrollees to compare the costs, benefits, and features of different plans. However, this program will not remain a model for excellence in employer-provided health care coverage unless we continue to explore avenues to enhance the care and the choices provided.

Through the FEHBP, the Federal Government fulfills its responsibilities as an employer to contribute to health and well-being by providing comprehensive high-quality, affordable health care for its employees, while also providing an example and a model for improving the performance of the U.S. health care system as a whole. While a fine example for comprehensive care, the FEHBP currently offers minimal dental and vision benefits. Over 15 years ago, the Office of Personnel Management stopped allowing plans to add new dental and vision packages or to enhance packages they already had in place. As a result, the FEHBP has not kept pace in these areas, as an overwhelming majority of private sector plans provide dental and vision benefits.

In addition, there has been a groundswell among Federal employees and annuitants through numerous surveys and focus groups on this issue. More than any benefit, they want better coverage for dental and vision care. This will change with the passage of this important legislation.

The bill before us now will establish a voluntary, supplemental program under which Federal employees and annuitants may purchase dental and vision insurance as part of the FEHBP. This important legislation follows the design of the current long-term care insurance program whose premiums are wholly employee-funded, but allows the Federal Government to leverage its purchasing power to lower the cost of care in these areas.

Mr. Speaker, I want to recognize the efforts of my distinguished counterpart in the other body, the Senator from Maine, Ms. COLLINS. Senator COLLINS was instrumental in the drafting of this legislation. I commend her for her dedication on issues important to our Nation's civil service. I look forward to continuing to work with her on these important issues in the 109th Congress. I also thank my ranking member, the gentleman from California (Mr. WAXMAN), and the ranking member of the subcommittee, my friend, the gentleman from Illinois (Mr. DAVIS).

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

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

Mr. Speaker, I am pleased to join with the gentleman from Virginia (Chairman TOM DAVIS) in consideration of S. 2657, the Federal Employee Dental

and Vision Benefits Enhancement Act of 2004.

Visual health and oral health are integral to our general health. Eye and oral diseases are progressive and become more complex over time. Our ability to eat, see, read, learn, and communicate all depends on good visual and oral health.

Periodic eye and dental examinations are an important part of routine preventive health care. Many visual and oral conditions present no obvious symptoms. Therefore, individuals are often unaware that problems exist.

There are safe and effective measures to prevent the most common eye and dental diseases, and that is why early diagnosis and treatment are important for maintaining good visual and oral health, and why a vision and dental benefit should be made available to Federal employees and annuitants.

We know that in 1987, the Office of Personnel Management stopped plans in the Federal health benefits program from adding new visual and dental packages. OPM did so for various reasons. However, that decision was made over 15 years ago, and it is time to take a fresh look at how we can meet the visual and oral health needs of Federal employees.

In the long run, preventive care through periodic examinations and doctor visits will help keep down long-term visual and dental costs due to early detection.

I am happy to support S. 2657 because it permits OPM to contract with qualified companies to offer dental and vision benefits to Federal employees and retirees under the Federal Employee Health Benefits Program.

Unfortunately, however, this bill does not include a provision that would require OPM to study the feasibility of providing hearing benefits to Federal benefits and retirees. Currently, over 28 million Americans suffer hearing loss, half of whom are under the age of 50. Hearing loss is not just a problem affecting adults. Thirty-three children are born every day with some form of hearing loss. With early detection and treatment, these children can be taught in regular classes, saving the school system as much as \$500,000 during a 12-year education.

I included similar language in H.R. 3751, which passed the House in June. Like vision and dental benefits, most insurance plans do not provide hearing benefits, such as coverage for hearing aids.

To address this omission, the gentleman from California (Mr. WAXMAN) and I, along with the gentleman from Virginia (Chairman TOM DAVIS) and the Senate sponsors of this bill, sent a letter to the Director of the office of OPM requesting that the agency assess current hearing benefits available to FEHBP participants and explore the feasibility of expanding hearing benefits to enrollees and their dependents.

Director James has already replied that such a study will be conducted

and completed by September 30, 2005. I am pleased that we have received this commitment from OPM and look forward to reviewing the finished report.

I would urge my colleagues to support passage of Senate bill 2657.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, we had inserted similar language to this bill in the legislative branch appropriations bill that hopefully we will approve tonight as well. It addresses the fact that dental and vision needs are some of the most expensive out-of-pocket expenses. We will now have it available for Federal employees in the executive branch, as well as the legislative branch; this is a very important accomplishment of the Committee on Government Reform.

Mr. Speaker, I rise in strong support of H.R. 5295, the Federal Employees Dental and Vision Benefits Enhancement Act of 2004 and am proud to be a co-sponsor of this bill. As ranking member of the Legislative Branch Appropriations Subcommittee, I was pleased to initiate efforts to establish a similar benefit for Members and congressional staff with House passage of the Fiscal 2005 Legislative Branch Appropriations Act (H.R. 4755). Combined, these two initiatives represent one of the most significant changes to health benefits under the Federal Employee Health Benefits Plan in recent years.

The Federal Employees Dental and Vision Benefits Enhancement Act would establish a voluntary program under which Federal employees, retirees and annuitants may purchase supplemental dental and vision coverage. The legislation grants the Office of Personnel Management (OPM) the authority to select the appropriate combination of nationwide and regional companies and a variety of benefit packages to meet the diverse needs of our Federal employee, retiree, and annuitant population.

Greater access to dental and vision care is an area where major improvement is needed and should be an essential component to any comprehensive health care strategy. Many Federal employees whom I hear from tell me that their greatest health care expenditures go towards dental and vision care. Federal employees need and deserve increased access to dental and vision benefits.

FEHBP has long been regarded as a model health care program. I am confident that with the addition of a supplementary dental and vision coverage program, the Federal government will set an example for other employers to expand their health care offerings to include dental and vision coverage for their employees. Additionally, I believe this new benefit will serve as a recruitment tool for the Federal government in attracting and keeping the best and the brightest in the government.

Mr. Speaker, I thank Chairman DAVIS on the Government Reform Committee for moving this important legislation, and I strongly support its adoption.

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

Mr. MURPHY. Mr. Speaker, too often, basic health insurance coverage offered to federal

employees does not adequately cover the cost of dental and vision care, yet regular visits to the eye doctor and the dentist are just as important for maintaining overall health as annual visits to the M.D. That is why Chairman DAVIS, Rep. JOANN DAVIS, Senator SUSAN COLLINS, myself and others have made the addition of supplemental dental and vision benefits to the Federal Employee Health Benefits Program a priority.

According to testimony we heard last year in the Government Reform Committee, while 56 percent of Americans have dental coverage, of 150 FEHBP plans studied, only one provided dental coverage for children and only 14 provided orthodontic coverage. Unfortunately, there are not a lot of options for federal employees when it comes to vision insurance either. The FEHBP is often cited as a leader and a model for health care plans across the Nation. It is unacceptable that federal employees and their families are denied quality coverage for dental and vision services.

The Federal Employees Dental and Vision Benefits Enhancement Act of 2004 seeks to address this situation by leveraging the purchasing power of the federal government to obtain supplemental dental and vision benefits for federal employees. This much-needed legislation is patterned after the successful long-term care benefits program we already offer federal employees and will provide tangible relief to millions of federal employees and their families.

The new benefits would be offered separately from existing health care plans and would be available strictly on a voluntary basis. Since federal employees opting to take advantage of these benefits would pay 100 percent of the premiums, we can offer these policies at very little cost to the federal government. This legislation is a win-win for all parties involved.

Recently, I chaired a subcommittee hearing on steps the federal government can take to lead the way in reducing health care costs by taking advantage of our missive purchasing power, investing in new health care technologies and promoting good health through preventative care. This legislation is a step in that direction. The federal government must lead by example when it comes to health care and I ask my colleagues to support that effort by voting in favor of this bill.

□ 1515

Mr. TOM DAVIS of Virginia. Mr. Speaker, I urge support for the bill, S. 2657.

Mr. Speaker, I have no further requests for time, and 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 Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the Senate bill, S. 2657.

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

A motion to reconsider was laid on the table.

## AMENDING THE DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4012) to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act.

The Clerk read as follows:

Senate Amendments:

Page 2, line 7, strike "10 succeeding" and insert "7 succeeding".

Page 2, line 11, strike "10 succeeding" and insert "7 succeeding".

Amend the title so as to read: "An Act to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. 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. 4012.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 4012, legislation to authorize the District of Columbia College Access Act for 2 additional years.

The College Access Program has been a key component of the District's revitalization efforts in recent years. It is critical that Congress continue to support its partnership with the District of Columbia in providing access to higher education resources and opportunities.

Congress established the D.C. College Access Program in 1999 for two primary reasons. First, the program addressed the fact that the District of Columbia does not have a State university system like most States do for its high school graduates. The program essentially leveled the playing field for high school graduates in the Nation's Capital by enabling them to attend colleges and universities around the country at in-state tuition rates. This is State universities around the country.

The program's second purpose was to deter tax-paying families in the District from moving to surrounding States in order to take advantage of in-state higher education options available to residents in other States that were not available to District residents

at the time that would deprive the District of very much needed stability in tax revenue should they leave the jurisdiction.

I cannot tell you how many mothers and fathers have approached me to say thank you. We were going to have to leave the District of Columbia so our kid could go to college, but thanks to this program we can stay; or young people from the district that come up to me and say thank you for this act. I am now able to afford to go to a good college.

At a Committee on Government Reform hearing on this program last March, it is clear that the program has been more than an anecdotal success over the past 5 years. D.C. Mayor Anthony Williams testified that since creation of the program, the number of high school graduates in the District continuing on to college has increased 28 percent. The national average over the same period was an increase of approximately 5 percent.

The impact of the College Access Program is undeniable. According to a survey of high school graduates in the District, the vast majority of students who have received assistance through the program have indicated that the existence of the grants made a difference in their decision to attend college and was a key factor in deciding which college to attend.

H.R. 4012 represents a shot at a better education and, in turn, a better life for hundreds of D.C. students.

The House passed a 5-year authorization for the program in July, but after discussions with the other body, we have agreed to limit the reauthorization to 2 years while we in Congress continue to work with the city to refine the scope and the mission of the program.

Mr. Speaker, I urge my colleagues to support H.R. 4012 and to continue to support a level playing field for high school graduates in the District.

I also want to acknowledge my friend and colleague, the gentlewoman from the District of Columbia (Ms. NORTON) for her help in starting this bill and working through this legislation today as we reauthorize it, and my colleague, the gentleman from Alexandria, Virginia (Mr. MORAN), who has also been very helpful and instrumental in getting this legislation originally established and reauthorizing it today.

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

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

Mr. Speaker, I appreciate the kind words and acknowledgement of the chairman. I particularly appreciate the strong leadership he has given this bill from its inception and the continuing strong leadership he has afforded this absolutely vital bill to the residents of the District of Columbia.

Led by my good friend, the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS), the District of Columbia College Access Act of 1999 has

always passed with bipartisan sponsors in the House and Senate and consistently strong support from Members of both bodies. We are particularly indebted to the chairman, who, because of the importance of higher education to those who live and work in this white-collar region, has always made this bill a priority of the committee.

This year he performed an additional critical act of leadership. When a problem arose in the Senate after the bill was approved in committee, he forged an acceptable compromise. The champions of the bill in the Senate have been a chairman, Senator GEORGE VOINOVICH and his ranking member, Senator DICK DURBIN of the subcommittee with jurisdiction over the District of Columbia, as well as the Chair of the Senate Committee on Governmental Affairs, Senator SUSAN COLLINS and the ranking member, Senator JOE LIEBERMAN.

Mr. Speaker, I want to express special gratitude to President Bush, who came to office several years after the law was in effect, saw the evidence of its exceptional success, and has continued to fund it in his budget at authorized levels.

The act, which partially funds college tuition through tuition access grants, or TAG, gives D.C. residents opportunities for college attendance that other Americans already enjoy through their State university systems. Because the District has no State university system, TAG substitutes for such a system by allowing D.C. residents to attend the public colleges in the States at in-state tuition rates, subsidized up to \$10,000. In the alternative, our students may receive \$2,500 to attend private colleges at historically black colleges or universities in the city or region or other private colleges, provisions that also imitate what some States allow.

Already some 6,000 D.C. students have attended more than 150 colleges nationwide because of funds provided by the act. There are two particularly gratifying results from the first years of the Act. First, college attendance in the District has increased by 28 percent compared with only 11 percent nationally. Second, the act has been important to keeping tax-paying residents in the city and stemming the large and disastrous taxpayers' losses of the past three decades, particularly of parents who often left for the suburbs when their children were in reach of college age, rather than deny their children the benefits of a lower-cost, high-quality State university system. The high cost of tuition is a significant reason many residents left the District and others refuse to settle here.

The evidence of the success of the program and the return on the dollar to residents, to the city itself and to the Federal Government is not in dispute. Close monitoring by the GAO, by the committee and by our office have shown that TAG has been well run. TAG is universally popular among D.C.

residents and businesses because of the act's simultaneous and immediate benefits to higher education in the District and, therefore, to the economic stability and viability of the city itself.

The program is an unqualified success and continues to exceed all expectations. The program has proved itself in becoming a valuable catalyst to where it is most needed. TAG deserves reauthorization, and I strongly urge its passage.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the chairman of the Committee on Government Reform for yielding me time, but particularly for his leadership on this bill and the preceding bill.

This bill provides opportunities to young people who have already not only graduated from high school, but showed exceptional academic achievement. Many of them had to overcome social and economic barriers that we would never want or expect our own children to be able to cope with, let alone overcome. It's not fair that in the District of Columbia they do not have the opportunities that many of our children in the suburbs have. To make at least this very important access to higher education available to them at a very reasonable cost is a terribly appropriate thing to do.

Mr. Speaker, I appreciate the leadership of the gentlewoman from the District of Columbia (Ms. NORTON) on behalf of her constituents and the leadership of the gentleman from Virginia (Mr. TOM DAVIS) on behalf of the Congress to make sure that this legislation gets through.

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

In closing, I want to say that the two gentlemen from which we just heard on the bill, the gentleman from Virginia (Mr. MORAN) who just spoke, and the gentleman from Virginia (Mr. TOM DAVIS) who has led the bill, are both from this region.

This may be the most white-collar region in the United States. When District of Columbia residents did not have access to its State university system, it hurt the entire economy of the region because it meant the critical core of the region could not provide the same State university systems that are very beautifully provided in Maryland and Virginia. So one part of the region could not contribute to the economic viability of the region.

Mr. Speaker, I appreciate particularly their work in understanding how vital the District's contribution was and is, and that it cannot be made except through higher education of the kind that is expected through this region.

Finally, a word about the Chair. This bill was finally passed in the Senate

only in the lame duck session. It has been passed here because the chairman had smoothly led its passage in the House. It did not have a bit of controversy here. There were some changes made after some consultation with the House with the Senate, and all was well; and at the last minute a very small problem arose in the Senate. But when one person raises a problem in the Senate, that can mean the end of an entire bill. So I do want to say right here on this floor that the work of the chairman when we brought this to his attention that all efforts in the Senate to solve this one problem with one Member had failed for reasons no one could put their finger on, that his own creative sense of compromise is what rescued the bill in the Senate.

I want to express my deep appreciation for his work in the midst of the lame duck session, to think of what might be done, and then to speak with the Member in the Senate who raised an issue, and then to come forward with a compromise that has proved acceptable to all. We are very grateful for that, because without that work on the part of Chairman DAVIS, we would not be here.

□ 1530

This bill would not be authorized, and we would not be able to get the full amount which has already been passed by the appropriation committees on both sides into the President's budget when it comes here in January.

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

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

I thank my colleagues for their kind words and their efforts in working together on this legislation, and I would urge all Members to support the Senate amendments to H.R. 4012.

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 Virginia (Mr. TOM DAVIS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4012.

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

A motion to reconsider was laid on the table.

#### AMENDING INTERNAL REVENUE CODE TO MODIFY TAXATION OF ARROW COMPONENTS

Mr. RYAN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5394) to amend the Internal Revenue Code of 1986 to modify the taxation of arrow components.

The Clerk read as follows:

H.R. 5394

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

**SECTION 1. EXCISE TAX ON ARROWS.**

(a) **REPEAL.**—Subsection (b) of section 332 of the American Jobs Creation Act of 2004, and the amendments made by such subsection, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection and amendments had never been enacted.

(b) **TAX ON ARROW SHAFTS.**—Paragraph (2) of section 4161(b) of the Internal Revenue Code of 1986 (relating to arrows) is amended to read as follows:

“(2) **ARROWS.**—

“(A) **IN GENERAL.**—There is hereby imposed on the first sale by the manufacturer, producer, or importer of any shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly—

“(i) measures 18 inches overall or more in length, or

“(ii) measures less than 18 inches overall in length but is suitable for use with a bow described in paragraph (1)(A), a tax equal to 39 cents per shaft.

“(B) **ADJUSTMENT FOR INFLATION.**—

“(i) **IN GENERAL.**—In the case of any calendar year beginning after 2005, the 39-cent amount specified in subparagraph (A) shall be increased by an amount equal to the product of—

“(I) such amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘2004’ for ‘1992’ in subparagraph (B) thereof.

“(ii) **ROUNDING.**—If any increase determined under clause (i) is not a multiple of 1 cent, such increase shall be rounded to the nearest multiple of 1 cent.”

(c) **ARROW POINTS.**—Clause (ii) of section 4161(b)(1)(B) (relating to archery equipment) of such Code is amended by striking “quiver or broadhead” and inserting “quiver, broadhead, or point”.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (b) and (c) shall apply to articles sold by the manufacturer, producer, or importer after March 31, 2005.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

**GENERAL LEAVE**

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 5394, the bill under consideration.

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

There was no objection.

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

(Mr. RYAN of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, I briefly just want to describe what this bill does.

I, along with the gentleman from Utah (Mr. MATHESON), introduced H.R.

5394, which will correct an unintended new tax on arrows. The American Jobs Creation Act closed the loophole that allowed imported arrows to avoid the excise tax paid on domestically produced arrows. Unfortunately, the IRS identified an unintended consequence that will require 8,000 retailers to collect and remit a small part of this excise tax.

The provision of this bill designed to protect the double taxation of arrows inadvertently moves the incidence of a very small part of the tax on arrows from manufacturers to retailers. This language will require every retailer to determine the difference between the tax paid on the components that they buy and the tax due on arrows that they assemble and sell. Therefore, 8,000 retailers will be required to file and remit the excise tax quarterly for an amount of about \$100,000.

Clearly, Congress did not intend to impose a new tax on thousands of small businesses and retailers. This legislation fixes that. It amends the archery excise provision to impose a flat fee on the first sale of all arrow shafts. This legislation protects thousands of retailers by keeping the incidence of the tax on manufacturers, not on retailers; treats domestic and foreign manufacturers equally; and protects the Federal Aid in Wildlife Fund.

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

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

Mr. Speaker, I want to commend my colleague the gentleman from Wisconsin (Mr. RYAN). He has worked very diligently on this issue. I know he personally is an avid sportsman and takes, therefore, more than passing interest in these matters. He also does very well representing the constituents involved in the domestic manufacture of arrows.

This has been a hard one to get right. We first passed it in 1997, trying to address this issue. The language in the FST bill that passed just a few weeks ago we thought took care of it. We had the joint tax and Treasury Department involved in getting that language correct, and only now we are finding that it is going to be a new tax to be collected by about 10,000 sports retailers.

Mr. Speaker, we want to fix this, and we want to fix this one right, quick. So I am going to ask for support on this motion today.

I would like to, in the course of my remarks, however, address an issue raised by the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, and his statement will be made a part of the RECORD.

He had offered for the chairman a deal to bundle in a unanimous consent package the bow and arrow fix, plus a provision to address the circumstances of the Virgin Islands and other territories under the corporate tax reform bill, the FST bill mentioned earlier, as well as something to address the devas-

tation in Haiti, and so I would just read a couple of paragraphs from his statement because I think it is appropriately before the body.

The “Ways and Means Committee Chairman THOMAS knows that the bows and arrows correction could have been handled by unanimous consent.” There had been a request that a correcting provision from the FST/ETI bill also be included to assist the Virgin Islands and some attention provided to the devastation affecting the people of Haiti.

“The recently enacted FST/ETI legislation contains a provision that will adversely affect the economic development programs of the Virgin Islands and other possessions.

“The provision denies the Virgin Islands the ability to provide economic incentives to companies doing business in the Virgin Islands if they have some U.S. source income.”

It is also clear that House leadership is unwilling to provide assistance to poverty-stricken Haiti. “Obviously, our neighbor in this hemisphere is not viewed as so urgent that it cannot wait. I am talking about a country that is so poor they bake clay and pretend it is bread.

“It is unclear to me why” the Haiti trade preferences bill could not have been brought up by year end.

I agree that, to summarize the ranking member’s feelings, it is fine to address this bow and arrows provision, absolutely fine. We have some issues we also wanted addressed, circumstances about possession under FST/ETI and something to be done to address the pathetic circumstance of Haiti, and that would have been our preference also at year end.

Having now stated what our preferences would have been, let me again summarize the minority position on this bill. It needs to be corrected. We want it corrected. We do not think it should have taken three times to get right, but here we are. We are willing to get it right this time.

I again salute the gentleman from Wisconsin’s (Mr. RYAN), my colleague, efforts who have been untiring and in the end will today prevail in getting this right.

Mr. Speaker, I yield back my time.

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

I first want to just thank my colleague from North Dakota, a wonderful State I have enjoyed hunting in, and his archers, I think, will be pleased with his support today.

We are finally getting this thing fixed. We thought the tax experts figured it out the last time. That was not necessarily the case. We have got this fix in place. So, again, we are not going to be pushing jobs overseas. We are not going to be draining precious resources from the Pittman-Robertson Fund. We are fixing that loophole.

Mrs. CHRISTENSEN. Mr. Speaker, today the House is considering H.R. 5394, a bill

sponsored by my colleague PAUL RYAN of Wisconsin to amend a section of the recently passed American Jobs Creation Act of 2004 as it relates to the Federal excise tax on the sale by a manufacturer, producer or importer of any bows or arrows of a certain weight.

While I do not expressly support or oppose H.R. 5394, I rise to express my disappointment that the people of my district, the U.S. Virgin Islands, are not afforded a similar opportunity to address certain changes to the provisions of the Jobs Act as they relate to the residence and source rules applicable in U.S. possessions.

It is the longstanding policy of the United States, as reaffirmed in the Tax Reform Act of 1986, to promote the economic development of the U.S. Virgin Islands through tax policies that grant the Virgin Islands exclusive taxing jurisdiction over its residents and the right to tax the income of non-residents that is either sourced in the Virgin Islands or attributable to Virgin Islands businesses.

The American Jobs Creation Act of 2004, which was signed into law on October 22, 2004, significantly changed the Federal tax rules that form the foundation of Virgin Islands economic incentive program, the Economic Development Commission (EDC). Unless the changes made to this program by the Jobs Act is amended or appropriately modified by regulation, they have the potential to cause substantial damage to the Virgin Islands EDC program and cause significant losses to the Government of the Virgin Islands beyond those attributable to the EDC program.

While the statement of the managers accompanying the conference report for the Jobs Act indicates that Congress was concerned about U.S. citizens inappropriately claiming benefits as residents of a possession while continuing to live and work in the United States, the provisions of the new IRS Code section 937 would have much broader impact, affecting individuals who never resided in the United States and also place restrictions on the different economic development programs that go far beyond identified abuses.

It is for these reasons Mr. Speaker, that the government of the Virgin Islands sought to have these changes narrowed and clarified through legislation similar to H.R. 5394, but we were unsuccessful in our efforts to date. Accordingly, I beseech my colleagues, the chairman of the Ways and Means Committee and you, Mr. Speaker, to work with me when we return next Congress to address these concerns and avert a potential economic catastrophe for the Government and people of the Virgin Islands.

Mr. RANGEL. Mr. Speaker, H.R. 5394 is the Republican's third attempt to provide correct statutory language for the purpose of providing domestic and foreign manufacturers and retailers of bows and arrows with a level playing field.

The original provision was enacted into law in 1997. A correction to that language was included in this year's Foreign Sales Corporation/Extraterritorial Income Replacement, FSC/ETI, which resulted in another needed correction—as provided in H.R. 5394. Apparently, the most recent drafting error would cause about 10,000 new retailers to begin collecting excise taxes on a quarterly basis due to an unintended new point of tax collection created for arrow components costing less than a dollar. I hope that this time the Republicans got it right.

## PRIORITIES

What really concerns me today is not bows and arrows. Rather, I question the priorities of the Republicans in the House.

The Republicans enjoy talking about their values—but their actions simply do not meet their words. According to Republican values, tax breaks for makers of bows and arrows are an urgent matter that must be addressed today.

Of course, Ways and Means Committee Chairman THOMAS knows that the bows and arrows correction could have been handled by unanimous consent last month. At that time, I asked that a correcting provision from the FSC/ETI bill also be included to assist the Virgin Islands—as it is for the arrow component manufacturers—and that some attention be provided to the devastation facing the people of Haiti.

## VIRGIN ISLANDS

It is obvious that the House Republican Leadership and Chairman THOMAS are unwilling to provide a little helping hand to the Virgin Islands and the other U.S. possessions. The recently enacted FSC/ETI legislation contains a provision that will adversely affect the economic development programs of the Virgin Islands and other possessions.

The provision denies the Virgin Islands the ability to provide economic incentives to companies doing business in the Virgin Islands if they have some U.S. source income. There are many circumstances where companies engaged in business activities in the Virgin Islands can have U.S. source income, even though they engage in no activities in the United States.

Everyone recognizes that the FSC/ETI legislation overreached. The provision was adopted without any hearings in either House, and without a serious examination of what it does. So the simple solution is to fix the problem. The Republicans' response is to wait for Treasury to address the situation. There is no guarantee when, or if, Treasury will do so.

The provision in the bill already took effect, and is currently creating a problem for the Virgin Islands economic development program. This is a time-sensitive issue, that could be easily resolved with a delay in the effective date to permit the Treasury to act.

This House has found time today to correct an error for arrow component retailers. I had hoped that at the same time we could have corrected the provision harming the Virgin Islands. It is obviously a question of the Republicans' priorities.

## HAITI

It also is obvious that the House and committee Republican leadership are unwilling to provide a little assistance to a poverty stricken Haiti. Obviously, our neighbor in this hemisphere is not viewed as so urgent that it cannot wait. I am talking about a country that is so poor that they bake clay and pretend it is bread.

It is still unclear to me why—other than pure meanness, stinginess and a lack of real values—that a Haiti trade preferences bill could not be brought up before the end of the year. Chairman THOMAS and I reached agreement on a compromise bill—a bill that did not present any threat to the U.S. industry but that would have meant the world to the people of Haiti.

House Democrats were prepared to support our bill—and I know we had ample Republican support for it, thanks to the efforts of my friend CLAY SHAW, and my long-time friend and col-

league, PHIL CRANE. I also know that Senators BOB GRAHAM and MIKE DEWINE would have been able to get passage in the Senate—had we sent them something. They had already passed a much better, more generous bill.

I want everyone to understand that our failure to act on Haiti today has real consequences for a country already devastated by natural disasters, years of domestic political turmoil, and foreign interference.

At the end of this year global textiles and apparel quotas terminate. Everyone expects China to dominate, taking market share and jobs not just from workers in the U.S., but also from workers in poor, vulnerable developing countries. And there is no country so threatened or so dependent on access to our market as Haiti.

Apparel is the only thing these people make—it is 90 percent of what the Haitians send to us. And because we are not acting, those exports are threatened. And you know what will replace those exports of sweaters and pants? Exports of people.

I will fight again for Haiti next year, and I pray it will not be too late.

## CONCLUSION

I want to compliment my colleague, Representative PAUL RYAN, for his diligence in correcting the drafting error for the 1997 bows and arrow tax relief provision and, again today, for correcting the correction in the FSC/ETI bill. One would have thought that drafting a simple bill, like bows and arrows, could be handled right the first time. But, I understand that things happen.

Mr. RYAN of Wisconsin. 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 Wisconsin (Mr. RYAN) that the House suspend the rules and pass the bill, H.R. 5394.

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.

### PASS THE 9/11 COMMISSION RECOMMENDATIONS IMPLEMENTATIONS ACT

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

Mrs. MALONEY. Mr. Speaker, I rise in strong support of the bipartisan 9/11 Commission bill. This past week I joined relatives of victims of 9/11 at Ground Zero. It was one of the places that we held vigils across this country to remind Members of Congress of the human cost of the terrorist attack. Vigils were held in Washington, D.C., New York, Buffalo, Boston, Los Angeles.

We are hopeful that a vote will be taken tomorrow. It will move forward this bill that will make Americans safer.

We ask people to sign a petition and present that petition to the Speaker of the House of Representatives. I will place in the RECORD the text of that petition at this point.

DECEMBER 6, 2004.

DEAR SPEAKER HASTERT: These signatures represent the will of the people. The democratic process must be respected. Congress must be allowed to vote.

The "9/11 Commission Recommendations Implementations Act" is supported by the 9/11 Commission, the President, the Senate, and the majority of the members of your House.

Listen to the voice of the people.

Signed,

Carie Lemack, Mindy Kleinberg, Lorie Van Auken, Patty Casazza, Carol Ashley, Mary Fetchet, Linda Lewis, Kathy Wiesniewski, Beverly Eckert, Bill Harvey, Charles Wolf.

Speaking: Abraham Scott (lost wife Janice Marie); Beverly Eckert, Stamford (lost husband Sean Rooney); Mary Fetchet, New Canaan (lost son Brad); Carie Lemack, Boston (lost mother Judy Larocque).

Not speaking: Carol Ashley, Long Island (lost daughter Janice); Kathy Wiesniewski (lost husband); Charlie Wolf (lost wife Kathy); Lorie Van Auken (lost husband Kenneth); Mindy Kleinberg (lost husband Alan).

The holidays are a particularly difficult time for people who have lost loved ones, Thanksgiving and the holiday season. I am very, very hopeful that the hard work of these families in support of changes that will make America safer will be allowed for a vote in the House of Representatives.

RECESS

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

Accordingly (at 3 o'clock and 39 minutes p.m.), the House stood in recess until approximately 6 p.m. today.

□ 1801

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 6 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motion to suspend the rules previously postponed.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 4818

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the concurrent resolution, H. Con. Res. 528.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. YOUNG) that the House suspend the rules and concur in the Senate amend-

ment to the concurrent resolution, H. Con. Res. 528, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 51, as follows:

[Roll No. 543]

YEAS—381

Ackerman	Diaz-Balart, L.	Kapture
Aderholt	Diaz-Balart, M.	Keller
Akin	Dingell	Kelly
Alexander	Doggett	Kennedy (MN)
Allen	Doolittle	Kennedy (RI)
Andrews	Doyle	Kildee
Bachus	Dreier	Kilpatrick
Baird	Duncan	King (IA)
Baker	Dunn	King (NY)
Baldwin	Edwards	Kingston
Barrett (SC)	Ehlers	Kirk
Bartlett (MD)	Emanuel	Kline
Barton (TX)	Emerson	Knollenberg
Bass	Engel	Kolbe
Beauprez	English	Kucinich
Becerra	Eshoo	LaHood
Berkley	Etheridge	Lampson
Berman	Evans	Langevin
Berry	Everett	Lantos
Biggert	Farr	Larson (CT)
Bilirakis	Feeney	Latham
Bishop (GA)	Ferguson	LaTourette
Bishop (NY)	Fiener	Leach
Bishop (UT)	Flake	Lee
Blackburn	Foley	Levin
Blumenauer	Forbes	Lewis (CA)
Blunt	Ford	Lewis (GA)
Boehner	Fossella	Lewis (KY)
Bonilla	Frank (MA)	Linder
Bonner	Franks (AZ)	LoBiondo
Bono	Frelinghuysen	Lofgren
Boozman	Frost	Lowe
Boucher	Galleghy	Lucas (KY)
Boyd	Garrett (NJ)	Lucas (OK)
Bradley (NH)	Gephardt	Lynch
Brady (PA)	Gerlach	Majette
Brady (TX)	Gibbons	Maloney
Brown (OH)	Gilchrest	Manzullo
Brown (SC)	Gillmor	Markey
Brown, Corrine	Gingrey	Marshall
Brown-Waite,	Gonzalez	Matheson
Ginny	Goode	Matsui
Burgess	Goodlatte	McCarthy (MO)
Burns	Graves	McCarthy (NY)
Burr	Green (TX)	McCollum
Burton (IN)	Green (WI)	McCotter
Butterfield	Greenwood	McCrery
Buyer	Grijalva	McDermott
Calvert	Gutknecht	McGovern
Camp	Hall	McHugh
Cantor	Harman	McIntyre
Capito	Harris	McNulty
Capps	Hart	Meehan
Capuano	Hayes	Meek (FL)
Cardin	Hayworth	Meeks (NY)
Cardoza	Hefley	Menendez
Carson (IN)	Hensarling	Mica
Carter	Herger	Michaud
Castle	Herseth	Millender-
Chabot	Hill	McDonald
Chandler	Hinchey	Miller (FL)
Chocola	Hinojosa	Miller (MI)
Clay	Hobson	Miller (NC)
Clyburn	Hoefel	Miller, Gary
Coble	Hoekstra	Miller, George
Cole	Holden	Mollohan
Conyers	Holt	Moore
Cooper	Honda	Moran (KS)
Costello	Hooley (OR)	Moran (VA)
Cox	Hostettler	Murphy
Cramer	Hoyer	Musgrave
Crane	Hulshof	Myrick
Crenshaw	Hunter	Nadler
Crowley	Inslee	Napolitano
Cubin	Isakson	Neugebauer
Culberson	Israel	Ney
Cunningham	Issa	Northup
Davis (CA)	Istook	Nunes
Davis (IL)	Jackson (IL)	Oberstar
Davis (TN)	Jackson-Lee	Obey
Davis, Jo Ann	(TX)	Oliver
Davis, Tom	Jenkins	Ortiz
Deal (GA)	John	Osborne
DeFazio	Johnson (CT)	Ose
DeGette	Johnson (IL)	Otter
DeLay	Johnson, E. B.	Owens
DeMint	Johnson, Sam	Oxley
Deutsch	Kanjorski	Pascarell

Pastor	Sabo	Tauscher
Paul	Sánchez, Linda	Tauzin
Payne	T.	Taylor (MS)
Pearce	Sanchez, Loretta	Taylor (NC)
Pelosi	Sanders	Terry
Pence	Sandlin	Thomas
Peterson (MN)	Saxton	Thompson (CA)
Peterson (PA)	Schakowsky	Thompson (MS)
Petri	Schiff	Thornberry
Pickering	Scott (GA)	Tiahrt
Pitts	Scott (VA)	Tiberi
Platts	Sensenbrenner	Tierney
Pombo	Serrano	Toomey
Pomeroy	Sessions	Turner (OH)
Porter	Shadegg	Turner (TX)
Portman	Shaw	Udall (CO)
Price (NC)	Shays	Udall (NM)
Pryce (OH)	Sherman	Upton
Putnam	Sherwood	Van Hollen
Quinn	Shimkus	Velázquez
Radanovich	Shuster	Vislosky
Ramstad	Simmons	Walden (OR)
Rangel	Simpson	Walsh
Regula	Skelton	Wamp
Rehberg	Slaughter	Waters
Renzi	Smith (MI)	Watson
Reynolds	Smith (NJ)	Watt
Rodriguez	Smith (TX)	Waxman
Rogers (AL)	Smith (WA)	Weldon (FL)
Rogers (KY)	Snyder	Weldon (PA)
Rogers (MI)	Solis	Weller
Rohrabacher	Souder	Wexler
Ros-Lehtinen	Spratt	Whitfield
Ross	Stark	Wicker
Rothman	Stearns	Wilson (SC)
Roybal-Allard	Stenholm	Woolsey
Royce	Strickland	Wu
Ruppersberger	Stupak	Wynn
Ryan (OH)	Sullivan	Young (FL)
Ryan (WI)	Tancredo	
Ryun (KS)	Tanner	

NOT VOTING—51

Abercrombie	Fattah	Murtha
Baca	Gordon	Neal (MA)
Ballenger	Granger	Nethercutt
Bell	Gutierrez	Norwood
Boehlert	Hastings (FL)	Nussle
Boswell	Hastings (WA)	Pallone
Cannon	Houghton	Rahall
Carson (OK)	Hyde	Reyes
Case	Jefferson	Rush
Collins	Jones (NC)	Schrock
Cummings	Jones (OH)	Sweeney
Davis (AL)	Kind	Towns
Davis (FL)	Klecicka	Vitter
Delahunt	Larsen (WA)	Weiner
DeLauro	Lipinski	Wilson (NM)
Dicks	McInnis	Wolf
Dooley (CA)	McKeon	Young (AK)

□ 1859

Mr. TERRY and Mr. RANGEL changed their votes from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent today from this chamber. I would like the record to show that, had I been present, I would have voted "yea" on rollcall vote 543.

Mr. WOLF. Mr. Speaker, I am on an official leave of absence for today because of knee surgery. Had I been present and voting, I would have voted yea on rollcall 543, to suspend the rules and pass H. Con. Res. 528, directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 4818.

REPORT ON RESOLUTION WAIVING  
A REQUIREMENT OF CLAUSE 6(a)  
OF RULE XIII WITH RESPECT TO  
CONSIDERATION OF CERTAIN  
RESOLUTIONS REPORTED BY  
THE RULES COMMITTEE

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108-795) on the resolution (H. Res. 868) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

WELDON ANTI-WOMAN PROVISION  
IN H.R. 4818

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. SLAUGHTER. Mr. Speaker, I rise to express my outrage about a dangerous antiwoman provision that is in this omnibus bill. I know that is not going to be changed, but I do want all women in America to know what is coming for them.

Let us say a woman is the unfortunate victim of a partial spontaneous abortion. Under the law that has been passed now in the United States, that woman may not go to the hospital and have that completed unless the hospital wants to do so. Presently, the law requires that a woman be taken care of; but even if a woman's life is at stake, even if she is going to die, the hospital does not have to do it.

Now, what happens if the hospital does it in defiance of what this law says? They then put into jeopardy every cent of money they bring in from the Labor-HHS bill, which would include all their State Children's Health Insurance money, all their Head Start money, all their child care development block grant money, all social services money, and perhaps all senior nutrition programs. This is really draconian when it comes to saving a woman's life.

States will not be allowed anymore to require an HMO that is participating in Medicaid to either cover abortions for a rape victim or tell them that they are eligible to get services and where to get it. What a step backwards for the United States.

Mr. Speaker, I am submitting for the RECORD an article from today's Washington Times announcing what is yet to come.

[From the Washington Times, Dec. 6, 2004]

PRO-LIFERS SET SIGHTS ON NEW CONGRESS

(By Amy Fagan)

The pro-life movement, which helped pass several initiatives in the 108th Congress, thinks Republican gains in the Senate will aid the chances for bills to enforce state parental notification laws and to alert pregnant women about fetal pain.

"There is enough of a shift that we think bills such as these two . . . have a real chance," said Douglas Johnson, legislative

director of the National Right to Life Committee.

The Senate has been the biggest blockade to pro-life bills. Republican pickups in this year's election mean the chamber will have about three additional pro-life votes come January, Mr. Johnson said.

He said he hopes the defeat of Senate Minority Leader Tom Daschle, South Dakota Democrat, might make some pro-choice senators "who marched in lock step with the abortion lobby . . . less inclined to get out on thin ice" in blocking abortion restrictions.

Both sides of the abortion debate are anticipating a Supreme Court vacancy, particularly after deteriorating health has forced Chief Justice William H. Rehnquist to miss several sessions.

Mr. Johnson said a battle over any Supreme Court nominee would take top priority for his group.

Vicki Saporta, president of the National Abortion Federation, also said a Supreme Court vacancy would be a "huge priority" for her side. She promised a "tremendous fight" over any nominee who would "turn back the clock" on abortion or other rights.

Until that fight erupts, however, the pro-life lobby will focus on other legislation.

One priority, introduced as a bill for the first time in May, would require doctors to tell women seeking abortions after 20 weeks about the capacity of the fetus to feel pain and offer the option of pain-reducing drugs.

The fetal-pain issue garnered interest during a federal court case in New York, in which the government was defending the federal ban on late-term partial-birth abortions. The judge in that case said the defense presented "credible evidence" that a fetus feels pain.

Mr. Johnson said there is growing support for the fetal pain bill in the House, and he hopes it can pass both chambers this term.

A bill returning to the scene next session would make it a federal crime to circumvent a state's parental-notification law by transporting a pregnant teen across the state line for an abortion without parental involvement.

The measure passed the House three times but stalled in the Senate.

Miss Saporta said the fetal-pain bill is "part of their campaign to separate the fetus from the woman."

Although the teen-transport bill likely will be introduced in both chambers, she said, passage would "put the most vulnerable teens at risk" by forcing those in dangerous family situations to involve their parents in abortion decisions and by making other family members criminals if they intervene.

Connie Mackey, vice president for government affairs for the Family Research Council, said her group also will push a ban on cloning human embryos for any purpose.

The legislation stalled last session, but House and Senate sponsors plan to bring back their bills next session. "We will be working hard" to pass them, Mrs. Mackey said.

She said her group will fight for more federal funding for adult stem-cell research, as a more promising alternative to embryonic stem-cell research. Pro-life lawmakers also are considering proposals to regulate abortion clinics and ban or limit RU-486, a home drug treatment that induces an abortion.

Miss Saporta said she also suspects conservative lawmakers will try to ban or limit RU-486 but predicted they will fail.

"It will be somewhat easier for anti-choice forces to pass further restrictions on abortion, but they won't be successful in all of their initiatives," she said.

SPECIAL ORDERS

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

INDEPENDENT THINKING

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

Mr. KING of Iowa. Mr. Speaker, on September 11, 2001, our Nation suffered the most horrible attack ever on American soil at the hands of those with a deep-seated, enduring hatred for freedom.

Since that day, every one of us has been anxious to do whatever we can to protect our Nation's security. We have made great strides in this direction over the past 3 years, and much of the bill currently being considered seeks to capitalize on the success of the policies of the Bush administration.

When 9/11 Commission Vice Chair Lee Hamilton and Commission member Slade Gorton testified before the Committee on the Judiciary, I promised that I would carefully analyze any proposal that would come before this Congress to ensure that independence and ingenuity are preserved and that any intelligence-gathering entity or entities are not susceptible to groupthink.

The creation of the National Intelligence Director in this bill is precisely the formula for groupthink.

□ 1900

I absolutely believe the sharing of information is essential, but a National Intelligence Director with budget control and hiring and firing authority will create the climate for top-down groupthink. This groupthink will eliminate the competition of ideas and hinder innovation and creativity. Next time, it will not matter how faulty the information sharing, but a matter of the information not being generated or discovered to begin with. Instead of seeking to create out-of-the-box, nonlinear thinking, creative, effective intelligence organizations, this legislation is carving square pegs to fit into round holes. It is impossible not to reach the conclusion that groupthink is the inevitable result of the 9/11 Commission NID proposal.

We need to establish open channels of information-sharing between agencies, but not cripple them with top-down control. The testimony both before and by the 9/11 Commission established that there was not a single model of an intelligence culture that got it right. We must find the models we can use to create the types of agencies that can think outside the box.

Just as importantly, our national security begins at our borders. H.R. 10 included many immigration reforms that would have greatly improved the security of the United States. The conference committee either completely

removed most of those provisions or mutilated them beyond recognition.

They removed a requirement that all people entering the U.S. must provide secure verification of their identities and citizenship; a requirement that people present secure identification to establish their identity to Federal employees. They took out provisions which would have expedited the removal of illegal aliens and prevented terrorists from obtaining asylum.

They stripped a provision that would have cut down on excessive judicial review of the deportations of criminal aliens. They cut a provision which would have mandated that dangerous aliens who cannot be deported be detained. They chopped a section that would have imposed criminal penalties for false claims of citizenship.

Finally, the issue that has received the most attention lately, they cut a provision that would have barred illegal aliens from obtaining driver's licenses.

After all of this, they told the people who lost their loved ones on September 11 that those who are truly seeking to improve their safety are the ones holding this bill up in conference.

This is not a time for partisan politics or turf wars. If the goal here is truly to improve the security of our Nation as best we can, we cannot stifle intelligence activities nor ignore the mammoth threat pouring through our borders and living among us.

I urge my colleagues to join me in refusing to settle for a bill that does not do all it can to improve the safety of those who sent us here to represent them.

#### DEMOCRATS' MORAL VALUES

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

Mr. BROWN of Ohio. Mr. Speaker, last month Ohio Democrats took our moral values to the polls.

For many of us, our faith guided us, and our final vote for President was far too close to declare, my State, a State full of evangelical fundamentalists.

For many of us, moral values are grounded in our religious faith.

My Lutheran upbringing instructs me and my fellow Christians in the teachings of Jesus, to read and to follow as best we can the words of the Beatitudes, to try to live our lives and practice our politics as Jesus would have wanted us to.

For others of us, those moral values take the form of a faith in our country's greatness to solve our most pressing problems of racial inequality, inaccessible health care, poverty of millions of American children and the war in Iraq.

For several years, I have worn a lapel pin depicting a canary in a cage. A century ago, miners took a canary into the mines to warn them of toxic gases.

Miners were forced, in those days, to provide for their own protection. No mine safety laws. No trade unions able to help. No real support from their government.

A baby born a hundred years ago in those days had a life expectancy of about 47 years. Today, because of public health initiatives, worker safety laws, Medicare, Social Security, and other new laws, protections for children and minorities and the disabled, we live decades longer.

Every bit of progress in the struggle for economic and social justice, often rooted in our Judeo-Christian beliefs, prevailed over the opposition of society's most privileged and most powerful.

Today, those struggles continue. Our fight, in this chamber, for seniors who are forced to choose between medicine and food and our fight against the large pharmaceutical companies' greed is our understanding of the Holy Word.

Our opposition to tax cuts for America's most privileged adults and Head Start cuts afflicting our least privileged children follow from the teachings of Christ.

George Bush approved more than 150 executions, one every 2 weeks of his governorship in Texas. Our opposition to the death penalty is grounded in the Scriptures.

Our belief that government programs like Medicare and Social Security and Medicaid, not privatized imitations of them, our belief in those programs should serve all Americans bespeaks a faith in the greatness of our country and its ability and willingness to lift up all its children.

As we have seen over the last 4 years, Republicans campaign to their religious friends on their moral values, mostly opposition to abortion and gay rights, and then govern for and with their corporate allies and contributors.

On the floor of the House of Representatives, in the light of day, we hear much talk about moral values, but in the committee rooms and the cloakrooms, in the halls and in the hideaways, choices are made by Republican leaders that run counter to the teachings of Christ and Mohammed and the Jewish prophets and fly in the face of the values upon which our Nation was founded.

This Congress hurts families by underfunding Leave No Child Behind and college student loans, while giving tax cuts to the wealthiest among us.

This Congress hurts the elderly by defeating legislation to bring down the price of prescription drugs and then passing a Medicare bill that further enriches their drug and insurance company contributors.

This Congress hurts God's earth when it caves to the energy companies and the oil companies.

This Congress hurts our communities when it gives tax breaks to encourage the largest corporations to outsource their jobs.

And this Congress hurts our grandchildren when it loads huge burdens of debt on future generations.

Tens of thousands of Ohioans worked feverishly for months to help change our Nation's course because of their moral values, because of their faith in God, because of their belief in our Nation's history of taking care of the least among us.

In no way do I question the faith of my political opponents, but I am weary of the far right's claim that they are the only ones guided by the hand of God.

My understanding of the teachings of Christ, my religious upbringing, call me to walk a different path and to express and act upon my faith in the cause of social and economic justice.

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

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

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

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

#### SMART SECURITY AND ROOT CAUSES OF IRAQI INSURGENCY

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, not all Members of Congress supported the war in Iraq, but we all have to live with its consequences. The global havoc wreaked by this war will affect the world in ways that we can only imagine today.

Let us not forget that more than 1,200 American soldiers have been killed in Iraq. Over 9,000 have been wounded, and an estimated 16,000 Iraqi civilians have been killed as a result of this war. In fact, 16,000 is probably a very low estimate.

The growing Iraqi insurgency, like the global War on Terror, cannot be won by being stronger than the insurgents. We cannot win this war with guns and bombs, because for every insurgent we kill, three more sign up. We have to be smarter than the insurgents. We are going to win this battle of conflicting ideologies only if we use our good senses and our good hearts.

We know that the anger at the heart of the Iraqi insurgency stems from, at least in part, a deep resentment over the American presence in their country. After years of Saddam Hussein's totalitarian regime, the Iraqi people see the United States as just another occupying force.

We have to make a choice in Iraq. Do we want to address the root causes of the insurgency or do we want to continue down our current path, shooting

and bombing everything in sight and perpetually fighting a losing battle for the hearts and minds of the Iraqi people?

We must reopen the debate about the situation in Iraq to determine why our current policies are not working. We must figure out why the insurgency continues to grow despite our military efforts. Only through a robust, public dialogue can we begin to get to the bottom of these questions.

To address the root cause of terrorism around the world, such as the current insurgency in Iraq, I have introduced H. Con. Res. 392, a SMART Security Resolution for the 21st Century. SMART stands for sensible, multilateral, American response to terrorism.

SMART security calls for the United States to address the root causes of terrorism by engaging our United Nations partners, by engaging also the world humanitarian community and all of our United States allies in the international and civilian-led reconstruction and political transition processes that we are involved in.

Can my colleagues imagine what Iraq might look like if, instead of rushing to invade the country, we had waited just a few months and continued to engage the rest of the world community in the weapons inspection process? We would have learned that Iraq did not possess weapons of mass destruction. We would have prevented the deaths of thousands of American troops and innocent Iraqi civilians.

Imagine if, after the invasion, we had allowed other Nations and the U.N. to partner with the United States in engaging the Iraqis in the reconstruction program. We would not be faced with billions of dollars of debt because the finances of cleanup would have been offset by dozens of other donor Nations.

SMART security calls for increased developmental aid for programs that are integrated with peace building and conflict prevention measures. Unfortunately, we are struggling to provide funds for Iraq's development because we are too busy paying for military operations, and the insurgents are busy working against our every effort in that regard.

Already, the White House has asked Congress to pilfer \$3 billion from Iraq's reconstruction funds in order to pay for military operations. That request represents a complete failure to adequately plan and prepare for this war.

Mr. Speaker, the United States must stop engaging in this reckless national security strategy, a strategy whose current path only encourages future terrorist activities.

It is time we pursued a SMART security strategy for America, a strategy that will secure Iraq, a strategy that will keep America safe and secure for the future, because, if we do not, all we will be left with are the consequences of our current failed policies.

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

(Mr. VAN HOLLEN 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 Wisconsin (Mr. KIND) is recognized for 5 minutes.

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

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

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

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

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

#### WHY IS IT SO URGENT THAT WE PASS AN INTELLIGENCE REFORM BILL

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are few times when a bipartisan bill—of such substance and urgency, comes to the House that will truly benefit the safety and security of the American people as we have in this instance. The intelligence bill that is sitting in our Chambers, H.R. 10/S. 2845, must be passed before we close for 2004.

I urge my colleagues to join me in urging our colleagues to pass this bill and avoid imminent dereliction of duty.

This week may be our last chance this year to consider and pass this overwhelmingly popular bipartisan measure. This sweeping bill includes the creation of a national intelligence director to oversee the Central Intelligence Agency, a plan with which even our President agrees.

Given the recent vulnerabilities that we have experienced in bioterrorism defense with the shortage of flu vaccinations and the recent discovery that 380 tons of explosive material in Iraq remains unaccounted for, it is more than critical for this body to pass the intelligence reform legislation now—while we have an opportunity. The families of the fallen victims are looking to us for leadership and responsible action.

This bill would pass easily in the House of Representatives if our Speaker would overrule its opponents and schedule a vote. Furthermore, the companion Senate measure has sufficient support for passage.

I believe very strongly that immigration does not equate with terrorism. Nevertheless, we continue to look to the enforcement of our im-

migration laws as a way to protect our country from terrorist attacks, and this did not begin with the terrorist attack on September 11, 2001. Serious efforts in this regard were going on long before that happened. For instance, partly in response to the 1993 World Trade Center bombing, Congress strengthened the anti-terrorism provisions in the Immigration and Nationality Act, the INA, and passed provisions that were expected to ramp up enforcement activities, notably in the Illegal Immigration Reform and Immigrant Responsibility Act, IIRIRA, of 1996, Public Law 104–208, and the Antiterrorism and Effective Death Penalty Act, Public Law 104–132.

The INA gives the government broad authority to arrest and detain aliens in the United States who are suspected terrorists or who are suspected of supporting terrorist organizations, as well as aliens who have violated other provisions of immigration law. This was augmented by a mandatory detention provision that we added with the U.S. PATRIOT Act.

More than 1,200 people reportedly were detained after September 11. Some experts support a broadening of the authority to arrest and detain aliens in the United States who are suspected terrorists or who are suspected of supporting terrorist organizations.

I believe that current law will be adequate with minimal changes. I am concerned that further expansion may erode individual rights and that, as a result, innocent foreign nationals may be detained and deported.

Unfortunately, the House bill to implement the Commission's recommendations included a number of extraneous provisions that dealt with immigration reform issues rather than with the need to secure our country against further terrorist attacks.

For instance, it included court stripping provisions to reduce access to Federal court review from adverse decisions in immigration removal proceedings. It had a provision to take away the power of a Federal court judge to stay an alien appellant's removal pending the outcome of his appeal proceedings. It provided for greatly expanding the use of expedited removal proceedings, which would have enabled the Government to remove thousands of undocumented aliens without hearings or due process of any kind. It even had a provision permitting the government to deport aliens to countries where they would be tortured—in direct violation of the Convention Against Torture.

This troubled the 9/11 Commissioners to the point where they wrote letters to the Congress encouraging us to put these contentious issues aside so that we could move forward with the serious business of implementing their recommendations.

I am pleased that bipartisanship and a sense of responsibility prevailed in the end as far as the joint conference is concerned. The extraneous provisions I just mentioned have been removed from the bill. The final product is worthy of the outstanding effort that the Commission put into analyzing the horrific events of September 11, 2001. While I recognize that it does not fully implement the recommendations of the Commission in every respect, it is a major effort to move forward with the essential elements of the Commission's recommendations. We must consider and pass this legislation now.

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.)

#### OUR APPROPRIATIONS PROCESS IS BROKEN

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

Ms. WATSON. Mr. Speaker, today, the House Republican leadership is clearing up a mess they made three weeks ago.

On November 20, 2004, House Republicans sent to the floor another unwieldy omnibus spending bill, 2 months late and billions of dollars short for America's education, health care and homeland security needs. It was not until the last moment that we discovered that Republicans had slipped in a hidden provision that would have let Congress read the tax returns of any individual American taxpayer and reveal the contents to the public, with no penalties for committing such a flagrant violation of privacy.

Republicans quickly and vocally distanced themselves from this provision, and I have no doubt that my Republican colleagues were as ashamed as I was that this provision almost became law. But where the Republican leadership continues to fail is by claiming this is an isolated mistake. The ugly truth is that it is a symptom of a legislative process that is broken.

In a democracy, the legislative process relies on free and open exchange of ideas. After the final rollcall, there are winners and there are losers, but the system works because all sides know that the issues were debated openly, and the results were reached fairly.

The process Congress has used to fund our government for the past 3 years falls short of this ideal. In fact, it does not even come close. A few Republican leaders work day and night, behind closed doors, to prepare a document thousands of pages long. Then, the report is filed in the middle of the night, and Members are asked to vote on it the following morning. The people's elected representatives are forced to cast votes on a bill that funds half of the Federal Government, yet few people have actually read it.

□ 1915

The result is inevitable: bad law. Sometimes it is dramatically bad, like the sneak-and-peek tax provision in this year's bill. But more often it is boringly bad: billions wasted on the wrong priorities, monies that could go to education, health care, or Homeland Security instead going to someone's pet boondoggle. But just because it is boring does not make it any better.

Mr. Speaker, we owe the American taxpayer better accountability of the

money they send to us. As the President is fond of saying, it is not our money. It belongs to the taxpayers. And the taxpayers are right to demand better government policy.

I urge the Speaker to uphold the House's own rules on conference reports. Give us a chance to read bills before we have to vote on them, and give the American people a chance to have a free and open debate on how their taxpayer dollars are spent.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. DAVIS of Alabama (at the request of Ms. PELOSI) for today and the balance of the week on account of illness.

Mr. KIND (at the request of Ms. PELOSI) for today on account of weather and travel delays.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BOEHLERT (at the request of Mr. DELAY) for today on account of personal reasons.

Mr. WOLF (at the request of Mr. DELAY) for today on account of knee surgery.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. KING of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. WHITFIELD, for 5 minutes, today and December 7.

Mr. BURTON of Indiana, for 5 minutes, today and December 7, 8, 9, and 10.

Mr. KING of Iowa, for 5 minutes, today.

#### HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates

he had approved and signed bills and joint resolutions of the House of the following titles:

September 24, 2004:

H.R. 361. An Act to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

H.R. 3908. An Act to provide for the conveyance of the real property located at 1081 West Main Street, in Ravenna, Ohio.

H.R. 5008. 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 30, 2004, and for other purposes.

September 30, 2004:

H.R. 5149. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005, and for other purposes.

H.R. 5183. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H.J. Res. 107. Joint Resolution making continuing appropriations for the fiscal year 2005, and for other purposes.

October 4, 2004:

H.R. 1308. An Act to amend the Internal Revenue Code of 1986 to provide tax relief for working families, and for other purposes.

October 5, 2004:

H.R. 265. An Act to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes.

H.R. 1521. An Act to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

H.R. 1616. An Act to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

H.R. 1648. An Act to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuwa Project, California, to the Carpinteria Valley Water District and the Montecito Water District.

H.R. 1658. An Act to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

H.R. 1732. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes.

H.R. 2696. An Act to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West.

H.R. 3209. An Act to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project.

H.R. 3249. An Act to extend the term of the Forest Counties Payments Committee.

H.R. 3389. An Act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations.

H.R. 3768. An Act to expand the Timucuan Ecological and Historic Preserve, Florida.

October 6, 2004:

H.R. 4654. An Act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes.

October 13, 2004:

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

October 16, 2004:

H.R. 982. An Act to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa.

H.R. 2408. An Act to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges and for other purposes.

H.R. 2771. An Act to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

H.R. 4115. An Act to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

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. 5105. An Act to authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

October 18, 2004:

H.R. 4011. An Act to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes.

H.R. 4567. An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

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.

October 20, 2004:

H.R. 854. An Act to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

October 21, 2004:

H.R. 5122. An Act to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms.

October 22, 2004:

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

October 25, 2004:

H.R. 1533. An Act to amend the securities laws to permit church pension plans to be invested in collective trusts.

H.R. 2608. An Act to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.

H.R. 2714. An Act to reauthorize the State Justice Institute.

H.R. 2828. An Act to authorize the Secretary of the Interior to implement water supply technology and infrastructure pro-

grams aimed at increasing and diversifying domestic water resources.

H.R. 3858. An Act 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.

H.R. 4175. An Act to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 4278. An Act to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

H.R. 4555. An Act to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards.

H.R. 5185. An Act to temporarily extend the programs under the Higher Education Act of 1965.

October 28, 2004:

H.R. 4200. An Act to authorize appropriations for the fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

October 30, 2004:

H.R. 712. An Act for the relief of Richi James Lesley.

H.R. 867. An Act for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan.

H.R. 2010. An Act to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

H.R. 2023. An Act to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes.

H.R. 2400. An Act to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

H.R. 2984. An Act to amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears.

H.R. 3056. An Act to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P.

H.R. 3217. An Act to provide to the conveyance of several small parcels of National Forest System land in the Apalachicola National Forest, Florida, to resolve boundary discrepancies involving the Mt. Trial Primitive Baptist Church of Wakulla County, Florida, and for other purposes.

H.R. 3391. An Act to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project.

H.R. 3478. An Act to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration and to reauthorize the National Historical Publications and Records Commission.

H.R. 3479. An Act to provide for the control and eradication of the brown tree snake on the island of Guam and the prevention of the introduction of the brown tree snake to other areas of the United States, and for other purposes.

H.R. 3706. An Act to adjust the boundary of the John Muir National Historic Site, and for other purposes.

H.R. 3797. An Act to authorize improvements in the operations of the government of the District of Columbia, and for other purposes.

H.R. 3819. An Act to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes.

H.R. 4046. An Act to designate the facility of the United States Postal Service located at 555 West 180th Street in New York, New York, as the "Sergeant Riayan A. Tejada Post Office".

H.R. 4066. An Act to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes.

H.R. 4306. An Act to amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment.

H.R. 4381. An Act to designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the "Harvey and Bernice Jones Post Office Building".

H.R. 4471. An Act to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996.

H.R. 4481. An Act to amend Public Law 86-434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes.

H.R. 4556. An Act 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. 4579. An Act to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes.

H.R. 4618. An Act 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. An Act 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. 4731. An Act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program.

H.R. 4827. An Act to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area.

H.R. 4917. An Act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2005, 2006, and 2007, and for other purposes.

H.R. 5027. An Act to designate the facility of the United States Postal Service located at 411 Midway Avenue in Mascotte, Florida, as the "Specialist Eric Ramirez Post Office".

H.R. 5039. An Act to designate the facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, as the "Eva Holtzman Post Office".

H.R. 5051. An Act to designate the facility of the United States Postal Service located at 1001 Williams Street in Ignacio, Colorado, as the "Leonard C. Burch Post Office Building".

H.R. 5107. An Act to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal,

State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

H.R. 5131. An Act to provide assistance to Special Olympics to support expansion of Special Olympics and development of education programs and a Healthy Athletes Program, and for other purposes.

H.R. 5133. An Act to designate the facility of the United States Postal Service located at 11110 Sunset Hills Road in Reston, Virginia, as the "Murtha Pennino Post Office Building".

H.R. 5147. An Act to designate the facility of the United States Postal Service located at 23055 Sherman Way in West Hills, California, as the "Evan Asa Ashcraft Post Office Building".

H.R. 5186. An Act to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans.

H.R. 5294. An Act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.J. Res 57. Joint Resolution expressing the sense of the Congress in recognition of the contributions of the seven Columbia astronauts by supporting the establishment of a Columbia Memorial Space Science Learning Center.

November 21, 2004:

H.J. Res. 114. Joint Resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

#### SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

September 24, 2004:

S. 1576. An Act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

October 5, 2004:

S.J. Res. 41. Joint Resolution commemorating the opening of the National Museum of the American Indian.

October 13, 2004:

S. 1778. An Act to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes.

October 16, 2004:

S. 2292. An Act to require a report on acts of anti-Semitism around the world.

October 18, 2004:

S. 551. An Act to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other Purposes.

S. 1421. An Act to authorize the subdivision and dedication of restricted land owned by Alaska Natives.

S. 1537. An Act to direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery.

S. 1663. An Act to replace certain Coastal Barrier Resources System maps.

S. 1687. An Act to direct the Secretary of the Interior to conduct a study on the pres-

ervation and interpretation of historic sites of the Manhattan Protect for potential inclusion in the National Park System.

S. 1814. An Act to transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior.

S. 2052. An Act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

S. 2180. An Act to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

S. 2319. An Act to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

S. 2363. An Act to revise and extend the Boys and Girls Clubs of American.

S. 2508. An Act to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse.

October 20, 2004:

S. 2895. An Act to authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights in honor of breast cancer awareness month.

October 21, 2004:

S. 33. An Act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites.

S. 1791. An Act to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes.

S. 2178. An Act to make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

S. 2415. An Act 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".

S. 2511. An Act to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes.

S. 2634. An Act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes.

S. 2742. An Act to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court.

October 22, 2004:

S. 2195. An Act to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

October 25, 2004:

S. 524. An Act to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the Fort in 1862, and for other purposes.

S. 1368. An Act 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. 2864. An Act to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted.

S. 2883. An Act to amend the International Child Abduction Remedies Act to limit the tort liability of private entities or organizations that carry out responsibilities of United States Central Authority under that Act.

S. 2896. An Act to modify and extend certain privatization requirements of the Communications Satellite Act of 1962.

October 27, 2004:

S. 1134. An Act to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965.

S. 1721. An Act to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes.

October 30, 2004:

S. 129. An Act to provide for reform relating to Federal employment, and for other purposes.

S. 144. An Act to require the Secretary of Agriculture to establish a program to provide assistance to eligible weed management entities to control or eradicate noxious weeds on public and private land.

S. 643. An Act to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

S. 1194. An Act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

November 19, 2004:

S. 2986. An Act to amend title 31 of the United States Code to increase the public debt limit.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. WOLF, on Monday, November 29, 2004.

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

Mr. Trandahl, Clerk of the House, also reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.

#### BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reported that on November 20, 2004 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 114. Making further continuing appropriations for the fiscal year 2005, and for other purposes.

H.R. 1113. To authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

H.R. 1417. To amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges.

H.R. 1446. To support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

H.R. 1964. To assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

H.R. 3936. A bill to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans' facilities and health care programs, and for other purposes.

H.R. 4516. To require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

H.R. 4593. To establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

Jeff Trandahl, Clerk of the House also reports that on November 23, 2004 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 110. Recognizing the 60th anniversary of the Battle of the Bulge during World War II.

H.J. Res. 111. Appointing the day for convening of the first session of the One Hundred Ninth Congress.

H.R. 1047. To amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 1630. To revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

H.R. 2912. To reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

#### ADJOURNMENT

Ms. WATSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 7, 2004, at 9 a.m., for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11228. A communication from the President of the United States, transmitting an alternative plan for locality pay increase payable to civilian Federal employees covered by the General Schedule (GS) and certain other pay systems in January 2005, pursuant to 5 U.S.C. 5305(a)(3); (H. Doc. No. 108-237); to the Committee on Government Reform and ordered to be printed.

11229. A letter from the Secretary, Department of Energy, transmitting the semi-annual report on the activities of the Office of Inspector General for the period April 1, 2004 to September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11230. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11231. A letter from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's FY 2004 Performance and Accountability Report; to the Committee on Government Reform.

11232. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's Year 2004 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1997, Pub. L. 105-270; to the Committee on Government Reform.

11233. A letter from the Acting Chairman, Merit Systems Protection Board, transmitting a report entitled "Managing Federal Recruitment: Issues, Insights, and Illustrations," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

11234. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for FY 2004; to the Committee on Government Reform.

11235. A letter from the Acting Director, National Science Foundation, transmitting the Foundation's Performance and Accountability Report for FY 2004, fulfilling the requirements of OMB Bulletin 01-09; to the Committee on Government Reform.

11236. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11237. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Kelly Aerospace Power Systems B-Series Combustion Heaters Models B1500, B2030, B2500, B3040, B3500, B4050, and B4500 (formerly owned by JanAero Devices, Janitrol, C&D, FL Aerospace, and Midland-Ross Corporations) [Docket No. FAA-2004-19118; Directorate Identifier 2004-CE-25-AD; Amendment 39-13826; AD 2004-21-05] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11238. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701), and CL-600-2D24 (Regional Jet Series 900) Series Airplanes [Docket No. FAA-2004-18993; Directorate Identifier 2004NM-125-AD; Amendment 39-13781; AD 2004-18-03] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 190, 195 (L-126A,B,C), 195A, and 195B Airplanes [Docket No. FAA-2004-18033; Directorate Identifier 2004-CE-16-AD; Amendment 39-13828; AD 2004-21-08] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF6-80C2 Turbofan Engines [Docket

et No. 2003-NE-43-AD; Amendment 39-13835; AD 2004-22-07] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon (Beech) Model MU-300-10, 400, 400A, and 400T Series Airplanes; and Raytheon (Mitsubishi) Model Beech MU-300 Airplanes [Docket No. FAA-2004-18660; Directorate Identifier 2003-NM-161-AD; Amendment 39-13830; AD 2004-22-02] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11242. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2004-19461; Directorate Identifier 2004-NM-169-AD; Amendment 39-13833; AD 2004-22-05] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11243. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Various Transport Category Airplanes on Which Cargo Restraint Strap Assemblies Have Been Installed per Supplemental Type Certificate (STC) ST01004NY [Docket No. 2002-NM-91-AD; Amendment 39-13829; AD 2004-22-01] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11244. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-158-AD; Amendment 39-13836; AD 2004-22-08] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11245. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model 600N Helicopters [Docket No. 2003-SW-51-AD; Amendment 39-13840; AD 2004-22-12] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11246. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747400, -400D, and -400F Series Airplanes Equipped With General Electric (GE) or Pratt & Whitney (P&W) Series Engines [Docket No. 2002-NM-173-AD; Amendment 39-13832; AD 2004-22-04] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11247. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. FAA-2004-18582; Directorate Identifier 2003-NM-35-AD; Amendment 39-13831; AD 2004-22-03] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON  
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 868. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108-795). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia:

H.R. 5424. A bill to repeal a provision relating to privacy officers in the Consolidated Appropriations Act, 2005; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia:

H.R. 5425. A bill to amend a provision relating to privacy officers in the Consolidated Appropriations Act, 2005; to the Committee on Government Reform.

By Mr. YOUNG of Alaska:

H.R. 5426. A bill to make technical corrections relating to the Coast Guard and Maritime Transportation Act of 2004; to the Committee on Transportation and Infrastructure.

By Mr. CHANDLER:

H.R. 5427. A bill to clarify that State tax incentives for business investment in equipment and facilities are a reasonable regulation of commerce and are not an undue burden upon interstate commerce; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 5428. A bill to amend the Federal Charter of the Boy Scouts of America in title 36, United States Code, to ratify the author-

ity of the Secretary of Defense and military installations and units of the Armed Forces to officially sponsor units of the Boy Scouts of America serving dependents of members of the Armed Forces and to make facilities of the Department of Defense available for Boy Scout meetings and activities, such as national and world Boy Scout Jamborees; to the Committee on the Judiciary.

By Mr. SOUDER (for himself, Mr. KINGSTON, Mr. SESSIONS, Mr. SMITH of New Jersey, and Mr. BONILLA):

H.R. 5429. A bill to require the National Institute on Drug Abuse to develop a meta-analysis of the available scientific data regarding the safety and health risks of smoking marijuana and the clinically-proven effectiveness of smoking marijuana for medicinal purposes, and to require the Food and Drug Administration to promptly disseminate the meta-analysis; to the Committee on Energy and Commerce.

By Mr. WICKER (for himself, Mr. DUNCAN, Mr. GIBBONS, Mr. SIMPSON, Mr. BARTLETT of Maryland, Mr. OTTER, Mr. PICKERING, Mr. HAYES, Mr. GILLMOR, Mr. ROHRABACHER, Mr. MARIO DIAZ-BALART of Florida, Mr. TANCREDO, Mr. MURPHY, Mr. SESSIONS, Mr. GARRETT of New Jersey, Mr. RYUN of Kansas, Mr. TAYLOR of Mississippi, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mr. FEENEY, Mr. GOODE, Mr. BURNS, Mr. NEUGEBAUER, Mr. MCCOTTER, Mr. ROGERS of Michigan, Mr. JENKINS, Mr. CULBERSON, Mr. BOOZMAN, Mr. PAUL, Mr. WAMP, Mr. DOOLITTLE, Mr. CAMP, Mrs. MYRICK, Mr. SHERWOOD, Mrs. JO ANN DAVIS of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MANZULLO, Mr. FORBES, Mr. HAYWORTH, Mr. BARRETT of South Carolina, Mr. PITTS, Mr. GINGREY, Mr. SCOTT of Georgia, Mr. CHABOT, Mr. WELDON of Florida, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. PENCE, Mr. DEMINT, Mr. CANTOR, Mr. BISHOP of Utah, Mr. ADERHOLT, and Mr. GOODLATTE):

H. Res. 869. A resolution expressing the sense of the House of Representatives that

due to the allegations of fraud, mismanagement, and abuse within the United Nations oil-for-food program, Kofi Annan should resign from the position of Secretary General of the United Nations to help restore confidence that the investigations into those allegations are being fully and independently accomplished; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 742: Mrs. DAVIS of California.

H.R. 880: Mr. GEORGE MILLER of California.

H.R. 962: Mr. STRICKLAND.

H.R. 1117: Mr. OSBORNE.

H.R. 1508: Mr. MCDERMOTT.

H.R. 1563: Mr. SMITH of New Jersey, Mr. WEINER, Mr. LANTOS, Mr. DOGGETT, Mr. DOYLE, Ms. SOLIS, and Mr. STARK.

H.R. 3063: Mr. ABERCROMBIE and Mr. ANDREWS.

H.R. 3194: Mr. MOORE.

H.R. 3285: Mr. FRELINGHUYSEN.

H.R. 3539: Mr. PAYNE and Mr. BACA.

H.R. 3881: Mr. BACA.

H.R. 4271: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4491: Mr. KINGSTON and Mr. KING of Iowa.

H.R. 4970: Mr. ANDREWS.

H.R. 5000: Mr. SESSIONS and Mr. DAVIS of California.

H.R. 5132: Mr. CUMMINGS.

H.R. 5236: Mr. MCCOTTER.

H.R. 5244: Mr. BISHOP of Georgia.

H.R. 5261: Mr. PETRI.

H.R. 5296: Mr. NEAL of Massachusetts.

H.R. 5410: Mr. CLAY and Mr. GEORGE MILLER of California.

H. Con. Res. 213: Mr. WEINER and Mr. BUTTERFIELD.

H. Con. Res. 521: Mr. KING of New York.

H. Con. Res. 530: Mr. MENENDEZ.

H. Res. 528: Ms. MCCARTHY of Missouri.

H. Res. 724: Mr. ANDREWS.

## EXTENSIONS OF REMARKS

### PERSONAL EXPLANATION

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. GRAVES. Mr. Speaker, on Saturday, November 20, 2004, I was unavoidably detained and thus missed rollcall votes Nos. 541 and 542. Had I been present, I would have voted "yea" on rollcall No. 541, H.R. 5382, the Commercial Space Launch Amendments Act; and "yea" on rollcall No. 542, H.R. 4818, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005.

IN HONOR OF JOHN D. WEBSTER  
ON THE OCCASION OF HIS RETIREMENT

#### HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. KINGSTON. Mr. Speaker, I rise today to recognize John D. Webster, who is retiring from his post as Chief Financial Officer of the Library of Congress on January 3, 2005.

As chairman of the Subcommittee on Legislative Appropriations, I know that I speak not only for myself, but also for all the members of the subcommittee and clerks in thanking John Webster for his service to the Library and to the United States Congress.

John leaves a legacy of dedication, the highest principles of financial management and reporting, a highly professional and devoted staff, and an enviable record of eight consecutive unqualified audit opinions on the Library's financial statements. We on the subcommittee are equally grateful for John's groundbreaking work as co-founder and co-chairman of the Legislative Branch Financial Managers Council. We have benefited from John's testimony and appearance before this subcommittee on behalf of the Council.

John has served as the Library's chief liaison and representative to this subcommittee since 1996. He has worked hard—and often at inconvenient times including nights and weekends—to ensure that the subcommittee and its clerks had the information and understanding needed to complete appropriations work on the Library's complex budget. Both before and during my tenure, the Library has achieved major budget milestones—support for collections arrears reduction, collections security, an integrated library management system, storage modules at Ft. Meade, the National Audio-Visual Conservation Center, the National Digital Library, the Digital Talking Book Program for the Blind and Physically Handicapped, the alternate computer facility and National Digital Information Infrastructure and Preservation Program. John was keenly aware that each of these projects was a high priority for the Librarian of Congress, Dr. Billington,

and John ensured that the subcommittee understood these priorities as well as the complex financial underpinnings needed to appropriate funding requisite to their realization.

John Webster has served the Library for 15 years. He was named CFO in 2003, having been honored in 2000 as the recipient of the National President's Award by the Association of Government Accountants. As Chief of the Financial Management Office at the Library, and later CFO, John achieved not only Dr. Billington's goals but his professional commitment to modern, integrated financial systems that serve all customers—internal and external—with trust, confidence, and integrity. He leaves a powerful legacy in the Legislative Branch, one that we collectively applaud and hopefully can emulate. We wish John the best as he retires after a difficult year—losing his beloved wife Gloria and his only brother. His dedication to his work never failed even in light of terrible personal tragedies. His hard work, dedication, and expertise will be sorely missed.

IN HONOR OF DR. HENRY (HARRY)  
MONIBA

#### HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. SMITH of Michigan. Mr. Speaker, it is with sadness that I rise today in honor of Dr. Henry (Harry) Moniba, former Vice President of Liberia. Dr. Moniba died suddenly on November 23, 2004, as a result of an automobile accident.

He was born in Liberia on October 22, 1937. Dr. Moniba earned a Bachelor of Science degree in Secondary Education in 1964, a Masters degree in Secondary Education from SUNY, participated in a post-Masters program in International Relations and European Studies at NYU, and as a Fulbright Scholar, earned a Ph.D. in International Relations and African Studies at Michigan State University.

He began his professional career as an educator. A strong believer in the power of a good education, Dr. Moniba once stated: "If you think education is expensive, then, try ignorance". He served in various capacities in the education field, from classroom teacher to Director of Research at the Ministry of Education in Monrovia, Liberia.

Dr. Moniba had a long and distinguished career in public service. He served as First Secretary and Consul for the Embassy of Liberia in Washington, D.C., and Ottawa, Canada from 1976–1980; from 1981–1984, he served as Assistant Minister of Foreign Affairs for European Affairs, Liberia; he was the Ambassador Extraordinary and Plenipotentiary of the Republic of Liberia, to the Court of St. James in London, England, the Vatican, and the Sovereign Military Order Malta, in Rome from 1981–1984. In 1984, he was appointed Vice

President of the Interim National Assembly Government of Liberia, and in 1985, elected to the office of Vice President of Liberia. In 1994, he was awarded the Human Rights Award from the Liberian Human Rights Chapter.

Dr. Moniba loved his country, and worked tirelessly to establish peace and prosperity for Liberia. He understood well the true role of a politician in a democratic society, and said: "The objective of the good politician cannot, therefore, be the acquisition of power for its own sake or at and cost. What he wants is a healthy political environment in which he and his fellow citizens can lead a fulfilling life." At the time of his death, Dr. Moniba was one of the leading candidates for the 2005 Liberian presidential election.

I join his family and his many admirers throughout the world in mourning his passing. May his tireless commitment to his homeland and the advancement of peace and democracy in Liberia stand as a timeless memorial to him. May God bless him and his family, and may he rest in peace.

RECOGNIZING BRAD KNIPP FOR  
ACHIEVING THE RANK OF EAGLE  
SCOUT

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brad Knipp of Blue Springs, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Brad has been very active with his troop, participating in many scout activities. Over the many years Brad has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Brad Knipp for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF PAUL W.  
CARUSO

#### HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. CARDOZA. Mr. Speaker, I rise today to honor Stanislaus County Supervisor Paul W. Caruso, as he will be retiring on January 1, 2005 as Supervisor of District 5 of the Stanislaus County Board of Supervisors.

Paul W. Caruso was born on June 20, 1947 in San Jose, California. When Paul was two

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

months old, he and his family moved to Stanislaus County, California where he has resided for the past 57 years. Paul attended local schools including Modesto Junior College and California State University, Stanislaus. He served in the California National Guard from 1967 through 1973 earning the rank of Staff Sergeant.

Supervisor Caruso and his wife, Sharon, continue to reside in Stanislaus County, where they raised their daughter Amanda who is a recent graduate of California State University, Stanislaus. Paul's involvement in the community throughout the years has been extensive, serving as a member, charter member, or Past President of the Ceres Chamber of Commerce, the Salvation Army Modesto Corps and Red Shield Board of Directors, and the Ceres Rotary Club. He has served as Chairman or Past President of the Stanislaus County Council of Governments, the San Joaquin Valley Regional Association of California Counties, and Mountain Valley Regional EMS, among many others. Paul is also the President and CEO of Caruso Shopping Center, Inc. which was built in 1951.

Prior to his election to the Board of Supervisors, Paul was elected to the Democratic Central Committee in 1976. In 1984 he served as Fire Commissioner to the Industrial Fire Protection District until 1987 when he was elected to the Ceres City Council. It was in November of 1990 that Paul W. Caruso was first elected as Supervisor for District 5, of the Stanislaus County Board of Supervisors. He has since served as Chairman of the Board in 1995, 2000 and 2004.

Supervisor Paul W. Caruso has had a remarkable career in public service that has been recognized on many occasions. He received the 2001 VFW Modesto Post 3199 Man of the Year Award, the Ceres Chamber Honorary Life Member Award in 1989, Rotarian of the Year Award in 1986 and 2000, Ceres Citizen of the Year 1985, and the Rotary International Paul Harris Fellow Award in 1985, among many others.

Throughout the years, Paul has certainly distinguished himself as a leader and dedicated member of the community. Mr. Speaker, it is my honor and privilege to congratulate Supervisor Paul W. Caruso upon his retirement and thank him for his outstanding service to Stanislaus County.

#### TRIBUTE TO RON EAGLIN

### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a dedicated advocate of academic excellence, Mr. Ron Eaglin. After serving more than 12 years as president of Morehead State University, President Eaglin is retiring and embarking on a new stage of life. I want to express my deepest gratitude for his many contributions.

President Eaglin has led a distinguished career in academia, playing a critical role in improving the lives of countless students from across my congressional district in Southern and Eastern Kentucky. Under his leadership, Morehead State University has taken great strides forward and garnered national recogni-

tion as one of the top public regional universities in the South.

During President Eaglin's tenure, the University opened two regional campuses, worked toward the creation of Kentucky's first online degree program, created the Space Science Center, and developed only the fourth space science bachelor's degree in America. MSU also achieved its highest enrollments in the school's 117-year history, peaking at 9,509 in the fall of 2003. Through his tireless efforts, the school's institutional endowment rose from \$500,000 to \$25 million. He's also overseen \$75 million in capital construction projects, which have greatly enhanced MSU's campus. These are just a few of President Eaglin's many accomplishments.

Mr. Speaker, I want to thank President Ron Eaglin for the time and effort he has invested in the lives of students in Kentucky, and for his friendship throughout the years. Although his days with Morehead State University are drawing to a close, I know his contributions will live on for many years to come. I want to wish him and his family all the best for this new chapter in life.

#### IN MEMORY OF SUSAN P. GORMAN

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. CASTLE. Mr. Speaker, I rise today to honor and pay tribute to the life of Mrs. Susan P. Gorman, who passed away on Wednesday, November 17, 2004, at the Veterans Hospital in Elsmere, Delaware.

Sue Gorman was born in Bally James Duff, County Cavan, Ireland. After her family moved to Delaware, she attended Wilmington High School, and was a 1944 graduate of the Wilmington General Hospital School of Nursing. She also attended St. John's University and the University of Pennsylvania.

Sue was a dedicated and hard-working registered nurse for the Wilmington Hospital for nearly four decades. Sue Gorman also heard the call of her adopted country and joined the nascent Army Nursing Corps in 1944, serving in the Asian and Pacific Theaters at the 108th General Hospital in Tinian during World War II. The battle against the Japanese Empire in the Pacific saw some of the most brutal fighting of the entire war and, but for the skill and dedication of nurses like Sue Gorman, the mortality rate for American servicemen would have been much higher.

We now recount the names of the Pacific battles—Guam, Iwo Jima, Okinawa, Leyte Gulf—as if the American victory was simple and assured. At the time, of course, victory was not assured and the men and women who served knew that it was anything but simple. Sue Gorman was one of those women and, like the other brave nurses in the Army Nurse Corps, her contributions to the war effort and our enduring freedom will never be forgotten.

Sue Gorman was a member of the Wilmington High School Alumni Association, the Cathedral of St. Peter, the Wilmington Republicans Women's Club and a charter member of the Irish Culture Club. She enjoyed Irish music and dance and spending time with her grandchildren and great grandchildren.

We are a better nation, a better people because of brave and strong women like Sue Gorman. She deserves our utmost respect, and appreciation.

#### RECOGNIZING ERIC SHUPE FOR ACHIEVING THE RANK OF EAGLE SCOUT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Eric Shupe of Independence, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 82, and in earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop, participating in many scout activities. Over the many years Eric has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Eric Shupe for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### IN HONOR OF BERNICE BROSIUS ON THE OCCASION OF HER RE- TIREMENT

### HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. KINGSTON. Mr. Speaker, I rise today to honor Bernice Brosious, who is retiring this month from her post as Associate Administrator for Finance for the Chief Administrative Office of the U.S. House. She had a long career of public service and deserves our thanks and admiration.

In 1979 Bernice began her career in government at the General Services Administration. Service at the Defense Investigative Service, the Department of Agriculture, and the Federal Aviation Administration followed as she honed her financial skills before bringing her expertise to the House in 1998 as Director of Accounting for the Chief Administrative Officer. In 2001 she became the Associate Administrator for Finance. Over the years, Bernice's outstanding customer service, organizational knowledge, resourcefulness and her leadership on numerous initiatives have benefited countless Members and staff.

Among her many other achievements, Bernice was instrumental in obtaining the House's first clean audit opinion for calendar year 1998 and for maintaining this clean opinion every year since. Over the past seven years Bernice has also been instrumental in moving the House from an ancient paper ledger accounting system to the imminent introduction of a 21st century state-of-the-art financial management system.

On behalf of the entire House community, we extend congratulations to Bernice for her many years of dedication and outstanding

contributions to the U.S. House of Representatives. We wish Bernice many wonderful years in fulfilling her retirement dreams.

Mr. Speaker, Bernice will be very hard to replace. She has tirelessly served this institution and the American people, and we will miss her dearly.

---

HONORING THE LUMEN CHRISTI  
TITANS

**HON. NICK SMITH**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. SMITH of Michigan. Mr. Speaker, football is a great American tradition. In Michigan, this tradition is personified by the Lumen Christi Titans, who on November 27, 2004, won their 7th State Championship Title at the Pontiac Silverdome in Pontiac, Michigan.

I rise today to honor the 2004 Lumen Christi Titans: Tyler Aldridge, Josh Badall, Alex Belfey, Eddie Bellers, Michael Berkemeier, Andrew Biskupski, Mike Blair, Blake Brannick, Patrick Brogan, Corey Burriss, Mike Calderone, B.J. Carter, Conor Coffman, Daniel Coolbaugh, Blake Davis, Trevor Elinski, Eric Ewing, Andy Flippo, Ken Gallant, Golden Gibson, Ben Gier, John Gurriero, Evan Hagan, Andy Horning, Luke Jarzynka, Corey Johnson, Kyle Johnstone, Doug Karasek, Guy Kennedy, Brent Kuntz, Stephen Kutyna, Ryan LaMarre, Mark Lathers, Marty Lozier, Nick Lefere, Dan Lusty, Nick Maes, Joe Marcantel, Trevor Markovich; Sean Miller, Tyler Moran, Josh McCormick, Ben Neville, Tony Panici, Michael Patchak, Brad Polnasek, Ken Powers, Marc Powers, Ryan Powers, Joe Putra, John Riley, Phil Riley, Kent Richardson, Sean Richardson, Michael Risner, Jon Ryan, Jeremy Sauter, Brent Schaefer, Corey Skinner, Abram Soper, Alex Soper, Kyle Strong, Kelly Thompson, Sean Thompson, Brandon Vinson, Derek Walker, Mark Warfield, Chris Weeks, Matt Weeks, Terrell Willis, Terrence Willis, Jeff Wojtusik; Managers Coley Crowley and Christopher Gaddy, Trainer Todd Sparks and Assistant Trainer Sarah Duffey.

These fine young men were coached by Head Coach Herb Brogan, and Assistant Coaches Mike Armeli, Sean Brogan, Ken Dillon, Ted Cole, Dick Corser, Dan Crowley, Jason Dziak, Pete Lefere, Joff Marcantel, Matt Reesor, Frank Slaby, Tim Sullivan, Jerry Sykes, Mike Tash, and Joe Williams.

Led by Team Captains Doug Karasek, Luke Jarzynka, and B.J. Carter, these 72 young men worked diligently throughout the season to achieve this laudable goal. Despite a difficult start to the season, the Titans continued to work as a team and won 9 consecutive games to win the title. The Titans have been Division V State champs four of the last five years, and have won three of those titles with no points scored against them. The Titans are the only team in Michigan that has won more than six State titles without losing a single State championship title game.

This honor is also a testament to the parents, students, and community who have supported and influenced this team and this program throughout the years. I am proud to join with their many admirers, friends and fans in extending my highest praise and congratulations to the 2004 Lumen Christi Titans for their outstanding football season.

IN RECOGNITION OF PAT PAUL

**HON. DENNIS A. CARDOZA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. CARDOZA. Mr. Speaker, I rise today to honor Stanislaus County Supervisor Pat Paul, as she will be retiring on January 1, 2005, as Supervisor of District 1 of the Stanislaus County Board of Supervisors.

Pat Paul was born and raised in Washington, DC. In 1965 she obtained her bachelor of science degree from East Carolina University in Greenville, North Carolina, and began teaching at John F. Kennedy High School in Rockville, Maryland. She continued her education at Adelphi University, Long Island, New York, earning her masters degree in 1972. Just 4 years later she obtained her administration credential from California State University, Stanislaus. In 1975 Pat arrived in Stanislaus County, California and in the years following she taught at Oakdale High School, Modesto City Schools, Modesto Junior College and Beyer High School.

Supervisor Pat Paul began her career in public service as a member of the Oakdale City Council in 1980 and served as vice-mayor for the city in 1982. Then in 1989, Pat Paul became the first woman ever to be elected to the Stanislaus County Board of Supervisors. She served as chair of the board in 1992, 1996 and 2001.

Supervisor Paul's exceptional leadership and commitment to the community has been recognized on many occasions throughout her career, as she has received numerous awards for her outstanding service. Over the years Pat has been honored with the Department of Defense Teacher of the Year Award, the Outstanding Woman of Stanislaus County Award, the Soroptimist International Women Helping Women Award and many others. In addition, Pat has also served on various commissions and boards including the Stanislaus County's Children and Families First Commission, the California State Workforce Investment Board, and the San Joaquin Valley Water Coalition and Executive Board.

It is my honor and privilege to join the community in recognizing Supervisor Pat Paul for her extensive dedicated service to the citizens of Stanislaus County. Throughout her career, she has distinguished herself as a leader, educator, and member of the community. I am delighted to congratulate Supervisor Pat Paul upon her retirement and thank her for her outstanding service to Stanislaus County.

---

HONORING JEFF AND RACHEL  
LANCE

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. GRAVES. Mr. Speaker, I proudly pause today to recognize two outstanding constituents of Missouri's Sixth Congressional District: Jeff and Rachel Lance. Jeff and Rachel will celebrate their 25th wedding anniversary on December 1, 2004.

Jeff and Rachel first met in the spring of 1979, when Rachel was working in a grocery

store bakery that Jeff frequented. They soon fell in love, and were married December 1, 1979. On May 11, 1983 the Lance family grew as Jeff and Rachel welcomed their son Joshua into the family. Their daughter Kristen followed to complete the family on July 28, 1989. Today, Joshua is a senior at the University of Missouri-Kansas City and will graduate with a business degree next year and Kristen is a sophomore at Liberty High School. The Lance family has regularly attended Pleasant Valley Baptist Church since the early 1990s, and I know Joshua and Kristen feel fortunate to be raised in a Christian home by such fine parents.

Mr. Speaker, I ask you to join me in commending Jeff and Rachel Lance on their 25th wedding anniversary. Jeff and Rachel truly exemplify the qualities of commitment and dedication, and I am honored to call them my constituents and represent them in the United States House of Representatives.

---

IN RECOGNITION OF THE VALOR  
OF CLAY R. KING

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. BURGESS. Mr. Speaker, it is my honor to stand before you today and recognize Clay R. King for his dedicated service as a Transportation Security Screener at Dallas/Fort Worth International Airport located in my district. As a frequent traveler, I am thankful for the bravery and sacrifice provided by individuals like Mr. King.

This year, Clay King was named the Transportation Security Administration's DFW "Screener of the Year" for his extraordinary performance while serving as both a Transportation Security Screener and as a Lead Transportation Security Screener.

Clay King's valor, professionalism and dedication to the TSA mission was recognized by his subordinates, his peers, TSA/DFW staff and myself. Mr. King's commitment to security is not just part of his job but a part of his life as evidenced by a recent event where his knowledge and skills in emergencies was needed.

While driving to work on March 7, 2004, he noticed an automobile that was engulfed in flames. Without hesitation, he pulled over to render aid. As he approached the burning car, he saw a man, unconscious and trapped, on the driver's side of the car. Lacking regard for his own safety, Clay King opened the door and wrestled the driver out of the burning wreck. By doing so, he singed his right hand in the rescue for the flames had already reached the interior of the car and the passenger's pant legs were on fire. Due to Clay King's heroic actions, this person is alive today. From the accident scene, Clay King had the wherewithal to call into his supervisor and notify him that he would be late. After arriving at work, he asked if he could return home to shower and change uniforms as he felt he didn't look professional. Although he was granted the rest of the day off, he declined stating he wanted to complete his shift. Those that have had the opportunity to speak with Clay King about the incident convey that he is extremely humble about his courageous

actions. In fact, he has stated that anyone would have done the same thing under the same circumstances.

I believe that Clay King's professionalism should be emulated and his heroism honored here today on the floor of the United States House of Representatives. I rest easier knowing that Mr. King is watching out for all of us, everywhere.

IN HONOR OF POLLY E. HODGES  
ON THE OCCASION OF HER RE-  
TIREMENT

**HON. JACK KINGSTON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. KINGSTON. Mr. Speaker, I rise today to honor Polly E. Hodges, who is retiring on January 7, 2005 from her post as Chief Financial Officer of the Congressional Budget Office. I would like to take this opportunity to thank her for her service to CBO and to the Congress.

Polly was born and raised in Arkansas. She began her postsecondary studies at Hendrix College but obtained her bachelor's degree in accounting and business, cum laude, from San Antonio's Trinity University. Soon afterward, she earned the Certified Public Accountant designation and honed her professional skills at Tenneco, where she rose to the position of senior auditor. After a brief flirtation with the idea of medical school, she became chief accountant to Jacuzzi Brothers, Inc., and then joined CBO's staff on December 21, 1981.

Polly began her career at CBO as Finance and Budget Officer and was later named its Chief Financial Officer. For 23 years, she has overseen the office's budgetary and financial affairs and provided sound financial counsel to each of its six Directors. Polly has played a major role in developing and executing CBO's annual budgets, working closely with its management and with staff of the House and Senate Appropriations Committees. Even during a period of tight budgets—not normally a situation relished by budget officers—Polly was proud to assist Appropriations Committee staff in crafting report language that proved useful in leading the legislative branch through potentially painful funding reductions.

Polly's service to the Congress has extended beyond the confines of CBO—she was a founding member of the legislative branch's Financial Management Council and continues to provide that organization with thoughtful counsel.

Throughout her years as a public servant, Polly's command of financial methods and management and her professional and personal integrity have enriched both CBO and the Congress. Thank you, Polly, for your dedication and service, and we wish you well in your retirement.

HONORING MR. JACK MERKEL

**HON. NICK SMITH**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. SMITH of Michigan. I rise today to honor the 2004 Chelsea Area Citizen of the

Year, Mr. Jack Merkel. A lifelong resident of Chelsea, Jack Merkel has dedicated his life to the betterment of his community. Mr. Merkel is a respected business owner, community leader, husband, father, and grandfather.

He has served on countless boards and commissions throughout his life, including the Chelsea Village Council, Mayor of Chelsea, Chelsea Community Hospital, Silver Maples of Chelsea, Chelsea Area Chamber of Commerce, Chelsea City Charter Commission, and is an active member of St. Mary's Catholic Church. A distinguished businessman, Jack and his brother, Bob, owned and operated Merkel's Furniture, a Chelsea landmark, for 46 years.

Mr. Merkel was the leader of the Chelsea Cityhood initiative. Over 12 years, he provided tireless leadership, focus, and support to the project, which culminated in a City Charter first approved by the State of Michigan and approved by the residents of Chelsea in March of 2004.

On behalf of the Congress of the United States of America, I am proud to honor Mr. Jack Merkel for his commitment to family and community, and his dedication to improving his hometown. We commend him for his selfless service to others, and honor his contributions to his community.

RECOGNIZING NICHOLAS JOHN  
ROPCHOCK FOR ACHIEVING THE  
RANK OF EAGLE SCOUT

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nicholas John Ropchock of Blue Springs, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 603, and in earning the most prestigious award of Eagle Scout.

Nicholas has been very active with his troop, participating in many scout activities. Over the many years Nicholas has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Nicholas John Ropchock for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

NEW RULES APPROVED BY THE  
PCAOB

**HON. JOHN E. SWEENEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. SWEENEY. Mr. Speaker, under the Sarbanes-Oxley Act (Section 106(a)) any foreign accounting firm that audits an issuer of securities in the United States capital markets shall be subject to the same regulatory framework applicable to domestic accounting firms. The Act requires that foreign audit firms must adhere to the same rigorous standards applicable to domestic firms.

Sarbanes-Oxley also established the Public Company Accounting Oversight Board (PCAOB) and directs them to conduct a continuing program of inspections of registered public accounting firms and to investigate alleged violations of the Act, related securities laws, and auditing and related professional practice standards.

The PCAOB recently approved rules under which non-U.S. regulators would be permitted to fulfill the inspection and enforcement mission of the PCAOB if the non-U.S. regulator is judged by the PCAOB to be sufficiently independent and rigorous. What concerns me is that the PCAOB might allow the Canadian Public Accountability Board to fulfill this mission. This would be a serious mistake.

The PCAOB in looking at its own structure and mission identified five factors as bearing upon the independence and rigor of the non-U.S. regulatory systems: (1) The adequacy and integrity of the non-U.S. system; (2) the system's source of funding; (3) the system's independence from the accounting profession; (4) the system's transparency; and (5) historical performance.

The first looks at the system's authority to inspect, investigate, sanction and enforce professional standards of the accounting profession.

The second assesses the accounting profession's authority over the governance and operation of the non-U.S. regulatory system. How many accountants have decision making authority? Are they appointed by government? Does the government or the accounting profession hold removal power?

The third implicates the accounting profession's control over the system's source of funds.

The fourth on transparency requires open rule making procedures and periodic reporting to the public.

With respect to historical performance—the system is new the PCAOB will not consider this factor.

Consequently, any decision by the PCAOB to rely on a specific non-U.S. regulator should require that they pass these minimum tests. The Canadian Public Accountability Board fails these tests.

The Canadian Public Accountability Board has no direct statutory authority. It has no oversight mechanism, no transparency, and no public interest accountability. It is subject to the whims of its membership and its governing structure is comprised primarily of accountants. Most importantly, the source of funding for the Canadian Public Accountability Board is in fact the accounting industry itself.

As the PCAOB moves toward granting reciprocity to foreign organizations to help enforce Sarbanes-Oxley the Congress will be watching to make certain that the interests of the American investors and the integrity of the U.S. financial sector are protected.

IN MEMORY OF NEW YORK CITY  
FIREFIGHTER AND ARMY NA-  
TIONAL GUARD SERGEANT  
CHRISTIAN ENGELDRUM

**HON. JOSEPH CROWLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. CROWLEY. Mr. Speaker, I rise in sadness to pay homage and tribute to the life and

memory of New York City Firefighter and Army National Guard Sergeant Christian Engeldrum of Edgewater Park, the Bronx, New York, who died serving his country in Iraq on November 29, 2004.

Mr. Engeldrum was a proud member of the New York City Fire Department, most currently serving at Ladder Company 61 in Co-op City in the Bronx.

Sergeant Engeldrum's service to our Nation began in 1986 when he joined the U.S. Army and later served with distinction in Operation Desert Storm. During his tenure in the Army, Sergeant Engeldrum earned numerous accolades for his service including the Southwest Asia Service Medal with Bronze Service, Army Service Ribbon, National Defense Service Medal, Army Lapel Button, Sharpshooter Badge, Parachutist Badge, Army Good Conduct Medal, Army Achievement Medal and the NCO Professional Development Ribbon.

Upon completion of his military service, Sergeant Engeldrum joined the New York City Police Department, and, after successfully completing the Fire Academy in 1999, joined the Fire Department. He was assigned to Engine Company 89 in the Bronx. Moving through numerous fire stations Engeldrum was ultimately placed with Ladder Company 61 in the Bronx. His career in the Fire Department was as distinguished as his career in the Army, including his company's successful rescue of two civilians at a fire.

Among his many accomplishments, Firefighter Engeldrum was also one of the first people to raise an American flag over Ground Zero after September 11, 2001. The events he witnessed that horrible day spurred him to reenlist into the Army to fight for our Nation overseas and ensure our protection here at home. He was deployed to Iraq in November, 2004.

While he left a wife and two growing sons behind, he volunteered so they could live in a safer country, a better world. Tragically, on November 30, he paid the ultimate price for his love of family and country when a roadside bomb exploded near his convoy outside of Baghdad. Firefighter Engeldrum was the first New York City firefighter to die in service to his Nation in Iraq.

Christian Engeldrum is survived by his wife, Sharon who he met as a teenager selling Christmas trees at Engeldrum's Gas Station in the Bronx, as well as two sons, Shaun and Royce. Additionally, to make this sad occasion far more heartbreaking, his wife is now expecting another child. While this child will never get to know his father, may he always know that his father did not die in vain, but died to ensure the world this child is born into is one of safety, justice for all and free of terror. Christian was a patriot, and he loved this country, and died protecting it. Our City and our Nation owe him a true debt of gratitude.

IN HONOR OF THE 63RD ANNIVERSARY OF PEARL HARBOR DAY, DECEMBER 7, 2004

**HON. JACK KINGSTON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. KINGSTON. Mr. Speaker, December 7, 2004, marks the anniversary of the attack on

Pearl Harbor, Hawaii, a day, which like September 11, 2001, Americans will remember forever.

As the sun came up over the Pacific paradise of Oahu, Hawaii, on that Sunday morning in 1941, U.S. Navy Mess Attendant 1st Class Doris "Dorie" Miller should have been preparing the morning meal but never made it to the mess. Instead, he manned a machine gun on the deck of the U.S.S. *West Virginia*, and successfully shot down several enemy planes. Miller was awarded the Navy Cross for gallantry and continued to serve on active duty. On the morning of Nov. 24, 1943, Miller died when an explosion sank the U.S.S. *Liscome Bay* (CVE-56). Today, many Boys Clubs are named for U.S. Navy Mess Attendant 1st Class Doris Miller.

Since the Revolutionary War, the United States had rarely been attacked. Both Norfolk and Washington were threatened during the War of 1812. During the Spanish American War, port cities along the East Coast stood at high alert against possible attacks by Spanish forces sailing from Cuba. And 60 years after Pearl Harbor, our Nation was deliberately attacked by terrorist evil doers who wanted to do nothing more than kill innocent people—arguably in the hopes that it would scare freedom loving people into isolation.

During Pearl Harbor, many Americans, including some military commanders, had come to consider U.S. lands immune from enemy invasion. That feeling of immunity ended on the morning of December 7, 1941, when the Japanese Navy attacked the island of Oahu, Hawaii in two massive waves of carrier-based warplanes.

Sixty years later, many Americans felt immune once again, especially after the end of the Cold War. But, as terrorist-driven jet liners pounded into the Twin Towers and the Pentagon, with a fourth plane falling out of the sky in rural Pennsylvania, we were reminded that history does indeed repeat itself—we are never immune from those who want to perpetuate evil.

The 2-hour Japanese attack sank 21 Navy ships, destroyed 185 military planes and killed 2,290 military personnel at bases throughout Hawaii, along with 48 civilians. Japan lost 29 planes and five midget submarines. The hull of the sunken U.S.S. *Arizona* became a tomb for 1,103 U.S. sailors.

From the death and destruction in the aftermath of the attack on Pearl Harbor rose a resolve to duty on the part of the American people that would culminate on September 2, 1945, with the surrender of Japan. And today, the American people share the same resolve—an undying commitment to defeat the evil of terrorism. History will repeat itself. We will prevail.

HONORING JOHN AND JULIA KOMAI

**HON. NICK SMITH**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor John and Julia Komai of Jackson, Michigan.

Born in Liberia, both John and Julia have dedicated their lives to improving the plight of

Liberians and restoring peace and democracy to Liberia.

John first came to the United States in the 1950's to attend Spring Arbor High School and later Spring Arbor College. He completed degrees at Greenville College in Greenville, Illinois; Chicago State University in Chicago, Ill; McCormick Theological Seminary in Chicago, Illinois; and Loyola University Graduate School of Education. An ordained Presbyterian Minister, Dr. Komai was Pastor-at-Large and Supervisor of Missions for the Community Presbyterian Church in Liberia, as well as Founder and President of Jobai International Development Corporation to support mission development. In 1984, Dr. Komai was appointed to the Ministry of Education, and served as the Director of the World Bank and African Development Bank education projects for the Republic of Liberia.

Born in Zlehtown, Liberia, June 7, 1947, Julia grew up there and in Monrovia. A strident and outspoken believer in the dignity of all people, she was jailed as a political prisoner in 1979 for speaking out against human rights abuses committed by then-President William Tolbert. She was freed in 1980 when Samuel Doe came to power. Julia served as the Assistant Director of the African Unity Conference Center from 1982 to 1990. She and John fled Liberia during the coup-de-etat of 1989, walking 300 miles to reach Sierra Leone, surviving on grass and sleeping wherever they could.

Julia passed away suddenly on November 23, 2004 in an automobile accident. She will be forever remembered for her generous spirit and enthusiasm for life. In the face of hardships most Americans cannot begin to imagine, she persevered. Hers is a story of hope and boundless optimism, of dedication to ideals greater than herself. She loved her native land and hoped to return there someday.

I am proud to join the many friends and admirers of John and Julia Komai in recognizing their dedication to the restoration of peace and democracy to their homeland of Liberia. I extend my condolences to Julia's family and friends. May she rest in peace, and may her memory live on in those whose lives she touched.

RECOGNIZING ANN SCHLUETER

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ann Schlueter, a dedicated member of my congressional staff who will be leaving my office on November 30, 2004. Her work ethic, professionalism, and dedication to Missouri's Sixth Congressional District will be sadly missed. I consider myself fortunate though, because Ann will soon start a new career as Atchison County Economic Developer, which means that my home county will continue to benefit from her expertise and commitment to service.

Ann has been affiliated with my office for over three years now, and has held just about every position available. She began her service as an intern in my Liberty, Missouri district office in 2001, and since then has held the positions of caseworker, scheduler, and field representative among others. In January of 2003,

she began working in my Saint Joseph, Missouri district office and I know her colleagues there will miss her just as much as I will. While she excelled at every task, in my mind the highlight of Ann's tenure on my staff was her organization of the Tarkio Fly-In on June 5, 2004.

Ann has also excelled outside of the office. She is a graduate of Tarkio High School and the University of Missouri—Columbia. Ann and her husband Matt currently reside in my hometown of Tarkio with their son Aaron, who was born in 2003.

Mr. Speaker, I proudly ask you to join me in commending Ann Schlueter for her many important contributions to myself, my staff, and Missouri's Sixth Congressional District. Ann exemplifies the qualities of dedication and service and I am extremely proud of her accomplishments. While she is leaving my congressional staff, I am proud that I will still be able to represent her in the United States Congress.

---

CONGRESS SHOULD NOT ABUSE  
TAXPAYER PRIVACY

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. VAN HOLLEN. Mr. Speaker, I rise today in complete support of the unanimous consent agreement to strike the FY '05 omnibus spending bill provision that would allow congressional staff and appropriators access to individual tax returns. But I must point out that Congress has made a similar mistake by dropping from the same bill a House amendment advocated by Representative CAPITO and me, that would have prevented 2.6 million tax returns a year to be turned over to private contractors for the purposes of tax collection. While Congress is attempting to correct what is clearly a bad idea to allow congressional staff and Members of Congress to peruse individual tax returns, taxpayers are also vulnerable to potential abuses of tax return disclosure through private debt collection agents.

Prior to the 2004 election, Congress enacted H.R. 4520, the corporate tax bill that will give the IRS private tax collection authority. The enacted language allows the IRS to use private collection agencies to collect tax debt. This means that up to 2.6 million tax returns—which are currently only scrutinized by federal government employees—will now be open to at least 10 private collection agencies within the first 6 months, and an untold number of private debt collection staff.

While IRS employees are explicitly forbidden from being evaluated on the basis of revenue collected, the private collection scheme would actually link contractor pay to the amount of revenue collection. This policy encourages contractors to use aggressive collection techniques to boost their remuneration. Furthermore, the IRS is currently liable for damages to a taxpayer resulting from the misuse of confidential information by an IRS employee, but taxpayers will not be able to recover damages from the federal government where contractors are guilty of malfeasance.

What's more worrisome is the IRS' inability to oversee the work of these private debt collectors. A 1996 pilot program for private col-

lection was so unsuccessful that a similar pilot program planned for 1997 was cancelled outright. The contractors used in the pilot programs regularly broke the Fair Debt Collection Practices Act, did not protect the security of personal taxpayer information, and even then failed to bring in a net increase in revenue.

The IRS has said that it has learned from the 1996 project and is better equipped to address the problems raised. However, even recent evidence is to the contrary. An eye-opening report by the Treasury Inspector General for Tax Administration (TIGTA Audit #200320010) shows how IRS contractors put taxpayers' data at risk. The TIGTA audit found that the "lack of oversight of contractors resulted in serious security vulnerabilities." The report, found that, "contractors blatantly circumvented IRS policies and procedures even when security personnel identified inappropriate practices."

The objective of the review was "to determine whether the Internal Revenue Service (IRS) has adequately protected Federal Government equipment and data from misuse by contractors." The review found: "The involvement of non-IRS employees in critical IRS functions increases the risk of misuse or unauthorized disclosure of taxpayer data, and could lead to loss of equipment or sensitive taxpayer data through theft or sabotage."

Under the current conditions of rampant identity theft and deteriorating privacy here in the U.S., the federal government ought to be strengthening and protecting taxpayer privacy where it can. A first step is to eliminate the egregious provision placed in the Omnibus Bill. But a second, and more critical step, is to abolish the IRS' plan to place 2.6 million tax returns in front of private collection agencies and their staffs. This proposal sets a dangerous precedent down a path of contractor abuse and taxpayer distrust.

I urge my colleagues to join me in the 109th Congress in working with the IRS to find a more effective means of collecting delinquent tax debt collection and avoid this risky scheme altogether.

---

IN HONOR OF JOHN W. VAN HISE,  
JR.

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. FARR. Mr. Speaker, I rise today to honor Commander John W. Van Hise, Jr., upon his retirement after over 35 years of service in the Naval Security Group Reserve. Commander Van Hise has commendably served his country in a variety of assignments at key duty stations around the world. I would like to extend my heartfelt congratulations on his retirement, and express my appreciation for his service to our country.

In 1969, Commander Van Hise enlisted in the United States Navy, and after completing Basic Training was assigned to the Russian Language School at Syracuse University. Shortly after, CDR Van Hise served active duty in Japan as an aircrew and plane captain, flying over 100 missions in the Sea of Japan, the Gulf of Tonkin, and off the USS *Coral Sea*. Upon returning to the United States he continued his career in the Naval

Reserve in California. After relocation to Florida, he served as both Training Officer and Operations Officer at the Naval Reserve Security Group in Tampa. In 1986 CDR Van Hise transferred to Charleston and created the first Direct Support Program for Security Group reservists and as a result, was selected as Commanding Officer. Returning to California in 1991, he served two more tours as the Commanding Officer of Naval Reserve Security Group Santa Ana and Naval Reserve Security Group Ft. Lewis, Washington. In 1996, he enrolled in the Naval War College at the Naval Postgraduate School where he graduated with honors in 1999.

In his exemplary career in the Navy, Commander Van Hise has received many promotions, and has been awarded with many honors and medals. His first Navy Commendation Medal was awarded to him after serving as the Operations Officer of the Naval Reserve Security Group San Francisco from 1994 to 1995. In 1995, the Commander was awarded the Joint Commendation Medal by US European Command for his planning and execution of 40 Military-to-Military contact events between Albanian and US forces. He received a second Navy Commendation Medal in 2000 after serving as Action Officer for Joint Secure Communications under the Director of Naval Intelligence.

Mr. Speaker, I would like to personally congratulate Commander Van Hise on his upcoming retirement, and thank him for his dedicated service in the Navy. I wish him the best of luck in his future endeavors.

---

RECOGNIZING NATHAN OLSON FOR  
ACHIEVING THE RANK OF EAGLE  
SCOUT

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nathan Olson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America Troop 214 and in earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities and earning 30 merit badges. Nathan is an Ordeal member in the Order of the Arrow Camping Honorary and is a Warrior in the Tribe of Mic-O-Say.

For his Eagle Scout project, Nathan supervised the pouring of a concrete slab foundation for the bleachers at St. James Catholic Church baseball field. In addition, he supervised the pouring of two additional slabs for players and coaches to stand behind the backstop.

Mr. Speaker, I proudly ask you to join me in commending Nathan Olson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

FREEDOM FOR LÉSTER GONZÁLEZ  
PENTÓN

**HON. LINCOLN DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Léster González Pentón, a political prisoner in totalitarian Cuba.

Mr. González Pentón is a member of the Reason, Truth and Freedom Human Rights Movement and a delegate of the Cuban Confederation of Democratic Workers. He is a peaceful pro-democracy activist who has worked intensely to liberate Cuba from the control of the demented terrorist in power in Havana. Mr. González Pentón believes in human rights, worker rights, and freedom for the people of Cuba. As these tenants are the antithesis of the tyrant's policies of lies, fear, intimidation, and repression, he has been constantly harassed by the terrorist regime in Havana.

According to Amnesty International, on August 5, 2002, the tyrant's thugs prevented him from leaving his house, in order to stop him from participating in events organized by fellow pro-democracy activists. Previously, on July 9, 2001, Amnesty International reports that Mr. González Pentón was questioned and threatened with imprisonment by police if he did not work: despite the fact that he was fired from his job as a baker because the totalitarian regime was threatened by his peaceful activities with the Cuban Confederation of Democratic workers.

On March 18, 2003, as part of the dictatorship's deplorable crackdown on peaceful pro-democracy activists, Mr. González Pentón was arrested. In a sham trial, he was sentenced to 20 years in the grotesque totalitarian gulag. According to the U.S. Department of State, members of the tyrant's totalitarian apparatchik threatened to suspend family visits for Mr. González Pentón because he, and eight other political prisoners, read aloud to each other from the Bible.

Mr. Speaker, it is an affront to the inalienable rights of man that Mr. González Pentón is languishing in the inhuman squalor of a totalitarian gulag simply because he believes that liberty is the scared right of all people. It is unconscionable that he and others have been further punished because they read the Bible. My colleagues, we must demand the immediate release of Lester González Pentón and every political prisoner suffering under the nightmare that is the Castro regime.

RECOGNIZING THE 60TH ANNIVERSARY  
OF THE BATTLE OF THE  
BULGE

**HON. JAMES P. McGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to the veterans of the Battle of the Bulge on the occasion of its 60th Anniversary this month. On November 16, 2004, the U.S. House of Representatives passed H.J. Res. 110, a resolution recognizing the 60th

anniversary of the Battle of the Bulge during World War II, and I was proud to vote in favor of H.J. Res. 110.

Mr. Speaker, the Battle of the Bulge was a significant turning point of the Allied victory over the Axis powers in Northern Europe. At the time of the battle, from December 16, 1944, to January 25, 1945, the outcome of World War II was in question. But neither the harsh winter nor enemy fire could overcome the Allied determination to win the greatest battle of that war.

Mr. Speaker, out of the 16 million veterans of World War II, roughly 4 million are with us and about 1,200 die each day. With each death, we lose a first hand account of the war and the opportunity to thank them for their service. That is why it is so important that the House, on this anniversary, acknowledge the sacrifice and service of the men of the Battle of the Bulge.

Mr. Speaker, after 60 years, the veterans of the Battle of the Bulge are traveling to Belgium and Luxembourg this month to participate in 60th Anniversary events. They and their families will join with the people of Belgium and Luxembourg in somber remembrance of the battle. Both the King of the Belgians, Albert II, and the Grand Duke of Luxembourg, Henri, will participate in official events.

Mr. Speaker, my hometown of Worcester, Massachusetts is home to the Central Massachusetts Chapter of the Veterans of the Battle of the Bulge. The Worcester chapter has 155 members. Its objective is to honor the men who fought at the battle, to preserve historical data and sites, to foster international peace and goodwill, and to promote friendship and comradeship. The Worcester chapter has honored the 10 sons of Worcester who died during the battle by placing square markers throughout the city. Many members of the chapter are going to Europe this month for the remembrance services.

Mr. Speaker, the Battle of the Bulge and World War II tore apart the continent of Europe. It pitted great civilizations against each other in an epic battle for control of Europe. But the Allied victory and the great sacrifice of the men of World War II have contributed to today's peace in Europe. Indeed, the United States, Belgium, Luxembourg, Germany and other nations involved in the Battle of the Bulge are allies today as members of NATO. Our countries have worked closely on solidarity, freedom, security, and the trans-Atlantic alliance. Today's European and American cooperation is due in large part to the veterans of the Battle of the Bulge.

Mr. Speaker, on behalf of all my colleagues in the U.S. House of Representatives, I thank these veterans for their service, their courage, their sacrifice and their continuing efforts to foster international freedom and democracy.

RECOGNIZING GEOFFREY KUDLACZ  
FOR ACHIEVING THE RANK OF  
EAGLE SCOUT

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Geoffrey Kudlacz, a very special

young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and in earning the most prestigious award of Eagle Scout.

Geoffrey has been very active with his troop, participating in many Scout activities. Over the many years Geoffrey has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Geoffrey Kudlacz for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO THE HARDENBERGH  
INSURANCE AGENCY

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. ANDREWS. Mr. Speaker, I rise today to commend and honor the Hardenbergh Insurance Agency for 50 years of venerable and dedicated service to the families and business of our region. Since its founding in 1954 by the late Richard C. Hardenbergh, the Hardenbergh Insurance Agency has expanded its services to provide commercial business insurance, health benefits, personal insurance, bonding, and risk management services. The agency currently covers a wide range of prestigious clients including public entities, private businesses, not-for-profit groups, real estate owners, school districts, and others.

In recognition of the agency's admirable growth, Richard J. Hardenbergh, son of the late Richard C. Hardenbergh, has changed the agency's name to the Hardenbergh Insurance Group on its fiftieth anniversary. Under the direction of Richard J. Hardenbergh, this agency operates as a family and has established a considerable reputation of good will and professionalism within their industry and New Jersey. Hardenbergh Insurance Group serves as an inspiration within its industry, and indeed to all businesses of the great Nation of the United States of America.

THE RETIREMENT OF DR. MARVIN  
KIRSH

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. DINGELL. Mr. Speaker, I rise today to honor Dr. Marvin Kirsh, a noted cardiothoracic surgeon, who is on staff at the Ann Arbor Medical Center in Ann Arbor, Michigan, and to express my deep gratitude for his enormous contributions to the field of medicine.

Dr. Marvin Kirsh has been an integral part of the center staff for more than 36 years and has been the Chief of Cardiothoracic Surgery since 1990. Although he has chosen to retire at the end of this month from his post, he will continue to use his extensive expertise in the educational community as a member of the University of Michigan School of Medicine teaching staff.

In his capacity as a Professor of Surgery at the University of Michigan, Dr. Marvin Kirsh

was honored by The American Heart Association and received its Lifetime Achievement Award.

Dr. Marvin Kirsh is also an accomplished writer and has authored and co-authored more than 200 published articles on cardiology and cardiothoracic surgery and contributed to the works of nearly two dozen other authors. One of his best-known works is "Blunt Chest Trauma", published in 1997.

Because of the dedication, devotion and skill of Dr. Marvin Kirsh, the lives of hundreds of military veterans have been touched.

Mr. Speaker, I ask that you and all my colleagues rise and join me in honoring Dr. Marvin Kirsh and his legacy of surgical excellence.

TRIBUTE TO MARTIN J. "HOOT"  
MCINERNEY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. KNOLLENBERG. Mr. Speaker, I rise today to pay tribute to Martin J. "Hoot" McInerney, recipient of the St. Joseph Mercy Oakland Hospital Man of the Year Award and Distinguished Community Service Award.

Known for his kindness and infectious personality, Martin J. "Hoot" McInerney is also known throughout the metro-Detroit area as a successful car dealer and philanthropist, supporting numerous charities on a local, national and international level.

Hoot was born and raised in Detroit. He began his career in the automobile industry as a young boy working for an auto dealership, being paid fifty cents a week to keep the coal furnace stoked over cold weekends. In 1963, Chrysler offered Hoot his first dealership. Forty-one years later Hoot has become a successful businessman owning numerous car dealerships in the metro-Detroit area. The former U.S. Marine is still known to "hang out" at his Star Lincoln Mercury dealership in Southfield, Michigan.

Hoot helped to establish the St. Joseph Mercy Men of Mercy in 1974. He is also one of the founders of the J.P. McCarthy Foundation, in honor of the late and renowned radio personality who was diagnosed with and succumbed to myelodysplastic syndrome. He is also a generous donor to several Catholic churches and schools in the metro-Detroit area as well as churches and schools in Honduras, Nicaragua and the Sisters of Mary in Omaha, Nebraska.

In addition, Hoot supports Focus: HOPE, Operation Read, the Dave Thomas Foundation for Adoption, Purple Rose Theater, Friends of Golf, St. John's Men's Guild, Angel's Place, the National Football Fund and Stewards of Tomorrow.

Mr. Speaker, Hoot McInerney is deserving of this recognition for his humanitarian and volunteer efforts. His dedication to helping others has made a significant difference in the lives of many people.

RECOGNIZING SPENCER COPE FOR  
ACHIEVING THE RANK OF EAGLE  
SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Spencer Cope, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and in earning the most prestigious award of Eagle Scout.

Spencer has been very active with his troop, participating in many scout activities. Over the many years Spencer has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Spencer Cope for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING JENNIFER HAMMER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the life of Jennifer Hammer of Northern Virginia, a friend and neighbor who passed away after succumbing to a three-year battle with Ovarian Cancer in November 2004.

Mrs. Hammer's courage and resilience should serve as an inspiration to us all. Despite her health, she remained an active member in her community. She volunteered at her children's schools and participated in the 350-mile AIDS bicycle ride from North Carolina to the National Mall. Mrs. Hammer worked hard to train, but was most concerned about the criteria to raise \$1,700 in order to participate. In the end, she raised over \$4,000 and finished the four-day ride with energy to spare.

On Election Day, Mrs. Hammer voted on the way to what would be her final surgery. She was so weak that the voting officials had to bring a voting machine to the car for her. She thanked them and then left for the hospital.

Mrs. Hammer touched many lives and is survived by her beloved husband Tom and children Adam and Samantha. Over Thanksgiving weekend, when many friends were out of town for the holiday, almost 600 people came to a memorial service to celebrate her life.

Mrs. Hammer showed us how to enjoy life in the good times and be positive and full of abundant grace in the worst of times. She was at peace in the end because of her faith in God and because she knew that she lived fully while on earth. Jennifer made a huge impact on many and was loved by all. Our lives were better for having known her, and we will continue to draw inspiration from her strength and compassion.

Mr. Speaker, in closing, I would like to pay tribute to the life and work Mrs. Hammer, and express my deepest condolences to all who knew and loved her.

H.R. 5107, THE JUSTICE FOR ALL  
ACT

HON. TOM DELAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. DELAY. Mr. Speaker, on behalf of myself and Representatives SMITH and CARTER of Texas, I would like to include the attached letter from the Texas Task Force on Indigent Defense regarding H.R. 5107, the Justice For All Act (P.L. 108-405), into the CONGRESSIONAL RECORD. This letter responds directly to a statement found on page S11609 of the November 19, 2004 CONGRESSIONAL RECORD.

The mission of the Texas Task Force on Indigent Defense is to promote justice and fairness to all indigent persons accused of criminal conduct, including juvenile respondents, as provided by the laws and constitutions of the United States and Texas. The Task Force was created by state law, the Fair Defense Act of 2001, and took effect on January 1, 2002. Since its implementation, the Task Force has awarded over \$30 million to 250 counties in Texas in furtherance of its mission to improve legal representation for indigent persons accused of crimes.

TEXAS TASK FORCE  
ON INDIGENT DEFENSE,

*Austin, Texas, December 1, 2004.*

Re H.R. 5107, the "Justice For All Act"—  
Congressional Record page S11613.

Hon. TOM DELAY,  
*U.S. House Majority Leader,  
The Capitol, Washington, DC.*

Hon. LAMAR SMITH,  
*Rayburn House Office Building,  
Washington, DC.*

Hon. JOHN CARTER,  
*Cannon House Office Building,  
Washington, DC.*

DEAR REPRESENTATIVES DELAY, SMITH, & CARTER: In response to an inquiry last week regarding the statements made by Mr. Leahy in his statement on November 19, 2004, I am offering the following for clarification of what I believe is the current state of indigent defense in Texas.

I commend the goals of this bill and the willingness of Congress to provide States much needed money in the criminal justice arena. Since the reforms to Texas indigent defense laws known as the Texas Fair Defense Act were originally enacted in 2001, the Task Force on Indigent Defense, the Texas judiciary, and local government have worked diligently to meet and exceed the mandates of this reform. This reform was hailed by Robert Spangenberg, a leading national expert on indigent defense as, "the most significant piece of indigent defense legislation passed by any state in the last twenty years."

Nevertheless, the key to meaningful reform lies in implementation. In that regard, Mr. Bill Beardall, Director of the Equal Justice Center, and leading advocate of indigent reform in Texas recently said that, "[S]ignificant indigent defense improvements were implemented both at the state level and in most of Texas's 254 counties in response to the new law."

Worth noting is that Mr. Spangenberg served as the primary author of the Fair Defense Report, which influenced the passage of the Fair Defense Act. In response to the progress made by Texas, he states: "In three short years, the Task Force has used the limited funding provided to mandate that each county has an indigent defense plan on file. Moreover, these plans are posted electronically and viewable by anyone. This in

itself is significant in that what was formerly a closed process is now open to public scrutiny. Also significant is the fact that these are countywide plans, thus providing greater uniformity than before when practices varied from judge to judge. From what I've seen, the Task Force has successfully built bridges with county government and leading advocate and public interest groups for meaningful collaboration and significant reform."

The following are some of the highlights of what Texas's courts, counties, and Task Force have accomplished.

**More Indigent Defendants Receiving Court Appointed Counsel**—In 2002, 278,479 persons received court appointed counsel. In 2004, 371,167 persons received court appointed counsel. This represents a 33% increase while all criminal case filings are up only 8%. Courts and local government are taking their responsibilities seriously.

**Public Access**—Every indigent defense plan (adult and juvenile) and every county's indigent defense expenditures are posted electronically and available to anyone with access to the Internet. In addition, all model forms, procedures, and rules promulgated by the Task Force are available online at [www.courts.state.tx.us/tfid](http://www.courts.state.tx.us/tfid).

In response to Task Force recommendations, judges across the state have submitted amendments to bring indigent defense plans into compliance with the law. Also, every indigent defense plan has been reviewed by the Task Force and is in accordance with the law.

**Accountability**—Because of centralized oversight of plan submission, the judiciary is accountable to the Task Force. County officials are accountable to the Task Force through expenditure reporting and because of receipt of state grants. Prior to this act each county and court in Texas was left to its own means on how to provide these services.

**Training and Outreach**—Each year since 2001, the Task Force and staff have provided presentations across the state to 1,200 or more judges, county commissioners, defense attorneys, county employees, and other criminal justice stakeholders on their responsibilities and on the responsibilities of the State regarding effective indigent defense representation. One program of particular interest was designed specifically for State district trial judges who hear capital offenses. This program was sponsored by the Center for American and International Law in Plano, Texas on August 19-20, 2004.

**Spending Up Almost 50% Since 2001**—The State and counties have significantly increased expenditures for indigent defense services statewide to improve the quality of counsel appointed to represent the poor.

In 2001, counties expended approximately \$92 million on indigent defense services without any state assistance. In 2002, county and state spending together reached approximately \$107 million—\$15 million more than was spent in 2001. In 2003, county and state spending together amounted to approximately \$130—\$38 million more than was spent in 2001. And, the most recent reports for FY04 reveal county and state spending together totaled approximately \$137 million—\$45 million more than 2001. All in all since the Fair Defense Act passed the State and counties are expending almost 50% more than they did prior to the Fair Defense Act. Neither the State nor the counties are abdicate their responsibilities—to the contrary, the State and counties are providing their best efforts to secure additional revenue sources as well as implementing process changes to ensure tax payers receive the most value possible for their tax dollars.

Nine Administrative Judicial Regions Working Collaboratively with Task Force—

The Nine Administrative Judicial Regions are responsible for the development of qualifications and standards for counsel in death penalty cases. Notwithstanding the Texas Defender Service report referenced by Mr. Leahy in his testimony, the nine administrative presiding judges take very seriously their responsibilities under Texas law. Through officially published standards and qualifications and a thorough screening process, they ensure that only the most capable and competent attorneys are appointed in death penalty cases.

The report that Mr. Leahy relies on was criticized by many criminal justice stakeholders in Texas. I was disappointed with the secretive and surprise tactics utilized by the authors in its preparation. No Task Force members or staff were consulted prior to the report's publication. More significantly, the nine administrative judges were not consulted regarding its preparation or its findings prior to its release. For a Dallas Morning News article regarding this report, I noted the report's lack of methodology and stated that the report's conclusions "may be a matter more of form over substance." John Dahill, general counsel for the Texas Conference of Urban Counties and a former Dallas County prosecutor, was more blunt. "It just riles me to no end that the Texas Defender Service and the Equal Justice Center didn't bother to inquire of people with knowledge in each of these counties," he said. Counties generally follow the regional plan for appointment of counsel in capital cases, he said, and Dallas County follows the plan of the first administrative judicial region. That region covers 34 counties in northeast Texas.

Judge John Ovard of Dallas, who presides over the 1st administrative region, said he had not had a chance to read the report but said the county's failing grade surprised him. "We're in compliance with the task force . . . which is the primary state agency we report to," he said. "I certainly am interested in looking at it and see why they came to those conclusions."

Task Force staff meets quarterly with the 9 Administrative Presiding judges. The Task Force provides administrative assistance to the 9 Administrative Judicial Regions in posting the lists of standards and attorneys qualified for appointments in electronic format readily available to anyone in Texas. This collaborative effort is not mandated by State law but is being done at the request of the 9 Administrative Presiding judges to ensure that this process is open to the public and administered consistently across the State.

**Summary**—For the first time in Texas history the State is providing oversight, fiscal assistance, and technical support to local government and courts to improve the delivery of indigent defense services. All 254 counties in Texas are in compliance with the state reporting requirements. Each indigent defense plan in Texas has been reviewed by the Task Force to ensure it provides for prompt appointment of qualified counsel and reasonable compensation for appointed counsel. Since the passage of the Fair Defense Act, staff has provided presentations across the state to more than 4000 judges, county commissioners, defense attorneys, county employees, and other criminal justice stakeholders on their responsibilities and the responsibilities of State regarding effective indigent defense representation. The key criminal justice stakeholders in Texas are being trained and the Texas system has improved dramatically since the passage of this law. Furthermore, in what may be its greatest achievement, the Task Force has created an efficient and collaborative infrastructure for continuing implementation of the Fair

Defense Act and for future improvements to indigent defense procedures statewide.

Thank you for considering my views. If you need any further information, feel free to contact me or any member of the Task Force. We are at your disposal to build on the successes all Texans have experienced since the passage of the Fair Defense Act.

Sincerely,  
JAMES D. BETHKE,  
*Director, Task Force on Indigent Defense.*

RECOGNIZING LUKAS JOHNSON  
FOR ACHIEVING THE RANK OF  
EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Lukas Johnson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and in earning the most prestigious award of Eagle Scout.

Lukas has been very active with his troop, participating in many Scout activities. Over the many years Lukas has been involved with Scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Lukas Johnson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CHRISTIAN BROTHERS  
ACADEMY'S CLASS AA FOOTBALL  
STATE TITLE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to an extraordinary group of athletes, the Christian Brothers Academy's football team. CBAS captured its first State title in Class AA, the state's largest classification for any Section 3 team in the history of the tournament.

The 41 to 35 victory was a nail biting, come-from-behind win lead by Coach Joe Casamento, senior Greg Paulus, senior Lavar Lobdell, senior Bruce Williams, senior Brian Bojko and senior Erik Estabrook. While these individuals paved the way to victory in the final game of the season, the entire CBA football roster is responsible for the 2004 flawless success. They and their families who offer daily support deserve special recognition.

Lavar Lobdell, Erik Estabrook, Bruce Williams, Matt Kinnan, Greg Paulus, Max Greenky, Peter Giordano, Joe Nicoletti, Mike Paulus, Jim Chapman, Matt Halliday, Greg Khanzadian, Jovon Miller, Steve Peltz, Joe Losurdo, Adam Drescher, Mike Kenien, Alfonso Merola, Ricardo Donalson, McKenzie Mathews, Jim Brennan, Austin Merola, Brian Bojko, Greg Hadley, Dario Arezzo, Mike Suits, Pat McNamara, Tim Bobbett, Evan Mazur, Jon Knaust, Dan Delluomo, Andy Bongiovanni,

Rich Cummings, Mike Dracker, Matt Oliver, Eric Fletcher, Tom DiStasio, Steve Kuhns, Matt Rainbow, Brian Dushatinski, Peter Paris, Mark Callahan, Leon Saddler, Stephen Pride, Kevin Didio, Kris Estabrook, Matt Wilson and Bill Urciuoli were all instrumental components of this CBA powerhouse.

Throughout the 2004 season, the team overcame fatigue, injury, sweltering August heat, and a rigorous schedule, to complete an unblemished record of 13 wins and 0 losses, truly exemplifying the definition of a champion.

I commend Christian Brothers Academy's 2004 football team for their hard work and perseverance and congratulate them on a perfect season. You have set the standard for future Purple and Gold teams.

Congratulations to the Champs.

HONORING TEENA M. BOREK

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. MARIO DIAZ-BALART of Florida. I would like to rise in order to honor Teena M. Borek—the 2004 Woman of the Year in Agriculture. She is a pioneer in the agriculture industry and an incredible example to young women throughout America.

When her husband tragically died in 1980, Teena decided to run their farm and became the only female vegetable farmer in Miami-Dade County. Impressively, she was able to successfully run the farm while raising two young toddlers, who are now both involved in agriculture.

In the late 1980s, Teena Borek played a large role in bringing needed computer technology to farms and worked with the Community Bank of Florida to ensure that appropriate financing mechanisms were in place to increase access to this important technology. Not surprisingly, Borek Farms was the first Homestead vegetable farm to use a computer.

Using her knowledge from when she first handled the books at Borek Farms, Teena also helped implement an accounting program for farms that is still in use today.

Her achievements in advancing agricultural crops is also unparalleled. Teena became the first Miami-Dade County farmer to use the linear irrigation system and Borek Farms had the first commercially grown Florida 7862 tomato.

One of her greatest achievements, however, is the impact she has had on young women. As a female pioneer in Florida agriculture, she has paved a path for young women in an industry that has largely been dominated by men. Currently, she is serving as the second female President of the Dade County Farm Bureau and has mentored many young women, including the current executive director of the Farm Bureau.

I have had the honor of visiting with Teena and learning about the many achievements she has made for Florida's agriculture industry. After getting to know her and better understand the work of Steven Borek Farms, it seems clear that Teena's contribution to Florida agriculture will be understood well beyond our lifetime.

She may be most recognized for her work in Miami-Dade County, but her achievements have impacted the entire state of Florida.

While advancing the entire industry through technological expansion, she paved the path for generations of women hoping to enter the industry.

I ask my colleagues to join me in honoring and congratulating Teena M. Borek on being named the 2004 Woman of the Year in Agriculture by the Florida Farm Bureau.

### CONGRESSIONAL TRIBUTE TO RALPH CERNY

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a man who has made remarkable contributions to the health of the people of northern Michigan. Ralph Cerny is retiring from his position as CEO of the Munson Medical Center in Traverse City on December 31st, closing a long career dedicated to providing his community with quality health care. Mr. Cerny's 38 years as a hospital administrator and community leader serve as a shining example of his profession.

In 1964, Ralph Cerny graduated from Cornell University with a Bachelor's Degree in Economics. The year before, he actually had his first experience at Munson Medical Center, working as a summer intern. From Cornell University, Ralph went on to study Hospital Administration at the University of Michigan, where he not only earned a Master's degree, but also met his wife, Maureen.

After graduating from U of M in 1966, Ralph began his career as an Associate Administrator at the University of Nebraska Medical Center in Omaha. He remained there for seven years, but in 1973, he returned to Michigan as the CEO of the Memorial Medical Center of West Michigan in Ludington.

In 1985, the long-time CEO of Munson Medical Center, Jack Bay, asked Ralph to move north and join Munson as Chief Operating Officer. He accepted, and began a 19 year tenure that saw Munson grow into a nationally-recognized hospital and health care provider at the center of a regional network of community-based hospitals.

In his eight years as COO, and eleven years as CEO, Munson Medical Center has created a cardiovascular program that has been recognized on four occasions for superior clinical and operational performance; opened a new South Tower for patient care, opened a new ambulatory surgery center; and initiated an air ambulance service. This excellence has not gone unnoticed either. Munson received the National Quality Health Care Award in 2000 and was named one of the Nation's Top 100 hospitals six times.

In short, Mr. Speaker, Ralph's leadership has had a lasting impact on the quality of care at Munson Medical Center, and on the quality of life in the Grand Traverse Region. I worked closely with Ralph Cerny and the Munson Medical family, and I have seen firsthand his dedication to his work and to his community.

While Ralph will be missed at Munson, he has more than earned this retirement. As much as he has given to his career, Ralph has always had time for his family, and I know he looks forward to spending more time with his wife Maureen, their three sons Tim, Tyler,

and Ryan, and their five grandchildren. I also suspect he will spend more time indulging in two of his favorite pastimes: golf and downhill skiing.

Mr. Speaker, Ralph Cerny's commitment to his family, his community, health care, and Munson Medical Center serves as an example to all of us. I ask the House to join me in honoring him, thanking him for his service, and wishing him well in his retirement.

### HOUSE ADMINISTRATION COMMITTEE HAS BROAD JURISDICTION OVER "CONGRESSIONAL CONTINUITY"

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. LARSON of Connecticut. Mr. Speaker, on May 4, 2004, I introduced House Resolution 623. This was a one-line resolution which stated: ". . . That the House of Representatives should address issues relating to the potential incapacity of its Members." I did this to make an important jurisdictional point.

The resolution, which was referred solely to the Committee on House Administration, served to highlight the committee's jurisdiction over how to deal with the status of incapacitated Members, and, by implication, more broadly with certain other matters relating to the continuity of Congress. The committee already has principal jurisdiction over the conduct of congressional and Presidential elections, the qualifications and credentials of House Members, and administrative control over the internal operations of the House, including Chamber security.

I would hope that in the 109th Congress, our committee, where I serve as the ranking minority member, will more forcefully exercise the authority it has to address a range of issues which threaten the ability of Congress to function in the event of a national catastrophe. We need to develop specific, and constitutional, proposals to address the potential absence of incapacitated Members. If the only effective way is through a constitutional amendment, as I suspect it is, then that argument should be clearly made.

Much attention in the 108th Congress has gone to other committees, such as Rules and Judiciary, which have specialized roles in considering certain types of continuity measures. If a proposal is introduced as a House rule, it will be referred to the Rules Committee; if it is a constitutional amendment, it will go to Judiciary. The Rules Committee held a useful hearing this year on incapacity, but its ability to deal with elements of the issue beyond changes to the rules of the House is limited.

This Congress has been a huge disappointment because of its failure to effectively address many issues involving the stability of our structure of Government, deficiencies brought to the forefront by the September 11 attacks, as well as a disturbing tendency to paper over controversies with legislation which fails to substantively address the problem.

For example, the House earlier this year rejected a constitutional amendment offered by Representative BAIRD of Washington which would have reconstituted the House quickly through temporary appointments, pending special elections, if a large number of Members

were killed. I had introduced an alternate version of the proposal, H.J. Res. 89. Members opposed to the concept—which is admittedly extremely controversial—refused to allow real hearings and debate, preferring instead to misrepresent the various proposals which were introduced and to mock the sponsors. Even though prospects for passage of such an amendment at the time were extremely slim, a substantial debate would have served to educate the Congress and the American people on the importance of these issues, and perhaps provided impetus in a search for alternatives.

Instead, the House passed, but the Senate subsequently killed, H.R. 2844, the “Continuity of Representation Act”, which created an unrealistically fast, unfair, undemocratic and unworkable scheme to fill vacant House seats through a mandatory national 45-day special election period. This bill was referred principally to the House Administration Committee, where I was able to point out its many flaws.

Neither House passed simple legislation which would have corrected an oversight in the legislation creating the Department of Homeland Security in 2002, which failed to place the supposedly critical new Cabinet officer somewhere—anywhere—in the statutory line of succession to the Presidency.

Though hearings were held, neither House addressed significant issues of Presidential succession, such as the role of the Speaker and President pro tempore and lame duck Cabinet members in the succession lineup, and the ability of some officials to “bump” others serving as acting President under the current Federal statute.

The House is apparently planning to paper over its failure to effectively address congressional continuity by passing a blatantly unconstitutional new House rule when the 109th Congress convenes. It would pretend that a rump group of Members, acting with a “provisional quorum,” could exercise the full powers of the House even though a majority of the membership might still be alive but unable to reach the place the House was meeting in a timely manner.

The proposal pretends to address the problem of incapacitated Members by effectively ignoring it, and by allowing the Speaker to deprive them and other absent Members of their constitutional authority by adopting an unprecedented and radical procedure to declare a quorum present when it clearly isn't. The proposed rule would ignore the explicit constitutional prohibition against less than a majority of the Members of the House taking any action except to adjourn, or to compel the attendance of absent Members. It would also demolish the century-old precedent, based on the Constitution, that a quorum of the House consists of a majority of the membership chosen, sworn and living.

It is likely that this unconstitutional proposal will be shoehorned into House Resolution 5, the traditional opening-day resolution through which the House adopts its rules, to be considered on January 4, 2005. Parliamentary practices in effect at that time would allow only one hour of debate on the resolution, no matter how numerous or how controversial the rules changes contained within it might be. At a minimum, the House should debate the provisional quorum issue separately, following hearings by the Rules Committee through which Members could better inform them-

selves, I would hope, of the truly dangerous ramifications of this idea.

Mr. Speaker, I plan to urge further action on congressional continuity issues in the new year, to work with my colleagues on the Committee on House Administration to assert our own jurisdiction more effectively and to push the other relevant committees to do the same. We need both more effective action, and better internal cooperation, to accomplish these goals.

—————  
 TRIBUTE TO RETIRING  
 REPRESENTATIVE CAL DOOLEY

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. MOORE. Mr. Speaker, I am very pleased to have the opportunity tonight to join with my fellow members of the New Democrat Coalition in paying tribute to Representative CAL DOOLEY of California, who is retiring from Congress at the end of this year.

As the Almanac of American Politics 2004 edition described CAL: “The congressman from the 20th District is CAL DOOLEY, a Democrat first elected in 1990. He is a farmer, growing cotton, alfalfa and walnuts, as his great-grandfather did before him. In 1987 he became a staffer for Tulare state Senator Rose Ann Vuich. In 1990, he ran for Congress in a more Republican-leaning district. Luck was with him: The incumbent had accepted contributions from S&L operator Charles Keating and interceded on his behalf with regulators. DOOLEY won with a solid 55%. . . . DOOLEY’s endurance has been partly a testimonial to his moderate voting record, which is the most conservative of California Democrats. On the Agriculture and Resources committees, he tended to district interests. He was one of three committee Democrats to vote for RICHARD POMBO’S guest worker bill, and he supported lifting the ban on food sales to Cuba. He has co-chaired the Congressional Beef Caucus, the Western Water Caucus and the Biotechnology Caucus. He strongly backed PNTR with China and he worked closely with neighboring Congressman and Ways and Means Committee chairman BILL THOMAS to get Democratic votes for trade promotion authority in 2001 and 2002. . . . He sided with most Democrats in opposing the increased work requirements in the Republicans’ welfare bill. DOOLEY is active on local issues, including flood control projects, increased dam capacity, and additional funds for farm workers. . . .”

Most importantly, CAL DOOLEY was one of the founders and original co-chairs of the House New Democrat Coalition, which Politics in America’s 2004 edition described as “a growing group of moderate, pro-business lawmakers who say they seek bipartisan solutions. . . . It is a measure of DOOLEY’s reputation as a leader of centrist Democrats—he co-founded the New Democrat Coalition in 1997 along with Virginia’s JAMES P. MORAN and former Indiana Rep. TIM ROEMER—that his name was floated, during the disputed 2000 presidential election, as a potential appointee to either a Bush or a Gore administration.”

Mr. Speaker, CAL DOOLEY has been a friend and mentor of mine during the past 6 years I

have served in Congress. As a fellow member of Congress who has sought bipartisan solutions to the many difficult issues we have faced in this body, he has offered me wise counsel on many occasions and his leadership of the New Democrat Coalition in the House Democratic Caucus provided important leadership to all members of our Caucus. The people of CAL DOOLEY’s California congressional district have been very well served by his 14 years of representing them in Congress and I know they join with me and his colleagues in this body in wishing him all the best as he pursues a new career in the private sector. He will be missed in the halls of Congress. But CAL DOOLEY will not be forgotten.

—————  
 HONORING CONGRESSMAN AMO  
 HOUGHTON AND CONGRESSMAN  
 JACK QUINN

SPEECH OF

**HON. JAMES T. WALSH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 19, 2004*

Mr. WALSH. Mr. Speaker, I address the House tonight to extend my best wishes and a fond farewell to my good friends and colleagues in the New York Congressional Delegation, Congressmen JACK QUINN and AMO HOUGHTON.

Beyond the insight, experience and professionalism these gentlemen brought to this body, they represented the very essence of what it means to represent New York State in Congress. They were loyal to their constituencies, and their voters were in turn loyal to them. Their policy expertise transcended ideological lines, and they understood that, in our corner of the world, good people are good people, regardless of party affiliation. People voted for them year-in and year out on account of who they were as people, and how hard they worked for Buffalo, Rochester, Corning and the Southern Tier. JACK and AMO have nearly 30 years’ worth of experience in Washington between them, and, though none of us like the fact that they are leaving us, we are all grateful to have been the beneficiaries of their good humor, wisdom, graciousness and friendship.

The U.S. Congress, New York State and our country are better off for having been represented by these two gentlemen. I’ve had the privilege of serving with JACK and AMO for a long time and feel fortunate to consider them good friends. It is my hope the other members of this body from New York and beyond recognize and applaud their service, friendship, and loyalty to those who have worked beside them along the way.

I know I will miss JACK QUINN and AMO HOUGHTON when the gavel falls to begin the 109th Congress; but I join my colleagues in wishing them the absolute best for whatever comes next. I take comfort, though in knowing that departure from this House will not signal the termination of their public service. Nor will it be the end of their involvement in the lives of the people they represented so well, for so many years.

So as we depart for the year and bring an end to the 108th Congress, I once again say good-bye and thank you to JACK and AMO while wishing them the very best for the future.

CONGRATULATIONS TO THE  
WATSON FEED STORE

**HON. CHET EDWARDS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. EDWARDS. Mr. Speaker, I would like to extend my most sincere congratulations to the historic Watson Feed Store in Mart, Texas on their recent Texas Historical Marker Dedication. After nearly a century of service to the Central Texas community, the Watson Feed Store has become a vital part of the social fabric of the Mart community and an inspiring example of the very best of Texas.

That the Watson Feed Store still stands today just as it was almost 100 years ago is truly remarkable and a reflection of the commitment and dedication of Murray Watson and family to preserve the history of this building for future generations. Watson's Feed Store is not only a historic reminder of the past, but an enduring symbol of the belief in community that Watson's Feed Store has come to represent.

Today, the Watson Feed Store is still a daily meeting place for many citizens of Mart, enjoying conversation and comfort in the building known as "home" to many, a living testament to the impact that Murray Watson and family continue to have on the Mart community.

I personally want to thank Murray Watson for his many years of friendship and the countless contributions he has made to the community of Mart and Central Texas. Murray Watson is a true Texas leader and there is no doubt that the state of Texas and the Nation would benefit greatly from more leaders like Murray in our communities.

REPORTS OF VOTING FRAUD AND  
IRREGULARITIES

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Ms. LEE. Mr. Speaker, like many of my constituents, I am very concerned about the widespread reports of voting irregularities surrounding the recent election.

Reports about voter intimidation, discrimination, fraud, partisan election officials, misplaced ballots, discarded provisional ballots, malfunctioning electronic voting machines, delays in mailing absentee ballots, and countless other suspicious or illegal activities, all raise potential doubts about the legitimacy of our system of elections.

And there is mounting credible evidence that indeed some potentially illegal and fraudulent activity did occur before, during, and after the election.

That is why I have joined onto the efforts of my colleagues, Representatives JOHN CONYERS, JERROLD NADLER, and ROBERT WEXLER, in asking the GAO to investigate the 2004 election. And I am pleased to say that the GAO has agreed with the necessity and urgency of our request and is moving forward with a formal investigation.

As history has repeatedly shown, the right to vote and the right to have our votes counted are fundamental to our democratic system of government.

The moment that we become complacent and cease to insist on the fundamental value and equality of every individual vote is the moment that we begin to undermine the democratic ideal that this nation was founded upon.

That is why I believe it is so important to investigate any reports of voting irregularities.

And that is also why in July, I was one of the leaders in Congress to call for international monitors to observe our system of elections.

Although the administration refused to invite the United Nations to send an observation team, the 55 member Organization for Security and Cooperation in Europe (OSCE) was invited.

While the OSCE was severely hamstrung in its ability to fully observe the election, according to their preliminary report, they did observe many of the same problems that were reported by the media.

I hope that with the GAO report, and the forthcoming report from the OSCE, we can take a hard look at our current election system and make a concerted bi-partisan effort to fix the problems that still clearly remain with us from the 2000 election.

As elected representatives of the people, we hold a sacred responsibility to every voter across this nation to ensure that their vote is counted and recorded properly.

We cannot, and we should not accept any flaws in our election process.

HONORING THE BIRTH OF HARPER  
NATALIE BRUCKENTHAL

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. ISRAEL. Mr. Speaker, I rise today to honor the birth of Harper Natalie Bruckenthal. On Friday, November 19, 2004, this beautiful young girl was born to Patricia Bruckenthal, the widowed wife of Petty Officer 3rd Class Nathan Bruckenthal, an American hero lost to us in the conflict in Iraq. The birth of Harper Natalie Bruckenthal ensures that everything that was good about Nathan Bruckenthal will live on for another generation and many more to come. In that infant baby's eyes can be seen the images of her heroic father. It is tragic that she will grow up not knowing her father, but I hope that she will be able to find some comfort in his legacy and allow his spirit to guide her.

Today, I honor once more the sacrifice of Nathan Bruckenthal; I honor his wonderful wife Patricia, mother of his infant child; and, most importantly, I welcome his new daughter, Harper Natalie Bruckenthal, the child of an American hero, to our world. It is a better world because people like Nathan Bruckenthal answered the call to duty, made great sacrifices and met the greatest challenge posed to every generation: leaving behind a better world for their children.

PERSONAL EXPLANATION

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. BLUMENAUER. Mr. Speaker, had I been present for the following votes on Satur-

day, November 20, 2004, I would have voted as follows:

Rollcall vote 538: I would have voted "nay" on waiving the House rule to allow for the same day consideration of legislation. Congress should follow the House rules and have adequate time to review legislation before casting its votes.

Rollcall vote 539: I would have voted "yea" on the resolution recognizing the Boy Scouts of America for the public service the organization performs for neighborhoods and communities across the United States.

Rollcall vote 540: I would have voted "nay" on the resolution waiving points of order against the conference report to accompany the fiscal 2005 omnibus appropriations bill.

Rollcall vote 541: I would have voted "yea" on passage of the Commercial Space Launch Amendments Act. While this legislation only allows the Federal Aviation Administration to regulate technologies that "have resulted in a serious or fatal injury," this will be an interesting test for safety regulations of a very narrow group of consumers who are aware of the risks they face.

Rollcall vote 542: I would have voted "yea" on passage of the fiscal 2005 omnibus appropriations bill. The uproar caused by the last-minute insertion of a provision opening up tax returns to the Appropriations Committee is not a surprise based on the manner in which the bill came to the floor under a "Martial Law" rule. Congress deserves the opportunity to have the time to thoroughly review bills before being asked to vote on them. While I disapprove of the manner in which the omnibus bill was brought to the floor, funding for the 15 governmental agencies receiving funding from this bill are indispensable to my district and the country.

TRIBUTE TO LANCE CORPORAL  
DIMITRIOS GAVRIEL

**HON. MARTIN T. MEEHAN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to a fallen hero, LCpl Dimitrios Gavriel, of Haverhill, Massachusetts.

Lance Corporal Gavriel was killed in action during the conflict in Fallujah, Iraq, on November 19, 2004, only days after voluntarily returning to the battlefield from a shrapnel wound. "Dimmy," as he was known to those close to him, is survived by his mother, Penelope; his father, Chris; and his sister, Christina.

Dimmy's family describes him as a deep thinker with big dreams. A quote from his diary says it all: "I have heard that Great Men often kept journals—I'd like to be great."

After losing two friends in the September 11th terrorist attacks, Dimmy knew he wanted to make a difference in the world by joining the Marine Corps. When the service turned him down because of lingering injuries from his days as a high school wrestling champion, he wrote a letter to his local recruiting office pleading for them to reconsider. He would go on to turn down a lucrative career on Wall Street for the chance to serve our country as a Marine.

Mr. Speaker, there is perhaps no better way to pay our respects to Dimmy Gavriel than to

insert a poem of his into the CONGRESSIONAL RECORD entitled "The Leader," in which he explores the themes of leadership and greatness. May Congress forever remember the greatness of this young man through his words as well as his heroic actions.

THE LEADER

(By Dimmy Gavriel)

How will words of beauty  
Sprout root on deafened ears?  
When many choose to follow  
And so few dare to lead  
Forsaken dreams lie prisoners  
In vapid minds left blank  
Of countless, breathing numbers  
Lined up along the track  
And then there are the dreamers  
Who see beyond the shroud  
Distinct are they among us  
They shuffle through the crowd  
Hope lives among so few  
Yet strong it is I know  
For I am still a dreamer  
Along the track I go

RECOGNIZING THE NEW HARTFORD HIGH SCHOOL BOYS VARSITY SOCCER TEAM

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize the New Hartford High School Boys Varsity Soccer team. On Sunday, November 21, 2004, the team concluded an amazing season by winning the New York State Public High School Athletic Association Class A Title.

The New Hartford Spartans Varsity Soccer team boasted a 21–2–2 record at the end of the season thanks to the leadership of Coach Christopher Abdo and Team Captains Andrew Donovan, Stephen Peck, and Matthew Pecheone. Due to the outstanding efforts of the Spartans, they remained undefeated at home and set team records for fewest goals scored against in a season and most wins in a season.

I would also like to recognize Team Captain Matthew Pecheone, and Goalkeeper Max Silberlicht for their outstanding individual achievements. Matthew Pecheone set both the school record for number of goals scored in a season and total number of points in a season. Max Silberlicht set the record for the most shutouts in school history by a goalkeeper.

The title match against the Jericho Jayhawks went into four overtime periods, ending in a draw and both teams holding the title "State Champions". After a game-tying goal in the second-half, the New Hartford Spartans tied the game due to the same tenacious defense that set the school record for fewest goals allowed. I commend the players and coaching staff of the New Hartford Spartan Boys Varsity Soccer team for the hard work, training, and dedication. Congratulations, we are very proud of you.

The 2004 New Hartford High School Boys Varsity Soccer team members include: Mike Alcott, Eric Anderson, Aaren Ashmore, Nick Bergmann, Hans Bjerke, Mihir Buch, Anish Butala, Andrew Donovan, Matthew Eadline, Brandon Goodman, Erik Jerrard, Milind

Kachare. Michael Matt, Mike Payne, Christopher Pecheone, Matthew Pecheone, Steven Peck, John Picano, Max Silberlicht and Andrew Tubis. Head Coach: Christopher Abdo.

TRIBUTE TO CONGRESSMAN  
KLECZKA

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. KIND. Mr. Speaker, I rise today to honor a fellow Member and friend, Congressman JERRY KLECZKA, and to congratulate him on his twenty years of outstanding service to those in Wisconsin's 4th Congressional District.

Since the age of twenty-four, Mr. KLECZKA has been active in the public service sector and has served in the House of Representatives since 1984. Mr. KLECZKA has made a timeless effort to serve his constituents and has demonstrated his commitment to serve those in his local community by becoming a member of the Hispanic Chamber of Commerce, the Brady Street Area Association, and America's Black Holocaust Museum.

Mr. KLECZKA has illustrated his desire to meet the needs of his constituents by addressing a variety of issues while serving in the House of Representatives. The people of southeast Wisconsin were once faced with the severe problem of elderly abuse in public housing complexes. Recognizing the severity of this situation, Mr. KLECZKA fought back with strong legislation resulting in Milwaukee becoming the first city in the nation to provide elderly-only public housing.

Mr. KLECZKA has demonstrated not only his desire to improve the health and well-being of elderly in unsafe living conditions, but he has also fought for measures to decrease health care costs and increase personal privacy for deserving Americans.

Mr. KLECZKA has also displayed his leadership capabilities by representing not just those in his district, but all citizens from Wisconsin by serving on the House Ways and Means Committee. This committee has allowed him to take an active role in the legislative process and effectively serve the people of Wisconsin.

Mr. KLECZKA has served in the House of Representatives in a respectful manner, and his creative insight for implementing new policy and unselfish dedication to serving others will be greatly missed but not forgotten.

To the Wisconsin delegation, the retirement of JERRY KLECZKA may feel like the Packers losing the leadership and dedication of their head coach Mike Sherman. It will be very difficult to follow in the footsteps of Mr. KLECZKA; however, I am confident that my fellow Wisconsin members will follow the example Jerry Kleczka began twenty years ago.

I want to thank JERRY for his leadership and his friendship. I wish him the best of luck on his new endeavors.

THE AMERICAN PHYSICAL SOCIETY'S REPORT ON THE MOON-MARS PROGRAM

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. SHAYS. Mr. Speaker, in November 2004, the American Physical Society (APS) released a report on the Moonars program. The report reached many important conclusions and I encourage my colleagues to review APS's findings.

Currently, NASA's agenda is set by the National Academy of Sciences (NAS) Decadal Surveys. The panel is comprised of outstanding scientists who represent the full range of research within astronomy.

According to the report, the scope of the Moon-Mars initiative has not been well defined, its long-term cost has not been adequately addressed, and no budgetary mechanisms have been established to avoid causing damage to NASA's scientific program.

To accommodate the Moon-Mars initiative, NASA has already begun to reprogram its existing budget, resulting in indefinite postponement or delay of scientific programs that were assigned high priority by the NAS decadal studies.

The consensus achieved by the committee is that the recent success of the Mars Rovers demonstrate that we can use robotic means to address many scientific questions. The panel also found that human exploration has a role in NASA, but it must be within a balanced program in which funding is distributed to other initiatives as well.

APS makes 3 recommendations, which I encourage Members of Congress to take into consideration as we continue the debate on the President's Moon-Mars proposal.

First, NASA should continue to be guided by the recommendations of the NAS decadal studies in formulating its science programs.

Second, before the United States commits to the Moon-Mars proposal, a review of the initiative's science impact should be carried out by the NAS.

Finally, before the United States commits to the Moon-Mars proposal, the GAO should estimate the likely budgetary impact.

Given our country's fiscal challenges, I do not think we can afford manned flights to other planets at this time. I am willing to support more unmanned space flights, provided their mission goals are well-defined.

It seems to me NASA's activities should be driven by science, not destinations. This report provides important information on NASA's future and I strongly encourage my colleagues to read it and take the findings into consideration as we continue the debate on Moon-Mars.

HONORING WENDY ABRAMS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate Wendy Abrams of Highland Park, Illinois, on the occasion of her 40th birthday.

I have long admired Wendy for her dedication to our community, particularly with respect to safeguarding the environment. She is committed to making the world a better place and ensuring that future generations of Americans will inherit a thriving and healthy planet.

Wendy has worked on both the national and local level to protect the environment—on issues ranging from conservation to climate change and the impact of environmental policies on the developing world. She is highly knowledgeable about current environmental issues and a passionate advocate for positive change.

Wendy is a member of the National Council of Environmental Defense, an organization that finds ways to preserve our environment while also strengthening the economy, such as market incentives that reward governments and businesses for lowering pollution levels.

In addition, Wendy is a member of the National Advisory Council of the Sierra Club Foundation, which is dedicated to preserving wildlife and promoting responsible use of the Earth's ecosystems and resources.

Wendy's interests and influence reach beyond environmental concerns to include other matters important in our community. For example, she has been an active participant in the Holocaust Education Foundation and is an owner of Medline Industries, Inc., a private medical equipment distributor. Wendy has always expressed a strong interest in effective health care reform as well as a broad array of other important public policy initiatives.

Mr. Speaker, Wendy Abrams is helping to make the world a safe and healthy place for our children. I am proud to call Wendy a good friend, and I thank her for her contributions to public service. I wish Wendy, her husband Jimmy, and their four children continued good fortune on the occasion of her 40th birthday.

#### COMMENDING WHITKO HIGH SCHOOL ART STUDENTS

#### HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. SOUDER. Mr. Speaker, I rise today to commend the artistic achievements of students at Whitko High School in South Whitley, Indiana. Whitko High School was one of 11 schools in the United States that recently participated in the 35th World School Children's Art Exhibition in the Republic of China, Taipei. The purpose of the exhibition is to promote mutual understanding and friendship among the younger generation of the world.

It is a tremendous honor for Whitko High School students to be recognized for their artistic abilities on an international level, especially considering 47 countries were represented at the exhibition.

I'd now like to recognize by name each of the eight Whitko students who participated in the competition: Renae Banks, Julianne Haines, Wendy Chalk, Amanda Crosser, Callista Duggins, Kylee Brown, Jill Wendel, and Shannon Sleighter. Two of these students—Julianne Haines and Shannon Sleighter—were recognized by the World School Children's Art Exhibition for their outstanding artistic skill and talent and were awarded selected medals for their work. I send them my sincere congratulations.

I also commend Whitko High School's art teacher Walter C. Malicki for his dedication and enthusiasm. Under his guidance, Whitko High School students have received 32 national and 97 international awards. These honors are due, in large part, to Mr. Malicki's leadership and the encouragement he gives each of his students.

Once again, I extend my congratulations to the Whitko High School art students for their achievements in the 35th World School Children's Art Exhibition.

#### TRIBUTE TO THE EAST BAY REGIONAL PARK DISTRICT CELEBRATING 70 YEARS OF REGIONAL PARKS

#### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. STARK. Mr. Speaker, my East Bay California colleagues Mr. GEORGE MILLER, Mrs. ELLEN TAUSCHER, and Ms. BARBARA LEE, join with me to recognize the 70th anniversary of the East Bay Regional Park District (EBRPD), headquartered in Oakland, California. The Park District spans Alameda and Contra Costa Counties and encompasses 1,745 square miles on the eastern side of San Francisco.

In 1934, a unique "regional park" concept, unheard of at the time, was presented to the voters on a November ballot measure. A vote for the proposed new Park District meant an increased five-cent tax on every \$100 worth of property. Even in the economic hardships of the Great Depression, where a nickel still went a long way, citizens approved the initiative by a 2½ to 1 margin and the Park District was created.

The East Bay Regional Park District opened its first three parks in 1936, which included present-day Tilden Regional Park, Sibley Volcanic Preserve and Lake Temescal. Redwood Park was added to the list of parks a few years later.

In the intervening years, the Park District grew from seven cities—Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and San Leandro—to encompass all of Alameda and Contra Costa counties.

Today, the East Bay Regional Park District is the largest local park agency in the United States. It encompasses over 95,000 acres of parkland in Alameda and Contra Costa Counties for outdoor recreation, wildlife habitat, and nature education.

The Park District's vision is to "preserve a priceless heritage of natural and cultural resources, open space, parks and trails for the future and will set aside park areas for enjoyment and healthful recreation for generations to come. EBRDP states "an environmental ethic guides us in all that we do."

The Park District's core mission is to "acquire, develop, manage, and maintain a high quality, diverse system of interconnected parklands which balances public usage and education programs with protection and preservation of our natural and cultural resources."

The vision and mission of the East Bay Regional Parks continues to be achieved with commitment and efficiency. For 70 years, the East Bay Regional Parks has been dedicated to preserving open space and offering enjoy-

able and healthy recreation opportunities for local residents.

We join in honoring the individuals whose vision created an unprecedented Regional Park System and the individuals who continue to ensure the East Bay Regional Park District's success.

#### IN MEMORY OF DOLLY NASH, A DISTINGUISHED AMERICAN

#### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. WILSON of South Carolina. Mr. Speaker, I rise to remember a distinguished South Carolinian, Janet Dolly Nash. Dolly Nash and her husband always flew the American flag at their home in Beaufort, South Carolina. She was a proud American. Not long ago, Dolly "passed" (a term often used in my state). She died in Cape May, New Jersey, a community with which Beaufort shared her. A retired school teacher, Dolly gave of her wide knowledge to many others—others who will remember her and her lessons of life.

Dolly Nash believed it was her mission to promote the legacy of her great grandfather, Robert Smalls, a legend in the Beaufort area. Despite his status as a slave of only 23 years of age, Robert Smalls learned to be a pilot in Charleston Harbor. During the Civil War, he "commandeered" the Confederate vessel *Planter* and delivered it to Union forces. He rose to the rank of major general in the South Carolina militia. After the war he founded the Republican Party in the Beaufort area and was elected to the United States House of Representatives. In April of this year, the Army Supply Ship, *Major General Robert Smalls*, was christened in Mississippi, the first Army vessel to bear the name of a black American.

"Dolly was everywhere, just like sunshine," says Delores Nevils of St. Helena, South Carolina, a close friend of Dolly's and herself a fine American. In a recent article in the Beaufort Gazette, Mrs. Nevils extolled Dolly and described her extensive service to her community. As Mrs. Nevils described it, at her 75th birthday party, Dolly gave gifts rather than received them. Dolly Nash gave many gifts to many people in her lifetime. She herself was a gift to the people of Beaufort, of South Carolina and of America. I would like to share with you the memory of Dolly Nash.

#### TRIBUTE TO SHIRLEY CONNOLLY

#### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Ms. ESHOO. Mr. Speaker, I rise to honor Shirley Connolly, who was recently honored with the prestigious St. Madeleine Sophie Medal by the Schools of the Sacred Heart in Atherton, California.

Shirley was born in Helena, Montana and became a San Franciscan at the age of seven. She graduated from the San Francisco College for Women, better known as Lone Mountain College, with a Bachelor's Degree in History and World Literature, and later received a Master's from Lone Mountain in

American History. Shirley also completed graduate courses in Education at Boston University and Harvard University.

Shirley's heart was always with Lone Mountain and she continued her dedication to her alma mater, always being a shining example of her willingness to take on a tough job whenever needed. After Lone Mountain closed, official alumnae activities understandably waned and it became difficult to keep graduates and faculty in touch with one another. This became Shirley Connolly's challenge. She has worked hard to preserve this community, leading the Alumnae Association for many years and enabling students and their RSCJ teachers to continue or rekindle their Lone Mountain relationships.

Shirley began her own teaching career over 40 years ago at St. Joseph's School in Atherton. After 4 years at Lone Mountain and 3 years in the Religious Formation Program, Shirley was ready, willing and able to begin her career educating girls and young women. Her first teaching assignment was a classroom of 35 eighth-grade girls and boys. Shirley's warmth and wisdom were more than a match for the eighth graders, and this was the beginning of her long and tremendously successful relationship with St. Joseph's.

Shirley spent 2 years in what was then Menlo Park, and then moved to San Francisco where she served as a teacher, Dean of Students and Director of Studies at the Schools of the Sacred Heart there. After a brief stint in Newton, Massachusetts, Shirley joined the California Province of the Sacred Heart. This role gave her the opportunity to develop one of her greatest gifts, the ability to train teachers. Even today, she is highly regarded and remembered throughout the Sacred Heart community for this skill. One of her pupils described her as someone who had the common sense to sort through all the academic training and understand and pass on what young teachers really needed to know. After this stint with the Province, Shirley returned to Menlo Park in 1973, serving as Principal of the high school under Sister Nancy Morris until 1975.

In 1976, Shirley set off on a new path, joining the Catholic Telemedia Network in Menlo Park. She stayed with CTN until 2002, rising through several positions to become General Manager for her last 10 years there.

Shirley has a gift for combining crystal clarity and great wisdom with diplomacy, humility and kindness. She is the most generous, selfless person one could ever know. She is always available to assist whomever needs help, whenever they need it, without question, complaint, or regard to her own needs.

Shirley has been the best friend to the resident of Oakwood over the years, always dropping whatever she is doing to help with whatever needs to be done. She served as Chair of its Board of Directors for several years, and has recently accepted an invitation to return to this Board.

Mr. Speaker, I ask my colleagues to join me in honoring this great and good woman, Shirley Connolly, as she is honored with the St. Madeleine Sophie Medal.

RECOGNIZING THE WEEDSPORT  
HIGH SCHOOL FOOTBALL TEAM

**HON. SHERWOOD BOEHLERT**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize the Weedsport High School football team for their outstanding achievements and victory in the New York State Class D Championships.

The No. 1 ranked Weedsport Warriors finished their season undefeated, with an impressive 13-0 record. Setting another milestone, this is also the first state championship in school history to be awarded to any team sport.

Their 22-21 victory over the Tuckahoe Tigers was an amazing feat. After the Tuckahoe Tigers claimed the lead during the 4th quarter, the Warriors were able to narrow that lead on a heroic 83-yard kickoff return by senior Brad Bach. Trailing 21-20, the Warriors opted to attempt a crucial two-point conversion that would give them the lead, thanks to the speed and agility of junior quarterback Mike Coolbaugh. The Weedsport Warriors spent the remainder of the game maintaining an impregnable defense and refusing to buckle under the pressure of the determined Tuckahoe offense.

I commend the coaching staff and the players of the Weedsport Warriors for all of their training and dedication to the game. Congratulations; I am proud of all of you and your achievements.

The 2004 Weedsport High School football team members include: Roster: Brad Bach, Brandon Bach, Jeff Bibbens, Mike Bond, Robert Bradtke, Mike Case, Chris Chorny, Mike Coolbaugh, Mike Davis, Matt Drury, Matt Duby, Kerry Green, Brandon Magill, Mike Maltese, Ken McLoud, John Meitz, Troy Nelson, Tyler Nevidomsky, Jeff Whiting, Dave Roden, Ed Rooker, Jim Scarbrough, Adam Sweet, Jeff Whiting, Jeff Williams, and Ryan Wright. Coach: Calvin Mosher. Assistant Coaches: Tim Spingler, Jason Trousedale.

TRIBUTE TO CONGRESSMAN  
DOOLEY OF CALIFORNIA

**HON. RON KIND**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. KIND. Mr. Speaker, I am proud to have had the opportunity to serve with such an outstanding Member of Congress over the past eight years. I would like to congratulate him on his retirement from the United States House of Representatives at the close of the 108th Congress. Serving with him in Congress has been an honor, and I hope to maintain our friendship in the upcoming years.

Since coming to Congress in 1997, I have had the pleasure to work with CAL on numerous issues in addition to building and growing the influence of the New Democrat Coalition (NDC). If there is one word that best represents CAL, it is integrity. Upon my arrival in Washington, DC, I immediately turned to him as both a mentor and a friend. As founder and co-chair of the NDC, he was always a respected voice on critical issues.

The NDC, through CAL's leadership, transformed how the Democratic party worked in the late 1990s. Intent on modernizing both the Democratic party and the country, New Democrats support policies that expand economic growth and see that all Americans have the opportunity to benefit from that growth; ensure a fiscally responsible and efficient government; secure the homefront; and advance a robust foreign policy that includes trade, constructive U.S. leadership throughout the world, and a modern and strong military. As a testament of CAL's leadership, the Clinton Administration frequently sought allies in the NDC. The Clinton Administration turned to the NDC for the critical support of the coalition's major legislation initiatives such as welfare reform and trade with China.

CAL is a fourth-generation farmer and partner in his family farm, growing cotton, alfalfa and walnuts at his farm in California's San Joaquin Valley. Through his tenure in the House, CAL has concentrated heavily on Agriculture issues. During the last farm bill, I served on the Agriculture Committee and was able to see firsthand how knowledgeable he is when it comes to farm policy. I look forward to working with him again on the next farm bill in his new role as the President and CEO of National Food Processors Association (NFPA). The NFPA is extraordinarily lucky to get one of the top leaders in food policy today.

CAL, in addition to his other accomplishments, is a great student of the big issues facing our country today. As long as I have known him, he has always had a willingness to dive into new subject matters and learn them as quickly as possible.

I want to thank CAL for his leadership and his friendship. I wish him the best of luck on his new endeavors.

CONFERENCE REPORT ON H.R. 4818,  
CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

**HON. CHRISTOPHER SHAYS**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Saturday, November 20, 2004*

Mr. SHAYS. Mr. Speaker, I support the Fiscal Year 2005 Omnibus Appropriations Act, but I would like to state my opposition to the Weldon refusal clause provision.

The Weldon provision would exempt health care companies from any federal, state or local government law that ensures women have access to reproductive health services, including information about abortion.

If passed, this provision would have many negative effects.

It would override federal Title X guidelines that ensure women receive full medical information. A fundamental principle of Title X, the national family planning program, ensures pregnant women who request information about all their medical options, including abortion, be given that information, including a referral upon patient request.

I am also concerned this bill does not include an increase in funding for Title X. Each year approximately 4.5 million low-income women and men receive basic health care through 4,600 clinics nationwide that receive Title X funds. This program reduces unintended pregnancies and makes abortion less

necessary. Had funding for Title X kept pace with inflation since 1980, with no additional increases, it would be funded today at double its current budget.

While Title X is receiving flat funding from last year, H.R. 4818 gives abstinence-only programs an increase of \$35 million. Unlike Title X, abstinence-only programs do not provide clinical health services.

Additionally, research shows comprehensive sex-education programs, which teach both abstinence and contraception, are the most effective. There is no federal program that earmarks dollars for comprehensive sex education.

I support a woman's right to choose whether to terminate a pregnancy subject to *Roe v. Wade*.

Abortion is a very personal decision. While a woman's doctor, clergy, friends, family, and public officials may have an opinion, the ultimate decision rests solely with her. It is vital for every woman to have access to as much information as she needs in order to make this decision.

While I support the bill, I oppose these provisions and amendments.

HONORING DENNIS H.  
HOLTSCHEIDER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. EMANUEL. Mr. Speaker, I rise I recognize the inauguration of The Reverend Dennis H. Holtzschneider, C.M., as the eleventh president of DePaul University, on Saturday, November 20 at the Harris Theater for Music and Dance School. Father Holtzschneider became DePaul University's eleventh president on July 1, 2004, following the distinguished eleven-year tenure of the past president, Father John P. Minogue.

Father Holtzschneider's background is as impressive as his future at DePaul is promising. He received his doctoral in administration, planning and social policy from Harvard University in 1997 after writing a dissertation on the early history of financial aid in the United States. He was also a case researcher and writer for Harvard's schools of Education, Medicine and Public Health.

Since 2000, he has served as executive vice president and chief operating officer at Niagara University in Niagara Falls, New York, where he directed the university's strategic planning efforts and daily operations of the campus. Prior to his role at Niagara, Father Holtzschneider served as an assistant professor of higher education in the Graduate School of Education and as the associate dean of the College of Liberal Arts and Sciences at St. John's University.

Father Holtzschneider joins DePaul at an exciting time in the school's 106-year history. Steady enrollment growth has earned DePaul distinction as the largest Catholic university in the United States and the seventh-largest private university in the country, fulfilling DePaul's academic mission to expand access to quality educational programs to a diverse student body. As DePaul concludes its stra-

tegic planning, known as Vision 2006, Father Holtzschneider will share his expertise to help shape the university's future initiatives.

Father Holtzschneider has led two national studies of American Catholic colleges and universities, examining trends in governance and leadership, and he consults on these matters with university boards of trustees and sponsoring religious congregations. He is the author and co-author of one book and numerous articles on U.S. higher education and Catholic higher education, as well as a frequent speaker on these topics.

On behalf of the Fifth Congressional District of Illinois, I wish Father Holtzschneider continued success at DePaul University and look forward to working with him as the university continues to grow and excel in a broad variety of disciplines. I am very proud to represent DePaul in the House of Representatives and once again congratulate Father Holtzschneider on his inauguration as president of the university.

CONGRATULATING JAMES W.  
PYLES ON HIS ELECTION AS  
CHAIRMAN OF SCORE

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. SOUDER. Mr. Speaker, I rise today to extend my congratulations to Mr. James W. Pyles of Elkhart, Indiana, for his recent election as board chairman of the Service Corps of Retired Executives (SCORE). Mr. Pyles is the first African-American to lead this national nonprofit organization in its 40-year history, and I know he will lead SCORE well in its efforts to train and counsel small business owners and entrepreneurs.

Mr. Pyles is an energetic and passionate man who believes strongly in the mission of SCORE. His 34-year experience in the sales and marketing departments at Bayer Corporation, in addition to his experience as a manager of a real estate management firm, will serve him well in his new capacity as board chairman.

SCORE, which is funded by Congress, celebrates its 40th anniversary this year. During its existence, SCORE has assisted more than 6.7 million Americans with online and face-to-face small business counseling. There are 800 offices nationwide with more than 12,500 volunteer counselors who provide individual counseling and business workshops for aspiring entrepreneurs and small business owners.

Small businesses are critical to this nation's economy, having generated 60 to 80 percent of the net new jobs annually over the past decade. Small businesses also employ 50 percent of the country's private workforce and represent more than 97 percent of all exporters of goods.

I commend SCORE for its efforts to strengthen and assist small businesses across the country, and I urge more people to use SCORE services or get involved as a volunteer counselor.

Mr. Speaker, I would like to include a copy of the press announcement regarding Mr. Pyles' election to the chairmanship of SCORE in today's CONGRESSIONAL RECORD. And, I

urge my colleagues to join me in congratulating Mr. Pyles on his recent election. We wish him the best in his 2-year service as SCORE board chairman.

JAMES W. PYLES ELECTED BOARD CHAIR OF  
SCORE

FIRST AFRICAN-AMERICAN TO LEAD SCORE IN ITS  
40-YEAR HISTORY

WASHINGTON, DC.—SCORE announces the election of James W. Pyles of Elkhart, Ind., as the board chair for this national nonprofit organization dedicated to small business counseling and training. He is the first African-American to lead the Service Corps of Retired Executives in its 40-year history.

SCORE, which is funded by Congress, provides free business counseling as well as workshops and seminars to more than 350,000 aspiring and existing small business owners. SCORE has a national network of 10,500 volunteers, each with business management and small business experience. Pyles will lead SCORE's efforts to increase the number of entrepreneurs it serves, improve quality and recruit new volunteers to SCORE.

Pyles spent 34 years in sales and marketing positions with the Bayer Corporation, his last position as manager of consumer promotion. Prior to retirement, he became an entrepreneur by opening his own real estate management firm. He previously served for three years on the Board of Directors for the Promotion Marketing Association of America.

Pyles joined SCORE in 1996. He has been an active leader in his local SCORE chapter and served on national quality and marketing committees and the SCORE Association Board of Directors for the past three years, as Chair of the SCORE Board Nominating Committee and most recently as board vice chair.

Jim Pyles says, "SCORE will forge ahead on a course to pursue maximum client satisfaction and increase the number of entrepreneurs we serve. I believe in the American dream of owning a small business and SCORE helps small business owners successfully pursue their dreams."

According to SCORE CEO Ken Yancey, "Jim has a depth of business knowledge and experience. His service on the SCORE Board of Directors is a tremendous asset. He will expand SCORE's service to entrepreneurs and he will help SCORE recruit new volunteers to join SCORE's mission of aiding entrepreneurs through small business training and mentoring in the United States."

Pyles' accomplished business career is rivaled by his commitment to community service. His current involvements include leadership service for the following organizations: The Samaritan Center, Goshen College Community Advisory Group, and the Elkhart SCORE Chapter. Pyles is a life member of the National Association for the Advancement of Colored People and the Kappa Alpha Psi Fraternity. Pyles, a graduate of Crispus Attucks High School, earned his undergraduate degree at the Butler University College of Pharmacy and his MBA at Indiana Wesleyan University.

Since 1964, the SCORE Association has assisted more than 6.5 million aspiring entrepreneurs and small business owners through counseling and business workshops. More than 10,500 volunteer business counselors serve their communities through entrepreneur education dedicated to the formation, growth and success of small businesses. For more information about starting or operating a small business, call 1-800-634-0245 for the SCORE chapter nearest you. Or visit SCORE on the Web at [www.score.org](http://www.score.org).

## THE ANATOMY OF MYTH

## HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. STARK. Mr. Speaker, much has been written and said about the role "moral values" played in the outcome of the 2004 presidential election. I'd like to recommend the attached article from Sunday's Washington Post Outlook section to my colleagues. The author, Dick Meyer, Editorial Director for CBSNews.com, writes about how this focus on "moral values" is, "a neat theory—but wrong."

As many of us seek to evaluate this past election, I urge my colleagues to read this article. I agree with the author that this moral values perspective has been greatly overblown and does a disservice to a more thorough evaluation of the election.

[From washingtonpost.com, Dec. 5, 2004]

THE ANATOMY OF MYTH—HOW DID ONE EXIT POLL ANSWER BECOME THE STORY OF HOW BUSH WON? GOOD QUESTION.

(By Dick Meyer)

Social and intellectual conventions are supposed to settle slowly, but conventional wisdom can congeal instantly and without much wisdom. That's what has happened over the past several weeks with a prevailing interpretation of this year's presidential election—the great moral values theory.

The Big Political Idea of the '04 election goes something like this: "Moral values" turned out to be the most important issue to voters, not the economy or the Iraq war or terrorism. President Bush won because a legion of "values voters"—whose growing numbers escaped the attention of an inattentive media—preferred him. The Democrats are doomed until they can woo the voters who belong to this new political force.

It's a neat theory—but wrong. How it came to be regarded as the real story of Bush's victory is a fascinating and sobering example of journalism's quest for freshness and surprise.

Here's the simple fact: The evidence that moral values determined the election rests on a single dodgy exit poll question. And it's not at all clear that more voters are preoccupied with moral values now than were fretting about "family values" on Election Day 1996, when exit pollsters included that phrase in a question about "priorities for the new administration." But in the often arid and repetitive arena of American political ideas, fun new contestants can be hard to disqualify. The myth of the moral values election is proving hard to snuff out.

The mantra was in full hum on election night. Television commentators were understandably struck by the results of the question asked of almost 7,000 voters as they left their polling places: "Which one issue mattered most in deciding how you voted for president?" The most cited issue on the list of seven options offered to those surveyed was "moral values" at 22 percent; 80 percent of these voters went for President Bush, 18 percent for Democratic nominee John Kerry. "Economy/jobs" came next on the list at 20 percent, followed by terrorism (19 percent), Iraq (15 percent) and then health care, taxes and education in single digits.

Brian Healy was the CBS News producer covering the exit polls, something he has done in many elections. He recalled that everyone was surprised that moral values topped the list as the numbers came in, but it wasn't until about 4 a.m. that someone quite innocently asked, "What exactly are 'moral values'?"

Too late. The story line was already set. And the surprise nature of the moral values result boosted its allure for the commentariat. When the newspapers could finally write definitive headlines, the notion that moral values was a synonym for various conservative positions became a given—as did its decisive effect on the outcome of the contest. "Faith, Values Fueled Win," reported the Chicago Tribune. "'Values voters' key to Bush re-election," declared the Fort Worth Star Telegram. "Moral Values Decide Election," the Tri-Valley Herald in northern California told its online readers.

From the modest experiment of one exit poll question, a Unified Theory of Election 2004 was hatched. Pundits began to spread the word. "Ethics and moral values were ascendant last night—on voters' minds, in Americans' hearts," William J. Bennett wrote in a column posted in the National Review Online at 11:09 a.m. on the morning after the election—even before Kerry's concession and Bush's victory speech.

Several days later, American Prospect Executive Editor Michael Tomasky expressed the apocalyptic Democratic interpretation in his column: "The reelection of a president such as George W. Bush for the reasons the exit polls tell us he evidently won is a culminating event in the political retreat of modernity, a condition of existence whose fundamental tenet was the triumph of scientific skepticism over what used to be called 'blind faith.'" Wow.

And on CNN's "Crossfire," co-host Tucker Carlson opened the Nov. 5 show with this categorical assessment: "Three days after the presidential election, it is clear that it was not the war on terror, but the issue of what we're calling moral values that drove President Bush and other Republicans to victory this week."

Some reporters were even apologetic for missing the big story. "Somewhere along the line, all of us missed this moral values thing," said CNN's Candy Crowley in a speech to a Florida audience.

Political reporters may have many things to atone for, but missing "the moral values thing" is not one of them. Plenty of commentators have tried to spike this dogma (including me in one of my columns), but it has proved a stubborn adversary. Let's take another swing at it.

Yes, the issues boiled down into the code phrase "moral values" were a factor in this election. There are voters passionately concerned with gay marriage and abortion, and an overwhelming number of them supported President Bush. It's also clear that gay marriage ballot initiatives energized these voters, as did Republican efforts to get out that vote.

But the size and impact of that cohort has been exaggerated. And the impact of other issues (war, terrorism) and leadership qualities was minimized. That's mostly because of oddities in the exit poll, but also because this Big Political Idea conforms to what some Republican strategists are peddling (and their interpretation has the added credibility that winners get in writing history). It also fits neatly the red/blue, "Two Americas" school of thought, which projects the country as deeply divided and at war over cultural issues.

If the national exit poll had been worded differently, moral values would not have been the top issue and this argument wouldn't be happening.

If, for example, one of the choices on the exit poll list combined "terrorism" and "Iraq," it probably would have been the top concern and nobody would be talking about moral values.

If economy/jobs and taxes were one item instead of two, it might have been the win-

ner. Who knows what the exit poll would have found if "truth in government" were an option. Or "character."

And, most, importantly, the definition of moral values is in the eye of the evaluator. Most voters probably did think moral values meant being against gay marriage, stem cell research and late-term abortion; but others undoubtedly thought it meant helping poor people or not invading Iraq. For some, moral values may have referred to character attributes of the candidates. It is a bit of a Rorschach test. Moral values are not a discrete, clear political issue to be set next to taxes or terrorism; it's public-opinion apples and oranges.

Gary Langer, the polling director for ABC News who helped design the exit poll but objected to including the moral values option on the issues list, pointed out some of these flaws in a Nov. 6 op-ed for the New York Times. He argued that "this hot-button catch phrase had no place alongside defined political issues on the list of most important concerns in the 2004 vote. Its presence there created a deep distortion—one that threatens to misinform the political discourse for years to come."

Now, to the hard question: Are there more values voters than there used to be?

In 2000, the consortium that ran the national exit poll did not list "moral values" as an option on their issues menu. At that time, it would have been seen as a question about Bill and Monica, and so pretty useless. So it's hard to know whether the slice of the electorate concerned with such matters has grown during President Bush's term.

We do know that in the 1996 question about the next administration's priorities, "family values" was tops for 17 percent (behind the winner, "health of the economy," at 21 percent), and that group largely went for Bob Dole. So you could argue that the 17 percent whose top worry was family values and went heavily Republican turned into 22 percent worried about moral values in 2004. That's a slight shift, but hardly a cultural tsunami—and remember, no one asked these voters for their definition of family values then, or moral values now.

Nonetheless, analysts have been surfing on tidal-wave conclusions. It has become a breast-beating crisis for Democrats that the values voters who were 22 percent of the electorate went for the Republican by a crushing margin, 80 percent to 18 percent. By that logic, it must follow that it's a crisis for Republicans that the 20 percent who care most about the economy and jobs went 80-18 for the Democrat.

Or perhaps it's a crisis for the Republicans that the 45 percent slice of the electorate that describes itself as moderate went for Kerry 54-45? Or that first-time voters went 53-46 for Kerry? So many crises, so few facts to support them.

Voting behavior does divvy up Americans into certain patterns. Rural residents and heavy churchgoers vote Republican. City people and church-avoiders vote Democratic. But these cleavages have persisted in several elections. Moral values didn't just seep into the drinking water.

Yet the myth persists. Sometimes it's perpetuated by partisans claiming that Democrats are hostile to values voters. "There simply aren't enough voters in Berkeley, Santa Monica, Santa Fe, Manhattan and Cambridge to offset the many concerned evangelicals, Catholics and Jews in the rest of the nation for whom moral values are a determining issue," wrote Richard A. Viguerie and David Franke in a Nov. 15 Los Angeles Times op-ed.

Sometimes it's perpetuated by those looking at the red and blue divide. Even after many debunking pieces came out, a story in

the Rochester Democrat and Chronicle about strained relations in the Christian community noted that "it has gotten stickier than ever in the aftermath of a presidential election in which moral values played a key role in keeping George W. Bush in the White House."

A Nov. 22 op-ed in Newsday by political scientist Laura R. Olson also took off from the fatal assumption. "The much-touted exit poll finding that moral values were the most important Election Day concern of 22 percent of voters highlights the fact that a sizable number of Americans expect political leaders to offer a prophetic vision," she wrote. I'm not picking on her; that's just one example of many I could have cited.

Other scholars have tried to put the exit poll question in perspective. Lawrence R. Jacobs, a political science professor and director of the 2004 Election Project at the University of Minnesota, wrote: "The initial conclusion of media commentators that 'moral values' determined the outcome of the 2004 presidential election was off the mark, neglecting the impacts of partisanship and the economy."

Despite the best efforts of myth-busters, the moral values doctrine has morphed from a simple poll finding to a grand explanatory theory to gospel truth. This contaminated strain of punditry needs to be eradicated before it spreads further.

#### REMEMBERING REED IRVINE

#### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. WILSON of South Carolina. Mr. Speaker, as America has experienced a presidential election marred by shocking media bias, it is a sad reminder how important Reed Irvine's visionary role has been to promote fairness. Never before has the need been greater with CBS News presenting forged military records as fact, with The New York Times contriving an October surprise hoax to slander America's troops, with multiple news organizations gleefully producing fraudulent exit polls to influence voters, and with the Public Broadcasting System hysterically forecasting on election night a coup by Bush supporters. Despite these attacks, the voters knew better and President Bush prevailed.

Fortunately, the propoganda purveyors have been unmasked by Reed Irvine with the assistance of courageous magazines, talk radio, bloggers, and Fox News.

It is particularly fitting that the below obituary was prepared by the noted and courageous, crusading journalist John Gizzi in Human Events for the week of November 22, 2004.

DEATH OF A WATCHDOG: REED IRVINE (1922–2004)

(By John Gizzi)

To many liberals in the media targeted by his pointed criticisms, Reed Irvine, the founder of Accuracy in Media, was a tormenter. But to his legions of friends and admirers he was the "Sergeant Joe Friday of the American media."

Following his death on November 16 from complications following a stroke, the 82-year-old Irvine was remembered as the conservative movement's pioneering media watchdog.

Born in Salt Lake City, Irvine graduated in 1942, at the age of 19, from the University

of Utah. He then joined the U.S. Navy, which taught him Japanese, and became an interpreter for the U.S. Marine Corps in the Pacific theater of war and in occupied Japan. Following his discharge, he did graduate work at the University of Washington and won a Fulbright scholarship to Oxford, where he earned a master's degree in 1951.

From 1951 until he retired in 1977, Irvine worked at the Federal Reserve Board. The topic of media bias dominated a group Irvine regularly lunched with and soon he founded Accuracy in Media to try to keep the national press honest.

Through op-ed pieces, lectures, in-depth studies, a regular newsletter and frequent appearances on radio and TV, Irvine provided evidence that the major media indeed had a liberal bias. The grassroots following he developed provided AIM with the resources to launch national campaigns against the "gods of the antennae." In 1983, for example, an AIM crusade convinced the Public Broadcasting System (PBS) to give equal time to AIM to rebut an hour-long special, Vietnam: A Television History.

In 1985, Irvine started Accuracy in Academia to combat leftist teachings at U.S. colleges.

For those outside the movement, Irvine may be best remembered for his spirited appearances at town hall meetings hosted by Ted Koppel on ABC's "Nightline." Perhaps the most poignant tribute to Irvine came from Koppel. "Reed Irvine was, at times, a harsh critic of the television news industry and me in particular," Koppel told Human Events, "but throughout the many years that I knew him, he was never anything but courtly and personally gracious. Just as I would insist that all other enterprises in our society benefit from the presence of a critical and fearless press, so, too, the press benefits from being held to high and occasionally harsh standards. Reed Irvine fulfilled that function to the greater good of all."

Irvine leaves his wife of 56 years, Kay Araki Irvine, son Don (who succeeded him as president of Accuracy in Media), and three grandchildren.

#### TRIBUTE TO JOAN EAGLESON

#### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Ms. ESHOO. Mr. Speaker, I rise to honor Joan Eagleson, who was recently honored with the highest award of Sacred Heart Schools, the St. Madeleine Sophie Medal by the Schools of the Sacred Heart in Atherton, California.

An extraordinary educator at St. Joseph's School, Joan has said her greatest teachers are the children she works with every day. The children are her delight and lifeline. Joan believes children are grounding and one has only to listen to their truth and see their beauty. Joan's ability to really hear children draws them to her and she is always there for them.

Joan received her MA in Counseling from the College of Notre Dame. Recognizing the need for children to be heard, she spearheaded the Middle School Advisory Program and the Rainbows Program. Joan is marvelous at helping children recognize the light and love in themselves. One student said, "Have you ever noticed how good you feel about yourself after talking with Mrs. Eagleson?" What better testimony to Joan's ability to bring out the best in a person.

When Sister Ann McGowan, RSCJ hired Joan 16 years ago, she was given the opportunity to teach and run the library. Joan recalls with gratitude Sister Helen Daly's mentoring. Sister Daly saw in Joan the capacity to become a bridge where children could find consolation and support in the new and mysterious world of books and learning. Anyone who has ever walked through St. Joseph's library can feel it is a welcoming place of comfort, warmth, trust and generosity. Joan doesn't fit the stereotype of the librarian who only says, "Shh, be quiet." Joan creates an atmosphere of enthusiasm for learning, a place where children have time to discover, to be curious, to be imaginative, to know the value of not knowing and then, of asking the question and knowing how and where to find the answer. Most importantly, Joan guides children to recognize that what is essential they have within.

When asked what she hoped for the children to learn at St. Joseph's School, Joan said, "the value of simplicity and balance in life; the value of time to be; the value of being present to the moment; the value of embracing life wholeheartedly; the value of working in community; the value of human touch; the value of experiencing joy in the process of learning."

Mr. Speaker, I ask my colleagues to join me in honoring this great and inspiring educator, Joan Eagleson, as she is honored with the St. Madeleine Sophie Medal.

#### RECOGNIZING THE MCGRAW HIGH SCHOOL LADY EAGLES ON THEIR SOCCER CHAMPIONSHIP

#### HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize the McGraw High School Lady Eagles for their outstanding performance and their victory in the New York State Class D Soccer Championship.

The Lady Eagles won the title match with a 1-0 victory over Chateaugay on November 20th. Under the leadership of coaches John and Kathy Rutan, they concluded an amazing undefeated season with winning the state championship. Their impressive 24-0 record was the first perfect season for the Lady Eagles, as well as the first state title in school history.

I would like to recognize goalkeeper Christy Mott, forwards Taryn Bilodeau, Jen Rutan, and midfielder Laura Buerkle for their outstanding individual achievements. Christy Mott was awarded the State Tournament Class D Goalkeeper award, as well as an Honorable Mention in the Central Counties League All-Stars. Taryn Bilodeau, in addition to being named a Central Counties League All-Star, scored her 100th career goal this season, was named to the 2nd team in the Central New York All-Star voting, and the Section III Class D All-Star Team. Along with Bilodeau, Jen Rutan and Laura Buerkle shared Central Counties League All Star positions, as well as Section III Class D All-Star honors.

Their remarkable season is a testament to their dedication and commitment to the sport and to the character of these young ladies.

The 2004 McGraw High School Girls Soccer team members include: Roster: Sarah Bilodeau, Taryn Bilodeau, Laura Buerkle, Monica Byron, Caroline Byrne, Megan Camillo, Jamie Harriger, Rachel Harriger, Natasha Ignatowski, Ashley McAdam, Allison Murray, Christy Mott, Diane Ralyea, Amanda Reynolds, Heather Rogers, Jen Rutan, Amanda Stevens, Sandra Suomikallio, and Kaci Williams. Coach: John Rutan, Assistant Coach: Kathy Rutan.

A TRIBUTE TO CONGRESSMAN C.W. BILL YOUNG AT THE CLOSE OF HIS REMARKABLE TENURE AS CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS

**HON. KATHERINE HARRIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Ms. HARRIS. Mr. Speaker, I rise today to pay tribute to my distinguished friend and Florida colleague, Congressman C.W. BILL YOUNG, as he concludes his remarkable tenure as Chairman of the House Committee on Appropriations.

During his 17 terms in Congress, Chairman YOUNG has set the benchmark for integrity, compassion, and diligence in serving his constituents, our State, and our Nation. With his steady hand at its tiller, the Appropriations Committee has remained a sanctuary of comity and productivity as it navigated the heavy winds of terrorism, recession, the stock market crash, and corporate scandals, as well as the budgetary pressures that these crises produced.

Of course, we Floridians were extremely fortunate that this island of calm resolve was serving as Appropriations Chairman when our State suffered the devastating, unprecedented blows of four hurricanes earlier this year. Within days after we returned from the August District Work Period, Chairman YOUNG built a consensus around a \$2 billion relief package that the victims of this disaster desperately needed—just as FEMA's available funds were exhausted.

During our consideration of the subsequent \$12.6 billion supplemental relief bill, the pressure to include other disasters naturally arose. Exhibiting the same empathy and fairness that served as the hallmark of his chairmanship, Chairman YOUNG managed to address these concerns while achieving swift passage of this legislation.

Our Nation has been just as fortunate that Chairman YOUNG headed the Appropriations Committee as we confronted the daunting challenges of a changed world in the aftermath of September 11. A veteran of the Army National Guard, Chairman YOUNG has garnered national recognition for his expertise on defense and security issues. He had previously chaired the House Appropriations Subcommittee on National Security, and he has served the longest term on the House Permanent Select Committee on Intelligence of any member in history.

While ensuring that our military has the best resources available to fight the War on Terror, Chairman YOUNG has always placed his highest priority upon the men and women who risk their lives to preserve our freedom. He regu-

larly meets with enlisted personnel and officers to assess their needs. As a result of his unflinching efforts on their behalf, Congress has invested in improved base housing, better medical care, increased pay, and more modern equipment.

Chairman YOUNG has also successfully fought for the health security of every American. A leading advocate for increased biomedical research, he has worked to double Federal medical research over 5 years. He has striven to increase the immunization rate for preschoolers, improve public health programs, and provide the resources necessary to find cures for scourges like Parkinson's and Alzheimer's diseases.

In 1986, Chairman YOUNG played a leading role in founding a national registry for bone marrow donors, which now bears his name in his honor. Today, the registry contains more than 4 million volunteer donors for patients with leukemia and other life-threatening diseases and serves as a model for similar diseases around the world.

Mr. Speaker, we look forward to many more years of effective, caring service from this dedicated public servant, who exemplifies the appellation, "the gentleman from Florida."

HONORING THE UNIVERSITY OF COLORADO'S MEN'S AND WOMEN'S NATIONAL CHAMPION CROSS COUNTRY TEAMS

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the Men's and Women's Cross Country Teams of the University of Colorado for claiming the NCAA National Championship titles on November 22, 2004.

While the University of Colorado has won the title for both teams before, the men's squad in 2001 and the women's team in 2000, never before have teams of the university claimed both titles in the same year. In fact, this remarkable feat has happened only four times in NCAA cross country history. Both teams achieved their goal of winning the national championship by all five of the female runners finishing in the top thirty, and all five of the male runners in the top fifty.

These athletes are the epitome of dedication and hard work. I join the University of Colorado in taking pride in this noteworthy accomplishment.

Mr. Speaker, I commend these student athletes and ask all our colleagues to join me in congratulating the University of Colorado Men's and Women's Cross Country Team on their National Championships.

HONORING 35 YEARS OF COMMUNITY SERVICE

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Martin Luther King Observance Committee of Morristown, New Jersey in

my Congressional District, which this year is celebrating its 35th Anniversary.

The Committee, a local public service group, has solicited the involvement of the total Morris County community, and especially its young people, in its annual services commemorating the birth of Martin Luther King, Jr. since 1970. This celebration of faith, endurance, and commitment is a tribute to the rich legacy of the life and works of Dr. King.

The Observance for 2005 marks the Twentieth year that Dr. King's birthday will be commemorated as a national holiday. As an expression of local unity and in recognition of this important event, the Martin Luther King Observance Committee is inviting the Morris Clergy Council to cooperate with the Committee in jointly sponsoring the commemorative services on Monday, January 17, 2005.

The Martin Luther King Observance Committee will use for a theme "The Dream of Peace Is Dedicated Wholly to Truth." Each of us still makes a difference. Each of us needs to trust, to hope, to care, and to have the courage to make our democracy work for all of us. Yes, today we face great uncertainty and trepidation. Nevertheless, we will pull together as a community and nation during time of crisis. We are Americans indeed.

From those individuals who spearheaded the initial celebration, the late Rachel Viola Jones and Dr. Felicia B. Jamison, the planning efforts has broadened to include members of the Morris Area Clergy Council, with representatives from all major faith traditions. In addition to the two founders, other volunteers who assisted in the early years included Emma L. Martin, George Dorsey, William "Jack" Harris, Reginald and Emanueline Smith, Flora Webb, Norman Jean Matthews, Woody Huff, Elizabeth Lubar, Cecelia Dowdy, Rabbi Z. David Levy, and Rev. Charles Marks.

The core planning committee is continuing to carry on a tradition of excellence for this great program and has grown to include dedicated volunteers. Some of those individuals include Charles Jamison, Jr., James Mack, Janet Bonar, Patricia Johnson, Esq., Barbara Klingsporn, Mae Williams, Ronnie Rogers, Elie Sims, Nadine Alston, Rabbi Donald Rossoff, James Vance, Horace Melton, Marian Sykes Johnson, Gerald Martin, Dorothy C. Parker, Agnes Boyd, Rev. Paul Ratzlaff, and Rev. Jerry M. Carter, Jr., Pastor of the Calvary Baptist Church.

Mr. Speaker, I am quite certain that the Martin Luther King Observance Committee will continue in the years ahead to promote the cause of equality and educate our community in helping to promote opportunities for our young people to pursue productive, fulfilling lives. I ask you and my colleagues to join me in congratulating the Martin Luther King Observance Committee of Morristown as they celebrate 35 dedicated years of serving our community, and especially Chairwoman Dr. Felicia Jamison.

THE BATTLE OF THE BULGE

**HON. VITO FOSSELLA**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. FOSSELLA. Mr. Speaker, sixty years ago this week, one of the greatest battles of

World War II took place. While D-Day had put the Nazis on the ropes, the war wasn't over yet; as General George S. Patton reportedly said at the time, the Germans could no longer win the war, but the Allies could still lose it.

Lengthening supply lines had endangered the Allied drive to Berlin and reduced the effectiveness of American and British forces. Logistical miscalculations were a serious problem as well.

Then the weather turned bitterly cold; heavy snow and sleet took its toll on soldiers who had gone days without sleep. It became even more difficult to hold strained supply lines together. Fuel and ammunition shipments were not getting where they needed to go. Only the tenacity, courage and ingenuity of the men in uniform kept the good guys moving.

D-Day was a victory, but it wasn't the final victory, as we would soon discover.

The Battle of the Bulge was crucial. Just five months after D-Day, the Allies had yet to seal the fate of the Nazi regime. The Wehrmacht would come back with an offensive that seemed as if it might be unstoppable. The very "bulge" of the battle's name refers not to some physical place, but to the alarming way our military maps showed the major battle line had "bulged" back towards the Allies.

Ultimately it proved to be the Nazis' last gasp, but we couldn't know that at the time. Had the German offensive not been crushed, their improved morale could have caused other reverses and sent the war into a stalemate, prolonging it and leading to thousands more being killed.

The fighting men of America and the other Allied nations had to summon a fierce will to beat back this charge, and did so heroically. It was one of those occasions that showed how right America was to trust in these men to keep our families safe. Our debt to them is enormous.

These men deserve the highest respect. The Battle of the Bulge was one of the most important moments of the second World War, and winning it was critical to winning the war.

Below are 82 veterans and family members of that battle from my home district, Staten Island and Brooklyn, in New York. It is important that we honor their sacrifice while they still walk among us:

William Abell, B. Roger Acker, Albert Agnotti, Elmer Van Arrindell, Salvatore Baratta, Peter P. Benedetto, Anthony Bianco, Dennis Brackett, Maryann Briney, Carmine Burzumato, Gertrude Calvacca, James Campbell, John Capano, Paul Capofari, Barbara Carreras, Raymond Cebula, Ruben Cohen, Edward Connors, Dominic Corcillo, Anthony Cuollo, Edward Curran, Vito Dellagarzie, Anthony DeMaio, Vincent DeSetto, Eugene Devlin, Anthony DiRosa, Henry Dudziec, Frank D'Alleso, Henry J. D'Andrea, Joseph Emmanuele, Angela Fazio, Roy Ferlazzo, Stephen Fiala, Peter Fiorella, Michael Fortier, William Franz, Aldo Furetti, Eugene Gagliardi, George Geissler, Clarence Genau, Finn Gjertsen, Jonas Goldenberg, Stanley Grapes, Robert E. Holmes, John Hynes, Frank Juliano, Rudolph Korman, Robert Landvogt, Alfred Lotz, William Macaluso, Joseph Magliocco, Val Manetta, Anthony Moody, William Morris, John Nee, Charles Nolan, Lenord Parente, Edwin Petrazzolo, Thomas Poidomani, Joseph Reilly, William Reilly, Seymour Richman, Rev. Br. Marion Santor, George Sheppard, Dr. A.

B. Siewers, David Silver, Charles Snyder, Eugene Sobiesiak, Eugene Sorensen, John Spiritus, Joseph Sportiello, Joseph Sterbenz, Ralph Taliento, Herbert Thompson, Dennis Tobin, Horace Turner, Anthony Vaccaro, Ira Wells, Susan Witman, Peter T. Zacked, Dominick Zero, M. Riccio.

#### HONORING BRIGADIER GENERAL HAROLD KING

#### HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. DeFAZIO. Mr. Speaker, I rise today to remember Brigadier General Harold King of the U.S. Air Force, Retired. His death on October 7, 2004, ended a remarkable and distinguished career of service to the Nation.

Benjamin Harold King was born in Oklahoma in 1919. He began his successful military career in February 1942 when he enlisted in the Army Air Force as a flying cadet. He was commissioned a second lieutenant in November and was flying with a fighter squadron in the Philippines a few months later. He served proudly and well during World War II, flying 122 combat missions in the Asiatic-Pacific and European-Middle Eastern theaters. He went on to log 226 combat missions in Korea and over 100 combat missions in Vietnam.

Brigadier General King's decorations include the Purple Heart, the Silver Star, the Legion of Merit, a Distinguished Flying Cross, three oak leaf clusters, the Air Medal with 24 oak leaf clusters, and the French Croix de Guerre.

Brigadier General King will be remembered, as well, for his legacy of leadership as a commander and operations officer. He succeeded at every assignment and is revered as the father of the modern USAF Air Commandos and Special Operations.

Brigadier General King flew combat in three wars and served in the military for over 30 years before retiring in 1971. He resided in Florence, Oregon, in my congressional district, at the time of his death.

A flight of four F-15s flew directly over his memorial service, a few hundred feet above the local airport where his family, friends, and community members watched the perfect "Missing Man" formation. It was a fitting tribute to Brigadier General Benjamin H. King, Flying Ace.

#### CONGRATULATING THE WAYNESBORO LIONS CLUB ON ITS 75TH ANNIVERSARY AND INVALUABLE SERVICE TO THE COMMUNITY

#### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate the Waynesboro Lions Club on its 75th anniversary and to recognize the club's invaluable service to the community.

In America, unlike most countries throughout the world, the culture of charitable giving thrives. This is a nation in which freedom is our first priority, and with freedom comes em-

powerment and independence. As a result, individuals take care of each other to ensure a progressive society, creating a community committed to generosity and equality. It is out of this culture that numerous organizations have sprouted and grown upon the foundation of service to others.

At its inception, the Waynesboro Lions Club adopted a commitment to service, which reflects the cornerstone upon which this Nation was built. Since 1929, the club has maintained this commitment by contributing to numerous community projects. Members of the club have worked tirelessly to improve the quality of life of those in need, especially the visually handicapped. By providing eye exams and glasses, as well as assisting in the training of seeing eye dogs, the club has made a positive impact on the area's visually impaired.

Without the Waynesboro Lions Club, countless area projects would still be unfinished and many of those in need would still be without aid. The community of Waynesboro has been able to strengthen its cohesion as well as its culture because of the direct involvement of the Lions Club.

The legacy of service that instills a unique pride in the hearts of every American citizen has penetrated the walls of the Waynesboro Lions Club and influenced the lives of scores of people. For its commitment to the citizens of Pennsylvania throughout the last 75 years, I am extremely grateful to the Waynesboro Lions Club.

#### HONORING CONGRESSMEN AMO HOUGHTON AND JACK QUINN

SPEECH OF

#### HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 19, 2004*

Mrs. KELLY. Mr. Speaker, I rise today to extol the dedicated public service and achievements of two fellow New Yorkers who are retiring from Congress. AMO HOUGHTON and JACK QUINN have both exemplified commitment and effectiveness during the time they served their constituents in Washington. Their outstanding presence in this chamber will be missed.

When it comes to obtaining federal assistance toward New York's widespread transportation needs, JACK QUINN has fought and won millions of dollars for our state. It has been an honor to work together with him on the House Transportation and Infrastructure Committee. During his 12 years in Congress, JACK QUINN also has distinguished himself by enhancing New York's agriculture industry, protecting our veterans, and advocating the American worker on labor issues.

AMO HOUGHTON saved one of his best achievements for last when he successfully fought this year to keep open the Canandaigua VA hospital that serves New York veterans. He has made a profound impact on both the domestic and international issues considered in this chamber during his 18 years in Congress, and he has worked tirelessly to boost the economy of New York's Southern Tier.

Mr. Speaker, surely I echo the sentiments of many in our state when I say thank you to JACK QUINN and AMO HOUGHTON for taking

such a positive and effective approach to representing New York in Washington. They always put the interests of their constituents first, and both can now retire from Congress extremely proud of their storied careers in the U.S. House of Representatives.

TRIBUTE TO CONGRESSMAN CAL  
DOOLEY

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to the service of my colleague, Congressman CAL DOOLEY.

CAL has been a good friend to me personally throughout my time here in the people's house. And on the professional level, I have always been impressed by CAL's intelligence, foresight and just plain hard work.

CAL's service in this body has probably been most influential through the moderate group of Members in the New Democrats Caucus. As co-chair of that pivotal group, CAL worked effectively to build bridges between the two parties to get real results. He championed balanced budgets, job-creating exports and policies to encourage the technology sector. In the process, CAL helped the Democratic party to reach out beyond our core base of supporters to bring people together to get the job done.

I also have enjoyed working with CAL DOOLEY on our joint service on the Committee on Agriculture. CAL has had the honor of representing one of the largest agricultural regions in the nation, a region that grows on the order of 200 different types of commodities. Representing so many varied agricultural interests with conflicting needs would present a challenge to any member, but CAL made it look easy. In addition to fighting for commodities that often receive little to no support from the federal government, CAL has been a tireless crusader for greater funding for agricultural research. As I represent the great agricultural university at NC State, I have deeply enjoyed working with CAL to bring greater resources for AG research. CAL understands that if we don't invest in the future of agriculture, we will quickly lose our competitive advantage in food production to other nations.

So, Mr. Speaker, I congratulate my friend and colleague CAL DOOLEY on the occasion of his retirement from Congress, and I look forward to many more great things from him in the years to come.

HONORING MONICAL'S PIZZA  
CORPORATION

**HON. JERRY WELLER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. WELLER. Mr. Speaker, I rise today to honor Monical's Pizza Corporation (Monical's) for receiving the 2004 Optimas Award for Vision and for receiving the 2004 Winning Workforce Award for Full Service: Family.

The 14th Annual Optimas Awards honor excellence in workforce management and win-

ners are chosen by Workforce Management Magazine. Workforce Management is a magazine that provides current trends and information to business owners. Since 1991, the Optimas Awards have been a source of ideas, direction and inspiration for workforce management professionals. Optimal Award Winners have pushed their organizations to record profits, greater market share, higher stock value, and better corporate results.

In 1997, Monical's began to recognize and instituted a process called the "service-profit chain model," which links employee satisfaction with profitability and growth. This model has proven to be a success for Monical's. Monical's has reduced the turnover rate for employees from 138% in 2001 to 88% today and there have been no turnover among managers within the past 18 months. Guest-satisfaction scores are an enviable 60%.

The Winning Workforce Award for Full Service is presented by the National Restaurant Association Educational Foundation and Coca-Cola North America. This award honors those restaurant and foodservice operators that truly understand that enhancing employee satisfaction ultimately leads to achieving guest satisfaction. Monical's progressive approach to training and development includes a new blended learning (eLearning) program based on Harvard Management Mentor as a fundamental way to continue to grow and challenge its employees. eLearning has helped Monical's obtain one of the highest employee retention rates in the industry.

Mr. Speaker, I urge this body to identify and recognize other companies in their own districts whose actions have so greatly benefited and strengthened America's families and communities.

TRIBUTE TO DR. STEPHEN A  
BENTON

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to a man who spent his life devoted to scientific discovery, and whose accomplishments resonate throughout the fields of holography, medicine, and art. Dr. Stephen A. Benton, inventor and imaging pioneer, passed away on Sunday, November 9, after a lifetime of teaching, creating, and enriching the lives of others with his indomitable spirit of wonder.

Following his undergraduate work at the Massachusetts Institute of Technology (MIT), Benton earned his Master's degree in Science and Ph.D. from Harvard University. He had a passion that extended beyond academia; Benton's interest in holography—the use of laser light to produce three-dimensional images—stemmed from his fascination with the visual presentation of the world. While a student at Harvard, Benton initially worked with holographs for Polaroid Corp., immersing himself in the vision research laboratory that spawned numerous technological advancements for the field of holography.

Believing that he could stretch the boundaries of the artistic and scientific application of holography, Benton explored the most innovative optical uses of his generation. His work

with holography extended beyond the exploratory and into the practical. Benton helped create three-dimensional composites of CT and MRI scans for medical diagnosis, provided retailers with viable options for credit card scanners, and advanced the capabilities of three-dimensional blueprints for architects and graphic designers. Perhaps his most significant achievement, Benton invented the rainbow hologram, a process that makes a hologram visible using common white light. The "Benton hologram" has been critical to the commercial success of image-based holography.

In 1980 Benton returned to MIT as a visiting scientist in the Laser Research Center, and became the founding head of the MIT Media Lab soon thereafter. He chaired the long-running "Practical Holography" meetings for the International Society of Optical Engineering (SPIE) and found funding for both artists and scientists to attend and exhibit their work. He was instrumental in rescuing the Museum of Holography in 1992, bringing it to the MIT museum. His delight in the scientific and aesthetic applications of holography led to his 15 patents in optical physics, photography, and holography.

As we remember Dr. Stephen A. Benton as a pacesetter in the field of holography, I am particularly grateful for his vision that science and art could not only coexist, but benefit each other. May his memory be preserved for future generations of intellectuals, academics, and scientific freethinkers.

TRIBUTE TO KRISTINA KIIK

**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. SAM JONES of Texas. Mr. Speaker, it is with great joy that I recognize Kristina Kiik. Kristina was elected and is believed to be the youngest elector in the history of the United States at the Texas State Republican Party Convention last June.

Next week will be a busy one for the 21-year old Republican in Austin. On December 13th, she will cast her vote for President George W. Bush in the State Capitol at the Meeting of the Electoral College.

A smart and savvy student at Southern Methodist University, Kristina is an inspiration to young people across America.

While attending the Hockaday School in Dallas, the Richardson native beat out countless students across the nation for a coveted position as a Page in the U.S. House of Representatives. Now at SMU, she interned in my District office and continues to make a difference in her community.

What an honor to recognize her for her tremendous achievement and I have a feeling this could be the first of many trips for Kristina to Austin.

I urge my colleagues to join me in honoring this truly remarkable American.

Kristina, God bless you and God bless America.

INTRODUCTION OF KOFI ANNAN  
RESOLUTION

**HON. ROGER F. WICKER**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. WICKER. Mr. Speaker, today I am introducing a resolution calling for Kofi Annan to step down as Secretary-General of the United Nations.

Under his stewardship, the U.N.'s Oil for Food Program has become one of the largest scandals in world history. Saddam Hussein was able to dodge U.N. sanctions, embezzle billions of dollars intended for humanitarian aid, and strengthen his brutal rule of the Iraqi people—all under the cover of this U.N. program.

As a Member Nation that funds nearly a quarter of the U.N.'s annual budget, it is the United States' right and responsibility to press for a full accounting of this international embarrassment. Our government must help make certain the U.N. maintains the confidence and respect of the international community.

With evidence mounting of bribery throughout U.N. leadership, it is imperative that Kofi Annan resign as Secretary-General so all current charges can be fully and independently investigated. These allegations of corruption and mismanagement have irreparably undermined Mr. Annan's credibility and his capacity to head the U.N. He should step down.

HONORING NASHVILLE'S INTER-  
DENOMINATIONAL MINISTERS'  
FELLOWSHIP ON ITS 50TH ANNI-  
VERSARY

**HON. JIM COOPER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. COOPER. Mr. Speaker, I am honored today to pay tribute to one of Nashville's foremost community organizations, the Interdenominational Ministers' Fellowship, on the event of its 50th anniversary on December 8.

Since its creation, the IMF has been a pre-eminent voice for social justice and change. It

has worked tirelessly for the betterment of all of Nashville's citizens but especially as a champion for the voiceless and disadvantaged. The leaders of the IMF have long played a vital role in the life of Nashville, and its members include many of the most prominent and active of Nashville's citizens.

As many of my colleagues know, Nashville has a long and proud history of community activism. Nashville played a central role in the historic struggles of the civil rights movement, and it was out of this transformational period in our nation's history that the IMF was born. The organization first grew from the wake of the landmark Supreme Court decision, *Brown v. Board of Education*. This original group included leaders from a host of religious faiths and denominations, including the Seventh Day Adventist, the Church of Christ, the Church of God, the Episcopal Church, Islam, Baha'i and the Salvation Army.

Over the past five decades, the IMF has established itself as a leading advocate for social justice. It has tackled every issue from racism to employment to education. One of its most significant achievements has been to establish the Trust Fund for Students of Historical Black Colleges and Universities, which has provided annual scholarships to numerous students over the years.

The passion that IMF members have brought to their mission is truly inspiring, and few groups can better demonstrate the transformational power of grass-roots commitment and activism. It is with great honor and pride that I recognize the Interdenominational Ministers' Fellowship for the work that its members have done and will continue to do for the city of Nashville. On behalf of the people of the Fifth Congressional District, I thank the IMF for its achievements and congratulate this organization on its 50th anniversary.

TRIBUTE TO MRS. DOROTHY  
FINLEY

**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 6, 2004*

Mr. GRIJALVA. Mr. Speaker, on behalf of my entire constituency in District 7 and all of

Southern Arizona I would like to congratulate Mrs. Dorothy Finley on her receipt of the 2003 Zachary and Elizabeth Fisher Distinguished Civilian Humanitarian Award. Though this award is a crowning achievement presented to a person who demonstrates exceptional patriotism and humanitarian concern for members of the U.S. armed forces or their families, this honor exemplifies only the tip of the iceberg when looking at Mrs. Finley's contribution to our community and State.

Even before becoming President/CEO of Finley Distributing, a wholesale distributor for Miller Brewing Company, Mrs. Finley was working to build and develop our community one individual at a time by serving as both a teacher and principal in the Tucson Unified School District for over 30 years. The stories of Mrs. Finley's kind and generous acts range from privately making donations for worthy projects to driving students to after school activities when parents were not available. Mrs. Finley embodied, during her time in education, the ideal friend, teacher, principal, and mentor.

Today as a leader in our Tucson business community and as a focal point in Arizona industry and politics, Mrs. Finley is still making her mark by serving on countless non-profit boards advocating for a variety of causes ranging from children to seniors. She represents business and other groups on local and statewide commissions and still finds time to work tirelessly for Davis-Monthan Air Force base and other mainstays of our Tucson economy. She accomplishes all of this while running a major business in Tucson and staying close with her large and wonderful family.

As the Congressman from District 7, which represents much of Southern Arizona I am proud to congratulate Mrs. Dorothy Finley on her 2003 Zachary and Elizabeth Fisher Distinguished Civilian Award and I look forward to working with her on building community for years to come.

# Daily Digest

## HIGHLIGHTS

See Résumé of Congressional Activity.

## Senate

### *Chamber Action*

The Senate was not in session today.  
It will next meet on Tuesday, December 7, 2004  
at 9:30 a.m.

### *Committee Meetings*

No committee meetings were held.

---

## House of Representatives

### *Chamber Action*

**Measures Introduced:** 6 public bills, H.R. 5424–5429; and 1 resolution, and H. Res. 869, were introduced. **Page H10926**

**Additional Cosponsors:** **Page H10926**

**Reports Filed:** Reports were filed today as follows:  
H. Res. 868, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–795). **Page H10926**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker Pro Tempore for today. **Page H10897**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

*Correcting the enrollment of H.R. 4818:* Concur in the Senate amendment to H. Con. Res. 528, directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 4818, by a  $\frac{2}{3}$  yea-and-nay vote of 381 yeas with none voting “nay”, Roll No. 543; **Pages H10899–10906, H10918**

*Limiting the transfer of certain Commodity Credit Corporation funds:* S. 2856, to limit the transfer of certain Commodity Credit Corporation funds between conservation programs for technical assistance for the programs—clearing the measure for the President; **Pages H10906–09**

*Federal Employee Dental and Vision Benefits Enhancement Act of 2004:* 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—clearing the measure for the President; **Pages H10910–14**

*Amending the District of Columbia College Access Act of 1999:* Concur in the Senate amendments to H.R. 4012, to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act—clearing the measure for the President; and **Pages H10914–15**

*Amending the Internal Revenue Code of 1986:* H.R. 5394, to amend the Internal Revenue Code of 1986 to modify the taxation of arrow components. **Pages H10915–17**

**Recess:** The House recessed at 3:39 p.m. and reconvened at 6:01 p.m. **Page H10918**

**Senate Message:** Message received from the Senate appears on page 10898.

**Quorum Calls—Votes:** One yea-and-nay vote developed during the proceedings of today and appears on page H10918. There were no quorum calls.

**Adjournment:** The House met at 2 p.m. and adjourned at 7:17 p.m.

## Committee Meetings

### SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

*Committee on Rules:* Granted by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported on the legislative day of December 7, 2004, providing for consideration or disposition of a conference report to accompany the bill (S. 2845) to reform the intelligence community and the intelligence and the intelligence-related activities of the United States Government, and for other purposes.

---

### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1113)

H.R. 1113, to authorize an exchange of land at Fort Frederica National Monument. (Public Law 108-417)

H.R. 1284, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project. (Public Law 108-418)

H.R. 1417, to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges. (Public Law 108-419)

H.R. 1446, to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions. (Public Law 108-420)

H.R. 1964, to assist the States of Connecticut, New Jersey, New York, and Pennsylvania in con-

serving priority lands and natural resources in the Highlands region. (Public Law 108-421)

H.R. 3936, to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans' facilities and health care programs. (Public Law 108-422)

H.R. 4516, to require the Secretary of Energy to carry out a program of research and development to advance high-end computing. (Public Law 108-423)

H.R. 4593, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada. (Public Law 108-424)

H.R. 4794, to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations. (Public Law 108-425)

H.R. 5163, to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology. (Public Law 108-426)

H.R. 5213, to expand research information regarding multidisciplinary research projects and epidemiological studies. (Public Law 108-427)

H.R. 5245, to extend the liability indemnification regime for the commercial space transportation industry. (Public Law 108-428)

---

### COMMITTEE MEETINGS FOR TUESDAY, DECEMBER 7, 2004

(Committee meetings are open unless otherwise indicated)

#### Senate

No meetings/hearings scheduled.

#### House

*Committee on Energy and Commerce*, Subcommittee on Oversight and Investigations, hearing entitled "Medicaid Prescription Drug Reimbursement: Why the Government Pays too Much," 10 a.m., 2322 Rayburn.

*Committee on International Relations*, hearing on Ukraine's Election: Next Steps, 10:30 a.m., 2172 Rayburn.

# Résumé of Congressional Activity

## SECOND SESSION OF THE ONE HUNDRED EIGHTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

January 20 through November 30, 2004

	<i>Senate</i>	<i>House</i>	<i>Total</i>
Days in session .....	130	108	..
Time in session .....	1,009 hrs., 41'	1,872 hrs., 26'	..
Congressional Record:			
Pages of proceedings .....	11,845	10,895	..
Extensions of Remarks .....	..	2,144	..
Public bills enacted into law .....	62	169	..
Private bills enacted into law .....	1	3	..
Bills in conference .....	10	9	..
Measures passed, total .....	613	736	1349
Senate bills .....	188	84	..
House bills .....	179	329	..
Senate joint resolutions .....	6	3	..
House joint resolutions .....	7	12	..
Senate concurrent resolutions .....	42	15	..
House concurrent resolutions .....	38	86	..
Simple resolutions .....	153	207	..
Measures reported, total .....	*317	*372	689
Senate bills .....	227	18	..
House bills .....	62	246	..
Senate joint resolutions .....	5	..	..
House joint resolutions .....	..	1	..
Senate concurrent resolutions .....	6	..	..
House concurrent resolutions .....	2	6	..
Simple resolutions .....	15	101	..
Special reports .....	8	4	..
Conference reports .....	1	13	..
Measures pending on calendar .....	298	162	..
Measures introduced, total .....	1,304	2,320	3,624
Bills .....	1,024	1,724	..
Joint resolutions .....	16	32	..
Concurrent resolutions .....	65	182	..
Simple resolutions .....	199	382	..
Quorum calls .....	1	1	..
Yea-and-nay votes .....	215	312	..
Recorded votes .....	..	229	..
Bills vetoed .....	..	..	..
Vetoes overridden .....	..	..	..

### DISPOSITION OF EXECUTIVE NOMINATIONS

January 20 through November 30, 2004

Civilian nominations totaling 531 (including 195 nominations carried over from the First Session), disposed of as follows:		
Confirmed .....		333
Unconfirmed .....		172
Withdrawn .....		23
Returned to White House .....		3
Other Civilian Nominations, totaling 4,080 (including 5 nominations carried over from the First Session) disposed of as follows:		
Confirmed .....		3,768
Unconfirmed .....		311
Withdrawn .....		1
Air Force nominations, totaling 9,649 (including 3,572 nominations carried over from the First Session), disposed of as follows:		
Confirmed .....		5,777
Unconfirmed .....		3,870
Withdrawn .....		2
Army nominations, totaling 5,918 (including 594 nominations carried over from the First Session), disposed of as follows:		
Confirmed .....		5,827
Unconfirmed .....		91
Navy nominations, totaling 9,819 (including 2,444 nominations carried over from the First Session), disposed of as follows:		
Confirmed .....		9,803
Unconfirmed .....		16
Marine Corps nominations, totaling 1,229 (including 2 nominations carried over from the First Session), disposed of as follows:		
Confirmed .....		1,225
Unconfirmed .....		4

#### Summary

Total nominations carried over from the First Session .....	6,812
Total nominations received this Session .....	24,414
Total confirmed .....	26,733
Total unconfirmed .....	4,464
Total withdrawn .....	26
Total returned to the White House .....	3

\*These figures include all measures reported, even if there was no accompanying report. A total of 199 reports have been filed in the Senate, a total of 389 reports have been filed in the House.

Next Meeting of the SENATE

9:30 a.m., Tuesday, December 7

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, December 7

Senate Chamber

Program for Tuesday: Senate will be in a period of morning business. Also, Senate may begin consideration of the National Intelligence Reform Conference Report.

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E2151  
Blumenauer, Earl, Ore., E2156  
Boehlert, Sherwood, N.Y., E2157, E2159, E2162  
Burgess, Michael C., Tex., E2147  
Cardoza, Dennis A., Calif., E2145, E2147  
Castle, Michael N., Del., E2146  
Cooper, Jim, Tenn., E2166  
Crowley, Joseph, N.Y., E2148  
Davis, Tom, Va., E2152  
DeFazio, Peter A., Ore., E2164  
DeLay, Tom, Tex., E2152  
Diaz-Balart, Lincoln, Fla., E2151  
Diaz-Balart, Mario, Fla., E2154  
Dingell, John D., Mich., E2151  
Edwards, Chet, Tex., E2156  
Emanuel, Rahm, Ill., E2157, E2160

Eshoo, Anna G., Calif., E2158, E2162  
Etheridge, Bob, N.C., E2165  
Farr, Sam, Calif., E2150  
Fossella, Vito, N.Y., E2163  
Frelinghuysen, Rodney P., N.J., E2163  
Graves, Sam, Mo., E2145, E2145, E2146, E2147, E2148,  
E2149, E2150, E2151, E2152, E2153  
Grijalva, Raúl M., Ariz., E2166  
Harris, Katherine, Fla., E2163  
Israel, Steve, N.Y., E2156  
Johnson, Sam, Tex., E2165  
Kelly, Sue W., N.Y., E2164  
Kind, Ron, Wis., E2157, E2159  
Kingston, Jack, Ga., E2145, E2146, E2148, E2149  
Knollenberg, Joe, Mich., E2152  
Larson, John B., Conn., E2154  
Lee, Barbara, Calif., E2156  
McGovern, James P., Mass., E2151

Meehan, Martin T., Mass., E2156  
Moore, Dennis, Kansas, E2155  
Moran, James P., Va., E2165  
Rogers, Harold, Ky., E2146  
Shays, Christopher, Conn., E2157, E2159  
Shuster, Bill, Pa., E2164  
Smith, Nick, Mich., E2145, E2147, E2148, E2149  
Souder, Mark E., Ind., E2158, E2160  
Stark, Fortney Pete, Calif., E2158, E2161  
Stupak, Bart, Mich., E2154  
Sweeney, John E., N.Y., E2148  
Udall, Mark, Colo., E2163  
Van Hollen, Chris, Md., E2150  
Walsh, James T., N.Y., E2153, E2155  
Weller, Jerry, Ill., E2165  
Wicker, Roger F., Miss., E2166  
Wilson, Joe, S.C., E2158, E2162



# Congressional Record

printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at [www.gpo.gov/gpoaccess](http://www.gpo.gov/gpoaccess). Customers can also access this information with WAIS client software, via telnet at [swais.access.gpo.gov](http://swais.access.gpo.gov), or dial-in using communications software and a modem at 202-512-1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov); Phone 1-888-293-6498 (toll-free), 202-512-1530 (D.C. area); Fax: 202-512-1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, \$252.00 for six months, \$503.00 per year, or purchased as follows: less than 200 pages, \$10.50; between 200 and 400 pages, \$21.00; greater than 400 pages, \$31.50, payable in advance; microfiche edition, \$146.00 per year, or purchased for \$3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: [bookstore.gpo.gov](http://bookstore.gpo.gov). Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to 866-512-1800 (toll free), 202-512-1800 (D.C. area), or fax to 202-512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

**POSTMASTER:** Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.