

Mr. Speaker, this provision should not be included in the Interior conference report because it was not included in S. 1391, the Senate-passed Interior appropriations bill, or H.R. 2691, the House-passed Interior appropriations bill. Furthermore, this provision completely circumvents the House Committee on Resources, which retains authority over all issues impacting Native Americans, including trust reform.

I would like to point out this is not the first time language has been inserted into the Interior appropriations bill that would seek to legislate a resolution to the trust reform issue. Just this past July there was an attempt to add similar language that would have authorized the Secretary of Interior to unilaterally settle any claim relating to the balance of the individual Indiana accounts. That language was successfully stricken from the Interior appropriations bill before the bill was subsequently approved by the House.

At that time, members of the Committee on Resources were told that they would have an opportunity to come up with a legislative solution to the trust reform issue without interference by the appropriators. The Committee on Resources has begun a series of hearings on the issue, with an eye towards accomplishing that goal in this Congress. But it was envisioned that Congressional action would complement the court action and not circumvent it.

While this bill contains some provisions that are Native American friendly, if this language is allowed to move forward the negative effects will be felt throughout Indian Country. Prohibiting the Department of Interior to use Federal funds to implement the U.S. District Court's decision essentially permits the Department to do nothing to move towards settlement of the Individual Indian Money Accounts, and only further delays resolving a century old dispute.

Mr. Speaker, a fair and equitable resolution to trust reform can only be reached by having all the necessary stakeholders at the negotiating table. Accordingly, I urge my colleagues to vote no on the Interior appropriations conference report, and I hope that this provision relative to the American Indian Trust Accounts can be stricken from the bill before it is finally sent to the President for his signature.

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

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

DO RIGHT BY OUR MILITARY FAMILIES

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

Mr. MCGOVERN. Mr. Speaker, yesterday was the bloodiest day in Iraq since our forces took control of the country. These latest deaths of humanitarian relief workers, Iraqi police and another American serviceman illustrate the extreme dangers that continue to confront our military and the civilian population in Iraq.

When the President commands and Congress authorizes to send our sons and daughters, fathers and mothers into harm's way, then we have a special duty to take care of the families and the survivors of those servicemen and women who sacrificed their lives.

This is why, Mr. Speaker, I strongly support increasing the military death gratuity to \$12,000, restoring its tax exempt status and providing these funds to the families and the survivors of those Armed Forces personnel who have perished on or following September 11, 2001. I am very pleased that the House will vote on this urgent matter tomorrow.

As of this morning, 350 American military personnel have lost their lives in Iraq. At least 67 others have perished in Operation Enduring Freedom, mainly in Afghanistan. Among those who have fallen are nine men from Massachusetts, including Marine Captain Benjamin W. Sammis, age 29, from the town of Rehobeth in my own Congressional District. They range in age from 20 to 40. They served in the Army, the Marines and in the Army National Guard. They were privates, specialists, sergeants, lieutenants and captains, and they lost their lives in Afghanistan, the Philippines and Iraq.

Every day we awake to news of yet another American who has paid the ultimate sacrifice for service to our country. At such times, it matters not at all whether you are liberal or conservative, Republican or Democrat. In the face of such loss, we are united in sorrow and in our common need to express our respect and condolences to the families and loved ones of that soldier, sailor, airman or marine.

We are also united in wanting to ensure that the surviving family's most pressing needs are provided for. Currently these families receive only \$6,000 as a death benefit, and half of that is subject to tax. Mr. Speaker, that is simply wrong.

On September 5, I introduced H.R. 3019, to increase the military death gratuity to \$12,000, exempt it from taxes and make it retroactive to September 11, 2001. My colleague the gentleman from Arizona (Mr. RENZI) recently introduced nearly identical legislation, H.R. 3566, and it is his bill that the Republican leadership will move to the floor tomorrow.

Mr. Speaker, I am proud to be a co-sponsor of his bill, and the gentleman from Arizona (Mr. RENZI) and others will be speaking about it later this evening. I am pleased that the House leadership has turned its attention to this matter, and I urge all my colleagues on both sides of the aisle to vote in favor of H.R. 3566 tomorrow.

Mr. Speaker, it is no secret to the Members of this House that the current military death gratuity needs to be fixed. Historically, the death gratuity has been tax exempt. But when Congress last increased the death benefit to \$6,000, half of this amount became subject to taxation. On several occasions Congress has attempted to rectify this mistake by passing the Armed Forces Tax Fairness Act. Unfortunately, that bill remains stalled at the Speaker's desk.

While efforts are underway in the defense authorizations conference to double the death benefit and make it retroactive to September 11, 2001, only passage of H.R. 3566 can remedy the unfair tax burden on our military families.

Mr. Speaker, tomorrow the House will do the right thing by our military families and pass H.R. 3566. I would urge the House majority leadership to ensure that the other body also approves the bill and sends it to the President before Congress adjourns. Only if this bill becomes law can we guarantee that grieving families are not burdened with an unexpected tax bill.

But, Mr. Speaker, that is not enough. I also call on the House Republican leadership to act now to ensure the Armed Forces Tax Fairness Act be sent to the President so that other tax incentives that benefit our uniformed men and women, especially our Guard and Reserves, may go into effect.

It is astonishing to me that this Congress can provide billions of dollars in tax relief to the wealthiest in our society, but it fails to move this modest set of tax incentives for the men and women who put their lives on the line every single day in defense of freedom. So while I am glad that tomorrow we will do something positive, we still have much more to do before the actions of this Congress match its rhetoric.

Mr. Speaker, I include for the record the names of the Massachusetts military personnel who have fallen in combat since September 11, 2001.

MEMBERS OF U.S. ARMED FORCES FROM MASSACHUSETTS KILLED IN ACTION OR DIED WHILE ON ACTIVE DUTY, SEPTEMBER 11, 2001 TO CURRENT DATE

(Information may be partial or incomplete.)

(Sources: CNN "Forces: U.S. and Coalition Casualties" and Central Command Public Affairs Office/U.S. Department of Defense)

(1) Staff Sergeant Joseph P. Bellavia, Age: 28, Unit: 716th Military Police Battalion, 16th Military Police Brigade, XVIII Airborne Corps, U.S. Army, Hometown: Wakefield, MA, Date and Place of Death: October 16, 2003 in Karbala, Iraq.

(2) Specialist Mathew G. Boule, Age: 22, Unit: 2nd Battalion, 3rd Aviation Regiment, 3rd Infantry Division, U.S. Army, Hometown: Dracut, MA, Date and Place of Death: April 2, 2003 in central Iraq.

(3) Staff Sergeant Joseph Camara, Age: 40, Unit: 115th Military Police Company, Army National Guard, Hometown: New Bedford, MA, Date and Place of Death: May 21, 2003 in an area south of Baghdad, Iraq.

(4) Sergeant Justin W. Garvey, Age: 21, Unit: 1st Battalion, 187th Infantry Regiment, 3rd Brigade, 101st Airborne Division, U.S. Army, Hometown: Townsend, MA, Date and Place of Death: July 20, 2003 in Tallifur, Iraq.

(5) Private First Class John D. Hart, Age: 20, Unit: 1st Battalion, 508th Infantry Regiment, 173rd Airborne Brigade, U.S. Army, Hometown: Bedford, MA, Date and Place of Death: October 18, 2003 in Taza, Iraq.

(6) 1st Lieutenant Brian M. McPhillips, Age: 25, Unit: 2nd Tank Battalion, 2nd Marine Division, U.S. Marines, Hometown: Pembroke, MA, Date and Place of Death: July 27, 2003 in central Iraq.

(7) Captain Benjamin W. Sammis, Age: 29, Unit: Marine Aircraft Group 39, 3rd Marine Aircraft Wing, U.S. Marines, Hometown: Rehoboth, MA, Date and Place of Death: April 4, 2003 in Ali Aziziyah, Iraq.

(8) Sergeant First Class Daniel H. Petithory, Age: 32, Unit: U.S. Army, Hometown: Cheshire, MA, Date and Place of Death: December 5, 2001 in Afghanistan.

(9) Staff Sergeant Bruce A. Rushforth, Jr., Age: 35, Unit: U.S. Army, Hometown: Middleboro, MA, Date and Place of Death: February 21, 2002 in the Philippines.

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

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

SUPPORTING THE FALLEN PATRIOTS TAX RELIEF ACT

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

Ms. CARSON of Indiana. Mr. Speaker, I do not want to be redundant in terms of the eloquence of my predecessor, the gentleman from Massachusetts (Mr. MCGOVERN), and what he has already so adequately articulated, but I rise in support of what was initially the McGovern bill, referred to as the Fallen Patriots Tax Relief Act, and I will support, of course, the Renzi bill, which I understand will be considered on the floor tomorrow, also known as the Fallen Patriots Tax Relief Bill.

Mr. Speaker, I want to commend the gentleman from Massachusetts (Mr. MCGOVERN) for bringing this subject matter to the ears and eyes of America, and particularly to the House of Representatives, which has responsibility for its passage. The bill will increase the military benefit to \$12,000 and make it tax exempt, an idea certainly that is long overdue in terms of its implementation.

We cannot be concerned about the cost of the bill. I have been reading the CQ reports and other analyses of what this bill will eventually cost, particularly that section that suggests that it go back retroactively to September 11, 2001 and provide exemption for those who were in the service at that time forward.

Currently 340 American military personnel have lost their lives in Operation Iraqi Freedom, and 92 in Oper-

ation Enduring Freedom in Afghanistan and in the Philippines. While an examination of the bill shows it does in fact impose a great cost on the American people, the cost of the lives cannot be measured in terms of dollars.

The death tax gratuity payment of \$6,000, of which \$3,000 is taxable, is proposed to be increased to \$12,000 in terms of the gratuity payment, and the entire amount would be tax-free, which is, of course, no less than right. The deceased's surviving spouse, parents, children, brothers and sisters should not have to worry about running afoul of the IRS because their loved one just lost their life in the line of duty. The bill also extends the filing deadline for income tax purposes, an idea, of course, whose time has come and passed.

I want to commend the authors of both bills for bringing this very needed legislation to the House, Mr. Speaker, and also the fact that it provides the National Guard and Reserve members an above-the-line tax deduction for overnight transportation, meals and lodging expenses for those who travel more than 100 miles.

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The National Guard is indeed a vital aspect of our military operation of this Nation and should be treated with respect and with the kind of exemptions that they so rightly deserve.

I understand that the bill also, Mr. Speaker, eliminates the qualifying 5-year period from capital gains on the sale of the residence while the taxpayer or taxpayer's spouse serves on qualified official extended duty as a member of the Armed Forces or the foreign services.

Again, Mr. Speaker, I am proud that the House of Representatives has come to this point to rectify an injustice that has existed in law insofar as it has affected the military men and women who serve and who sacrifice and so many of them who lose their lives as a result of preserving the freedom of this Nation. I support the legislation, and I encourage Members of the House to do likewise.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Florida.

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

There was no objection.

AN IDEA WHOSE TIME HAS COME

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, this afternoon and earlier in the Special Orders, our colleague, the gentleman from Indiana (Mr. BURTON), talked about a meeting that we had, a forum that we conducted today in Boston, Massachusetts. We had about seven or eight Members of the House, and we had a forum talking about the issue of prescription drugs and how much Americans pay for prescription drugs relative to what industrialized countries around the world pay for those same drugs. It was sort of appropriate that we had this forum in Boston; and I observed at the beginning of the meeting that a little over 200 years ago there were patriots who began to throw tea in Boston Harbor because a king in England had imposed a half-penny tax on tea, and they were mad as hell and they were not going to take it anymore. That same spirit of that Boston Tea Party was alive today and that spirit is growing.

At that forum we had Governor Pawlenty of the State of Minnesota. I have to tell my colleagues I was so proud of him because he outlined the plan that he has for Minnesotans to allow them to have access to world-class drugs at world market prices. Now, he did not put a number on it, but my estimate is that Minnesotans will save at least \$50 million by simply opening up markets as we do with virtually every other product. He also said in his remarks that the States are the laboratories of democracy and that it is time for the States to take the leadership and demonstrate what can be done in terms of opening up markets and saving consumers billions.

We also had the Attorney General from the State of Massachusetts. He made a very good point, that as these big pharmaceutical companies now are reaching out and saying we are not going to ship as many drugs to Canada, he reminded us and them that there are antitrust laws on the books and if the Federal Government will not enforce them, then the States will.

We also had representatives from Governor Blagojevich from the State of Illinois who talked about their plan and his plan and how he believes that they can save the State of Illinois \$91 million. That is \$91 million that can be spent on children. That is \$91 million that can be spent on firefighters and police officers to keep the State safer.

We also had Dr. Steve Schondelmeir, who is a pharmacist himself, teaches pharmacology at the University of Minnesota. He estimated that Americans next year will spend at least \$220 billion on prescription drugs. He went on to say that he believed that if you simply opened up markets, that markets would begin to level. He agrees with me or I agree with him that the goal is not for Americans to go to other countries to buy prescription drugs; the goal is to open up markets, and markets level. Prices here in the